

1 [Planning Code - Nighttime Entertainment and Uses Greater than 25,000 Square Feet in
2 Western SoMa]

3 **Ordinance amending the Planning Code to authorize Elementary and Secondary**
4 **Schools and Child Care uses to exceed 25,000 square feet in the Regional Commercial**
5 **District, authorize a Nighttime Entertainment use in the Western SoMa Mixed Use-**
6 **Office Zoning District within 200 feet of any property within a Residential Enclave or**
7 **Residential Enclave-Mixed District where a Nighttime Entertainment use legally**
8 **operated within five years prior to an application to re-establish the use, allow**
9 **Nighttime Entertainment as a permitted use within the Western SoMa Mixed Use-Office**
10 **Zoning District; and affirming the Planning Department’s California Environmental**
11 **Quality Act determination and making findings of consistency with the General Plan,**
12 **and the eight priority policies of Planning Code, Section 101.1.**

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

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

21 Section 1. 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.). The Board of Supervisors hereby affirms this determination.
25 Said determination is on file with the Clerk of the Board of Supervisors in File No. 140724 and
is incorporated herein by reference.

1 (b) On September 5, 2014, the Planning Commission, in Resolution No. 19227,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. 140724, and is incorporated herein by reference.

6
7 Section 2. The Planning Code is hereby amended by revising Table 744, to read as
8 follows:

9 **SEC. 744.1. REGIONAL COMMERCIAL DISTRICT.**

10 The Regional Commercial District (RCD) is located along the 9th Street and 10th
11 Street corridors, generally running from Mission Street to Harrison Street, and provides for a
12 wide variety of commercial uses and services to a population greater than the immediate
13 neighborhood. While providing convenience goods and services to the surrounding
14 neighborhood, the RCD corridors are also heavily trafficked thoroughfares into and out of the
15 City that serve shoppers from other neighborhoods and cities.

16 Large-scale lots and buildings and wide streets distinguish the RCD from smaller-
17 scaled neighborhood commercial streets, although the district also includes small as well as
18 moderately scaled lots. Buildings typically range in height from two to four stories with
19 occasional taller structures.

20 A diverse commercial environment is encouraged for the RCD. Eating and drinking
21 establishments, general retail, office, certain auto uses, and production, distribution, and
22 repair uses generally are permitted with certain limitations at the first and second stories. Arts
23 activities are encouraged on all floors, but nighttime entertainment uses are prohibited.

Housing development is encouraged at the second story and above, and permitted on the ground floor on smaller lots. Student housing is not permitted, and existing residential units are protected by limitations on demolitions and conversions.

Table 744
REGIONAL COMMERCIAL DISTRICT
ZONING CONTROL TABLE

Regional Commercial			
No.	Zoning Category	§ Reference s	Controls
* * * * COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES * * * *			
744.21	Use Size [Non-Residential]	§§ 121.2, 790.130	P up to 10,000 sq. ft.; C above; NP above 25,000 sq. ft. <i>except for Elementary and Secondary Schools as defined in Planning Code Section 217(f) and (g) and Child Care as defined in Planning Code Sections 790.50(b) and 790.51(a).</i>
* * * *			

Section 3. The Planning Code is hereby amended by revising Sections 823 and 845.56, to read as follows:

SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.

(a) The Western SoMa Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed by Sections 803.6 ~~and 803.7~~ of this Code, and Board of Supervisors Resolution No. 731-04.

1 (b) **Design Standards.** The construction of new buildings and alteration of existing
2 buildings in the Western SoMa Special Use District shall be consistent with the design policies
3 and guidelines of the "WSoMa Design Standards" as adopted and periodically amended by
4 the Planning Commission.

5 (c) **Controls.** All provisions of the Planning Code shall apply except as otherwise
6 provided in this Section.

7 * * * *

8 (9) **Buffers from Nighttime Entertainment and Animal Services.** Additional
9 requirements applicable to nighttime entertainment uses and kennels, as defined in Section
10 224, are as follows:

11 (A) **Nighttime Entertainment.** No portion of a nighttime entertainment
12 use, as defined in Section 102.17 of this Code, shall be permitted within 200 linear feet of any
13 property within a RED or RED-MX District. This buffer shall not apply to any nighttime
14 entertainment use within the WMUO District where a nighttime entertainment use that was established
15 with a building permit application or a permit from the Entertainment Commission or San Francisco
16 Police Department was in operation within five years prior to submission of a building permit
17 application to re-establish a nighttime entertainment use.

18 (B) **Animal Services.** No portion of an animal service use, as defined in
19 Section 224 of this Code, and that operates as a 24-hour facility, shall be permitted within 200
20 linear feet of an existing building containing a legal residential use, as defined in Section
21 890.88, within an RED or RED-MX District.

22 * * * *

23 **SEC. 845. WMUO - WSOMA MIXED USE-OFFICE DISTRICT.**

24 The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend
25 Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to

1 the north side of Folsom Street. The WMUO is designed to encourage office uses along with
 2 small-scale light industrial and arts activities. Nighttime entertainment is permitted, although
 3 limited by buffers around RED and RED-MX districts.

4 Office, general commercial, most retail, production, distribution, and repair uses are
 5 also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy
 6 industrial uses are not permitted.

7 **Table 845**
 8 **WMUO – WSOMA MIXED USE-OFFICE DISTRICT**
 9 **ZONING CONTROL TABLE**

			<i>Mixed Use-Office District</i>
No.	Zoning Category	§ References	Controls
13 * * * * 14 Assembly, Recreation, Arts and Entertainment			
15 * * * * 16 845.56 17 * * * *	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b), 823	€ <u>P</u>

18
 19 Section 4. Effective Date. This ordinance shall become effective 30 days after
 20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
 21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
 22 of Supervisors overrides the Mayor’s veto of the ordinance.

23
 24 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
 25 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the "Note" that appears under
4 the official title of the ordinance

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: _____
9 JUDITH A. BOYAJIAN
Deputy City Attorney

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