



January 18, 2023

Ms. Angela Calvillo, Clerk
Honorable Supervisor Dorsey
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2022-010719PCA:
SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District
Board File No. 221104

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Dorsey

On January 12, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Dorsey that would amend Planning Code Section 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 and the Western SoMa Mixed Use-General District. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Add the following footnote to Nighttime Entertainment Uses in the RCD: *P on properties fronting Folsom Street between 7th Street and Division Street.*
2. Add the following footnote to Nighttime Entertainment in the SALI and WMUO: *See buffer restrictions and exceptions for Nighttime Entertainment in Section 823(c)(9)(A).*

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc: Giulia Gualco-Nelson, Deputy City Attorney
Madison Tam, Aide to Supervisor Dorsey
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21225

HEARING DATE: JANUARY 12, 2023

Project Name: SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District
Case Number: 2022-010719PCA [Board File No. 221104]
Initiated by: Supervisor Dorsey / Introduced October 25, 2022
Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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 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; 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.

WHEREAS, on October 25, 3033 Supervisors Dorsey introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 221104, which would amend 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 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;

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on January 12, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission’s proposed recommendation(s) is/are as follows:

Amend the ordinance to make the following clerical additions:

1. Add the following footnote to Nighttime Entertainment Uses in the RCD: *P on properties fronting Folsom Street between 7th Street and Division Street.*
2. Add the following footnote to Nighttime Entertainment in the SALI and WMUO: *See buffer restrictions and exceptions for Nighttime Entertainment in Section 823(c)(9)(A).*

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission supports the proposed amendments because they loosen the restrictions on Nighttime Entertainment uses in the Eastern Neighborhoods, helping to make a more vibrant and sustainable Nighttime Entertainment district. These changes also balance the need to preserve the livability of the surroundings residential areas, and the need to protect the historic and cultural assets of the SoMa Pilipino community.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed Planning Code amendments have been carefully throughout to reduce any undesirable consequences. The changes also follow established land use patterns in the Eastern Neighborhood's.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The proposed Ordinance allows new commercial activity in districts where it once was largely prohibited. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of recreational activities available to employees. This enhances San Francisco as a location for firms.

OBJECTIVE 8

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.2

Support locally initiated efforts to improve the visitor trade appeal of neighborhood commercial districts.

The proposed amendments will help the City's nightlife industry, which is a significant tourist draw for San Francisco.

Western SoMa Area Plan

OBJECTIVE 1.3

MINIMIZE NOISE IMPACTS AND ENSURE APPROPRIATE NOISE ORDINANCE REQUIREMENTS ARE MET.

Policy 1.3.2

Reduce potential land use conflicts by carefully considering the location and design of both noise-generating uses and sensitive uses in the Western SoMa.

The proposed amendments have been carefully considered to minimize impacts to adjacent residential areas.

OBJECTIVE 2.2

PROMOTE APPROPRIATE NEW NEIGHBORHOOD BUSINESS OPPORTUNITIES THAT CREATIVELY RESPOND TO NEIGHBORHOOD, CITYWIDE AND REGIONAL ECONOMIC NEEDS AND TRENDS.

Policy 2.2.15

Provide relocation opportunities for existing nighttime entertainment uses into areas where the impacts on neighborhood residential areas can be minimized.

Opening areas of the Eastern Neighborhoods for Nighttime Entertainment will provide more areas to which existing Nighttime Entertainment uses can relocate.

OBJECTIVE 8.3

PROTECT AND ENCOURAGE APPROPRIATE NEIGHBORHOOD ENTERTAINMENT USES.

Policy 8.3.4

Provide opportunities for relocation of existing entertainment uses from residential areas to non-residential areas of the Western SoMa SUD.

Opening areas of the Eastern Neighborhoods for Nighttime Entertainment will provide more areas to which existing Nighttime Entertainment uses can relocate.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve

the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on January 12, 2023.



Jonas P. Ionin
Commission Secretary

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: January 12, 2023



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: January 12, 2023

90-Day Deadline: January 26, 2023

Project Name: SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District
Case Number: 2022-010719PCA [Board File No. 221104]
Initiated by: Supervisor Dorsey / Introduced October 25, 2022
Staff Contact: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend 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 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; 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

The Way It Is Now:

1. The Planning Code establishes a 200’ buffer around RED and RED-MX Districts that prohibits Nighttime Entertainment or Animal Services uses within that buffer.
2. The zoning districts listed below have properties that front along the Folsom Street between 7th Street and Division Street or along 11th Street between Howard Street and Division Street. In those districts,

Nighttime Entertainment is regulated as follows:

- Folsom Street NCT: NP
- RCD: NP
- WMUG: NP
- WMUO: P
- SALI: P

The Way It Would Be:

1. The 200' buffer would remain; however, there would be an exception for properties that front along Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street.
2. The underlying controls in the listed zoning districts would not change; however, regardless of the underlying zoning, Nighttime Entertainment would be principally permitted for properties that front along Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street.

Background

On November 17, 2022, the Planning Commission recommended approval with modification for Board File 220340, "Neighborhood Commercial and Mixed-Use Zoning Districts." This ordinance brought the Eastern Neighborhood zoning districts into conformity with the Code Reorganization Project and made several substantive amendments. The Commission's recommendation included, among other things, the exact provisions outline in this ordinance; therefore, the Commission has already recommended approval on the changes proposed in this ordinance. Yet, because this ordinance has a new board file number, the Planning Code requires a hearing before the Planning Commission.

Issues and Considerations

Community Consensus

The provisions outlined in this ordinance are a result of discussions between the various interest groups in the Eastern Neighborhood area, including the SoMa Pilipinas and the Leather and LGBTQ Community. The proposed amendments represent a compromise between those interests. The amendments seek to balance the need to preserve the livability of the RED and RED-MX Districts, the desire to preserve existing cultural institutions, and the desire to allow for more Nighttime Entertainment uses in the Western SoMa plan area.

General Plan Compliance

The proposed ordinance is consistent with the General Plan in that it will allow new Nighttime Entertainment uses to locate within generally recognized commercial areas; seeks to retain and enhance existing entertainment uses; and will help maintain a favorable cultural climate in San Francisco. This ordinance is consistent with the Western SoMa Plan in that it has carefully considered the appropriate location of Nighttime Entertainment uses

to reduce potential land use impacts and will allow existing Nighttime Entertainment venues additional areas into which they can relocate.

Racial and Social Equity Analysis

The proposed Planning Code Amendments cannot be tied directly to furthering racial and social equity; however, the proposed amendments were created out of a compromise between two community groups, the LGBTQ Leather Community, and the SoMa Pilipinas. Both groups have been working to preserve their history and culture within the Western SoMa plan area. Part of the mission of the Leather and LGBTQ Cultural District is to "To preserve, advance, and promote San Francisco's LEATHER & LGBTQ Cultural District as a local, national, and international resource, and as a culturally and commercially enriched neighborhood and district." Part of the missions of the SoMa Pilipinas is "to prevent the displacement of Filipino residents, protect our historic and cultural assets, and sustain our legacy institutions and community organizations." The proposed amendments recognize the importance of Nighttime Entertainment to the LGBT Leather Community, while also acknowledging the importance of preserving the livability of the residential areas and preserving historic and cultural assets important to the Pilipino Community.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

Recommendation 1: Amend the ordinance to make the following clerical additions:

1. Add the following footnote to Nighttime Entertainment Uses in the RCD: *P on properties fronting Folsom Street between 7th Street and Division Street.*
2. Add the following footnote to Nighttime Entertainment in the SALI and WMUO: *See buffer restrictions and exceptions for Nighttime Entertainment in Section 823(c)(9)(A).*

Basis for Recommendation

The Department supports the proposed amendments because they loosen the restrictions on Nighttime Entertainment uses in the Eastern Neighborhoods, helping to make a more vibrant and sustainable Nighttime Entertainment district. These changes also balance the need to preserve the livability of the surrounding residential areas, and the need to protect the historic and cultural assets of the SoMa Pilipino community.

Recommendation 1: The proposed modifications are clerical and intended to provide more clarity in the Planning Code.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance; however, comment was provided to the Planning Commission on the proposed amendments during the November 17 hearing. The comments directed at these amendments were general positive.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 221104