

1 [Planning Code - Removing Conditional Use Requirement for Formula Retail Uses on Van
2 Ness Avenue and for Certain Pre-existing Formula Retail Uses, ~~between Broadway and
Redwood Street~~]

3
4 **Ordinance amending the Planning Code to remove the conditional use authorization for**
5 **formula retail uses in the Residential-Commercial zoning districts along Van Ness**
6 **Avenue, ~~between Broadway and Redwood Street~~, for properties lots fronting Van Ness**
7 **Avenue, and to establish that a change of owner or operator of a pre-existing formula**
8 **retail use that had not previously received a conditional use authorization is not an**
9 **intensification of such use that would require conditional use authorization; affirming**
10 **the Planning Department’s determination under the California Environmental Quality**
11 **Act; and making public necessity, convenience, and welfare findings under Planning**
12 **Code, Section 302, and findings of consistency with the General Plan and the eight**
13 **priority policies of Planning Code, Section 101.1.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.
19 **Asterisks (* * * *)** indicate the omission of unchanged Code
20 subsections or parts of tables.

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. Environmental and Land Use Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 250101 and is incorporated herein by reference. The Board affirms
2 this determination.

3 (b) On April 3, 2025, the Planning Commission, in Resolution No. 21720, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. 250101, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
9 amendments will serve the public necessity, convenience, and welfare for the reasons set
10 forth in Planning Commission Resolution No. 21720, and the Board adopts such reasons as
11 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
12 No. 250101 and is incorporated herein by reference.

13
14 Section 2. General Legislative Findings.

15 (a) The Van Ness Avenue commercial corridor (~~between Chestnut Street and~~
16 ~~Redwood Street~~) has special historical significance for San Francisco. After serving as a vital
17 natural fire break during the fire that destroyed most of the City following the massive
18 earthquake that struck on April 18, 1906, many major department stores and banks relocated
19 from downtown to the Van Ness commercial corridor.

20 (b) Following the rebuilding of downtown San Francisco after the fire, major retail
21 stores along Van Ness Avenue moved back to downtown, ushering in a new era for the
22 commercial identity of the corridor. Rather than returning to residential uses common before
23 1906, Van Ness Avenue again transformed – this time into a diverse boulevard featuring auto
24 body, commercial, industrial, and institutional uses.

1 (c) Starting in the 1920s, Van Ness Avenue was designated as part of U.S. Highway
2 101, and from the 1920s to the 1970s, and particularly following World War II, the Van Ness
3 corridor rapidly grew as a commercial hub in San Francisco. Automobile showrooms emerged
4 as the most common use on Van Ness between City Hall and Jackson Street, while movie
5 theaters and restaurants also opened alongside these showrooms.

6 (d) However, since the late 1970s, the automobile showrooms have largely relocated
7 elsewhere, leaving their large commercial spaces vacant and often difficult to fill with other
8 retailers.

9 (e) Compounding these economic trends along Van Ness Avenue, commercial and
10 retail vacancies have remained persistently high in San Francisco following the COVID-19
11 pandemic, so that the City, which had one of the nation's lowest retail vacancy rates pre-
12 pandemic, now has one of the highest in the post-pandemic period.

13 (f) Still part of U.S. Highway 101, the Van Ness commercial corridor serves as a vital
14 north-south arterial in San Francisco, relied upon by both visitors and residents for travel
15 within and through the City. Due to its high traffic volume, vacancies along Van Ness Avenue
16 negatively and disproportionately impact public perception of the City's economic health.

17 (g) In November 2006, San Francisco voters passed Proposition G, which created
18 formula retail controls across all Neighborhood Commercial Districts. However, these
19 restrictions were not applied to Residential-Commercial Districts – the zoning district controls
20 that govern the Van Ness corridor.

21 (h) Given Van Ness's long standing commercial identity, its history of hosting brand-
22 name retailers classified as formula retail, and the need to revitalize downtown corridors,
23 allowing formula retail uses along Van Ness Avenue would stimulate the local economy by
24 easing restrictions that contribute to retail vacancies. This approach would align with the
25

1 historical character of the Van Ness commercial corridor and promote the public interest
2 without compromising the historical legacy of the corridor.

3
4 Section 3. Articles 1.7, 2, and 3 of the Planning Code are hereby amended by revising
5 Sections 178, 209.3, and 303.1, to read as follows:

6
7 **SEC. 178. CONDITIONAL USES.**

8 * * * *

9 **(c) Enlargement, Alteration, or Intensification.**

10 * * * *

11 (3) **Formula Retail.** With regard to Formula Retail uses, a change of owner or
12 operator of a Formula Retail establishment is determined to be an intensification of use and a
13 new Conditional Use authorization shall be required if one or more of the following occurs:

14 * * * *

15 (D) Installation of a commercial kitchen, including but not limited to:
16 ovens, open ranges or stoves, fryers, oven hoods or kitchen ventilation systems, heating
17 stations, steam tables or cabinets, cold food storage, increased food preparation areas or self-
18 service drink dispensers;

19 ~~(E) A pre-existing Formula Retail use that had not previously been~~
20 ~~authorized via a Conditional Use from the Commission.~~

21 * * * *

22
23 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

24 * * * *

25 **Table 209.3**

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
* * * *			
Use Characteristics			
* * * *			
Formula Retail	§§ 102, 303.1	C <u>(14)</u>	C (13) <u>(14)</u>
* * * *			

* * * *

(13)(14) P on properties lots in the RC-3 District that front Van Ness Avenue, beginning immediately north of Chestnut Street to the north, to Broadway to the south, and on properties lots in the RC-4 Zoning District that front on Van Ness Avenue, from Broadway to Redwood Street.

SEC. 303.1. FORMULA RETAIL USES.

* * * *

(e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a Formula Retail use in the following zoning districts unless explicitly exempted:

- (1) All Neighborhood Commercial Districts in Article 7;
- (2) All Mixed Use-General Districts in Section 840;
- (3) All Urban Mixed Use Districts in Section 843;

1 (4) All Residential-Commercial Districts as defined in Section 209.3, *except for*
2 ~~properties~~ lots in the RC-3 District that front Van Ness Avenue, beginning immediately north of
3 Chestnut Street to the north, to Broadway to the south, and ~~properties~~ lots in the RC-4 Zoning
4 District that front ~~on~~ Van Ness Avenue, from Broadway to Redwood Street;

5 * * * *

6
7 Section 4. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within 10 ~~ten~~ days of receiving it, or the
10 Board of Supervisors overrides the Mayor’s veto of the ordinance.

11
12 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ Andrea Ruiz-Esquide
22 ANDREA RUIZ-ESQUIDE
23 Deputy City Attorney

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