



January 24, 2023

Ms. Angela Calvillo, Clerk
Honorable Supervisor Dorsey
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2022-003902PCA:
Neighborhood Commercial and Mixed-Use Zoning Districts
Board File No. 220340

Historic Preservation Commission Recommendation: Recommendation to Approve

Dear Ms. Calvillo and Supervisor Dorsey,

On December 7, 2023, the Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Dorsey that would bring Article 8 into conformance with the Code Reorganization Project and make other substantive changes. At the hearing the Commission adopted a Recommendation to Approve.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr
Manager of Legislative Affairs

cc: Peter Miljanich, Deputy City Attorney
Madison Tam, Aide to Supervisor Dorsey
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 1290

HEARING DATE: DECEMBER 7, 2022

Project Name: Neighborhood Commercial and Mixed Use Zoning Districts
Case Number: 2022-003902PCA [Board File No. 220340]
Initiated by: Supervisor Dorsey / Introduced April 19, 2022
Staff Contact: Aaron Starr, Legislative Affairs
Aaron.starr@sfgov.org, 628-652-7533

RESOLUTION RECOMMENDING APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND 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.

WHEREAS, on April 19 Supervisors Haney introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220340, which would amend 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) conditionally 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,

WHEREAS, upon Supervisor Haney leaving office and Supervisor Dorsey assuming office as Supervisor for District 6, Supervisor Dorsey took over sponsorship of Board File 220340; and,

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 7, 2022; and,

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Commission hereby approves the proposed ordinance.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The Commission recommends this ordinance because it supports allowing more Intentional Uses in the Eastern Neighborhoods Districts to help the City's non-profit organizations thrive and serve more communities. Further it also expands where Arts Activities can locate. This not only benefits surrounding communities, but it also makes it easier for those organizations to find space that is suitable and affordable. Further, allowing more flexibility for historic resources helps ensure their continued use and preservation.

The Commission also finds that the City should investigate Planning Code changes like these to support Legacy Businesses.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

East SoMa Plan Area

OBJECTIVE 1.1

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING MIXED-USE CHARACTER

Policy 1.1.6

Retain East SoMa's existing residential alleys for residential uses.

The proposed ordinance would maintain the existing residential alleys in the Eastern SoMa Plan area, and with the Commission's proposed amendments would ensure residential uses are prioritized over other uses in these districts.

OBJECTIVE 1.5

MINIMIZE THE IMPACT OF NOISE ON AFFECTED AREAS AND ENSURE GENERAL PLAN NOISE REQUIREMENTS ARE MET

Policy 1.5.2

Reduce potential land use conflicts by carefully considering the location and design of both noise generating uses and sensitive uses in the East SoMa.

The proposed ordinance would allow more Nighttime Entertainment uses near residential uses; however, the Planning Commission's recommended modifications are intended to lessen any conflicts caused by this change.

OBJECTIVE 2.3

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES.

Policy 2.3.4

Encourage the creation of family supportive services, such as childcare facilities, parks and recreation, or other facilities, in affordable housing or mixed-use developments.

The proposed ordinance would relax the zoning controls for family supportive services, such as childcare facilities and other philanthropic uses.

OBJECTIVE 6.2

INCREASE ECONOMIC SECURITY FOR WORKERS BY PROVIDING ACCESS TO SOUGHT-AFTER JOB SKILLS

Policy 6.2.1

Provide workforce development training for those who work in and live in the Eastern Neighborhoods, particularly those who do not have a college degree.

The proposed ordinance relaxes the controls for Job Training facilities in several zoning districts in the Eastern Neighborhoods.

OBJECTIVE 7.1

PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

Policy 7.1.3

Ensure childcare services are located where they will best serve neighborhood workers and residents

The proposed amendments along with the Planning Commission recommendation would allow Childcare Facilities in residential areas without being limited by FAR requirements.

OBJECTIVE 7.2

ENSURE CONTINUED SUPPORT FOR HUMAN SERVICE PROVIDERS THROUGHOUT THE EASTERN NEIGHBORHOODS

Policy 7.2.2

Encourage new facilities and spaces for providers of services such as English as a Second Language, employment training services, art, education and youth programming.

The proposed ordinance relaxes the zoning controls on several institutional uses, encouraging new facilities and spaces for employment training services, art, education, and youth programming.

OBJECTIVE 7.3

REINFORCE THE IMPORTANCE OF THE SOUTH OF MARKET AS THE CENTER OF FILIPINO-AMERICAN LIFE IN SAN FRANCISCO

Policy 7.3.2

Encourage the creation of new social and cultural facilities in the East SoMa area.

Policy 7.3.1

Support efforts to preserve and enhance social and cultural institutions

Policy 7.3.2

Encourage the creation of new social and cultural facilities in the East SoMa area.

Policy 7.3.3

Protect and support Filipino and other culturally significant local business, structures, property and institutions in the East SoMa.

The proposed ordinance relaxes the zoning controls on several institutional uses, encourage the creation of new social and cultural facilities in the East SoMa area. These changes will also help support Filipino and other culturally significant institutions in the East SoMa by providing more locations for them to relocate or establish.

Western SoMa Plan Area

Policy 1.1.3

Protect existing and newly designated residential clusters with Residential Enclave District zoning controls

OBJECTIVE 1.3

MINIMIZE NOISE IMPACTS AND ENSURE APPROPRIATE NOISE ORDINANCE REQUIREMENTS ARE MET

Policy 1.3.2

Reduce potential land use conflicts by carefully considering the location and design of both noise-generating uses and sensitive uses in the Western SoMa.

The proposed ordinance would allow more Nighttime Entertainment uses near residential uses; however, the Planning Commission's recommended modifications are intended to lessen any conflicts caused by this change.

Central SoMa Plan Area

OBJECTIVE 3.6

RECOGNIZE THE IMPORTANCE OF NIGHTLIFE USES IN CREATING A COMPLETE NEIGHBORHOOD

Policy 3.6.1:
Allow nightlife where appropriate

The proposed ordinance appropriately relaxes Nighttime Entertainment Controls within the Central SoMa Plan Area.

OBJECTIVE 6.2

MINIMIZE GREENHOUSE GAS EMISSIONS

Policy 6.2.5
Minimize transportation-based greenhouse gas emissions.

The proposed ordinance would limit new parking facilities within the Central SoMa Plan Area, helping to reduce car trips and associated greenhouse gas emissions.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1
Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposed Ordinance allows new commercial activity in the Eastern Neighborhood Districts.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would help existing neighborhood businesses by providing them additional opportunities to increase revenue and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings but will allow more uses in historic buildings so that they can be adaptively reused aiding in their preservation.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby adopts a RECOMMENDATION TO APPROVE the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 7, 2022



Jonas P. Ionin
Commission Secretary

AYES: Wright, Black, Johns, So, Nageswaran, Matsuda

NOES: None

ABSENT: Foley

ADOPTED: December 7, 2022



EXECUTIVE SUMMARY PLANNING CODE TEXT AMENDMENT

HEARING DATE: December 7, 2022

90-Day Deadline: February 6, 2023

Project Name: Neighborhood Commercial and Mixed-Use Zoning Districts
Case Number: 2022-003902PCA [Board File No. 220340]
Initiated by: Supervisor Dorsey/ Reintroduced November 8, 2022
Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval with Modifications

Planning Code Amendment

Ordinance amending the Planning Code to update and reorganize the Eastern Neighborhoods Mixed Use Zoning District’s tables and use definitions in Section 102 consistent with the Code Reorganization Project, in addition to the several substantive amendments. Below are the changes in the ordinance that impact historic resources. For a more complete overview of all the changes in the ordinance, please see Exhibit D.

The Way It Is	The Way It Would Be
Changes That Impact Historic Resources	
Historic Buildings in Residential Enclave Districts (RED and RED-MX). Retail Sales and Service Uses and Office Uses are permitted in historic buildings in RED and RED-MX Districts with conditional use authorization.	In addition to the uses allowed with conditional use authorization, Arts Activities, Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School uses would be principally permitted in historic buildings.

Background

The proposed ordinance seeks to make several changes, most of which do not directly impact historic resources; however, the ordinance does expand the list of uses that are allowed in historic buildings in RED and RED-MX. This mainly impacts RED districts, since uses in that district are more tightly controlled than in the RED-MX district. Many of the uses covered under this amendment are already permitted in RED-MX. Other than Arts Activities, the uses being added are all Institutional Uses. Retail Sales and Office Uses are already allowed with Conditional Use authorization in historic resources under this existing code provision. For a complete overview of the proposed changes in the ordinance, please see Exhibit D.

Planning Commission Action

The Planning heard this item on November 17, 2022 and unanimously recommended approval with the following modifications:

1. Rather than amending the FAR ratios in the South Park, RED and RED-MX, exempt housing, Childcare Facilities and Residential Care Facilities from FAR limits in those zoning districts.
2. Remove the language referencing adequate lighting and the Planning Department's lighting guidelines from the definition of Walk-Up Facility.
 - *Such facilities shall provide waste receptacles, and be kept free of litter, ~~and provide adequate lighting for the facility,~~ provided that such lighting shall comply with Planning Department guidelines.*
3. Remove the proposed changes that relax Nighttime Entertainment controls in various zoning districts. Instead, amend the ordinance so that Nighttime Entertainment is principally permitted for properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street, unless those properties are zoned RED or RED-MX. In addition, provide an exception for properties that meet those criteria to the buffer that prohibits Nighttime Entertainment within 200' of RED and RED-MX Districts.
4. Encourage the Entertainment Commission to evaluate how best to mitigate impacts in RED and RED-MX districts from noise and other quality of life impacts related to Nighttime Entertainment uses that are located within 200' of those districts.
5. After the Planning Commission's consideration, allow amendments to the ordinance that maintain existing Planning Code controls.

Proposed Code Language

The full text of the proposed code language that impacts historic resources is as follows (underline and strikethroughs represent additions and deletions respectively):

(2) **RED and RED-MX Districts.** This subsection (b)(2) applies only to buildings in RED and RED-MX Districts that are a designated landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV pursuant to Article 11 of this Code and located within the Extended Preservation District, or a building listed in

or determined individually eligible for the National Register of Historic Places or the California Register of Historical Resources by the State Office of Historic Preservation.

(A) Arts Activities, Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School uses are principally permitted, and Retail Sales and Services uses and Office Uses, as defined in ~~Planning Code~~ Sections ~~890.104 and~~ 890.70, ~~respectively~~, are permitted only with Conditional Use authorization, pursuant to Planning Code Section 303, provided that:

(i) The project does not contain any Adult Business or Nighttime Entertainment use.

(ii) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility of preserving the building.

(B) The Historic Preservation Commission shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

Issues and Considerations

Residential Enclave Districts

Residential Enclave Districts (RED) encompass many of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market area. Within these predominantly residential enclaves lie several vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible, and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

Dwelling units are permitted as a principal use. Nonresidential uses, except art related activities, are not permitted, except for certain uses in historic buildings. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections [185](#) and [186](#).

Residential Enclave- Mixed Districts

Residential Enclave-Mixed Districts (RED-MX) encompass some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Many parcels in these residential enclaves are underdeveloped and represent opportunities for new residential and low-intensity commercial uses.

While residential uses are encouraged throughout these districts, group housing is limited, and student housing and single-room-occupancy units are prohibited. Small-scale retail, restaurants, arts activities, and other commercial uses are principally permitted to create the potential for more active, mixed-use alleys. Some automobile-related and production, distribution, and repair uses are also permitted with limitations. Existing

commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of [Article 1.7](#).

Arts Activities

Arts Activities is an entertainment use, and allows a variety of uses related to the arts, such as performance, exhibition (except exhibition of films), rehearsal, production, post-production, and some schools of any of the following: dance; music; dramatic art; film; video; graphic art; painting; drawing; sculpture; etc.

Prior to the Code Reorganization Project (see exhibit D), Arts Activities was only permitted in a few zoning districts. Since then, the Planning Commission and the Board of Supervisors have consistently supported and passed ordinances that allow this use in more districts. The proposed change continues this pattern by allowing it in historic buildings in the RED and RED-MX Districts. Arts groups tend to have a harder time finding spaces to lease; therefore, allowing the use in more districts increases the odds of an arts organization finding an appropriate space at a rent they can afford. Further, allowing more flexibility for historic resources helps ensure their continued use and preservation. Arts Activities is currently permitted in the RED and RED-MX Districts, but both come with restrictions. In the RED District, the theater use covered under Arts Activities is not allowed, while in the RED MX the use is subject to size limits. This provision will allow Arts Activities in these districting within historic buildings without those restrictions.

Institutional Uses

Institutional use is a Use Category that includes Child Care Facility, Community Facility, Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary, Religious Institution, Residential Care Facility, Social Service or Philanthropic Facility, Post-Secondary Educational Institution, Public Facility, School, and Trade School; however, only Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School would be permitted as of right in historic buildings within the RED and RED-MX Districts. These uses are generally considered to be less impactful, and beneficial uses to have in residential areas. Allowing them to adaptively reuse historic buildings in the RED and RED-MX districts would benefit not only the preservation of the historic resource but also the surrounding community.

General Plan Compliance

(This analysis covers the entire ordinance)

The proposed ordinance complies with the Eastern SoMa Plan in that it encourages smaller retail spaces in the Eastern SoMa Plan area. It liberalizes Institutional uses in the Eastern SoMa Plan area as well, which is consistent with the Plan's policies to encourage the creation of family supportive services, workforce development training, and the addition of new social and cultural facilities. It also further restricts new parking facilities which is consistent with the Eastern SoMa Plan Policy of discouraging new surface parking lots

The proposed Ordinance is consistent Western SoMa Plan in that it maintains the distinctions between residential and non-residential areas. By reinforcing the Entertainment Commission role in regulating nighttime entertainment operators, the ordinance will help ensure that noise ordinance requirements are met.

The proposed ordinance is consistent with the Central SoMa Plan in that it allows nightlife venues in appropriate commercial and mix-use zoning districts. By further restricting public parking lots and garages, the ordinance is consistent with the policy to reduce vehicle miles traveled and minimize greenhouse gases.

Racial and Social Equity Analysis

(This analysis covers the entire ordinance)

The proposed would further racial and social equity in multiple ways. First the ordinance expands where non-profit, social service providers, and arts activities can locate within the Eastern Neighborhoods, helping to preserve and enhance the area's long standing Pilipino and LGBTQ social service and community serving organizations.

The ordinance's effort to limit new public parking lots and garages will also help advance equity as well. The subject area is disproportionate impacted by automobile pollution from nearby freeways. The area has also long prioritized automobile thru-traffic with its wide one-directional streets. As a result, the area includes several of the City's High Injury Network streets, and some of MTA's Communities of Concerns¹. Limiting parking, while not a panacea for these concerns, is consistent with improving safety and lessening automobile pollution in the area because limits new parking facilities. The more parking available, the more like it is that people will drive to the area. Much more must be done to address years of environmental racism that has impacted much of the Eastern and Southeastern portions of San Francisco, but enacting policies that lead to reduced traffic moves the City in the right direction.

Many of the long-standing businesses in the Eastern Neighborhoods provide goods and services at accessible prices to the adjacent, lower-income residents. These businesses were also found to frequently hire from the adjacent neighborhood, serving a source of employment for the neighborhood's youth and lower skilled workers. The proposed ordinance will allow these businesses to find additional ways to increase revenue and attract new customers by allowing them to obtain Limited Live Performance Permits, principally permitting outdoor activity areas consistent with Proposition H, and by allowing catering as an Accessory use in Restaurants. Further, the proposed ordinance requires smaller retail spaces in developments over 10,000 sq. ft. The additional use size limits will help encourage new smaller retail spaces. These, by nature of their size, are typically offered at lower lease rates and provide newer entrepreneurs an opportunity at a brick-and-mortar location. In combination, these amendments help further equity and complement goals in the neighborhood's Cultural District, the neighborhood Area Plan and the Department's historical context statement for the area.

Relaxing nighttime entertainment uses would also help advance the goals of the Leather Cultural District to grow nightlife businesses back to their 1980 levels. Their mission statement is to "To augment and make sustainable housing, healthcare, commerce, community development, cultural resources, and physical spaces." Nighttime entertainment spaces are key as cultural resources and a physical space for this community. The Leather community has explicitly said that they want their voice to be heard in zoning decisions, and this ordinance does that².

Implementation

The proposed changes outlined in this case report will not impact the Department's implementation procedures.

¹ <https://www.visionzerosf.org/about/action-strategy/>

² <https://sfleatherdistrict.org/wp-content/uploads/2022/02/SFLCD-Brochure-20220215.pdf>

Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Department is recommending approval of this ordinance because it supports allowing more Intentional Uses in the Eastern Neighborhoods Districts to help the City's non-profit organizations thrive and serve more communities. Further it also expands where Arts Activities can locate. This not only benefits surrounding communities, but it also makes it easier for those organizations to find space that is suitable and affordable. Further, allowing more flexibility for historic resources helps ensure their continued use and preservation.

Required Commission Action

The proposed Ordinance is before the Commission so that it may recommend approval, disapproval, or approval with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

There was no public comment regarding the issues discussed under this case report; however, there were concerns expressed about the expansion of Nighttime Entertainment and General Entertainment prior to and during the Planning Commission hearing. For an overview of those concerns, please see Exhibit D.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 220340 v4
- Exhibit C: Map of Affected Area.
- Exhibit D: Planning Commission Executive Summary