

**REVISED LEGISLATIVE DIGEST**

(5/21/2012, Amended in Committee)

[Planning Code - Including Financial Services Within Definition of Formula Retail]

**Ordinance amending the San Francisco Planning Code by: 1) amending Section 703.3(c) to include financial services within the uses subject to formula retail controls in Neighborhood Commercial Districts; 2) amending Section 806.3(c) including financial services within the uses subject to formula retail controls in Mixed Use Districts; 3) amending Section 303.3(i) making conforming amendments; and 4) making findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and with the Priority Policies of Planning Code Section 101.1.**

Existing Law

Section 703.3 of the Planning Code defines "formula retail" 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." Section 806.3 applies the same definition in the Mixed Use Districts regulated under Article 8 of the Code. Formula retail is prohibited in some areas of the City (such as the Hayes-Gough Neighborhood Commercial District, or the North Beach Neighborhood Commercial District), and requires a conditional use permit on all other Neighborhood Commercial Districts. (See Section 703.4.)

Section 303 of the Planning Code establishes the process for hearing and determining applications for conditional use permits. Subsection (i) sets forth specific considerations for the Planning Commission to take into account when reviewing a conditional use application for a formula retail use, in addition to the general criteria of subsection (c).

Amendments to Current Law

This Ordinance would amend Sections 703.3, 806.3, and 303, to include "financial service" within the categories of uses which are subject to the formula retail controls and require a conditional use permit.

Amendment of the Whole, May 21, 2012

On May 21, 2012, Supervisor Wiener introduced amendments to this legislation to provide that the provisions related to financial services shall not apply to projects that had filed an application with the Planning Department by the date of introduction, on January 24, 2012.

Background Information

Currently banks and other financial institutions do not fall within the definition of "formula retail." This legislation includes financial services in that definition, making banks subject to the conditional use permit requirement. This would allow the Planning Commission to assess whether a proposed bank is necessary or desirable in the community, and, in particular, whether there is an overconcentration of banks within that community; whether other similar retail uses are available within the district; whether the proposed bank is compatible 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. The Commission has discretion to consider these factors approve or disapprove the conditional use permit for the proposed bank.