

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 1/23/2023)

[Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District]

Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District, the Regional Commercial District, and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; clarifying the buffer restrictions for Nighttime Entertainment uses in the Service/Arts/Light Industrial District and the Western SoMa Mixed Use-Office 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Currently, Nighttime Entertainment uses are not permitted in the Folsom Street Neighborhood Commercial Transit District and the Western SoMa Mixed Use-General District. (See Planning Code Sections 757 and 844.) The Western SoMa Special Use District permits Nighttime Entertainment Uses, but imposes restrictions on where those uses can be established within the Special Use District. Specifically, Planning Code Section 823(c)(9)(A) prohibits Nighttime Entertainment uses within 200 linear feet of any property within a Residential Enclave District or Residential Enclave-Mixed District.

The Leather and LGBTQ Cultural District (Administrative Code Section 107.3(e)) encompasses the Folsom Street Neighborhood Commercial Transit District and portions of the Western SoMa Mixed Use-General District and Western SoMa Special Use District.

Amendments to Current Law

This ordinance would amend Planning Code Section 757 to authorize Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street in the Folsom Neighborhood Commercial Transit District.

This ordinance would also amend Planning Code Section 844 to authorize Nighttime Entertainment as a principally permitted use in the Western SoMa Mixed Use-General District

(WMUG), specifically on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street.

In addition, this ordinance would amend Planning Code Section 823 to remove the 200 linear feet buffer requirement in the Western SoMa Special Use District (SUD), specifically on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street.

Background Information

This updated Legislative Digest includes amendments that were adopted at a hearing of the Land Use and Transportation Committee of the Board of Supervisors, on January 23, 2023. The amendments include:

- amending Planning Code Section 758 to authorize Nighttime Entertainment as a Permitted Use on properties fronting Folsom Street between 7th Street and Division Street in the Regional Commercial District;
- amending Planning Code Section 845 to clarify that in the Western SoMa Mixed Use Office District Nighttime Entertainment is subject to the buffer restrictions in Section 823(c)(9)(A);
- amending Planning Code Section 846 to clarify that in the Service/Arts/Light Industrial District Nighttime Entertainment is subject to the buffer restrictions in Section 823(c)(9)(A).