

**REVISED LEGISLATIVE DIGEST**

(Substituted, 3/5/2019)

[Planning Code - Regional Commercial and Folsom Street Neighborhood Commercial Transit Districts, Arts Activities and Nighttime Entertainment Uses]

**Ordinance amending the Planning Code to allow Arts Activities as a principally permitted use in the RCD (Regional Commercial District), to conditionally permit Nighttime Entertainment uses within the RCD in historic buildings and buildings that contribute to a historic district, to exempt Nighttime Entertainment in the RCD from the 200-foot buffer requirement, and to require a Preservation, Rehabilitation and Maintenance Plan for uses within the Folsom Street Neighborhood Commercial Transit and RCD Districts; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

Existing Law

Planning Code Section 703.9 allows specified uses to be permitted as of right in historic buildings that are located within the Folsom Street Neighborhood Commercial Transit District and the Regional Commercial District. Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, must determine that allowing the use will enhance the feasibility of preserving the building. The Historic Preservation Commission reviews the proposed project for compliance with the Secretary of the Interior’s Standards.

Planning Code Section 823(c)(9) requires a 200-foot buffer in the Western SoMa Special Use District between a non-accessory Nighttime Entertainment use and any property within a RED or RED-MX District. An exemption is provided for any Nighttime Entertainment use within the WMUO District that was established with a building permit application or a permit from the Entertainment Commission or San Francisco Police Department and was in operation within five years prior to submission of a building permit application to re-establish a Nighttime Entertainment use.

Amendments to Current Law

The proposed ordinance will:

- allow Arts Activities as Principal Uses throughout the Regional Commercial District (RCD);
- conditionally permit Nighttime Entertainment uses within the RCD in historic buildings and buildings that contribute to a historic district;

- exempt from the 200-foot buffer requirement Nighttime Entertainment established within the RCD pursuant to Section 703.9; and
- require a Preservation, Rehabilitation and Maintenance Plan for uses within the RCD and the Folsom Street Neighborhood Commercial Transit District.
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Background Information

Arts Activities and Nighttime Entertainment uses provide multiple benefits to the City. The arts form the basis of the identity of multiple Cultural Districts; these Cultural Districts help make San Francisco an attractive place to live, work, and socialize. Recent studies by the Office of the Controller confirm the Nighttime Entertainment sector's contribution to City revenues and employment growth. Land use regulations should accommodate new Arts Activities and Nighttime Entertainment uses. This can be done by relaxing existing prohibitions on those uses.

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