

1 [Jackson Square Special Use District.]

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3 **Ordinance amending the Planning Code to add section 249.24 to establish the Jackson**
 4 **Square Special Use District, amending the Zoning Map Sectional Map No. 1 SU to show**
 5 **the boundaries of this District, requiring that within a portion of this District all ground**
 6 **floor and basement level office use be subject to conditional use authorization and in**
 7 **other specified portions be prohibited, requiring that within this District adult**
 8 **entertainment enterprises be prohibited, modifying the abandonment period for**
 9 **permitted conditional uses in this District, and making findings of consistency with the**
 10 **General Plan and priority policies of Planning Code section 101.1.**

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

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
16 hereby finds and determines that:

17 (a) Pursuant to Planning Code section 302, this Board of Supervisors finds that
 18 this ordinance will serve the public necessity, convenience and welfare for the reasons set
 19 forth in Planning Commission Resolution No. _____ recommending approval of this
 20 Planning Code amendment, and incorporates such reasons by this reference hereto. A copy
 21 of said resolution is on file with the Clerk of the Board of Supervisors in File No.

22 _____.

23 (b) Pursuant to Planning Code section 101.1, this Board of Supervisors finds
 24 that this ordinance is consistent with the Priority Policies of section 101.1(b) of the Planning
 25 Code and the General Plan and hereby adopts the findings of the Planning Commission, as

1 set forth in Planning Commission Resolution No. _____, and incorporates said findings by
2 this reference hereto.

3 Section 2. The San Francisco Planning Code is hereby amended by adding
4 section 249.24, to read as follows:

5 SEC. 249.24. Jackson Square Special Use District.

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

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

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

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

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

22 (b) Controls.

23 (1) General. The provisions of the C-2 use district as established in section 210.2 and
24 applicable provisions of the Garment Shop Special Use District (section 236) and the Washington-

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1 Broadway Special Use Districts (section 239) shall prevail except as provided in paragraphs (2) and
2 (3) below.

3 (2) Conditional Uses. Office uses set forth in sections 219(a), (b), and (d) are subject to
4 conditional use authorization pursuant to section 303 of this Code.

5 (3) Prohibited Uses.

6 (a) Notwithstanding the provisions of paragraph (2) above, office uses set forth in
7 sections 219(a), (b), and (d) are prohibited on Jackson Street between Sansome and
8 Montgomery Streets.

9 (b) Adult entertainment enterprises, as defined in section 221(k), are prohibited.

10 Section 3. The San Francisco Planning Code is hereby amended by amending section
11 178 to read as follows:

12 SEC. 178. CONDITIONAL USES.

13 The following provisions shall apply to conditional uses:

14 (a) Definition. For the purposes of this Section, a permitted conditional use
15 shall refer to:

16 (1) Any use or feature authorized as a conditional use pursuant to Article 3 of
17 this Code, provided that such use or feature was established within the time limits specified as
18 a condition of authorization or, if no time limit was specified, within a reasonable time from the
19 date of authorization; or

20 (2) Any use or feature which is classified as a conditional use in the district in
21 which it is located and which lawfully existed either on the effective date of this Code, or on
22 the effective date of any amendment imposing new conditional use requirements upon such
23 use or feature; or

24 (3) Any use deemed to be a permitted conditional use pursuant to Section
25 179 of this Code.

1 (b) Continuation. Except as provided for temporary uses in Section 205 of
2 this Code, and except where time limits are otherwise specified as a condition of
3 authorization, any permitted conditional use may continue in the form in which it was
4 authorized, or in the form in which it lawfully existed either on the effective date of this Code or
5 the effective date of any amendment imposing new conditional use requirements upon such
6 use or feature, unless otherwise provided in this Section or in Article 2 of this Code.

7 (c) Enlargements or Alteration. A permitted conditional use may not be
8 significantly altered, enlarged, or intensified, except upon approval of a new conditional use
9 application pursuant to the provisions of Article 3 of this Code. With regard to an Internet
10 Services Exchange as defined in Section 209.6(c), any physical alteration which will enlarge
11 or expand the building for the purpose of intensifying the use shall be deemed to be significant
12 under this section, and any increase in the size of electrical service to the building which will
13 require a permit from the Department of Building Inspection shall be deemed to be significant
14 under this section.

15 (d) Abandonment. A permitted conditional use which is discontinued for a
16 period of three years, or otherwise abandoned, shall not be restored, except upon approval of
17 a new conditional use application pursuant to the provisions of Article 3 of this Code. For
18 purposes of this Subsection, the period of nonuse for a permitted conditional use to be
19 deemed discontinued in the North Beach and Castro Street Neighborhood Commercial
20 Districts *and the Jackson Square Special Use District* shall be eighteen (18) months.

21 (e) Changes in Use. The following provisions shall apply to permitted
22 conditional uses with respect to changes in use:

23 (1) A permitted conditional use may be changed to another use listed in
24 Articles 2, 7 or 8 of this Code as a principal use for the district in which it is located and the
25 new use may thereafter be continued as a permitted principal use.

1 (2) A permitted conditional use may be changed to another use listed in
2 Articles 2, 7 or 8 of this Code as a conditional use for the district in which the property is
3 located, subject to the other applicable provisions of this Code, only upon approval of a new
4 conditional use application, pursuant to the provisions of Article 3 of this Code.

5 (3) A permitted conditional use may not be changed to another use not
6 permitted or prohibited by Articles 2, 7 or 8 of this Code. If a permitted conditional use has
7 been wrongfully changed to another use in violation of the foregoing provisions and the
8 violation is not immediately corrected when required by the Zoning Administrator, the wrongful
9 change shall be deemed to be a discontinuance or abandonment of the permitted conditional
10 use.

11 (4) Once a permitted conditional use has been changed to a principal use
12 permitted in the district in which the property is located, or brought closer in any other manner
13 to conformity with the use limitations of this Code, the use of the property may not thereafter
14 be returned to its former permitted conditional use status, except upon approval of a new
15 conditional use application pursuant to the provisions of Article 3 of this Code.

16 (5) In the North Beach Neighborhood Commercial District, any use that
17 exceeds the use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use
18 only upon approval of a new conditional use application. The Commission's approval of such
19 conditional use application shall explicitly address the use size findings of Section 303(c).

20 (6) In the Castro Street Neighborhood Commercial District, any use that
21 exceeds the use size provisions of Section 121.2(a), but is smaller than the maximum use
22 size limit of Section 121.2(b), may be changed to a new use only upon approval of a new
23 conditional use application. The Commission's approval of such conditional use application
24 shall explicitly address the use size findings of Section 303(c).

1 (f) Notwithstanding the foregoing provisions of this Section 178, a structure
2 occupied by a permitted conditional use that is damaged or destroyed by fire, or other
3 calamity, or by Act of God, or by the public enemy, may be restored to its former condition and
4 use without the approval of a new conditional use application, provided that such restoration is
5 permitted by the Building Code, and is started within one year and diligently pursued to
6 completion. Except as provided in Subsection (g) below, no structure occupied by a permitted
7 conditional use that is voluntarily razed or required by law to be razed by the owner thereof
8 may thereafter be restored except upon approval of a new conditional use application
9 pursuant to the provisions of Article 3 of this Code.

10 (g) None of the provisions of this Section 178 shall be construed to prevent
11 any measures of construction, alteration or demolition necessary to correct the unsafe or
12 dangerous condition of any structure, other feature, or part thereof, where such condition has
13 been declared unsafe or dangerous by the Superintendent of the Bureau of Building
14 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the
15 proposed measures have been declared necessary, by such official, to correct the said
16 condition; provided, however, that only such work as is absolutely necessary to correct the
17 unsafe or dangerous condition may be performed pursuant to this Section.

18 Section 4. Amendment of the Zoning Map. The following change is hereby adopted as
19 an amendment to Zoning Map Sectional Map No. 1 SU of the City and County of San
20 Francisco:

<u>Description of Property</u>	<u>Special Use</u>
	<u>District to be</u>
	<u>Approved</u>
Jackson Square Historic District	Jackson Square

Special Use District

1 as established by Appendix B
2 to Article 10 of this Code comprising
3 Assessor's Blocks 173 and 196 and
4 portions of Assessor's Blocks 163,
5 164, 176, and 195

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

10 By: _____
11 JOHN D. MALAMUT
12 Deputy City Attorney

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