

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

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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

25

1 Supervisors in File No. 241208 and is incorporated herein by reference. The Board affirms  
2 this 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
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Entertainment, Arts and Recreation Use Category</b>		
<b>Entertainment, Arts and Recreation Uses*</b>	§§ 102, 181(f), 249.78, 803.9(b)	NP(1)(3)

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

\* Not listed below

\* \* \* \*

(7) C for Pool Hall.

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

Lot 050.

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

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

\* \* \* \*

**Table 836**

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

Zoning Category	§ References	Service/Arts/Light Industrial District Controls
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Entertainment, Arts and Recreation Use Category</b>		
<b>Entertainment, Arts and Recreation Uses*</b>	§ 102, 803.9(b)	P <del>(10)</del>
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(c)(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
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Entertainment, Arts and Recreation Use Category</b>		
<b>Entertainment, Arts and Recreation Uses*</b>	§ 102, 803.9(b)	P <del>(9)</del>
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(c)(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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