FILE NO. 250995 RESOLUTION NO.

[Approval of a 90-Day Extension for Planning Commission Review of Planning Code - Formula Retail (File No. 250816)]

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 250816) amending the Planning Code to reduce restrictions on Formula Retail uses by 1) modifying the definition of a Formula Retail use; 2) eliminating the Conditional Use Authorization requirement for Formula Retail Accessory Uses, Formula Retail Temporary Uses, and certain changes of use for Formula Retail uses; 3) eliminating the prohibition on changes of use for non-conforming Formula Retail uses; 4) eliminating the requirement for an economic impact study for specified large Formula Retail uses; 5) eliminating the restrictions regarding Formula Retail use concentration in the Upper Market Street Neighborhood Commercial District; 6) allowing one or more Formula Retail Restaurants or Limited Restaurants inside a General Grocery store under a single Conditional Use authorization; and 7) principally permitting Formula Retail uses in spaces larger than 10,000 square feet in the RC (Residential-Commercial) and RTO (Residential Transit Oriented) Districts; and 8) to eliminate use size limits for Retail Sales and Service uses, other than Gyms, in the Potrero Center Mixed-Use Special Use District; 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 pursuant to Planning Code, Section 302.

WHEREAS, On July 29, 2025, Supervisor Melgar introduced legislation amending the Planning Code to reduce restrictions on Formula Retail uses by 1) modifying the definition of a Formula Retail use; 2) eliminating the Conditional Use Authorization requirement for Formula

Retail Accessory Uses, Formula Retail Temporary Uses, and certain changes of use for Formula Retail uses; 3) eliminating the prohibition on changes of use for non-conforming Formula Retail uses; 4) eliminating the requirement for an economic impact study for specified large Formula Retail uses; 5) eliminating the restrictions regarding Formula Retail use concentration in the Upper Market Street Neighborhood Commercial District; 6) allowing one or more Formula Retail Restaurants or Limited Restaurants inside a General Grocery store under a single Conditional Use authorization; and 7) principally permitting Formula Retail uses in spaces larger than 10,000 square feet in the RC (Residential-Commercial) and RTO (Residential Transit Oriented) Districts; and 8) to eliminate use size limits for Retail Sales and Service uses, other than Gyms, in the Potrero Center Mixed-Use Special Use District; 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 pursuant to Planning Code, Section 302; and

WHEREAS, On or about August 7, 2025, the Clerk of the Board of Supervisors referred the proposed Ordinance to the Planning Commission; and

WHEREAS, The Planning Commission shall, in accordance with Planning Code, Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date of referral of the proposed amendment or modification by the Board to the Commission; and

WHEREAS, Failure of the Commission to act within 90 days shall be deemed to constitute disapproval; and

WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by Resolution, extend the prescribed time within which the Planning Commission is to render its

decision on proposed amendments to the Planning Code that the Board of Supervisors initiates; and

WHEREAS, Supervisor Melgar has requested additional time for the Planning Commission to review the proposed Ordinance; and

WHEREAS, The Board deems it appropriate in this instance to grant to the Planning Commission additional time to review the proposed Ordinance and render its decision; now, therefore, be it

RESOLVED, That by this Resolution, the Board hereby extends the prescribed time within which the Planning Commission may render its decision on the proposed Ordinance for approximately 90 additional days, until February 3, 2026.