

1 [Planning Code - Nighttime Entertainment Uses in Certain SALI and MUR Districts South of  
Market]

2

3 **Ordinance amending the Planning Code to conditionally permit Nighttime**  
4 **Entertainment uses on properties fronting Brannan Street in the SALI**  
5 **(Service/Arts/Light Industrial) District that fall within 200 feet of a RED (Residential**  
6 **Enclave) or RED-MX (Residential Enclave-Mixed) District; conditionally permitting**  
7 **Nighttime Entertainment uses on properties that front Folsom Street in the MUR**  
8 **(Mixed-Use Residential) District; exempting the aforementioned Folsom and Brannan**  
9 **Street properties from the 200-foot buffer restrictions for Nighttime Entertainment**  
10 **uses; making clarifying revisions to buffer restrictions for Nighttime Entertainment**  
11 **uses; affirming the Planning Department’s determination under the California**  
12 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
13 **the eight priority policies of Planning Code, Section 101.1; and making findings of**  
14 **public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

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

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

23 Section 1. Land Use and Environmental Findings.

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

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 hubs, in which innumerable  
17 bars and nightclubs were established catering to diverse populations.

18 (b) The Western SoMa Special Use District allows but imposes restrictions on the  
19 establishment of new Nighttime Entertainment uses, including requiring a 200-foot buffer  
20 between such uses and any property within a RED (Residential Enclave) or RED-MX  
21 (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). However, Ordinance No. 22-23 did not address

1 properties that front Brannan Street in the SALI (Service/Arts/Light Industrial) District or  
2 properties that front Folsom Street in the MUR (Mixed-Use Residential) District, both of which  
3 fall outside of the Cultural District's boundaries. Currently in SALI Districts, Nighttime  
4 Entertainment Uses are principally permitted, except on properties within the 200-foot buffer  
5 zone. In MUR Districts, Nighttime Entertainment uses are not permitted.

6 (d) This ordinance seeks to balance the buffer restrictions in the Western SoMa  
7 Special Use District with the need to promote the establishment and enhancement of nightlife  
8 in SoMa. To achieve this balance, the ordinance removes the buffer restrictions for properties  
9 that front Brannan Street in the SALI District and subjects new Nighttime Entertainment uses  
10 on such properties within the buffer to the conditional use process. This ordinance does not  
11 affect properties in the SALI District that are outside the 200-foot buffer restriction, where  
12 Nighttime Entertainment uses are currently principally permitted. For properties that front  
13 Folsom Street in the MUR District, the ordinance conditionally permits new Nighttime  
14 Entertainment Uses and exempts such properties from the buffer restrictions.

15  
16 Section 3. Articles 2 and 8 of the Planning Code are hereby amended by revising  
17 Sections 249.39, 833, 836, and 840, to read as follows:

18  
19 **SEC. 249.39. WESTERN SOMA SPECIAL USE DISTRICT.**

20 \* \* \* \*

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

23 \* \* \* \*

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

(A) **Nighttime Entertainment.** No portion of a non-accessory Nighttime Entertainment use, as defined in Section 102 of this Code, shall be permitted within 200 linear feet of any property within a RED or RED-MX District. This buffer shall not apply to: (i) any Nighttime Entertainment use within the WMUO District where a Nighttime Entertainment use that was established with a building permit application or a permit from the Entertainment Commission or Police Department was in operation within five years prior to submission of a building permit application to re-establish a Nighttime Entertainment use, ~~or~~ (ii) a Nighttime Entertainment Use established within the Regional Commercial District ~~p~~ursuant to Section 703.9(b) of this Code, ~~or~~ (iii) properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street, (iv) conditionally permitted Nighttime Entertainment uses on properties fronting Folsom Street in the MUR District, or (v) conditionally permitted Nighttime Entertainment uses on properties fronting Brannan Street in the SALI District.

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

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<b>Table 833</b>		
<b>MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE</b>		
<b>Zoning Category</b>	<b>§ References</b>	<b>Mixed Use-Residential District Controls</b>
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Entertainment, Arts and Recreation Use Category</b>		

1	<b>Entertainment, Arts and Recreation Uses*</b>	§§ 102, 181(f), 249.78, 803.9(b)	NP (1)(3)
2	* * * *		
3	Movie Theater	§ 102	P up to three screens.
4	<u>Nighttime Entertainment</u>	<u>§§ 102, 181(f), 823</u>	<u>NP (8)</u>
5	* * * *		
6			
7			

\* Not listed below

\* \* \* \*

(8) C on properties fronting Folsom Street. Conditionally permitted Nighttime Entertainment uses on such properties are not subject to the buffer in Section 249.39(c)(7).

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

\* \* \* \*

<b>Table 836</b>		
<b>SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE</b>		
<b>Zoning Category</b>	<b>§ References</b>	<b>Service/Arts/Light Industrial District Controls</b>
* * * *		
<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.

<i>Nighttime Entertainment</i>	<u>§§ 102, 823</u>	<u>P (10)</u>
* * * *		

\* Not listed below

\* \* \* \*

(10) Nighttime Entertainment subject to buffer in Section ~~249.6(e)(9)~~249.39(c)(7), *except that within such buffer Nighttime Entertainment uses shall be conditionally permitted on properties fronting Brannan Street.*

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

\* \* \* \*

<b>Table 840</b>		
<b>WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE</b>		
<b>Zoning Category</b>	<b>§ References</b>	<b>Western SoMa Mixed Use-Office District Controls</b>
* * * *		
<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 (9)
* * * *		

\* Not listed below

\* \* \* \*

(9) Nighttime Entertainment is subject to restrictions in Section ~~249.39(c)(7)~~249.6(e)(9).

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

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

12  
13 APPROVED AS TO FORM:  
14 DAVID CHIU, City Attorney

15 By: /s/ Giulia Gualco-Nelson  
16 GIULIA GUALCO-NELSON  
Deputy City Attorney

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