

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

3 **Ordinance amending the Planning Code to delete the prohibition against a non-**
4 **residential use exceeding 25,000 square feet in the Regional Commercial District; to**
5 **authorize a nighttime entertainment use in the Western SoMa Mixed Use-Office Zoning**
6 **District within 200 feet of any property within a Residential Enclave or Residential**
7 **Enclave-Mixed District where a nighttime entertainment use existed within five years**
8 **prior to an application to re-establish the use; and affirming the Planning Department's**
9 **California Environmental Quality Act determination and making findings of consistency**
10 **with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.
23 Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and
24 is incorporated herein by reference.

25 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the
City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3
4 Section 2. The Planning Code is hereby amended by revising Table 744, to read as
5 follows:

6 **SEC. 744.1. REGIONAL COMMERCIAL DISTRICT.**

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

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

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

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

1 **Table 744**

2 **REGIONAL COMMERCIAL DISTRICT**

3 **ZONING CONTROL TABLE**

Regional Commercial			
<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Controls</i>
4 5 6 ***** 7 COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES 8 *****			
9 10 744.21 11 12 *****	Use Size [Non-Residential]	§§ 121.2, 790.130	P up to 10,000 sq. ft.; C above; NP above 25,000 sq. ft.

13
 14 Section 3. The Planning Code is hereby amended by revising Section 823, to read as
 15 follows:

16 **SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.**

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

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

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

1 * * * *

2 (9) **Buffers from Nighttime Entertainment and Animal Services.** Additional
3 requirements applicable to nighttime entertainment uses and kennels, as defined in Section
4 224, are as follows:

5 (A) **Nighttime Entertainment.** No portion of a nighttime entertainment
6 use, as defined in Section 102.17 of this Code, shall be permitted within 200 linear feet of any
7 property within a RED or RED-MX District. *This buffer shall not apply to any nighttime*
8 *entertainment use within the WMUO District where a nighttime entertainment use existed within five*
9 *years prior to an application to re-establish the use.*

10 (B) **Animal Services.** No portion of an animal service use, as defined in
11 Section 224 of this Code, and that operates as a 24-hour facility, shall be permitted within 200
12 linear feet of an existing building containing a legal residential use, as defined in Section
13 890.88, within an RED or RED-MX District.

14 * * * *

15
16 Section 4. **Effective Date.** This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 5. **Scope of Ordinance.** In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 JUDITH A. BOYAJIAN
8 Deputy City Attorney

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