

File No. 250101

Committee Item No. 1

Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date: April 21, 2025

Board of Supervisors Meeting:

Date: April 22, 2025

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Prepared by: John Carroll

Date: April 17, 2025

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

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.

25

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

24 n:\legana\as2024\2500080\01834521.docx

REVISED LEGISLATIVE DIGEST
(Amended in Committee – April 14, 2025)

[Planning Code - Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue and for Certain Pre-existing Formula Retail Uses]

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

Existing Law

The Residential Commercial (RC) zoning districts along Van Ness Avenue begin at Chestnut Street and end on Redwood Street. Within these RC districts, formula retail uses require a conditional use authorization. (Planning Code sections 209.3 and 303.1.)

The Planning Code contains several provisions that regulate conditional use authorizations. One of them mandates that “[a] permitted conditional use may not be significantly altered, enlarged, or intensified, except upon approval of a new conditional use application.” (Section 178(c)(1)). With regard to formula retail uses, the code considers a change of owner or operator of a formula retail use to be an intensification of the use, requiring a new conditional use authorization, if, among other circumstances, the pre-existing formula retail use did not receive a conditional use authorization. (Section 178(c)(3)(E)).

Amendments to Current Law

This ordinance would make formula retail principally permitted in the RC zoning districts along Van Ness Avenue, on lots that front Van Ness Avenue.

The ordinance would also establish that a change of owner or operator of a pre-existing formula retail use that had not previously received a conditional use authorization is not an intensification of such use that would require conditional use authorization.

Background Information

This ordinance contains findings about the history of commercial activity along Van Ness Avenue, the economic trends that have resulted in retail vacancies along the corridor, and the need to stimulate the local economy by easing restrictions that contribute to these retail vacancies.

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April 8, 2025

Ms. Angela Calvillo, Clerk
Honorable Supervisor Sherrill
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2025-001050PCA:**
Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue, between Broadway and Redwood Street
Board File No. 250101

Planning Commission Recommendation: Approval with Modifications

Dear Ms. Calvillo and Supervisor Sherrill,

On April 3, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Sherrill. The proposed ordinance would amend the Planning Code to remove the conditional use authorization requirement for Formula Retail uses in the Residential-Commercial 4 (RC-4) zoning district along Van Ness Avenue, between Broadway and Redwood Street, for properties fronting Van Ness Avenue. At the hearing the Planning Commission adopted a recommendation for approval with modifications.

The Commission's proposed modifications were as follows:

1. Modify the Ordinance to additionally exempt RC-3 zoned parcels with frontage along Van Ness Avenue from the Conditional Use requirement for Formula Retail uses.
2. Remove the requirement for changes in Formula Retail operators to obtain Conditional Use authorization if the previous Formula Retail operator did not possess a CUA for Formula Retail.
3. Replace the word "properties" with the word "lots" when referring to where Conditional Use authorization is not required.

4. Require a report to be produced one year after the effective date of the Ordinance on the state of the section of Van Ness Avenue that is subject to the Ordinance.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Aaron D. Starr
Manager of Legislative Affairs

cc: Andrea Ruiz-Esquide, Deputy City Attorney
Lorenzo Rosas, Aide to Supervisor Sherrill
John Carroll, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21720

HEARING DATE: April 3, 2025

Project Name: Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue, between Broadway and Redwood Street
Case Number: 2025-001050PCA [Board File No. 250101]
Initiated by: Supervisor Sherrill / Introduced January 28, 2025
Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.Merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REMOVE THE CONDITIONAL USE AUTHORIZATION FOR FORMULA RETAIL USES IN THE RESIDENTIAL-COMMERCIAL ZONING DISTRICT ALONG VAN NESS AVENUE, BETWEEN BROADWAY AND REDWOOD STREET, FOR PROPERTIES FRONTING VAN NESS AVENUE; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on January 28, 2025, Supervisor Sherrill introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 250101, which would amend the Planning Code to remove the conditional use authorization for formula retail uses in the Residential-Commercial zoning district along Van Ness Avenue, between Broadway and Redwood Street, for properties fronting Van Ness Avenue;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 3, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby adopts a **recommendation for approval with modifications** of the proposed ordinance. The Commission's proposed recommendations are as follows:

1. Modify the Ordinance to additionally exempt RC-3 zoned parcels with frontage along Van Ness Avenue from the Conditional Use requirement for Formula Retail uses.
2. Remove the requirement for changes in Formula Retail operators to obtain Conditional Use authorization if the previous Formula Retail operator did not possess a CUA for Formula Retail.
3. Replace the word "properties" with the word "lots" when referring to where Conditional Use authorization is not required.
4. Require a report to be produced one year after the effective date of the Ordinance on the state of the section of Van Ness Avenue that is subject to the Ordinance.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Van Ness corridor has a history of hosting brand-name retailers: from department stores, to banks, auto showrooms, and restaurants. Combined with the need to revitalize downtown corridors, allowing Formula Retail uses along Van Ness Avenue would stimulate the local economy by easing restrictions that contribute to retail vacancies. This approach would align with the historical character of the Van Ness commercial corridor and promote public interest without compromising the historical legacy of the corridor.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 4.2

Promote and attract those economic activities with potential benefit to the City.

The proposed Ordinance removes unnecessary barriers to new business formation along the Van Ness Avenue corridor. In a district that is experiencing a ~50% ground floor retail vacancy rate, the City should support any proposal that will make it easier for businesses to locate on the Avenue.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident

employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

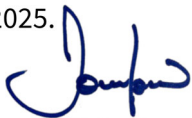
The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 3, 2025.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2025.04.07 14:32:33 -07'00'

AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So
NOES: None
ABSENT: None
ADOPTED: April 3, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: March 27, 2025

90-Day Deadline: May 6, 2025

Project Name: Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue, between Broadway and Redwood Street

Case Number: 2025-001050PCA [Board File No. 250101]

Initiated by: Supervisor Sherrill / Introduced January 28, 2025

Staff Contact: Audrey Merlone, Legislative Affairs
Audrey.Merlone@sfgov.org, 628-652-7534

Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Environmental Review: Not a Project Under CEQA

RECOMMENDATION: Adopt of Recommendation for Approval with Modifications

Planning Code Amendment

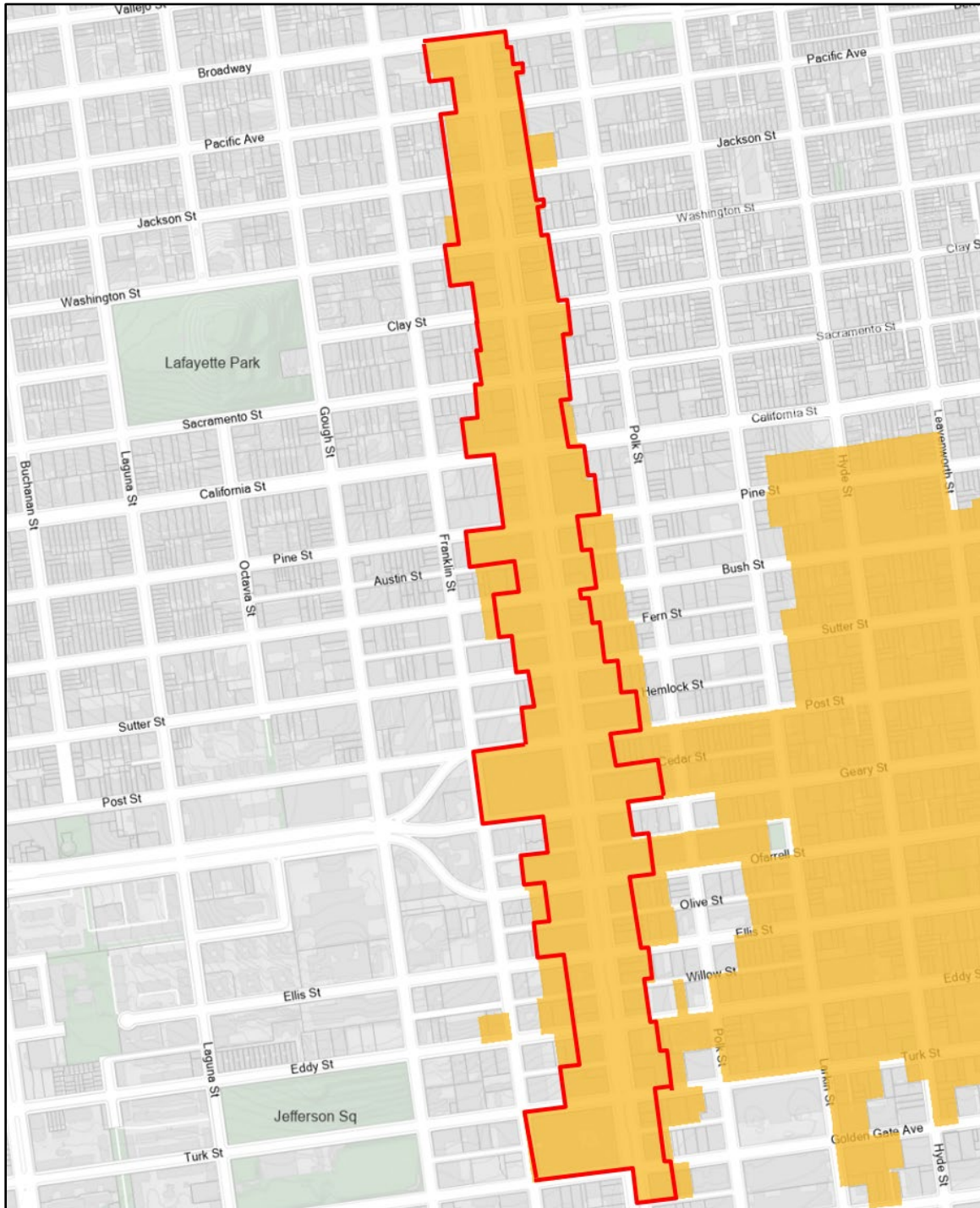
The proposed Ordinance would amend the Planning Code to remove the conditional use authorization requirement for Formula Retail uses in the Residential-Commercial 4 (RC-4) zoning district along Van Ness Avenue, between Broadway and Redwood Street, for properties fronting Van Ness Avenue.

The Way It Is Now:

Formula Retail uses require Conditional Use authorization in the RC-4 zoning district.

The Way It Would Be:

Formula Retail uses would be Principally permitted in the RC-4 on parcels with frontage on Van Ness Ave between Broadway and Redwood St.



The RC-4 Zoning District (orange) with the parcels fronting Van Ness Ave between Broadway and Redwood Street outlined in red.

Issues and Considerations

Formula Retail

Formula retailers, or chain stores, are businesses with multiple locations that share standardized features or a recognizable appearance. This recognition comes from repeating the same characteristics across locations. While Formula Retail provides clear branding, it can conflict with General Plan Policies that prioritize preserving and enhancing unique community identity. To preserve neighborhood individuality, certain zoning districts restrict or prohibit Formula Retail stores.

To qualify as a Formula Retail business there must be a standardized merchandise array, façade, décor and color scheme, uniform apparel, signage, trademark, or service mark. It must also have 11 or more locations worldwide, either operating or approved to operate, and fall into one of the following categories:

Amusement Game Arcade	Pharmacy
Bar	Restaurant
Cannabis Retail	Retail Sales and Service, General
Drive-up Facility	Sales and Service, Other Retail
Eating and Drinking Use	Sales and Service, Retail
General Grocery	Service, Financial
Gym	Service, Fringe Financial
Jewelry Store	Service, Instructional
Limited-Restaurant	Service, Limited Financial
Liquor Store	Service, Personal
Massage Establishment	Specialty Grocery
Movie Theater	Tobacco Paraphernalia Establishment
Non-Auto Vehicle Sales or Rental	Tourist Oriented Gift Store

These controls have evolved through various ordinances over the last two decades. That evolution has included broadening the definition of Formula Retail, extending restrictions to more areas, and lowering the threshold for businesses to qualify through updated criteria. Some of these reforms were passed by the voters through Proposition G; however, these voter-mandated restrictions only applied the Neighborhood Commercial Districts, not Residential-Commercial Districts – the zoning district controls that govern the Van Ness corridor.

Economic impact studies conducted by several City agencies accompanied many of the legislative efforts over the years. Counter to many of the increased restrictions on Formula Retail that were ultimately passed, many reports found that over-restriction of Formula Retail uses could have unintended negative consequences. For example, a June 2014 report produced for the Planning Department¹ found that:

¹ https://default.sfplanning.org/legislative_changes/form_retail/Final_Formula_Retail_Report_06-06-14.pdf

- Nearly 85% of San Francisco’s formula retailers occupy over 3,000 square feet, while 80% of independent retailers operate in smaller spaces. This means that on Van Ness Avenue, where larger floorplates are common, small local businesses are less likely to seek these spaces.
- In general, pharmacies, grocery stores, banks, and other uses that serve residents’ daily needs account for much of the Formula Retail in districts where Formula Retail is subject to additional controls.
- There does not appear to be a consistent relationship between the approval of a new Formula Retail Conditional Use application and the subsequent direction of local rents and vacancies.
- While formula retailers could potentially afford to pay higher rents in some individual transactions, retail market trends over time are primarily related to regional and national economic cycles.

These findings highlight the complexity of Formula Retail regulations and their broader economic implications. While restrictions aim to support local businesses, overly limiting Formula Retail may unintentionally hinder commercial vitality and access to essential services.

The Van Ness Corridor²

The Van Ness Avenue commercial corridor has special historical significance for San Francisco. The unusually wide avenue served as a vital fire break during the 1906 disaster. Since much of the corridor was cleared by dynamite to serve as the fire break, or burned in the fire itself, the area needed to be rebuilt. The avenue re-emerged as a “temporary downtown”, with new department stores, trade shops, restaurants, and banks. After downtown was rebuilt, however, many of these businesses deserted Van Ness Avenue. Rather than returning to the residential uses common before 1906, Van Ness Avenue again transformed – this time into “Auto Row”: featuring 50 auto showrooms by 1921.

Starting in the 1920s, Van Ness Avenue was designated as part of U.S. Highway 101, and from the 1920s to the 1970s, the Van Ness corridor rapidly grew as a commercial hub in San Francisco. Although automobile showrooms were the most common use on Van Ness between City Hall and Jackson Street, movie theaters, banks and restaurants also thrived in the corridor. Since the late 1970’s, however, the



Rebuilt Emporium Department Store at Post St. and Van Ness Ave, 1906. Source: SF Public Library



Auto-related businesses at 1207 Van Ness Ave, 1928. Source: SF Public Library

²<https://sfplanning.org/sites/default/files/documents/preserv/DPRforms/Van%20Ness%20AutoRow%20ContextDraft%20Feb2010.pdf>

automobile showrooms have largely relocated elsewhere, leaving their large commercial spaces vacant and often difficult to fill with other retailers.



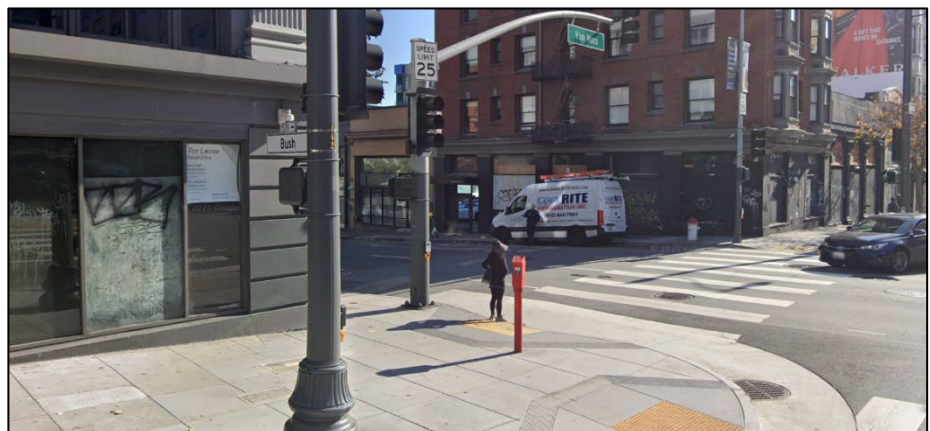
Van Ness Ave at Sutter Street, 1978. Source: SFMTA

Still part of U.S. Highway 101, the Van Ness commercial corridor remains a crucial north-south artery in San Francisco, essential for both visitors and residents traveling within and through the City. High vacancy rates along the corridor signal economic struggles to countless passersby, reinforcing concerns about San Francisco's ability to revive commerce. This lingering image disproportionately affects public perception of the City's overall economic health.

State of the Retail Sector

The Controller's Office of Economic Analysis released a report³ in November of 2024 on the status of the City's economy. Among the key findings was the fact that new business formation (tracked by the number of business registration certificates filed) remained far below pre-pandemic rates, especially in the retail trades and restaurant/bar categories.

The report revealed that although tourism and office vacancies are slowly improving, they are still below pre-pandemic levels. Many businesses are still attempting to recover from the pandemic amidst a period of slow economic growth both locally and nationally.

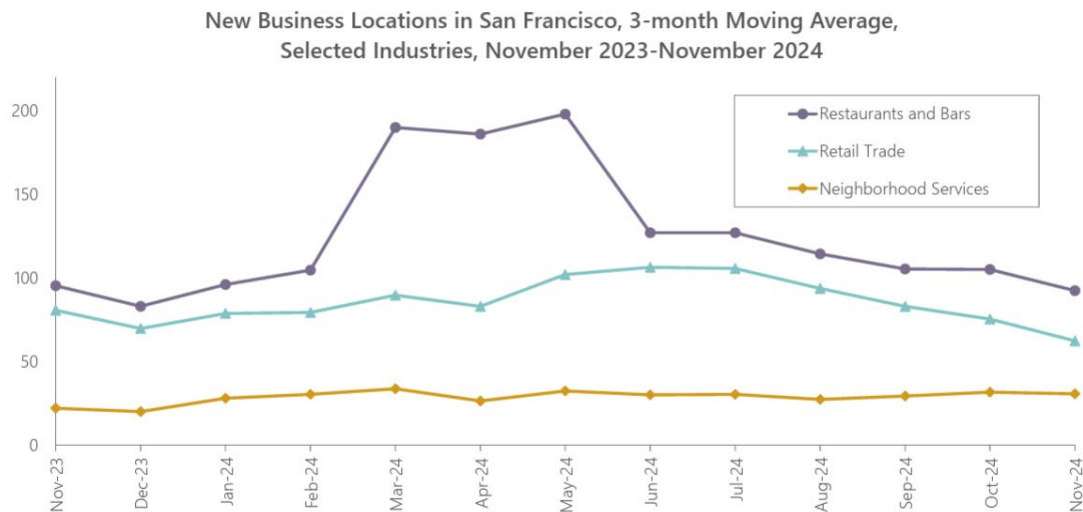


Two vacant retail spaces at Van Ness Ave & Bush Street, December 2024

Citywide, the retail vacancy rate was approximately 7.7% in Q4 2024, rising to 22.1% in the Union Square District. While no official data was collected for Van Ness Avenue, a staff-led visual survey in December 2024 found striking vacancy rates. Ground-floor commercial units with frontage on Van Ness Avenue between Redwood Street and Broadway had a 53% vacancy rate, dropping only slightly to 50% between Broadway and Chestnut Street. Economists typically consider a healthy commercial vacancy rate to be between 5% and 10%.

³ www.sf.gov/sites/default/files/2024-12/Status%20of%20the%20San%20Francisco%20Economy%20November%202024.pdf

Drops in New Restaurants and Retail Stores



A small percentage of retail vacancies is healthy, preventing demand from exceeding supply and displacing less profitable businesses. However, vacancy rates above 10% typically harm surrounding neighborhoods. The reduction in economic activity results in less visitors to the neighborhood and harms the businesses that remain. High vacancy rates can trigger a downward spiral: fewer businesses stay, which creates an ever-increasing number of vacancies. The decrease in demand for retail spaces not only results in reduced property values, but also deters potential investors and leads to increased crime and vandalism. These factors can create retail deserts like the one seen along the Van Ness Avenue corridor: where essential goods and services have become scarce, further harming nearby communities.

Additional Considerations on Exceptions for Change of Owner/Operator

Adding to the complexity of the regulations surrounding Formula Retail uses is an exception to the requirements for change of owner or operator. This provision allows new Formula Retail establishments to occupy the same unit that has been vacated by a previous Formula Retail establishment if:

- The new and former operators are the same land use category (including same subcategory);
- There is no expansion of use size;
- The new operator has less locations (worldwide) than the previous operator;
- There is no installment of a commercial kitchen, including any increase in food prep or self-service drink dispensers, **and**;
- The former operator had obtained a Conditional Use authorization for Formula Retail.

If a new operator cannot meet all the above criteria, they must obtain a *new* Conditional Use authorization for Formula Retail. Many of the city's largest essential retailers, like grocery stores, have been in operation

since before the establishment of Formula Retail controls. As such, when they vacate a space, *any* new business that is considered a Formula Retail use must obtain a new CUA to locate in the space vacated by the former Formula Retail use.

General Plan Compliance

Objective 2 of the Commerce and Industry Element is to “Maintain and enhance a sound and diverse economic base and fiscal structure for the City”. Policy 2.1 of this Objective is to “Seek to retain existing commercial and industrial activity and to attract new such activity to the City”. Policy 4.2 is to “Promote and attract those economic activities with potential benefit to the City”. The proposed Ordinance removes unnecessary barriers to new business formation along the Van Ness Avenue corridor. In a district that is experiencing a ~50% ground floor retail vacancy rate, the City should support any proposal that will make it easier for businesses to locate on the Avenue.

Racial and Social Equity Analysis

Formula Retail establishments often struggle to engage in merchant and community organizing efforts. While they attract customers and improve storefronts, it is uncommon for large formula retailers to invest in the specific goals of neighborhood. Community members report difficulties in building relationships with formula retailers due to frequent managerial turnover and limited decision-making authority at the store level. As a result, local merchant associations find that formula retailers rarely participate in organizing events and activities. This lack of involvement can disproportionately harm communities that rely on strong local identity and investment. However, Van Ness Avenue, a major arterial and U.S. Highway, lacks deep ties to any single neighborhood or cultural group. Although this potential downfall of formula retailers should be considered for other neighborhoods, it is unlikely to cause harm to the identity of this corridor.

Conversely, many Formula Retail businesses provide essential services, including grocery stores, banks, and pharmacies. A 2014 economic report for the Planning Department found that most pharmacies over 3,000 square feet and supermarkets over 10,000 square feet are formula retailers. Additionally, 80% of all banking institutions are Formula Retail.

These essential services are rarely independent yet remain subject to Formula Retail controls. In neighborhoods vulnerable to high vacancy rates, added barriers like Conditional Use authorizations further deter the establishment of these essential businesses. Removing these restrictions can help communities facing food, financial, and pharmacy shortages to access critical services.

Implementation

The Department has determined that this ordinance will positively impact our current review times as it will reduce the number of Conditional Use authorizations submitted.

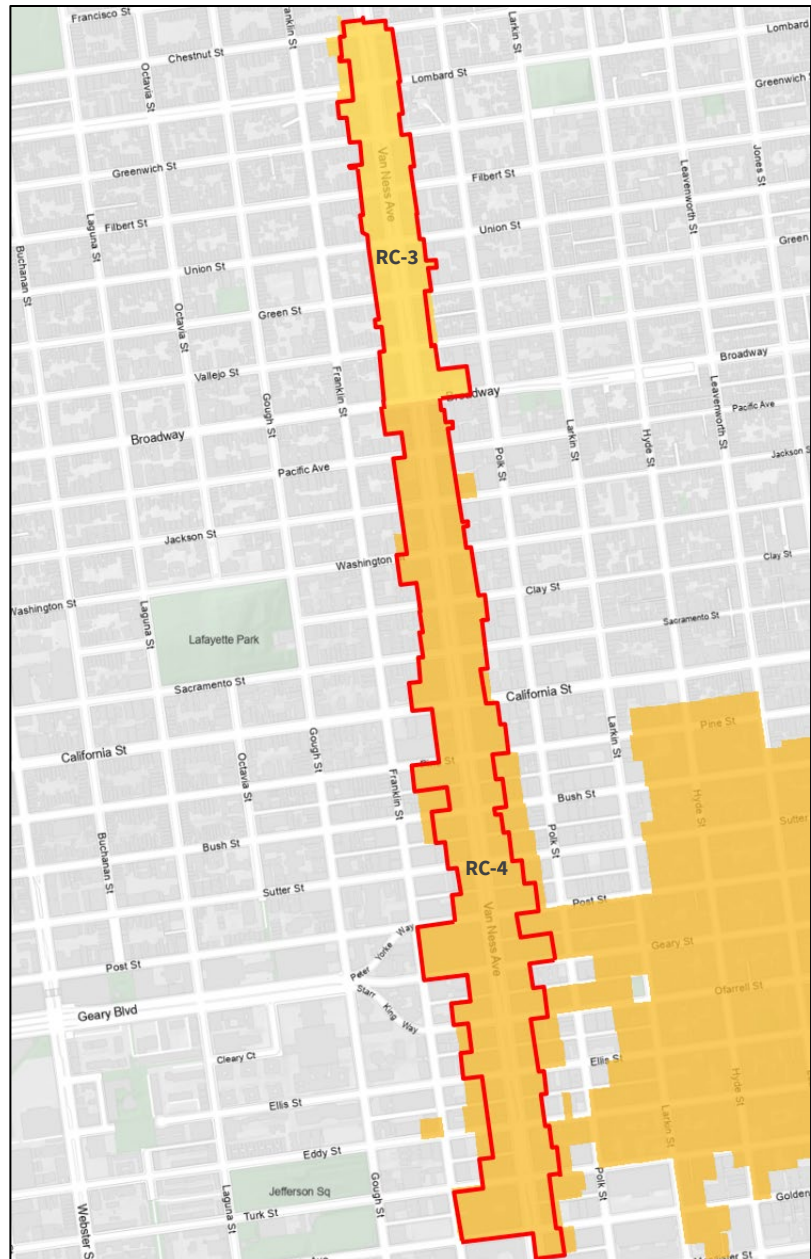
Recommendation

The Department recommends that the Commission **adopt a recommendation for approval with modifications** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

1. Modify the Ordinance to additionally exempt RC-3 zoned parcels with frontage along Van Ness Avenue from the Conditional Use requirement for Formula Retail uses.
2. Remove the requirement for changes in Formula Retail operators to obtain Conditional Use authorization if the previous Formula Retail operator did not possess a CUA for Formula Retail.
3. Replace the word “properties” with the word “lots” when referring to where Conditional Use authorization is not required.

Basis for Recommendation

The Van Ness corridor has a history of hosting brand-name retailers: from department stores, to banks, auto showrooms, and restaurants. Combined with the need to revitalize downtown corridors, allowing Formula Retail uses along Van Ness Avenue would stimulate the local economy by easing restrictions that contribute to retail vacancies. This approach would align with the historical character of the Van Ness commercial corridor and promote public interest without compromising the historical legacy of the corridor.



Proposed boundary for Principally permitted Formula Retail, covering RC-4 and RC-3 parcels along Van Ness Ave.

Recommendation 1: Modify the Ordinance to additionally exempt RC-3 zoned parcels with frontage along Van Ness Avenue from the Conditional Use requirement for Formula Retail uses. Staff recommend principally permitting Formula Retail along the entire Van Ness Avenue RC-zoned commercial corridor, as vacancies in RC-3 are nearly as high as those in RC-4. While the RC-3 stretch of Van Ness Avenue may not have the same amount of large retail floorplates as the RC-4 zone further south, it is still a part of the major arterial and commuter passthrough. The entire Van Ness corridor should have equal opportunity to reduce their retail vacancies and become an active commerce center again.



RC-3 zoned lots along Van Ness, looking south from Union Street. This level of density and mix of uses is common in the RC-3 along Van Ness Ave.

Recommendation 2: Remove the requirement for changes in Formula Retail operators to obtain Conditional Use authorization if the previous Formula Retail operator did not possess a CUA for Formula Retail. The proposed Ordinance offers a crucial opportunity for a neighborhood struggling to retain essential services. The Safeway on Webster Street served as the Fillmore and Western Addition’s primary grocery store and pharmacy for over 40 years before closing in early 2025, leaving approximately 34,000 residents without a large-format grocery store nearby. The community has expressed an urgent need for a new grocer in the space.

As outlined earlier, the Planning Code allows Formula Retail businesses to change operators without requiring a new Conditional Use authorization. However, to qualify for administrative approval, the previous Formula Retail operator must have obtained a Conditional Use authorization. Since Safeway opened before Formula Retail controls were enacted, it never obtained one, meaning any new grocer classified as Formula Retail must secure a Conditional Use authorization.

Removing the requirement for a new Conditional Use authorization in cases where a prior Formula Retail operator was never subject to one would eliminate unnecessary barriers. Grocers that meet other exception criteria—such as maintaining the same footprint and having fewer locations—could move in more easily. This common-sense amendment would immediately help the Fillmore neighborhood clear the way to restoring critical grocery services. Beyond assisting the Fillmore neighborhood, it could serve other

neighborhoods when essential service retailers that were established before Formula Retail controls announce closures.

Recommendation 3: Replace the word “properties” with the word “lots” when referring to where Conditional Use authorization is not required. This non-substantive amendment is in service of the Department’s continued efforts to standardize Planning Code language.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.



CITY AND COUNTY OF SAN FRANCISCO
DANIEL L. LURIE, MAYOR

OFFICE OF SMALL BUSINESS
DIRECTOR KATY TANG

March 26, 2025
Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 250101 – Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue, between Broadway and Redwood Street - Support

Dear Ms. Calvillo,

On March 24, 2025, Lorenzo Rosas, Legislative Aide to Supervisor Sherrill, presented BOS File No. 250101 – Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue, between Broadway and Redwood Street to the Small Business Commission (the Commission).

The legislation would remove the Conditional Use requirement for formula retail businesses within the Residential-Commercial Zone on Van Ness Avenue from Broadway to Redwood Street. The intent behind Supervisor Sherrill's legislation is to fill vacancies in the larger storefronts along Van Ness Avenue --spaces that are challenging for most small businesses to lease. The Commission acknowledged that with a high number of commercial vacancies, relaxing formula retail controls may encourage more business growth along the corridor. At the same time, Commissioners emphasized the importance of ongoing support for small businesses along the corridor.

The Commission supported the legislation with a 7-0 vote. Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Katy Tang". The signature is written in a cursive, flowing style.

Katy Tang
Director, Office of Small Business


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: February 5, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250101
Planning Code - Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue, between Broadway and Redwood Street

- California Environmental Quality Act (CEQA) Determination *(California Public Resources Code, Sections 21000 et seq.)* Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
 Ordinance / Resolution
 Ballot Measure
2/12/2025 
- Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
 General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 Landmark *(Planning Code, Section 1004.3)*
 Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
 Mills Act Contract *(Government Code, Section 50280)*
 Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

BOARD of SUPERVISORS



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Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448
FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee
DATE: February 5, 2025
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 250101

Ordinance amending the Planning Code to remove the conditional use authorization for formula retail uses in the Residential-Commercial zoning district along Van Ness Avenue, between Broadway and Redwood Street, for properties fronting Van Ness Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Office of Chair Melgar and Supervisor Sherrill
Kerry Birnbach, Senior Policy Analyst/Commission Secretary

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment
_____ Recommendation Attached

Chairperson, Small Business Commission



MYRNA MELGAR

DATE: April 17, 2025

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, April 22, 2025.

File No. 250101 **Planning Code - Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue**
Sponsors: Sherrill; Sauter, Mahmood and Melgar

File No. 250100 **Planning Code, Zoning Map - 3250 19th Avenue Special Sign District**
Sponsor: Melgar

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, April 21, 2025.

From: [Stephen Torres](#)
To: [Carroll, John \(BOS\)](#)
Cc: [Low, Jen \(BOS\)](#); [Prager, Jackie \(BOS\)](#); [Logan, Samantha \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Subject: 2025.04.14.2025 Letter to SF BOS Land Use Re: Conditional Use & Upzoning Notice Changes
Date: Monday, April 14, 2025 11:11:55 AM
Attachments: [2025.04.14.2025 Letter to SF BOS Land Use Re Conditional Use & Upzoning Notice Changes.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning Clerk Carroll,

Please be in receipt of this Letter to the Land Use Committee of the San Francisco Board of Supervisors regarding Item No.s 1 and 2 on today's agenda.

As always, thanks so much for your work and time.

Best,

Stephen Torres

Stephen Torres
3158 Mission Street, Apartment No. 3
San Francisco, California 94110

April 14, 2025

The Land Use Committee of the San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Good afternoon Chairperson Melgar and Members of the San Francisco Board of Supervisors
Land Use Committee,

I am writing in regard to Item Numbers 1 and 2 in today's agenda.

On Item 1, I ask that you not approve the rescinding of the conditional use authorization for formula retail on Van Ness Avenue in between Broadway and Redwood Street.

On Item 2, I ask that you approve the amendment to require notice of rezoning intended to comply with the Housing Element law.

The reasoning behind both of these requests is simple. In the times we are living in, we are currently seeing the power and voice of the people consistently eroded through unilateral orders and legislation acting on behalf of special interest. As a city that purports to uplift the voice of the people, it would be a contradiction to both remove their ability to inform the kind of business that matches and cultivates the ecosystem of any business corridor in this city or to deprive them of the notice of the drastic and sweeping changes as proposed by the rezoning plan.

Specific to Item 1, in light of the unstable and disingenuous nature of formula retail in today's market and its capricious relationship with our city, this change for this kind of retail does not make economic sense. It is also seemingly and singularly supportive to the rezoning of Van Ness Avenue by not taking into account the valuable local businesses already there and only erodes their protections when they need them the most. It more or less secures the right of formula retail over mom and pop, and fast forwards to the inevitable outcome of rezoning on local small business by unfettering the restrictions on the only businesses that will be able to afford retail space in new developments: corporations.

Specific to Item 2, I would like to thank Supervisor Chan for introducing this amendment as it displays her understanding of her role as Supervisor to inform her constituents and all San Franciscans of possible major changes to our City and give them transparency, understanding, and at least some ability to determine what happens in their community.

I know that the Members of this Committee and the entire Board of Supervisors are always cognizant that they not only serve at the discretion of the people of the City and County of San Francisco, but also in compliance with the laws of the State of California, and indeed, our Nation. I also understand that striking a balance between these may, at times, prove difficult, especially with mandates that are onerous and specious in nature or act against the will of the

people by design. I strongly urge, however, that the balance fall in favour of the people. An informed and consenting people are not an impediment to progress.

Sincerely,

Stephen Torres
District 9 Resident and Legacy Business Worker

Cc:
Angela Calvillo, Clerk of the San Francisco Board of Supervisors

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: