

LEGISLATIVE DIGEST

[Planning Code - Prohibiting Formula Retail in Polk Street Neighborhood Commercial District]

Ordinance amending the Planning Code to prohibit formula retail in the Polk Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 303.1 currently defines Formula Retail use as a type of retail sales or service activity or establishment that has 11 or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the 11 establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

In most areas of the City, a Formula Retail use needs to obtain a Conditional Use in order to be approved. However, some areas, like the Hayes-Gough Neighborhood Commercial Transit District; the North Beach Neighborhood Commercial District; and the Chinatown Visitor Retail District, prohibit Formula Retail altogether. (See Planning Code Section 303.1(f).)

Amendments to Current Law

This Ordinance would prohibit Formula Retail in the Polk Street Neighborhood Commercial District, which is located in the village-like gulch between Nob and Russian Hills and Pacific Heights, extends for about a mile on Polk Street and includes a portion of Larkin Street between Post and California Streets.

The Ordinance contains uncodified findings, which explain that, by prohibiting Formula Retail from the district, it aims to further the goals of Section 303.1, and preserve neighborhood character.