

LEGISLATIVE DIGEST

[Interim Zoning Controls - Formula Retail Uses on Market Street, from 6th Street to Van Ness Avenue]

Resolution imposing interim zoning controls requiring conditional use authorization for formula retail uses, as defined, on Market Street, from 6th Street to Van Ness Avenue, subject to specified exceptions, for 18 months; and making findings, including findings of consistency with the priority policies of Planning Code, Section 101.1, and environmental findings.

Existing Law

Formula retail uses are defined in the Planning Code as “a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.” (Planning Code Sections 303(i) and 703.3.) The City currently regulates formula retail by either prohibiting it altogether in certain areas, such as the Hayes-Gough Neighborhood Commercial Transit District, the North Beach Neighborhood Commercial District, and the Chinatown Visitor Retail District, or by requiring a conditional use permit, in other neighborhood commercial and mixed use areas (Planning Code Section 303(i)(4) and (5).) The conditional use requirement directs the Planning Commission, when reviewing an application for a formula retail establishment, to consider the existing concentrations of formula retail uses within the district; the availability of other similar retail uses within the district; the compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the district; the existing retail vacancy rates within the district; and the existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district. (Planning Code Section 303(i)(3).)

Planning Code Section 306.7 authorizes the City to impose interim controls “to suspend temporarily the processing of certain applications (. . .) which may be in conflict with a contemplated zoning proposal” which City is contemplating, for a duration up to 18 months, with the possibility of extending them up to 24 months.

Amendments to Current Law

This legislation imposes interim zoning controls under Planning Code 306.7 to require conditional use authorization for formula retail uses on Market Street, from 6th Street to Van Ness Avenue, for eighteen months. This area is currently zoned C-3-G (Commercial, Downtown General), and has no formula retail restrictions.

The legislation would require that, when considering an application for a formula retail use, the Planning Commission consider the criteria listed in Section 303(i)(3). In addition, the Commission must consider the economic and fiscal impact of the proposed formula retail use in the area, by requiring that the applicant provide the Planning Department a complete economic impact analysis of the proposed use.

The legislation exempts grocery stores from the interim controls, as well as any formula retail use lawfully existing prior to the effective date of the controls.

Background Information

The legislation addresses the need to study the expansion of formula retail uses in this section of Market Street, which is undergoing rapid changes and is the subject of several planning efforts as part of the Central Market initiatives.

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