

1 [Planning Code and Zoning Map - 9th Street Power Retail Special Use District - 555-9th
2 Street]

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3 **Ordinance amending the San Francisco Planning Code by adding Section 249.66 to**
4 **establish the 9th Street Power Retail Special Use District for property located at 555-9th**
5 **Street (Assessor's Block No. 3781, Lot No. 003); amending the San Francisco Zoning**
6 **Map Sheet SU08 to show the boundaries of the 9th Street Power Retail Special Use**
7 **District; and making environmental findings, Planning Code Section 302 findings, and**
8 **findings of consistency with the General Plan and the Priority Policies of Planning**
9 **Code Section 101.1.**

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

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

14 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
15 hereby finds and determines as follows:

16 (a) This legislation will affect property located at 555 - 9th Street (Block 3781, Lot 003).

17 (b) In a categorical exemption adopted on _____, 2012, the
18 Planning Department has determined that the actions contemplated in this ordinance are
19 categorically exempt under the California Environmental Quality Act (California Public
20 Resources Code sections 21000 et seq.). The certified categorical exemption is on file with
21 the Clerk of the Board in File No. _____, and is incorporated herein by reference.

22 (c) On _____, 2012, the Planning Commission in Resolution No.
23 _____ approved and recommended for adoption by the Board the Ninth Street Power
24 Retail Special Use District and the Zoning Map amendments showing the boundaries of the

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1 Ninth Street Power Retail Special Use District. A copy of Planning Commission Resolution
2 No. _____ is on file with the Clerk of the Board of Supervisors in File No. _____.

3 (d) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
5 Planning Commission Resolution No. _____, and the Board incorporates those
6 findings herein by reference.

7 (e) The provisions of this ordinance are consistent with the General Plan and with the
8 Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning
9 Commission Resolution No. _____, and the Board incorporates those findings herein
10 by reference.

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12 Section 2. The San Francisco Planning Code is hereby amended by adding Section
13 249.66, to read as follows:

14 **SEC. 249.66. NINTH STREET POWER RETAIL SPECIAL USE DISTRICT.**

15 (a) **General.** A Special Use District entitled the Ninth Street Power Retail Special Use District,
16 the boundaries of which are shown on Sheet SU08 of the Zoning Map, is hereby established for the
17 property located at 555 9th Street (Block 3781, Lot 003) for the purposes set forth below.

18 (b) **Purpose.** The property within the Ninth Street Power Retail Special Use District is an
19 existing retail center with attendant parking for customers and loading bays for deliveries. Except for
20 small retailers located on the ground floor, the tenants of this retail center are large formula retail
21 tenants. Since its completion, the overwhelming number of tenants in this retail center have been large
22 formula retail tenants. The Ninth Street Power Retail Special Use District is established to allow the
23 continued use and operation of the retail center for large formula retail tenants.

24 (b) **Controls.** Except as otherwise provided below, all provisions of the Planning Code
25 applicable to the property within the Ninth Street Power Retail Special Use District shall apply:

1 (1) The use size limitations and ratio requirements set forth in Sections 121.6, 803.6(b),
2 803.9(i), 843.45, 843.46, 843.51, and elsewhere in this Code, shall not apply. Large formula retail uses
3 are principally permitted and the replacement of one such use or tenant by another such use or tenant
4 within this retail center, regardless of its size, is principally permitted. In addition to formula retail
5 uses, all principally permitted and conditionally permitted uses in the UMU zoning district are allowed.

6 (2) The Formula Retail requirements of Sections 803.6 and 843.46 of this Code shall not apply.
7 Formula Retail uses are principally permitted.

8 (3) The off-street parking requirements of Sections 843.10 and 151.1 of this Code shall not
9 apply, provided that there shall be not less than 330 off-street parking stalls for the retail center.

10 (4) Notwithstanding Section 608.12 of this Code, new tenants of the retail center shall be
11 permitted to replace the signage and logos of the previous tenant with signage and logos of like size on
12 the exterior of the retail center.

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14 Section 3. Pursuant to Sections 106 and 302(c) of the Planning Code, the following
15 amendment to Sheet SU08 of the Zoning Map of the City and County of San Francisco, duly
16 approved and recommended to the Board of Supervisors by the Planning Commission, is
17 hereby adopted:

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
Assessor's Block 3781, Lot 003	Ninth Street Power Retail

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22 Section 4. Effective Date. This ordinance shall become effective 30 days from the
23 date of passage.
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1 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
3 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
4 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
5 Board amendment deletions in accordance with the "Note" that appears under the official title
6 of the legislation.

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

10 By: _____
11 JUDITH A. BOYAJIAN
12 Deputy City Attorney