



## NEW PLANNING CODE SUMMARY

### Removing Conditional Use Requirement for Formula Retail Uses on Van Ness Avenue and for Certain Pre-existing Formula Retail Uses

*Amended Sections:* 178, 209.3 & 303.1  
*Case Number:* 2025-001050PCA  
*Board File/Enactment #:* 250101/062-25  
*Initiated by:* Supervisor Sherrill  
*Effective Date:* June 1, 2025

The Ordinance amended 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.

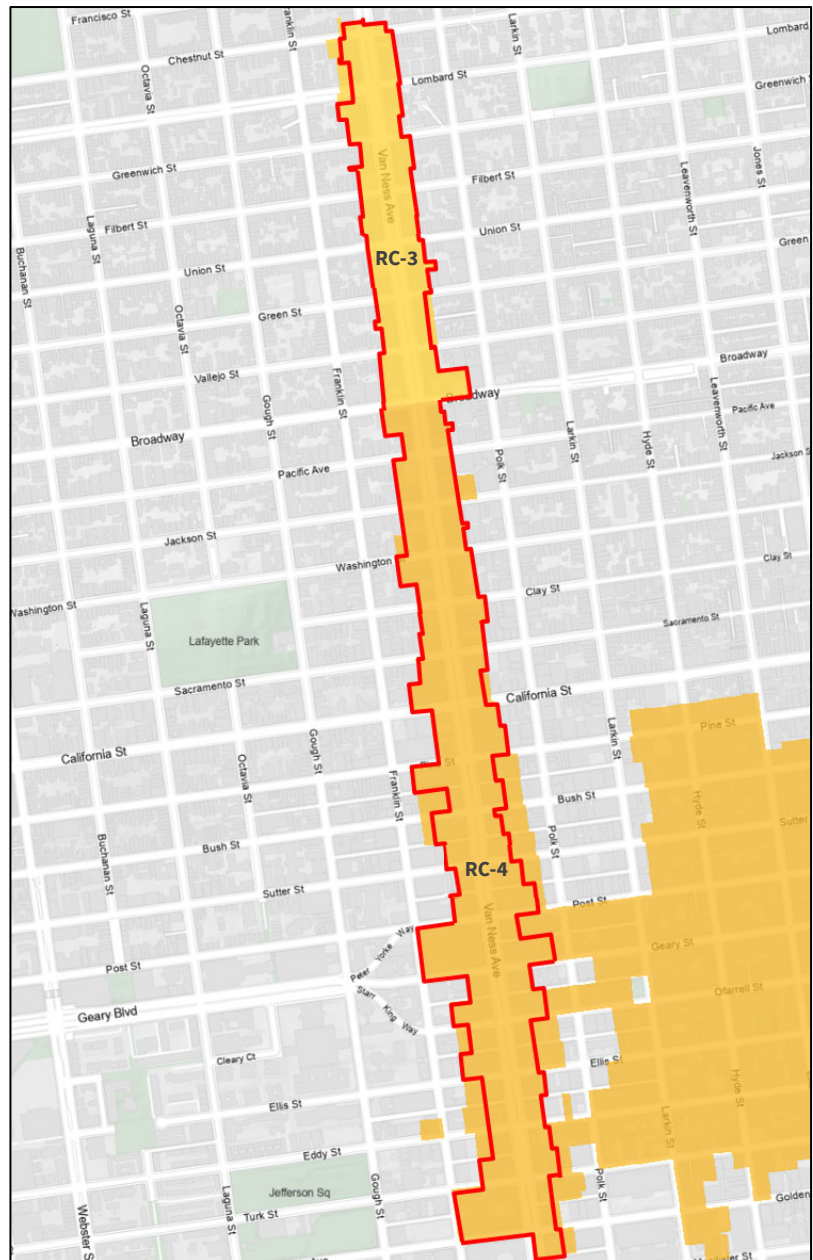
### The Way It Was:

1. Formula Retail uses required Conditional Use authorization in RC-3 and RC-4 zoning districts.
2. Planning Code Section 178(c)(3) allowed a new Formula Retail business to move into a unit previously occupied by another Formula Retail establishment *without* needing a new Conditional Use authorization for a Formula Retail establishment if **all** the following conditions were met:
  - 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.**

## The Way It Is Now:

1. Formula Retail uses are Principally permitted in the RC-3 and RC-4 on parcels with frontage on Van Ness Ave between Chestnut Street and Redwood Street.
2. Planning Code Section 178(c)(3) was amended to **remove** the following criteria:
  - The former operator had obtained a Conditional Use authorization for Formula Retail.

Therefore, a Formula Retail business may locate in a space formerly occupied by a different Formula Retailer without obtaining Conditional Use authorization (*for Formula Retail*), even if the prior operator did not have a Conditional Use authorization for Formula Retail. To receive this exemption, the new Formula Retail business must still meet all other criteria of Sec. 178(c)(3).



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

## Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=14148906&GUID=FE4EC44B-62A2-468F-94E3-25D478A8FF9C>