

BOARD of SUPERVISORS



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MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: March 25, 2025

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 241208-3 SUBSTITUTE

Ordinance amending the Planning Code to eliminate the 200-foot buffer restriction in the Western SoMa Special Use District for Nighttime Entertainment uses located within 200 feet of a RED (Residential Enclave) or RED-MX (Residential Enclave-Mixed) District and delete references to the buffer restriction in the SALI (Service/Arts/Light Industrial) and WMUO (WSoMa Mixed-Use Office) Districts; principally permit General Entertainment and Nighttime Entertainment uses at 655 Folsom Street (Assessor's Parcel Block No. 3750, Lot No. 050) located in the MUR (Mixed-Use Residential) 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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Offices of Chair Melgar and Supervisor Dorsey
Kerry Birnbach, Senior Policy Analyst/Commission Secretary

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment
 Recommendation Attached

Chairperson, Small Business Commission

1 [Planning Code - Entertainment Uses in South of Market]

2

3 **Ordinance amending the Planning Code to eliminate the 200-foot buffer restriction in**
4 **the Western SoMa Special Use District for Nighttime Entertainment uses located**
5 **within 200 feet of a RED (Residential Enclave) or RED-MX (Residential Enclave-Mixed)**
6 **District and delete references to the buffer restriction in the SALI (Service/Arts/Light**
7 **Industrial) and WMUO (WSoMa Mixed-Use Office) Districts; principally permit General**
8 **Entertainment and Nighttime Entertainment uses at 655 Folsom Street (Assessor’s**
9 **Parcel Block No. 3750, Lot No. 050) located in the MUR (Mixed-Use Residential) District;**
10 **affirming the Planning Department’s determination under the California Environmental**
11 **Quality Act; making findings of consistency with the General Plan, and the eight**
12 **priority policies of Planning Code, Section 101.1; and making findings of public**
13 **necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

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

18

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

20

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25

1 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
2 determination.

3 (b) On _____, the Planning Commission, in Resolution No. _____,
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
7 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
9 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
10 Commission Resolution No. _____, and incorporates such reasons by this reference
11 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
12 No. _____.

13

14 Section 2. Background and General Findings.

15 (a) For over 50 years, the South of Market area ("SoMa"), specifically the Folsom
16 Street corridor, has been one of San Francisco's major nightlife and entertainment hubs, in
17 which innumerable bars and nightclubs were established catering to diverse populations.

18 (b) The Western SoMa Special Use District ("Western SoMa SUD") allows but
19 imposes restrictions on the establishment of new Nighttime Entertainment uses, including
20 requiring a 200-foot buffer between such uses and any property within a RED (Residential
21 Enclave) or RED-MX (Residential Enclave-Mixed) District, subject to certain exceptions.

22 (c) In 2023, the City enacted Ordinance No. 22-23 to promote and enhance the vitality
23 of nightlife in SoMa, specifically in portions of the neighborhood located within the Leather and
24 LGBTQ Cultural District ("Cultural District"), the boundaries of which are established in
25 Administrative Code Section 107.3(e). The ordinance principally permitted Nighttime

1 Entertainment uses at specified locations within the Cultural District and exempted such uses
2 from the 200-foot buffer requirement. However, Ordinance No. 22-23 did not address
3 properties that fall outside of the Cultural District’s boundaries.

4 (d) This ordinance removes the buffer restrictions in the Western SoMa SUD. General
5 Entertainment and Nighttime Entertainment uses are already principally permitted in the SALI
6 (Service/Arts/Light Industrial) and WMUO (WSoMa Mixed Use-Office) Districts. The portions
7 of those Districts that are also within the Western SoMa SUD will no longer be subject to the
8 buffer restrictions.

9 (e) This ordinance also principally permits General Entertainment and Nighttime
10 Entertainment uses at 655 Folsom Street in the MUR (Mixed-Use Residential) District. The
11 property at 655 Folsom Street is surrounded by properties zoned C-3 (Downtown
12 Commercial), where more commercial uses are permitted, including General Entertainment
13 and Nighttime Entertainment uses. Unlike its commercially-zoned neighbors, this property is
14 zoned MUR (Mixed-Use Residential), which allows a more limited subset of commercial uses.
15 This property is at an active location fronting Folsom Street, in the heart of the Yerba
16 Buena/Downtown area, and close to other commercial uses. In the near term, the currently
17 vacant property can be activated as an entertainment use and will contribute to the recovery
18 of the Downtown area. In the future, the property may be the site of a housing development.
19 Therefore, at this time, a narrow expansion of permitted uses for this property, as opposed to
20 a complete rezoning, is an appropriate mechanism to balance the interests of immediately
21 activating vacant properties and supporting the long-term goal of developing much-needed
22 housing in the City.

23
24 Section 3. Articles 2 and 8 of the Planning Code are hereby amended by revising
25 Sections 249.39, 833, 836, and 840, to read as follows:

1 **SEC. 249.39. WESTERN SOMA SPECIAL USE DISTRICT.**

2 * * * *

3 (c) **Controls.** All provisions of the Planning Code shall apply except as otherwise
4 provided in this subsection (c).

5 * * * *

6 (4) **Nonconforming Uses.** A legal nonconforming Nighttime Entertainment use
7 located in a building that is demolished may be re-established within a newly constructed
8 replacement building on the same lot with a Conditional Use authorization pursuant to Section
9 303 of this Code, and pursuant to the following criteria:

10 (A) The Gross Floor Area of the re-established nonconforming Nighttime
11 Entertainment use may be increased up to 25% ~~percent~~ more than the area it occupied in the
12 building proposed for demolition;

13 * * * *

14 (7) **Recreation Facilities.** The demolition of recreation facilities, as defined in
15 subsection 249.39(c)(~~7~~8)(A) of this Code, shall be governed by the following:

16 * * * *

17 ~~(7) **Buffers from Nighttime Entertainment.** Additional requirements applicable to~~
18 ~~Nighttime Entertainment uses, as defined in Section 102, are as follows:~~

19 ~~(A) **Nighttime Entertainment.** No portion of a non-accessory Nighttime~~
20 ~~Entertainment use, as defined in Section 102 of this Code, shall be permitted within 200 linear feet of~~
21 ~~any property within a RED or RED-MX District. This buffer shall not apply to (i) any Nighttime~~
22 ~~Entertainment use within the WMUO District where a Nighttime Entertainment use that was~~
23 ~~established with a building permit application or a permit from the Entertainment Commission or~~
24 ~~Police Department was in operation within five years prior to submission of a building permit~~
25 ~~application to re-establish a Nighttime Entertainment use, or (ii) a Nighttime Entertainment Use~~

1 ~~established within the Regional Commercial District Pursuant to Section 703.9(b) of this Code, or (iii)~~
 2 ~~properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th~~
 3 ~~Street between Howard Street and Division Street.~~

4 * * * *

5
 6 **SEC. 833. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

7 The Mixed Use-Residential District (MUR) is intended to facilitate the development of
 8 high-density, mid-rise housing, including family-sized housing and residential hotels. The
 9 district is also designed to encourage the expansion of retail, business service, and
 10 commercial and cultural arts activities. Accessory Dwelling Units are permitted within the
 11 district pursuant to Section 207.1 of this Code.

12 Continuous ground floor commercial frontage with pedestrian-oriented retail activities
 13 along major thoroughfares is encouraged. Hotels, ~~nighttime entertainment~~, adult entertainment,
 14 and heavy manufacturing uses are not permitted. Nighttime entertainment uses generally are not
 15 permitted. Office is limited by residential-to-non residential ratio in new construction.

16
 17 **Table 833**

18 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Entertainment, Arts and Recreation Use Category		
Entertainment, Arts and Recreation Uses*	§§ 102, 181(f), 249.78, 803.9(b)	NP(1)(3)

1	Arts Activities	§ 102	P
2	Entertainment, General	§ 102	NP(7)(8)
3	<i>Entertainment, Nighttime</i>	<i>§§ 102, 181(f)</i>	<i>NP(8)</i>
4	Movie Theater	§ 102	P up to three screens-
5	* * * *		

6 * Not listed below

7 * * * *

8 (7) C for Pool Hall.

9 (8) General Entertainment and Nighttime Entertainment uses are P for Assessor's Block 3750,

10 Lot 050.

11

12 **SEC. 836. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

13 The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale
 14 buildings with production, distribution, and repair uses. The district is designed to protect and
 15 facilitate the expansion of existing general commercial, manufacturing, home and business
 16 service, and light manufacturing activities, with an emphasis on preserving and expanding arts
 17 activities. Nighttime Entertainment is permitted, ~~although limited by buffers around RED and RED-~~
 18 ~~MX districts.~~ Residential Uses, Offices, Hotels, and Adult Entertainment uses are not
 19 permitted, except that certain Affordable Housing Projects are permitted within the district
 20 pursuant to Section ~~846.24~~ 803.8 of this Code, and Accessory Dwelling Units are permitted
 21 within the district pursuant to Section 207.1 of this Code.

22 * * * *

23 **Table 836**

24 **SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Service/Arts/Light Industrial District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Entertainment, Arts and Recreation Use Category		
Entertainment, Arts and Recreation Uses*	§ 102, 803.9(b)	P (10)
Movie Theater	§ 102	P up to three screens-
Outdoor Entertainment	§ 102	NP
Sports Stadium	§ 102	NP
* * * *		

* Not listed below

* * * *

~~(10) Nighttime Entertainment subject to buffer in Section 249.39(e)(7).~~

SEC. 840. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.

* * * *

Table 840

WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Western SoMa Mixed Use-Office District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Entertainment, Arts and Recreation Use Category		
Entertainment, Arts and Recreation Uses*	§ 102, 803.9(b)	P (9)
Movie Theater	§ 102	P, up to three screens
Outdoor Entertainment	§ 102	NP

Sports Stadium	§ 102	NP
* * * *		

* Not listed below

* * * *

~~(9) Nighttime Entertainment is subject to restrictions in Section 249.6(e)(9).~~

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

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ HEATHER GOODMAN
HEATHER GOODMAN
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, March 18, 2025)

[Planning Code - Entertainment Uses in South of Market]

Ordinance amending the Planning Code to eliminate the 200-foot buffer restriction in the Western SoMa Special Use District for Nighttime Entertainment uses located within 200 feet of a RED (Residential Enclave) or RED-MX (Residential Enclave-Mixed) District and delete references to the buffer restriction in the SALI (Service/Arts/Light Industrial) and WMUO (WSoMa Mixed-Use Office) Districts; principally permit General Entertainment and Nighttime Entertainment uses at 655 Folsom Street (Assessor's Parcel Block No. 3750, Lot No. 050) located in the MUR (Mixed-Use Residential) 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

The Planning Code regulates allowable uses for the MUR (Mixed Use-Residential), SALI (Service/Arts/Light-Industrial), and WMUO (WSoMa Mixed-Use Office) districts. Nighttime Entertainment is "a Retail Entertainment, Arts and Recreation Use that includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities. . . ." General Entertainment is "a Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served during performances, arcades that provide eleven or more amusement game devices . . . billiard halls, bowling alleys, skating rinks, and mini-golf. . . ." (Planning Code Section 102.)

In the SALI and WMUO districts, General Entertainment and Nighttime Entertainment are principally permitted. (Planning Code Sections 836 and 840.) In the MUR district, General Entertainment and Nighttime Entertainment are not permitted. (Planning Code Section 833.)

Portions of the MUR, SALI, and WMUO districts are also within the Western SoMa Special Use District ("SUD"). The SUD imposes additional restrictions on Nighttime Entertainment. Within the SUD, Nighttime Entertainment is not permitted within 200 feet of any property located in a RED (Residential Enclave) or RED-MX (Residential Enclave-Mixed) district, subject to certain exceptions. (Planning Code Section 249.39(c)(7).)

Amendments to Current Law

This ordinance amends the SUD to delete the 200-foot buffer requirement, and delete the references to this requirement from the SALI and WMUO districts. The ordinance also

principally permits General Entertainment and Nighttime Entertainment uses at 655 Folsom Street.

Background Information

In 2023, the City enacted Ordinance No. 22-23 to promote and enhance the vitality of nightlife in SoMa, specifically in portions of the neighborhood located within the Leather and LGBTQ Cultural District (“Cultural District”). However, Ordinance No. 22-23 did not address properties outside of the Cultural District’s boundaries.

The ordinance was originally introduced on December 17, 2024 (Version 1). A substitute ordinance was introduced on February 4, 2025 (Version 2). Versions 1 and 2 of the ordinance would have permitted General Entertainment and Nighttime Entertainment uses in the MUR district on properties fronting Folsom Street. Versions 1 and 2 of the ordinance would also have created an exemption from the SUD’s buffer restrictions for Nighttime Entertainment uses in the MUR district on properties fronting Folsom Street and in the SALI district on properties fronting Brannan Street.

This ordinance is a further substitute ordinance, introduced on March 18, 2024 (Version 3). Version 3 deletes the 200-foot buffer restriction and principally permits General Entertainment and Nighttime Entertainment uses at 655 Folsom Street in the MUR district. Provisions in the SALI and WMUO districts referencing the buffer are deleted, since the buffer no longer exists.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: