

**LEGISLATIVE DIGEST**

*Substituted 9/16/2014*

[Planning Code - Nighttime Entertainment and Uses Greater than 25,000 Square Feet in Western SoMa]

**Ordinance amending the Planning Code to authorize Elementary and Secondary Schools and Child Care uses to exceed 25,000 square feet in the Regional Commercial District, authorize a Nighttime Entertainment use in the Western SoMa Mixed Use-Office Zoning District within 200 feet of any property within a Residential Enclave or Residential Enclave-Mixed District where a Nighttime Entertainment use legally operated within five years prior to an application to re-establish the use, allow Nighttime Entertainment as a permitted use within the Western SoMa Mixed Use-Office Zoning District; and affirming the Planning Department's California Environmental Quality Act determination and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

The Regional Commercial District is established in Section 744.1 of the Planning Code. The District is located along the 9th and 10th Street corridors, generally running from Mission Street to Harrison Street. In this District, a use above 25,000 square feet is prohibited.

Planning Code Section 823 requires a 200-foot buffer in Western SoMa between a Nighttime Entertainment use and any property within a RED or RED-MX District. Section 845 and the accompanying Zoning Control Table regulates uses in the WMUO – WSOMA Mixed Use-Office District; Subsection 845.56 requires a Conditional Use authorization for Nighttime Entertainment uses.

Amendments to Current Law

Table 744 of the Planning Code is amended to allow Elementary and Secondary Schools and Child Care uses to exceed 25,000 square feet. Section 823 is amended to provide that the 200-foot buffer does not apply to a Nighttime Entertainment use in the WMUO District where a Nighttime Entertainment use legally operated within five years prior to an application to re-establish the use. Section 845.56 of the Zoning Control Table for the WMUO – WSOMA Mixed Use-Office District is amended to authorize Nighttime Entertainment uses as a permitted use.

Background Information

The prohibition against a use size above 25,000 square feet was inadvertently made a provision of the Code when the Western SoMa controls were enacted in 2013. Any use above 10,000 square feet will still require a Conditional Use authorization from the Planning Commission. The 200-foot buffer requirement in Western SoMa has the unintended

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consequence of prohibiting the re-authorization of an existing use. Re-authorization of the use will still require City approvals. The requirement for a Nighttime Entertainment use to obtain a Conditional Use authorization in the WMUO – WSOMA Mixed Use-Office District was made a provision of the Code in error.

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