

**LEGISLATIVE DIGEST**

(Substituted - 2/4/25)

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

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

Existing Law

Articles 2 and 8 of the Planning Code regulate allowable uses for the SALI (Service/Arts/Light-Industrial) and MUR (Mixed Use-Residential) Districts. Nighttime Entertainment is “a Retail Entertainment, Arts and Recreation Use that includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities. . . .” (Planning Code Section 102.) General Entertainment is “a Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served during performances, arcades that provide eleven or more amusement game devices . . . billiard halls, bowling alleys, skating rinks, and mini-golf. . . .” (*Id.*)

In the SALI District, Nighttime Entertainment and General Entertainment are principally permitted. (Planning Code Section 836.) In the MUR District, Nighttime Entertainment and General Entertainment are not permitted. (Planning Code Section 833.)

Properties that front Folsom and Brannan Streets in the SALI and MUR districts are also located in the Western SoMa Special Use District (“SUD”). The SUD imposes additional restrictions on Nighttime Entertainment. Within the SUD, Nighttime Entertainment is not permitted within 200 feet of any property located in a RED (Residential Enclave) or RED-MX (Residential Enclave-Mixed) District, subject to certain exceptions. (Planning Code Section 249.39(c)(7).)

Amendments to Current Law

This ordinance would amend Planning Code Sections 833 and 836 to:

- Conditionally permit new Nighttime Entertainment uses on properties that front Folsom Street in the MUR District,
- Principally permit new General Entertainment Uses for properties that front Folsom Street in the MUR District, and
- Conditionally permit new Nighttime Entertainment uses on properties fronting Brannan Street in the SALI District that fall within 200 feet of any property within a RED or RED-MX District.

This ordinance would also amend the SUD (Planning Code Section 249.39) to exempt the aforementioned Folsom and Brannan Street properties from the 200-foot buffer restrictions.

This ordinance does not affect properties in the SALI District that are outside the 200-foot buffer restriction, where Nighttime Entertainment uses are currently principally permitted.

This ordinance also makes several clerical amendments to update incorrect cross-references within the Planning Code, including Planning Code Section 840.

#### Background Information

In 2023, the City enacted Ordinance No. 22-23 to promote and enhance the vitality of nightlife in SoMa, specifically in portions of the neighborhood located within the Leather and LGBTQ Cultural District (“Cultural District”), the boundaries of which are established in Administrative Code Section 107.3(e). However, Ordinance No. 22-23 did not address properties that front Brannan Street in the SALI (Service/Arts/Light Industrial) District or properties that front Folsom Street in the MUR (Mixed-Use Residential) District, both of which fall outside of the Cultural District’s boundaries. Like Ordinance No. 22-23, this ordinance seeks to balance the buffer restrictions in the Western SoMa Special Use District with the need to promote the establishment and enhancement of nightlife and entertainment in SoMa.

This ordinance (version 2) is a substitute for an ordinance (version 1) originally introduced on December 17, 2024.

n:\legana\as2024\2500146\01807343.docx