Amendment of the Whole
in Board
7/25/06

FILE NO. 060345
ORDINANCE NO. 217-06

Ordinance amending the San Francisco Planning Code by amending Section 249.25 (Jackson Square Special Use District) to require that ground floor institutional use be subject to conditional use authorization and by amending Sectional Map 1SU of the Zoning Map of the City and County of San Francisco to include Lot 4, Block 195 (site of City Landmark No. 237) within the boundaries of the Jackson Square Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Note: Additions are single-underline italics Times New Roman; deletions are strikethrough italics Times New Roman.
Board amendment additions are double underscored.
Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 1.—Findings.

(a) On June 8, 2006, the Planning Commission, at a duly noticed public hearing, voted 3-1 to recommend that the Board of Supervisors approve this legislation. However, as this vote did not meet the minimum required vote for passage, the recommended action failed and the Commission took no further action within the time allotted under the Planning Code.

Therefore, under Planning Code section 306.4, the Planning Commission action constitutes disapproval of the proposed legislation.

(a) Pursuant to Planning Code section 302, this Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth below and in Planning Commission Resolution Nos. ______________________, which reasons are
incorporated herein by reference. A copy of said Planning Commission resolution is on file
with the Clerk of the Board of Supervisors in File No. ________________

(b) The Board of Supervisors finds that this ordinance is in conformity
Notwithstanding the above action, this Board of Supervisors adopts its own findings that this
legislation is consistent with the General Plan and the Priority Policies of Planning Code
Section 101.1(b) for the reasons set forth in Planning Commission Resolution No.
_____________, and incorporates those reasons herein by reference documentation on
file with the Clerk of the Board of Supervisors in File No. ______________. Said documentation is
incorporated herein by reference as though fully set forth.

(c) This Board also finds, under Planning Code section 302, that this legislation will
serve the public necessity, convenience, and general welfare for the reasons set forth in
subsection (b) above as well as for the additional reasons that the Planning Department staff
presented at the Board's Land Use and Development Committee on July 19, 2006.

(ed) The Planning Department has completed environmental review of this ordinance
pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and
Chapter 31 of the San Francisco Administrative Code. Documentation of that review is on file
with the Clerk of the Board of Supervisors in File No. __________.

(ee) San Francisco has a proud tradition of historic neighborhoods and thriving
commercial districts that reflect the diverse character of the city, and often attract visitors from
around the world.

Supervisor Peskin
BOARD OF SUPERVISORS
(ef) Ordinance number 203-03 established the Jackson Square Special Use District in order to provide for the protection and enhancement of specialty retail and antique store uses in the Historic Jackson Square area.

(fg) In recent years Block 195, a portion of which is in the Jackson Square Special Use District, has experienced the establishment of several large institutional uses that threaten to displace specialty retail and antique store uses throughout the District.

(gh) Ordinance number 177-02 designated the Drexler/Colombo Building, situated on Lot 4 of Block 195, as City Landmark 237. This structure is adjacent to the Jackson Square Special Use District, is a contributory structure to the Jackson Square Historic District, and, along with Landmarks Nos. 52 and 212, is one of three City Landmark structures at the corners of Washington, Columbus, and Montgomery Streets that have traditionally marked the entrance to the Jackson Square and North Beach areas from the Financial District to the south.

(hi) City Landmark 237 was designed for and has traditionally housed specialty retail uses similar to those found in the Jackson Square Special Use District, and it plays a prominent role in the transition between the high-rise Financial District to the south, and the smaller scale neighborhood serving uses of North Beach, Chinatown, and Jackson Square. Maintaining ground floor retail uses will allow for a contemporary use of City Landmark 237 that will be consistent with preserving features of the property which are significant to its historic and architectural values.
Section 2. The San Francisco Planning code is hereby amended by amending Section 249.25, to read as follows:

SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.

In order to provide for the protection and enhancement of specialty retail and antique store uses in the Jackson Square area, there shall be established the Jackson Square Special Use District as designated on Sectional Map No. 1 SU of the Zoning Map. The boundaries of this special use district shall be coterminous with the boundaries of the Jackson Square Historic District as established by Appendix B to Article 10 of this Code and further described in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following provisions shall apply within the Jackson Square Special Use District:

(a) Purposes. These controls are intended to protect and enhance the unique retail character of the special use district. All decisions of the Planning Commission and Department for the establishment of ground floor use shall be guided by the following factors:

(1) Continuation and enhancement of existing ground floor retail uses are of critical importance to the character of the District and displacement of such uses should be discouraged;

(2) Attraction and retention of similar new retail establishments that conform with the character of this District should be encouraged; and

(3) Uses that greatly intensify the density of employment have a negative impact on the provision of neighborhood services, traffic circulation, and limited on- and off-street parking.
(b) Controls.

(1) General. The provisions of the C-2 use district as established in Section 210.2 and applicable provisions of the Garment Shop Special Use District (Section 236), and the Washington-Broadway Special Use Districts (Section 239), and the Chinatown Community Business District (Section 810.1), shall prevail except as provided in paragraphs (2) and (3) below.

(2) Conditional Uses.

(a) Office uses set forth in Sections 219(a), (b), (c), and (d), and Sections 890.70 and 890.111, and all institutional uses set forth in Sections 217 and 890.50, at the ground floor are subject to conditional use authorization pursuant to Section 303 of this Code, provided, however, that building lobbies, entrances, and exits to and from the basement, ground floor, or upper floors, and other reasonably-sized common areas at the ground floor shall be permitted without conditional use authorization. In addition to the findings required under Section 303(c) for conditional use authorization, the Commission shall make the following findings:

(i) The use shall be necessary to preserve the historic resource and no other use can be demonstrated to preserve the historic resource.

(ii) The use shall be compatible with, and shall enhance, the unique retail character of the District.

(b) Subsection (b)(2)(a) shall not apply to any use that fronts Pacific Street.

(3) Prohibited Uses. Adult entertainment enterprises, as defined in Section 221(k) are prohibited.

Section 3. The San Francisco Planning Code is hereby amended by amending Sheet 1SU of the Zoning Map of the City and County of San Francisco to include Assessor’s Block.
195, Lot 4 within the boundaries of the Jackson Square Special Use District as defined in Planning Code Section 249.25.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:  
SUSAN CLEVELAND-KNOWLES
Deputy City Attorney
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July 25, 2006 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 25, 2006 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

August 1, 2006 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on August 1, 2006 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

8/7/06
Date Approved

Mayor Gavin Newsom