

BOARD of SUPERVISORS



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MEMORANDUM

TO: Jocelyn Kane, Executive Director, Entertainment Commission
Kate Hartley, Acting Director, Mayor's Office of Housing and Community Development

FROM:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 3, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Planning Commission on October 24, 2017:

File No. 171097

Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Crystal Stewart, Entertainment Commission
Eugene Flannery, Mayor's Office of Housing and Community Development
Amy Chan, Mayor's Office of Housing and Community Development

[Planning Code - Article 8 Corrections]

Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
5 Commission Resolution No. _____, and the Board incorporates such reasons herein by
6 reference.

7
8 Section 2. The Planning Code is hereby amended by revising Sections 823, 827, and
9 841.26, to read as follows:

10 **SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.**

11 * * * *

12 (c) **Controls.** All provisions of the Planning Code shall apply except as otherwise
13 provided in this Section.

14 * * * *

15 (9) **Buffers from Nighttime Entertainment and Animal Services.** Additional
16 requirements applicable to nighttime entertainment uses and kennels, as defined in Section
17 224, are as follows:

18 (A) **Nighttime Entertainment.** No portion of a non-accessory nighttime
19 entertainment use, as defined in Section 102.17 of this Code, shall be permitted within 200
20 linear feet of any property within a RED or RED-MX District. This buffer shall not apply to any
21 nighttime entertainment use within the WMUO District where a nighttime entertainment use
22 that was established with a building permit application or a permit from the Entertainment
23 Commission or San Francisco Police Department was in operation within five years prior to
24 submission of a building permit application to re-establish a nighttime entertainment use.

25 * * * *

1 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).**

2 (a) **Building Standards.**

3 * * * *

4 (3) **Required Streetwall.** Building area below 85 feet in height is required to be
5 built to 100 percent of all property ~~liens~~ lines facing public rights-of-way, except where
6 setbacks are required by this Section and except where publicly accessible open space is
7 provided according to the provisions of this Section. Recesses, insets and breaks between
8 buildings are permitted to provide vertical articulation to the facade, provided the overall
9 integrity of the streetwall is maintained.

10 * * * *

11
12 **SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

13 * * * *

14 **Table 841**

15 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-Residential District Controls
Building and Siting Standards			
* * * *	* * * *	* * * *	* * * *
841.26	Affordability Requirements	§ 415	15% onsite/20% off-site <u>Restrictions apply. see Section 415</u>
* * * *	* * * *	* * * *	* * * *

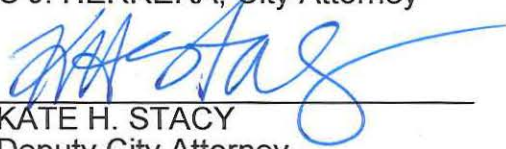
23 * * * *

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:

17 
KATE H. STACY
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code – Article 8 Corrections]

Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302.

Existing Law

The Planning Code is amended from time to time and contains certain non-substantive errors. Planning Code Section 823 currently provides that no portion of a nighttime entertainment use shall be permitted within 200 linear feet of any property within a RED or RED-MX District in the Western SOMA Special Use District. Section 827 contains a provision that uses an incorrect word about required streetwalls in the Rincon Hill Downtown Residential Mixed Use District. Table 841 contains housing affordability requirements of 15% inclusionary affordable housing on-site or 20% inclusionary affordable housing off-site.

Amendments to Current Law

The amendments would revise Section 823 to provide that no portion of a non-accessory nighttime entertainment use would be permitted within 200 linear feet of any property within a RED or RED-MX District in the Western SOMA Special Use District. Section 827 would be corrected to refer properly to property lines. Table 841 would delete the specific inclusionary affordable housing requirements and instead cross-reference Planning Code Section 415, the Inclusionary Affordable Housing Program.

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