

## LEGISLATIVE DIGEST

[Planning Code - Accessory Use Entertainment in Specified Western South of Market Districts]

**Ordinance amending the Planning Code to allow accessory use entertainment (with limited live performance permits) in the Western South of Market Mixed Use General and Regional Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Planning Code Section 703.2 specifies the uses permitted in Neighborhood Commercial Districts. Permitted uses are either principal, conditional, accessory, or temporary. An Entertainment use is permitted as an accessory use as long as it both (1) involves a Limited Live Performance Permit and (2) is located outside of a Regional Commercial District. The Regional Commercial District, which is established in Section 744, is located along the 9th Street and 10th Street corridors, generally running from Mission Street to Harrison Street.

Planning Code Section 803.3 specifies the uses permitted in Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts. Permitted uses are either principal, conditional, accessory, or temporary. A Nighttime Entertainment use with a Limited Live Performance permit is allowed in any District except for an RED, RED-MX, RSD, SLR, MUR, WMUG, or MUG District.

### Amendments to Current Law

Planning Code Sections 703.2 and 803.3 are amended to allow Entertainment with a Limited Live Performance Permit as an accessory use in the WMUG and RCD Districts in the Western South of Market area.

### Background Information

The Limited Live Performance Permit was introduced in 2011; it is defined and regulated by Section 1060 et seq. of the Police Code. The Limited Live Performance Permit allows activities such as singing, dancing, poetry recitation, fashion or style show, recorded music presented by a live disc jockey, or the playing or use of any instrument to be performed as a secondary activity at a place where food, beverages, or food and beverages are served to patrons or members.

Due to neighborhood concerns, the Limited Live Performance Permit was not originally made available in some South of Market areas. The Entertainment Commission has now had

experience with the Limited Live Performance Permits for four years, and has reported that there have been only a few complaints none of which has resulted in revocation or suspension of the permit. It would be beneficial to the owners and operators of restaurants, bars, cafes, and event spaces to be able to obtain permits for live performances as an accessory use in some areas South of Market where live performances are currently prohibited. Based on the Entertainment Commission's experience with Limited Live Performance Permits over the past four years, the Commission has advised that it does not believe this would have an adverse impact on the neighborhood.

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