

File No. 221030

Committee Item No. _____
Board Item No. 40

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____
Board of Supervisors Meeting

Date: _____
Date: October 18, 2022

Cmte Board

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OTHER

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Prepared by: Brittney Harrell
Prepared by: _____

Date: October 13, 2022
Date: _____

1 [Approval of a 90-Day Extension for Planning Commission Review of Neighborhood
2 Commercial and Mixed-Use Zoning Districts (File No. 220340)]

3 **Resolution extending by 90 days the prescribed time within which the Planning**
4 **Commission may render its decision on an Ordinance (File No. 220340) amending the**
5 **Planning Code to update and reorganize Neighborhood Commercial and Mixed Use**
6 **Zoning District controls, including, among other things, to 1) permit Accessory Arts**
7 **Activities, and production, wholesaling, and processing of goods and commodities, to**
8 **occupy more than one-third of total space in Commercial (C), Downtown Residential**
9 **(DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial**
10 **(RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and**
11 **Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood**
12 **Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern**
13 **Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial**
14 **buildings in Residential Enclave Districts; 3) principally permit General Entertainment**
15 **and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally**
16 **permit Bar uses on the second floor in the Folsom Street NCT and Regional**
17 **Commercial Districts; 5) principally permit Nighttime Entertainment uses in the**
18 **Regional Commercial and Western SoMa Mixed Use - General (WMUG) Districts; 6)**
19 **principally permit Nighttime Entertainment in the Mixed Use - General (MUG) and**
20 **WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service**
21 **and Philanthropic Facility uses in the SoMa NCT District and certain Eastern**
22 **Neighborhoods Districts; 8) require that large developments in South of Market Mixed**
23 **use districts which contain commercial spaces provide a mix of commercial space**
24 **sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment**
25 **Commission’s good neighbor policies; and 10) remove certain limitations on location**

1 **for Nighttime Entertainment and Animal Services uses in the Western SoMa Special**
2 **Use District; and adopting environmental findings, findings of public necessity,**
3 **convenience, and welfare under Planning Code, Section 302, and findings of**
4 **consistency with the General Plan, and the eight priority policies of Planning Code,**
5 **Section 101.1.**
6

7 WHEREAS, On July 12, 2022, Supervisor Dorsey introduced Version 3 of Board File
8 220340, an ordinance amending the Planning Code to update and reorganize Neighborhood
9 Commercial and Mixed Use Zoning District controls, including, among other things, to 1)
10 permit Accessory Arts Activities, and production, wholesaling, and processing of goods and
11 commodities, to occupy more than one-third of total space in Commercial (C), Downtown
12 Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-
13 Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility,
14 and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood
15 Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern
16 Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings
17 in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime
18 Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the
19 second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally
20 permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed
21 Use - General (WMUG) Districts; 6) principally permit Nighttime Entertainment in the Mixed
22 Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility,
23 and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain
24 Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed
25

1 use districts which contain commercial spaces provide a mix of commercial space sizes; 9)
2 require that all Nighttime Entertainment uses comply with the Entertainment Commission's
3 good neighbor policies; and 10) remove certain limitations on location for Nighttime
4 Entertainment and Animal Services uses in the Western SoMa Special Use District; and
5 adopting environmental findings, findings of public necessity, convenience, and welfare under
6 Planning Code, Section 302, and findings of consistency with the General Plan, and the eight
7 priority policies of Planning Code, Section 101.1; and

8 WHEREAS, On or about July 20, 2022, the Clerk of the Board of Supervisors referred
9 the proposed ordinance to the Planning Commission; and

10 WHEREAS, The Planning Commission shall, in accordance with Planning Code
11 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date
12 of referral of the proposed amendment or modification by the Board to the Commission; and

13 WHEREAS, Failure of the Commission to act within 90 days shall be deemed to
14 constitute disapproval; and

15 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by
16 Resolution, extend the prescribed time within which the Planning Commission is to render its
17 decision on proposed amendments to the Planning Code that the Board of Supervisors
18 initiates; and

19 WHEREAS, Supervisor Dorsey has requested additional time for the Planning
20 Commission to review the proposed Ordinance; and

21 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
22 Commission additional time to review the proposed Ordinance and render its decision; now,
23 therefore, be it

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1 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
2 within which the Planning Commission may render its decision on the proposed Ordinance for
3 approximately 90 additional days, until January 16, 2023.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 220709) amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed Use - General (WMUG) Districts; 6) principally permit Nighttime Entertainment in the

Mixed Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor:

For Clerk's Use Only