

FILE NO. 060345

ORDINANCE NO. 217-06

1 [Zoning – Jackson Square Special Use District.]  
2

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

10 Note: Additions are *single-underline italics Times New Roman*;  
11 deletions are *strikethrough italics Times New Roman*.  
12 Board amendment additions are double underlined.  
13 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. ~~Section 4.~~ Findings.

16 (a) On June 8, 2006, the Planning Commission, at a duly noticed public hearing,  
17 voted 3-1 to recommend that the Board of Supervisors approve this legislation. However, as  
18 this vote did not meet the minimum required vote for passage, the recommended action failed  
19 and the Commission took no further action within the time allotted under the Planning Code.  
20 Therefore, under Planning Code section 306.4, the Planning Commission action constitutes  
21 disapproval of the proposed legislation.

22 (a) ~~Pursuant to Planning Code section 302, this Board of Supervisors finds that this~~  
23 ~~ordinance will serve the public necessity, convenience and welfare for the reasons set forth~~  
24 ~~below and in Planning Commission Resolution Nos. \_\_\_\_\_, which reasons are~~  
25

1 incorporated herein by reference. A copy of said Planning Commission resolution is on file  
2 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

3 (b) The Board of Supervisors finds that this ordinance is in conformity  
4 Notwithstanding the above action, this Board of Supervisors adopts its own findings that this  
5 legislation is consistent with the General Plan and the Priority Policies of Planning Code  
6 Section 101.1(b) for the reasons set forth in Planning Commission Resolution No.  
7 \_\_\_\_\_, and incorporates those reasons herein by reference documentation on  
8 file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ . Said documentation is  
9 incorporated herein by reference as though fully set forth.  
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11 (c) This Board also finds, under Planning Code section 302, that this legislation will  
12 serve the public necessity, convenience, and general welfare for the reasons set forth in  
13 subsection (b) above as well as for the additional reasons that the Planning Department staff  
14 presented at the Board's Land Use and Development Committee on July 19, 2006.  
15

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

20 (de) San Francisco has a proud tradition of historic neighborhoods and thriving  
21 commercial districts that reflect the diverse character of the city, and often attract visitors from  
22 around the world.  
23  
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1 (ef) Ordinance number 203-03 established the Jackson Square Special Use District  
2 in order to provide for the protection and enhancement of specialty retail and antique store  
3 uses in the Historic Jackson Square area.

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

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

14  
15 (hi) City Landmark 237 was designed for and has traditionally housed specialty retail  
16 uses similar to those found in the Jackson Square Special Use District, and it plays a  
17 prominent role in the transition between the high-rise Financial District to the south, and the  
18 smaller scale neighborhood serving uses of North Beach, Chinatown, and Jackson Square.  
19 Maintaining ground floor retail uses will allow for a contemporary use of City Landmark 237  
20 that will be consistent with preserving features of the property which are significant to its  
21 historic and architectural values.  
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1 Section 2. The San Francisco Planning code is hereby amended by amending Section  
2 249.25, to read as follows:

3 SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.

4 In order to provide for the protection and enhancement of specialty retail and antique  
5 store uses in the Jackson Square area, there shall be established the Jackson Square Special  
6 Use District as designated on Sectional Map No. 1 SU of the Zoning Map. The boundaries of  
7 this special use district shall be coterminous with the boundaries of the Jackson Square  
8 Historic District as established by Appendix B to Article 10 of this Code and further described  
9 in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following  
10 provisions shall apply within the Jackson Square Special Use District:  
11

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

15 (1) Continuation and enhancement of existing ground floor retail uses are of critical  
16 importance to the character of the District and displacement of such uses should be  
17 discouraged;  
18

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

21 (3) Uses that greatly intensify the density of employment have a negative impact on  
22 the provision of neighborhood services, traffic circulation, and limited on- and off-street  
23 parking.  
24  
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1 (b) Controls.

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

7 (2) Conditional Uses.

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

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

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

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

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

23 Section 3. The San Francisco Planning Code is hereby amended by amending Sheet  
24 1SU of the Zoning Map of the City and County of San Francisco to include Assessor's Block  
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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



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 060345

**Date Passed:**

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.

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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

File No. 060345

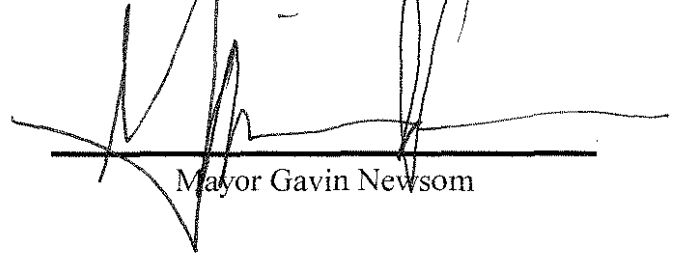
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on August 1, 2006  
by the Board of Supervisors of the City and  
County of San Francisco.

8/7/06

Date Approved



Gloria L. Young  
Clerk of the Board



Mayor Gavin Newsom