

Ballot Simplification Committee
FINAL Approved Digest – August 11, 2006 /Packard, Stassevitch, Chisnell, Fraps

LIMITATIONS ON FORMULA RETAIL STORES*

THE WAY IT IS NOW:

The City's Planning Code sets forth the uses permitted in residential, commercial or industrial zoned districts. The City designates certain areas as Neighborhood Commercial Districts (NCDs). The NCD designation can apply to areas such as an intersection where there is commercial activity or a neighborhood shopping district.

The City regulates formula retail use in NCDs. Formula retail is a type of retail sales activity or establishment with eleven or more other retail sales establishments located in the United States. Formula retail establishments maintain two or more of the following standardized features: merchandise, storefront, décor and color scheme, uniforms, signs or trademark.

In most NCDs, formula retail use is permitted, but only after a neighborhood has received a public notice. The Planning Commission only reviews formula retail use upon request.

Formula retail is prohibited in the Hayes-Gough and North Beach NCDs.

In four other NCDs, the Planning Code requires a conditional use authorization for formula retail use before the establishment can proceed. A conditional use authorization for formula retail use requires that the Planning Commission conduct a hearing and consider the following criteria:

- the number of other formula retailers in the NCD;
- whether similar formula retailers are available;
- whether the physical appearance of the proposed formula retail establishment fits with the existing neighborhood character;
- how much retail space is vacant in the NCD; and
- the existing mix of retailers in the NCD that serve the neighborhood and those that serve people beyond the neighborhood.

THE PROPOSAL:

Proposition ___ is an ordinance that would amend the City's Planning Code for NCDs where formula retail use is currently permitted to require a Planning Commission hearing for approval of a conditional use authorization before an establishment can proceed.

Proposition ___ would also allow the Board of Supervisors to adopt more restrictive criteria for conditional use authorization for formula retail or to prohibit formula retail in any NCD.

A “YES” VOTE MEANS: If you vote "yes," you want to require a Planning Commission hearing for approval of a conditional use authorization before a formula retail establishment can proceed in Neighborhood Commercial Districts where formula retail is currently permitted.

A “NO” VOTE MEANS: If you vote “no,” you do not want to make this change.

word count: 364 [suggested word limit: 300]

*This is a working title for identification purposes only. The official title that will appear on the ballot is prepared by the Director of Elections after the Ballot Simplification Committee finalizes its digest of the measure.