



December 6, 2022

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

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Supervisor Dorsey,

On November 17, 2022, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Dorsey that would amend the Eastern Neighborhoods Mixed Use Zoning Districts to conform with the Code Reorganization Project, and other substantive amendments. At the hearing, the Planning Commission recommended **approval with modification**.

The Commission's proposed modifications were as follows:

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.

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.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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



# PLANNING COMMISSION RESOLUTION NO. 21205

**HEARING DATE: NOVEMBER 17, 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 APPROVING 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 Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on November 17, 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 Planning 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 Planning Commission has reviewed the proposed Ordinance; and

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

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

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.

## 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 Planning Commission supports the goals of this ordinance, which are to loosen the restrictions on Nighttime Entertainment use to help this much needed industry thrive post pandemic; permit more intuitional uses in the Eastern Neighborhoods Districts to help our non-profit organizations thrive and serve more communities; make consistent accessory use controls so that all businesses can take advantage of opportunities to expand and strengthen their business plans; and to limit new parking facilities in the Eastern Neighborhood's to help the city reach its carbon reduction goals, mode share shift goals, and Vision Zero goals. However, the Commission is concerned about how some of these changes could impact the surrounding residential neighborhoods, and how some of these provisions would be implemented and has proposed amendments to the ordinance to address those concerns.

## 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 proving 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 APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 17, 2022.



Jonas P. Ionin  
Commission Secretary

AYES: Braun, Ruiz, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: November 17, 2022



# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE: November 17, 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 following substantive amendments:

The Way It Is	The Way It Will Be
<b>Accessory Uses</b>	
<b>Production and Wholesaling as an Accessory Uses.</b> In NC districts, production, wholesaling, and processing of goods may occupy more than one-third of a retail space. In RC, C, DTR, and Eastern Neighborhood Mixed-Use districts, accessory production and wholesaling are limited to one-third of the total space.	Accessory production, wholesaling, and processing of goods would be able to occupy more than one-third of a retail space in RC, C, DTR, and Eastern Neighborhoods Mixed Use districts, so long as an active retail use is in the space.
<b>Limited Live Performance Permits.</b> LLPs are prohibited in the MUG, MUR, and RED-MX zoning districts	LLPs would be permitted in these zoning districts

Catering in C, M, and PDR Districts. Catering may currently operate as an Accessory Use in a Limited Restaurant, but not in a Restaurant	Catering in these districts would be allowed as an Accessory Use for both Limited Restaurants and Restaurants.
<b>Ground-floor Uses</b>	
Mix of ground-floor commercial use sizes. Except in the Central SoMa SUD, there are no size requirements for storefront spaces in Eastern Neighborhoods Mixed Use Districts.	Projects that provide more than 10,000 Square feet of ground-floor commercial space would be required to provide commercial spaces in a range of sizes, including some spaces of 1,000 square feet or smaller.
<b>Entertainment, Arts, and Recreation Uses</b>	
Arts Activities in the SoMa NCT. Arts Activities are not permitted.	Arts Activities would be principally permitted on all floors in this zoning district.
Arts Activities in the Eastern Neighborhood Mixed Use Districts (ENMUD). Except for RED, RED-MX and South Park District, Arts Activities is not permitted in the ENMUDs.	Arts activities will be principally permitted in all ENMUDs, except in RED Districts where this use will require conditional use authorization. In addition, in the RED, RED-MX, and South Park District, the live theater aspect of this use will not be permitted, which is an existing control.
Good Neighbor Policies for Entertainment Uses. Nighttime Entertainment and General Entertainment uses citywide must comply with the Entertainment Commission’s good neighbor policies. A separate set of good neighbor policies exist for Nighttime Entertainment uses in Eastern Neighborhoods Mixed-Use districts.	The Planning Code would be amended to require compliance with the Entertainment Commission’s good neighbor policies. The good neighbor policies specific to Eastern Neighborhoods Mixed Use districts would be deleted from the Planning Code.
Location restrictions for Nighttime Entertainment and Animal Services in the Western SoMa Special Use District. Nighttime Entertainment Uses and Animal Services Uses are prohibited within 200 feet of any Residential Enclave District (RED and RED-MX).	The location restrictions for Nighttime Entertainment and Animal Services in the Western SoMa SUD would be deleted. Controls for the various zoning districts would still govern the location of such uses.
Nighttime and General Entertainment in the Regional Commercial District. Nighttime Entertainment is not permitted, and General Entertainment requires conditional use authorization.	Nighttime and General Entertainment would be principally permitted on the first and second floors in this district, and not permitted on the third floor and above.
Nighttime and General Entertainment in SoMa NCT and South Park District. Nighttime and General Entertainment are not permitted.	Nighttime and General Entertainment would be allowed with conditional use authorization in these districts.
Nighttime Entertainment in the MUG, MUO and WMUG Districts. Nighttime Entertainment in these districts is not permitted.	Nighttime Entertainment would be principally permitted in these districts.

<b>Nighttime Entertainment in the Folsom Street NCD.</b> Nighttime Entertainment is not permitted.	Nighttime Entertainment would be principally permitted on the first and second floors and prohibited on the third floor and above.
<b>Nighttime Entertainment in MUR Districts.</b> Nighttime Entertainment is principally permitted in the Central SoMa SUD, but not permitted elsewhere in the MUR District.	Nighttime Entertainment would be conditionally permitted outside the Central SoMa SUD within the MUR zoning district.
<b>Nighttime Entertainment in South Beach and Rincon Hill DTR zoning districts.</b> Nighttime Entertainment requires conditional use authorization.	Nighttime Entertainment would be principally permitted in the South Beach and Rincon Hill DTR Districts.
<b>General Entertainment in MUG and MUR districts.</b> A Pool Hall is conditionally permitted, but all other General Entertainment uses are not permitted.	All General Entertainment uses would be principally permitted in these districts.
<b>General Entertainment in WMUG.</b> General Entertainment requires CU approval	General Entertainment would be principally permitted
<b>Eating and Drinking Uses</b>	
<b>Second-floor Bar uses in the Folsom NCT and Regional Commercial Districts.</b> Bar uses are not permitted on the second floor in the Folsom NCT and Regional Commercial Districts.	Bars would be principally permitted on second floors in these districts.
<b>Institutional Uses</b>	
<b>Job Training, Private Community Facility, and Public Facility in the SoMa NCT District.</b> These uses are conditionally permitted on the first and second floors	Job Training, Private Community Facility uses would be principally permitted on the first and second floors. Job Training would be conditionally permitted on the third floor and above. Public Facility uses would be principally permitted on all floors.
<b>Historic Buildings in Residential Enclave Districts (RED and RED-MX).</b> 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.
<b>Job Training in RED-MX, MUG, MUO, MUR, UMU, WMUG, WMUO, and SALI districts.</b> Job Training uses are prohibited in these districts.	Job training would be principally permitted in these districts.
<b>Religious Facility in MUG districts.</b> Religious Facility requires conditional use authorization.	Religious Facility would be principally permitted
<b>Social Service, Community Facility, and Religious Facility uses in the WMUG and RED-MX Districts.</b> These uses are conditionally permitted in the WMUG and RED-MX Districts.	Social Service and Philanthropic Facility, Community Facility, and Religious Facility uses would be principally permitted in these districts.

Trade School and Utility Installation uses in SALI Districts. Trade Schools and Utility Installations are not permitted in SALI districts.	Trade Schools and Utility Installations would be principally permitted.
Hours of Operation for Medical Cannabis Dispensaries in SALI Districts. Medical Cannabis Dispensaries cannot operate between 10 pm and 6 am.	Medical Cannabis Dispensaries would be subject to the same Hours of Operation as all other uses in SALI Districts.
<b>Automotive Uses</b>	
Automobile Sales and Rental and Parcel Delivery Service in MUG, MUO, and MUR Districts. Automobile Sales and Rental are permitted in either an enclosed building or on an open lot.	Automobile Sales and Rental would be permitted only if in an enclosed building.
Non-accessory parking lots in WMUO and SALI districts. Public parking lot uses are conditionally permitted.	Public parking lot uses would be not permitted
Non-Accessory parking lots and garages in RED-MX districts. Non-Accessory parking lots and garages are conditionally permitted in RED-MX districts.	Public parking lots and garages would be not permitted, and private parking garages would be permitted with conditional use authorization.
<b>Residential Uses</b>	
Rear yards in SRO buildings in RED, RED-MX, and SPD districts. Certain new SRO buildings may expand further into the rear yard than other residential buildings.	New SRO buildings would have the same rear-yard requirements as other residential buildings.
<b>Proposition H Alignment</b>	
311 Notification in Eastern, Western, and Central SoMa Plan Area. In the Eastern, Western, and Central SoMa Area Plan, changes from one land use category to another (e.g., from an Institutional Use to a Sales and Service Use) requires Section 311 Notification.	311 Notification would no longer be required for principally permitted uses.
30-day Permit Review in Eastern SoMa Plan Area. Changes of use in the Eastern SoMa Area Plan are not eligible for the 30-day permit process instituted by Proposition H	Changes of use in the Eastern SoMa Area Plan would be eligible for the 30-day permit process created by Proposition H.
Outdoor Activity Areas in WMUG, WMUO, SALI, and RED-MX Districts. Outdoor Activity Areas located in the rear yard require conditional use approval.	Outdoor Activity Areas located in the rear yard would be principally permitted, so long as they met the criteria outlined in Prop H.
<b>Other Amendments</b>	
Large-scale Urban Agriculture in Eastern Neighborhoods Mixed Use districts. Large-	Large-scale urban agriculture would be principally permitted in these districts.

scale Urban Agriculture is conditionally permitted or not permitted.	
<b>Basic Floor-Area Ratio in SPD, RED, and RED-MX districts.</b> The maximum Floor-Area Ratio (including housing) is 1.8 in SPD Districts, and 1.0 in RED and RED-MX Districts.	Maximum Floor-Area Ratio (including housing) in RED, RED-MX, and SPD districts shall be contingent on permitted building height, as in other Eastern Neighborhoods Mixed Use Districts.
<b>Reactivation of Limited Commercial Uses.</b> Limited commercial uses in RH, RM, RTO, and RED Districts that have been discontinued or abandoned may be reactivated with conditional use authorization.	Rather than requiring conditional use authorization for LCU reactivation, the Zoning Administrator would be able to reactive LCUs using the same criteria.
<b>Walk-up Facilities Definition.</b> Walk-up Facilities are defined as “A Use Characteristic defined as a structure designed for provision of pedestrian-oriented services when located on an exterior building wall, including window service, self-service operations, and automated bank teller machines (ATMs).”	The following language would be added to the Walk-facilities definition: <u>Such facilities shall provide waste receptacles, be kept free of litter, and provide adequate lighting for the facility, provided that such lighting shall comply with Planning Department guidelines.</u>

## Background

### Code Reorganization Project

Initiated in 2013, the Code Reorganization Project seeks to restructure the Planning Code so that it’s easier to read, understand, and use. Phase 1 of the Planning Code Reorganization project focused on Article 2 and consolidated definitions into Planning Code Section 102. Phase 2 focused on Article 7 of the Planning Code, and Phase 3.1 focused solely on Chinatown Mixed Use Districts. This phase will focus on the Eastern Neighborhood Mixed Use Districts.

Phase 1 of the Code Reorganization program consolidated all use definitions into Planning Code Section 102. It also reorganized Article 2, which includes Residential (RH, RM, and RC), Downtown (C-3), and Industrial (PDR, and M) zoning districts, by creating Zoning Control Tables like the ones already used in our Neighborhood Commercial Districts. The major benefit to Zoning Control Tables is that they allow users to obtain building standards and use controls for a zoning district in one easy to use chart. Phases 2 and 3.1 brought NC Districts and Chinatown Districts into conformity with the new use definitions and zoning control table format. The Planning Commission approved Phase 1 in October of 2014, Phase 2 in February of 2017, and Phase 3.1 May 9, 2021.

The next and -hopefully final- phase with focus on the Downtown Residential Districts, at which point all zoning district will use one standard set of use definitions and one standardized zoning control table format.

How Did We Get Here?

The Planning Code maintained the same basic structure until 1986 when the Neighborhood Commercial District controls were added to the Code in Article 7. Prior to that, all development standards and general definitions were in Article 1 and use definitions and use controls were in Article 2. For its time, Article 7 was a dramatically new way of organizing the Planning Code and thinking about land use, primarily because it used vertical controls to regulate uses; however, because of the structural differences between Articles 2 and 7, and the desire to more closely regulate retail and service uses, Article 7 was given its own set of use definitions.

When Article 8 was added to the Code, it followed the same format as Article 7 along with adding its own list of use definitions. As a result, at the start of the Code Reorganization Process there were four different sections of the Planning Code that contained use definitions. Today we have two sets of definitions: one for R, C, M, PDR, and NC Districts in Section 102, one for MUDs in Article 8. At the end of this process, there will only be one set of definitions in the Planning Code (Section 102) and one standard format for zoning control tables.

### **Prop H**

Proposition H was passed by voters in November of 2020 and relaxed several planning code provisions for the City's Neighborhood Commercial Districts. Two of those provisions were 1) the removal of the 311 Notification (aka neighborhood notification) for principally permitted uses and 2) allowing outdoor activity areas as of right in the rear yard under certain circumstances.

311 Notification was a more onerous requirement in the NC Districts because it required notification for a change from one use to the other, while 311 notifications in the Eastern Neighborhoods Districts are only required if the use category is changes. For example, in the NC Districts a change from a clothing store to a restaurant would require 311 Notification, while in the EN District that would not require 311 Notification because both the clothing store and the restaurant are under the Retail Use Category. In the EN Districts, if a space went from an Intuitional Use to a Restaurant that would require 311 Notification because the Use Category has changed. The proposed ordinance would remove the 311 Notification for principally permitted uses in the EN Zoning Districts consistent with what Proposition H did for the City's NC Districts.

Prop H also allowed outdoor activities as of right if certain conditions are met. Prior to Prop H, Outdoor Activity Areas (outdoor seating) was allowed as of right if the area was located at the front of the building, but typically required CU approval if the area was in the rear yard. Proposition H allowed outdoor activity areas as of right in the rear yard if the following criteria were met:

- a) The Outdoor Activity Area is located on the ground level;
- b) The Outdoor Activity Area is in operation only between 9:00 a.m. and 10:00 p.m.;
- c) The Outdoor Activity Area is not operated in association with a Bar use;
- d) Where associated with a Limited Restaurant or Restaurant Use, the Outdoor Activity Area includes only seated, not standing, areas for patrons; and
- e) Alcohol is dispensed to patrons only inside the premises or through wait staff services at the patron's outdoor seat in the Outdoor Activity Area.

The proposed ordinance would extend these same controls to the Eastern Neighborhoods Zoning Districts.



## Issues and Considerations

### Accessory Uses

Because of the legacy of changes that led to the Code Reorganization Project, the Planning Code also has three different set of accessory use controls, one set in Article 2 one set in Article 7 and one in Article 8. The proposed ordinance would increase consistency between these three definitions by allowing wholesale manufacturing as an accessory use in retail businesses regardless of how much floor area it takes up. This accessory use provision is intended to allow small makers to create and sell their own products on site. This change was added to Article 7's Accessory Use controls as part of the Restaurant Rationalization Ordinance, passed in 2011. It's unclear how many businesses have taken advantage of this change as Accessory Uses don't require a change of use permit, but the Planning Department has not received any complaints or been made aware of any land use conflicts as a result. The advantage to standardizing this language is that any retail use, regardless of where it is located in the City, could take advantage of the same accessory use controls.

The ordinance would also allow Restaurants in all commercial zoning districts to take advantage of the Accessory Catering provision allowed in the City's Neighborhood Commercial Districts. Currently in the Eastern Neighborhoods Districts and in the C, PDR, and RC districts, Catering is allowed as an Accessory Use only for Limited Restaurants; however, in the NC Districts, a Catering Use is allowed in both Restaurants and Limited Restaurants. Catering in NC Districts is limited to food and beverage catering if the Catering Use does not operate more than 75% of the total time within the businesses Hours of Operation on any given day; and the Catering Use does not distribute or deliver individual meals to customers directly from the subject lot, either by its own means, or through a third-party delivery service. The proposed ordinance would expand this provision to all commercial zoning districts in the City.

### Entertainment, Arts, and Recreation Uses

#### Good Neighbor Policies for Entertainment Uses

As the agency that regulates land use, it's difficult for the Planning Department to respond to quality-of-life concerns resulting from Nighttime Entertainment operators. It is also difficult, if not sometimes impossible, to revoke the land use approvals for problematic operators; however, the Entertainment Commission directly regulates these operators through a Place of Entertainment Permit. Like the State's Alcoholic Beverage Control division ensures bar operators abide by state liquor laws, and the City's Office of Cannabis ensures that Cannabis Retail operators are operating according to local regulations, so too does the Entertainment Commission ensure that Nighttime Entertainment operators are abiding by local regulations. The Entertainment Commission has its own set of Good Neighbor Policies that it enforces. It also can address issues related to problematic operators, and if a resolution can't be found the Commission can ultimately revoke the Place of Entertainment permits. The Good Neighbor Policies in the Planning Code were added before we had the Entertainment Commission. Now that the City has a more effective means to address quality of life issues related to Nighttime Entertainment, it makes sense to remove the Planning Code's good neighbor policies.

#### General Entertainment

General Entertainment is a catch-all definition for various types of entertainment uses including uses from billiard parlors to bowling alleys. By itself, General Entertainment does not permit the sale of alcohol. For a

bowling alley to serve alcohol it would also need to seek land use approval for a Bar; therefore, General Entertainment is somewhat of a low-impact land use. In the past few years, we have seen a small new bowling alley, a new mini-golf course, and even a renewed interests in video game arcades; however, the trend isn't widespread, and most neighborhoods lack these types of uses. This ordinance relaxes the controls for General Entertainment through the Eastern Neighborhood Mixed Use Districts. In doing so it will allow more flexibility for existing businesses to add other revenue generating activities to their business, and also make it easier for new entrepreneurs to open businesses in San Francisco.

### **Nighttime Entertainment Uses**

Like General Entertainment, Nighttime Entertainment also requires a separate land use approval for a Bar to sell alcohol. What distinguishes Nighttime Entertainment from General Entertainment is the ability to serve alcohol during a performance. The distinction helps differentiate between uses like a theatrical play, where alcohol may be served but only before the performance or during intermission, and a night club, where alcohol is always available. Given this distinction, and the sound amplification that is often associated with Nighttime Entertainment uses, this is a more intensive and therefore regulated land use; however, current controls are so prohibitive that in areas of the City known for nightlife, new Nighttime Entertainment uses are often prohibited. In fact, there are few areas of the City where new Nighttime Entertainment Uses can be established, let alone open as-of-right.

Restrictions on new or expanded Nighttime Entertainment options in San Francisco is detrimental to the City's social and economic well-being. Nightlife provides spaces for neighbors and visitors alike to socialize and engage in artistic and cultural expression. The City's diverse nightlife offerings attract people to the City and its many neighborhood businesses. Live entertainment is a key piece of San Francisco's nightlife offerings and a cornerstone of our city's cultural identity. According to the Controller's Office's 2012 nightlife visitor survey, 31% of visitors from outside of the City who traveled to San Francisco at night did so to visit music venues and nightclubs, frequenting other local businesses during their trips.

Nightlife activity has also been devastated by the COVID-19 pandemic. Prior to the pandemic, the City's 3,800 nightlife businesses employed over 64,000 people and generated an estimated \$7 billion in annual economic impact. While San Francisco continues to make progress in its economic recovery, the COVID-19 pandemic has had a devastating effect on our restaurants, bars, performing arts spaces, and music venues. Employment in the San Francisco metro area's leisure and hospitality sector in April 2022 remains down over 23% compared to February 2020. According to research cited by the National Independent Venue Association, the live music industry experienced an estimated \$9 billion loss in ticket sales nationwide in 2020, without even counting revenues that would have been generated by food or beverage sales at venues.

While entertainment venues have been hit especially hard by the pandemic, they are critical to San Francisco's standing as a world class arts and culture destination. They also play an important role in the local economy. Live music attracts tourists and locals alike, adding vibrancy to neighborhoods and drawing patrons to our restaurants, bars, and hotels. Expanding opportunities for entertainment venues South of Market will enhance the recovery of the downtown economic core and attract local workers and tourists to support downtown businesses. Reducing barriers for live entertainment in SoMa also aligns with the work of the Leather & LGBTQ Cultural District to revitalize and sustain nightlife and entertainment within the district.

## Institutional Uses

The proposed ordinance relaxes the controls on several Institutional uses in various Eastern Neighborhood Mixed Use Districts. In general, these uses -Job Training, Community Facility, Public Facility, and Social Service and Philanthropic Facility- are all uses that we want to encourage in San Francisco. They are also considered to be low-impact land uses, and typically don't out compete other uses on the amount of rent they can afford to pay. In fact, they are likely to have a hard time finding suitable spaces they can afford, so making them more permissible in more neighborhoods increases the likelihood that the uses can find locations that they can afford.

## Automotive Uses

San Francisco's Transit First Policy has been in place for decades, but the work to deprioritize the private automobile has been slow. Our streets are still dominated by cars, while our efforts to reach Vision Zero have floundered, especially during the pandemic. Traffic Deaths in San Francisco have been on the rise in the past few years. Since Vision Zero was adopted, the City saw an all-time low of 20 deaths in 2017, but by 2020 the number of deaths had climbed to 30. As of June 2022, 15 people have died on our streets due to traffic related violence, putting us on pace to meet or exceed the grim milestone set in 2020<sup>1</sup>.

San Francisco is also struggling to reduce its carbon emission related to transportation. The City has been able to reduce its carbon emissions by an impressive 41% from 1990 levels; however, most of this reduction came from emission related to buildings. Our emissions from transportation have only been reduced by 16% from 1990 levels, and currently make up a total of 47% of our total carbon footprint<sup>2</sup>. Climate change continues to intensify and disproportionately impact the most vulnerable segments of our population. San Francisco must continue to advance policies that disincentives driving and convert our existing auto infrastructure to carbon free alternatives.

Programs like Shared Spaces that remove automotive space for people centered spaces, Automotive Uses/Housing Density ordinance that encourages the conversion of auto-oriented uses to housing, and the recently passed EV Legislation that allows for the as-of-right conversion of existing automotive uses to carbon free fueling stations are all moving the City in a positive direction. This ordinance will also help in that regard by further restricting where new parking facilities can locate in the Eastern Neighborhoods.

## Eastern Neighborhood's Residential Districts

The Western SoMa plan called for the creation of the Residential Enclave Districts with policy 1.1.3 (Protect existing and newly designated residential clusters with Residential Enclave District zoning controls.). There are two such districts, the RED and the RED-MX. REDs 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. The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves. They 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 and some institutional uses.

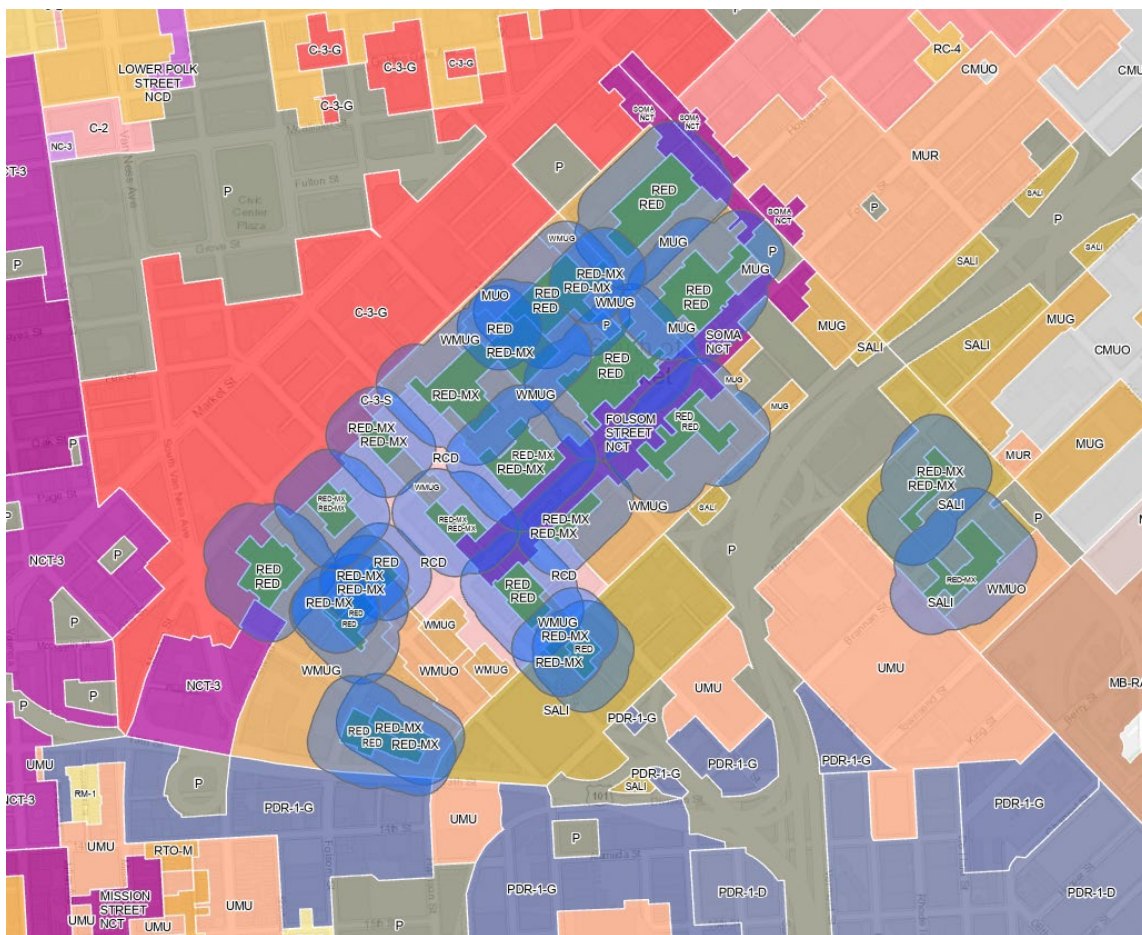
---

<sup>1</sup> <https://www.visionzerosf.org/about/how-are-we-doing/>

<sup>2</sup> <https://sfenvironment.org/carbonfootprint>

Red-MX Districts are like RED Districts in that they encompass some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Both Districts also include several vacant parcels, parking lots and other properties in open storage use, which are viewed as opportunity sites for new, moderate-income, in-fill housing. RED-MX differs from RED in that it allows some small-scale retail, restaurants, arts activities, and other commercial uses to create the potential for more active, mixed-use alleys.

These districts are treated more gingerly than other districts in the Eastern Neighborhood's by what types of uses are allowed in the district (mostly residential), and by a 200' buffer around them that prohibits new Nighttime Entertainment Uses and Animal Service Uses. Unfortunately, this 200' buffer all but prohibits new nighttime entertainment uses in the neighborhoods that this ordinance seeks to allow them in (see map below). While the buffer is intended to help protect these neighborhoods it is also significantly limiting the ability to expand night life uses in the area. To address this, this ordinance also seeks to remove the 200' buffer prohibiting Nighttime Entertainment Uses and Animal Services.



*Figure 1: 200' Buffer Around RED and RED-MX*

### **General Plan Compliance**

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**

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 Concerns<sup>3</sup>. 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 that<sup>4</sup>.

## Implementation

The Department is excited that the last large piece of the Code Reorganization will take effect with the passage of this ordinance. The Code reorganization project has helped the Planning Department to better implement and interpret the code by creating one set of universal use definitions, and a standardize and easy to use zoning control table format; however, having a class of zoning district outside of this structure has caused confusion not only for the public but also for staff. Finishing the code reorganization project will help clear up much of this confusion and make implementation easier.

---

<sup>3</sup> <https://www.visionzerosf.org/about/action-strategy/>

<sup>4</sup> <https://sfleatherdistrict.org/wp-content/uploads/2022/02/SFLCD-Brochure-20220215.pdf>

The Department is concerned about how we would enforce and implement the proposed lighting regulations added to the Walk-up Facilities definition, which we address in the recommendations below.

## Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

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. Prior to removing the 200' buffer from RED and RED-MX Districts, have the Entertainment Commission evaluate how best to protect these zoning districts from noise and other quality of life impacts related to Nighttime Entertainment.
4. After the Planning Commission's consideration, allow amendments to the ordinance that maintain existing Planning Code controls.

## Basis for Recommendation

The Department is recommending approval of this ordinance because it supports its goals to loosen the restrictions on Nighttime Entertainment use to help this much needed industry thrive post pandemic; permit more intuitional uses in the Eastern Neighborhoods Districts to help our non-profit organizations thrive and serve more communities; make consistent accessory use controls so that all businesses can take advantage of opportunities to expand and strengthen their business plans; and to limit new parking facilities in the Eastern Neighborhood's to help the city reach its carbon reduction goals, mode share shift goals, and Vision Zero goals. However, the Department is concerned about how some of these changes could impact the surrounding residential neighborhoods, and we also have concerns over how some of these provisions would be implemented.

**Recommendation 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.

Our understanding is that the intention behind amending the FAR limits is to remove an arbitrary limit placed on housing, and to encourage uses like Child Care Facilities and Residential Care Facilities in these districts. While we think this is a worthwhile goal, changing the FAR ratios would also encourage other uses that are permitted in these districts, such as retail uses, office uses, and wholesale sales. RED and RED-MX districts are primarily

intended to protect and encourage residential uses while South Park seeks to maintain a balance of uses and preserve family sized housing units. The existing FAR limits seem to address these goals and removing them could undermine the purpose of the zoning districts. Housing, Childcare Facilities and Residential Care Facilities would still be subject to existing height and bulk limits.

**Recommendation 2:** Remove the language referencing adequate lighting and the Planning Department’s lighting guidelines from the definition of Walk-Up Facility.

The Planning Department does not have lighting guidelines, and it is not something we have the expertise to regulate or monitor. Adding this to the Planning Code will create false expectations by the public that the Planning Department is the responsible agency for regulating lighting in the City. Currently, lighting is installed through an electrical permit, and the Department of Building Inspection responds to lighting concerns. We believe that any new regulations intended to address adequate lighting should be handled by the department with the best expertise.

**Recommendation 3:** Prior to removing the 200’ buffer from RED and RED-MX Districts, have the Entertainment Commission evaluate how best to protect existing residents from noise and other quality of life impacts related to Nighttime Entertainment.

The intention behind the 200’ buffer is to help protect the residential uses in the RED and RED-MX districts; however, practically the buffer all but negates many of the reforms made to Nighttime Entertainment controls in this ordinance (see map below). In fact, even a buffer of 25’ would negate many of the changes made by this ordinance. In general, we prefer to not have buffers and allow the underlying zoning to dictate the land use controls for that property; however, the proximity to other districts and compactness of the RED and RED-MX Districts make it difficult to separate conflicting land uses from these areas without a buffer. The Department believes that a 200’ buffer would not be necessary for Nighttime Entertainment uses if the City can develop effective mitigation measures for these uses; therefore, before this buffer is removed, we recommend at the Entertainment Commission study the issue to come up with a set of criteria, requirements, or mitigations for Nighttime Entertainment uses locate within 200’ of these districts.

**Recommendation 4:** After the Planning Commission’s consideration, allow amendments to the ordinance that maintain existing Planning Code controls.

This is a standard recommendation that we add to all code reorganization ordinances. While non-substantive changes can always be made after the Planning Commission opines on an ordinance, adding this recommendation makes it clear that the Planning Commission’s intention is to only allow the proposed change outlined in the case report. Converting existing code to the new format can often result in unintended changes, the recommendation helps ensure that does not happen.

## **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

The Department attended several meetings with the Sponsor's office, representatives of SoMa Pilipinas, and the Leather District. In general, SoMa Pilipinas had concerns over allowing Groups Housing in the RED District and allowing SROs in the UMU District. The case report erroneously said that Groups Housing would be permitted in the RED District. This was not in the introduced ordinance but could have been included in a previous draft. The ordinance did include a change that would have allow SROs in the UMU district, which was a drafting error. The case report has been revised to remove the reference to Groups Housing changes in the RED, and the ordinance has been revised to maintain the current controls for Group Housing in the UMU.

SoMa Pilipinas also wanted to make changes to the SoMa Youth and Family Zone, which this ordinance does not amend. SoMa Pilipinas' proposed changes to the Youth and Family Zone would be substantial. Adding them to this ordinance would further complicate and already complicated ordinance. Planning Staff recommended that they work the Supervisor's office to draft a separate ordinance for those changes so that the Supervisor could conduct community outreach, and so that Planning Staff could properly analyze the proposed changes.

### Attachments:

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