

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Jonas Ionin, Commission Secretary, Historic Preservation Commission  
Maggie Weiland, Executive Director, Entertainment Commission  
Tom Decaigny, Director of Cultural Affairs, Arts Commission  
Susan Pontious, Director of Public Art Program, Arts Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: December 5, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on November 27, 2018:

**File No. 181153**

**Ordinance amending the Planning Code to allow Arts Activities and Nighttime Entertainment as Principally Permitted Uses in historic buildings in the RCD (Regional Commercial District) district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Crystal Stewart, Entertainment Commission  
Rebekah Krell, Arts Commission  
Sharon Page Ritchie, Arts Commission

1 [Planning Code - Arts Activities and Nighttime Entertainment Uses in Historic Buildings]

2

3 **Ordinance amending the Planning Code to allow Arts Activities and Nighttime**  
4 **Entertainment as Principally Permitted Uses in historic buildings in the RCD (Regional**  
5 **Commercial District) district; affirming the Planning Department’s determination under**  
6 **the California Environmental Quality Act; making findings of consistency with the**  
7 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
8 **adopting findings of public necessity, convenience, and general welfare under**  
9 **Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

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

18 Section 1. Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience, and general welfare for the reasons  
5 stated in Planning Commission Resolution No. \_\_\_\_\_.

6  
7 Section 2. Article 7 of the Planning Code is hereby amended by revising Sections  
8 703.9 and 758, to read as follows:

9  
10 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**  
11 **NCT AND RCD DISTRICTS.**

12 The following controls are intended to support the economic viability of buildings of  
13 historic importance within the Folsom NCT and RCD Districts.

14 (a) This ~~subsection (a)~~ Section 703.9 applies only to buildings that are a designated  
15 landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV  
16 pursuant to Article 11 of this Code and located within the Extended Preservation District, or a  
17 building listed in or determined individually eligible for the National Register of Historic Places  
18 or the California Register of Historical Resources by the State Office of Historic Preservation.

19 (b) Non-Retail Professional Services, Retail Professional Services, Philanthropic  
20 Administrative Services, Financial Services, Fringe Financial Services, Gyms, Limited  
21 Financial Services, Health Services, Personal Services and Instructional Services, as defined  
22 in Section 102, are permitted as of right, provided that prior to the issuance of any necessary  
23 permits, the Zoning Administrator, with the advice of the Historic Preservation Commission,  
24 determines that allowing the use will enhance the feasibility of preserving the building. In the  
25

RCD District only, in addition to the above uses, Arts Activities and Nighttime Entertainment as defined in Section 102 are permitted as of right.

(c) The Historic Preservation Commission shall review the proposed project for compliance with the Secretary of the Interior's Standards; (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

**SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

		Regional Commercial District
Zoning Category	§ References	Controls
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
* * * *		

		Controls by Story		
		1st	2nd	3rd+
* * * *				
<b>Entertainment, Arts and Recreation Use Category</b>				
<b>Entertainment, Arts and Recreation Uses*</b>	§§ 102, 202.4	NP	NP	NP
<i>Arts Activities</i>	§ 102	<i>P(3)</i>	<i>P(3)</i>	<i>NP</i>
<i>Entertainment, Nighttime</i>	§ 102	<i>P(3)</i>	<i>P(3)</i>	<i>NP</i>
* * * *	* * * *	* * * *	* * * *	* * * *

\* Not listed below.

1 \* \* \* \*


2 (3) ~~Note deleted.~~ P on first and second floor in historic buildings per Section 703.9.

3  
4 Section 3. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor's veto of the ordinance.

8  
9 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the "Note" that appears under  
14 the official title of the ordinance.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By:

  
\_\_\_\_\_  
19 JUDITH A. BOYAJIAN  
20 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Planning Code - Arts Activities and Nighttime Entertainment Uses in Historic Buildings]

**Ordinance amending the Planning Code to allow Arts Activities and Nighttime Entertainment as Principally Permitted Uses in historic buildings in the RCD (Regional Commercial District) district; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

Existing Law

Planning Code Section 703.9 allows specified uses to be permitted as of right in historic buildings that are located within the Folsom Street Neighborhood Commercial Transit District and the Regional Commercial District. Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, must determine that allowing the use will enhance the feasibility of preserving the building. The Historic Preservation Commission reviews the proposed project for compliance with the Secretary of the Interior’s Standards.

Amendments to Current Law

The proposed ordinance will authorize two additional uses permitted as of right – Arts Activities and Nighttime Entertainment – in the Regional Commercial District.

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