

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/27/2023)

[Planning Code - Neighborhood Commercial and Mixed Use Zoning Districts]

Ordinance amending 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 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 on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street unless they are zoned Residential Enclave District (RED) or Residential Enclave District – Mixed (RED-MX); 6) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility Uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 7) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 8) require that all Nighttime Entertainment uses comply with the Entertainment Commission’s good neighbor policies; and 9) 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.

Existing Law

Planning Code Article 8 establishes a number of general and named Mixed Use Districts. Land use controls, development standards, and density controls for each District are outlined in a Zoning Control Table. Specific uses are defined in Section 890.2 through 890.140. Other sections of the Planning Code that are applicable to Mixed Use Districts are listed in Section 899.

Article 7 establishes a number of general and named Neighborhood Commercial (NC) and Neighborhood Commercial Transit (NCT) Districts, and provides land use controls, development standards, and density controls for each District.

Amendments to Current Law

The primary purpose of this ordinance is to reorganize and update Article 8 of the Planning Code. The ordinance revises the Article 8 zoning control tables to match the format of the zoning control tables in other Articles of the Planning Code, and makes technical and substantive amendments to applicable sections in other Articles to update, correct, clarify, and simplify language. The ordinance also deletes outdated text and revises certain controls in Articles 1, 1.2, 1.7, 2, 3, and 7.

All of the proposed amendments – both technical and substantive – are detailed and explained in the Executive Summary prepared for the Planning Commission hearing by Planning Department staff, which will be transmitted to the Board as part of the legislative package. The amendments and definition changes described in the Executive Summary include specific amendments to principally or conditionally permit Arts Activities, Job Training, Public Facility, Social Service and Philanthropic Facility, General and Nighttime Entertainment, and Bar uses in various Neighborhood Commercial, Mixed Use, and other Districts.

Background Information

In 2013, the Planning Department initiated a Code Reorganization Project. The goal of the Project is to restructure the Planning Code so that it is easier to read, understand, and use. Phase 1, enacted in February 2015, consolidated all definitions that are used universally throughout the Code into Section 102 of the Code. It also reorganized Article 2 by modifying zoning control tables to reduce their length and complexity and to be less confusing to the public. Phase 2 of the Code Reorganization Project, enacted in June 2017, reorganized Article 7, updated the format of the Article 7 zoning control tables to match those in Article 2, and made technical and other amendments to various Code sections. The reorganization of Article 8 by this ordinance is the final phase of the Code Reorganization Project.

This ordinance reflects amendments recommended by the Planning Commission and made by the Land Use and Transportation Committee of the Board of Supervisors on February 13, 2023.

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