

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 10/21/2019)

[Planning Code - Fulton Street Grocery Store Special Use District]

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District (“District”), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Grocery stores are permitted in the Fulton Street Grocery Store Special Use District (SUD), pursuant to Planning Code Section 249.35A, but existing law does not allow for a formula retail grocery store. Section 249.35A also requires that any commercial use in the SUD in addition to the grocery store, and any use that replaces the grocery store, occupy a maximum of 3000 square feet of floor area.

Amendments to Current Law

This ordinance would allow conditional use authorization for a formula retail grocery store in the SUD, and would clarify the definition of a Grocery Store within the SUD. It would also require, as part of the conditional use authorization requirement, that the project sponsor of a formula retail grocery store provide information to the Planning Commission regarding its commitment to accept payments from individuals through assistance programs such as the U.S. Department of Agriculture’s Supplemental Nutritional Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and other similar assistance programs. The ordinance would also require the project sponsor to prepare a projection of food affordability at the proposed location and submit it for review by the Planning Commission as part of the conditional use authorization.

In addition, the ordinance would eliminate the maximum square foot requirement for other commercial uses in the SUD, including those that may be subsequent to the grocery store use.

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The ordinance would also limit applicability of the SUD controls to a grocery store approved by the Planning Commission within 5 years of the effective date of the ordinance.

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