

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

3 **Ordinance amending the Planning Code to allow Arts Activities as a principally**  
4 **permitted use in the RCD (Regional Commercial District), to conditionally permit**  
5 **Nighttime Entertainment uses within the RCD in historic buildings and buildings that**  
6 **contribute to a historic district and to principally permit such uses in Article 10**  
7 **Landmark Building No. 120 (St. Joseph’s Church at 1401 Howard Street), to exempt**  
8 **Nighttime Entertainment in the RCD from the 200-foot buffer requirement, and to**  
9 **require a Preservation, Rehabilitation and Maintenance Plan for uses within the Folsom**  
10 **Street Neighborhood Commercial Transit and RCD Districts; affirming the Planning**  
11 **Department’s determination under the California Environmental Quality Act; making**  
12 **findings of consistency with the General Plan, and the eight priority policies of**  
13 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**  
14 **and general welfare under Planning Code, Section 302.**

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

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

23 Section 1. Findings.

24 (a) The Planning Department has determined that the actions contemplated in this  
25 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

1 Supervisors in File No. 181153 and is incorporated herein by reference. The Board affirms  
2 this determination.

3 (b) On February 6, 2019, the Historic Preservation Commission considered this  
4 ordinance at a duly noticed public hearing and in Resolution No. 1020 recommended approval  
5 with modifications. A copy of said Resolution is on file with the Clerk of the Board of  
6 Supervisors in File No. 181153.

7 (c) On February 21, 2019, the Planning Commission, in Resolution No. 20389,  
8 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
9 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
10 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
11 the Board of Supervisors in File No. 181153, and is incorporated herein by reference.

12 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
13 ordinance will serve the public necessity, convenience, and general welfare for the reasons  
14 stated in Planning Commission Resolution No. 20389.

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16 Section 2. Article 7 of the Planning Code is hereby amended by revising Sections  
17 703.9, 758, and 823, to read as follows:

18 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**  
19 **NCT AND RCD DISTRICTS.**

20 The following controls are intended to support the economic viability of buildings of  
21 historic importance within the Folsom NCT and RCD Districts.

22 (a) This ~~subsection (a)~~ Section 703.9 applies only to buildings that are a designated  
23 landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV  
24 pursuant to Article 11 of this Code and located within the Extended Preservation District, or a  
25 building listed in or determined individually eligible for or contributory to a district listed on the

1 National Register of Historic Places or the California Register of Historical Resources by the  
2 State Office of Historic Preservation.

3 (b) Non-Retail Professional Services, Retail Professional Services, Philanthropic  
4 Administrative Services, Financial Services, Fringe Financial Services, Gyms, Limited  
5 Financial Services, Health Services, Personal Services and Instructional Services, as defined  
6 in Section 102, are Principally pPermitted as of right. In the RCD District only, in addition to the  
7 above uses, Arts Activities as defined in Section 102 are Principally Permitted and Nighttime  
8 Entertainment uses as defined in Section 102 require Conditional Use authorization, except that  
9 Nighttime Entertainment uses are Principally Permitted in Article 10 Landmark Building No.  
10 120 (St. Joseph’s Church at 1401 Howard Street). For all uses listed above, provided that prior to  
11 the issuance of any necessary permits, the Zoning Administrator, with the advice of the  
12 Historic Preservation Commission, shall determine that allowing the use will enhance the  
13 feasibility of preserving the building. The project sponsor must also submit a Preservation,  
14 Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation  
15 work and that guarantees the maintenance and upkeep of the historic resource for approval by the  
16 Department. This Plan shall include:

- 17 (i) a plan for the ongoing maintenance of the subject property;
- 18 (ii) information regarding the nature and cost of any rehabilitation, restoration, or  
19 preservation work to be conducted at the subject property, including information about any required  
20 seismic, life safety, or disability access work;
- 21 (iii) a construction schedule; and
- 22 (iv) such other information as the Department may require in order to determine  
23 compliance with this subsection 703.9(b).

1 (c) The Historic Preservation Commission shall review the proposed project for  
2 compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any  
3 applicable provisions of the Planning Code.  
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5 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

6 The Regional Commercial District (RCD) is located along the 9th Street and 10th Street  
7 corridors, generally running from Mission Street to Harrison Street, and provides for a wide  
8 variety of commercial uses and services to a population greater than the immediate  
9 neighborhood. While providing convenience goods and services to the surrounding  
10 neighborhood, the RCD corridors are also heavily trafficked thoroughfares into and out of the  
11 City that serve shoppers from other neighborhoods and cities.

12 Large-scale lots and buildings and wide streets distinguish the RCD from smaller-  
13 scaled neighborhood commercial streets, although the district also includes small as well as  
14 moderately scaled lots. Buildings typically range in height from two to four stories with  
15 occasional taller structures.

16 A diverse commercial environment is encouraged for the RCD. Eating and drinking  
17 establishments, general retail, office, certain auto uses, and production, distribution, and  
18 repair uses generally are permitted with certain limitations at the first and second stories. Arts  
19 ~~Activities~~ are encouraged on all floors, ~~but~~ and ~~Nighttime~~ ~~Entertainment~~ uses are *prohibited*  
20 *allowed on the First and Second Stories in historic building with Conditional Use authorization,*  
21 except that Nighttime Entertainment uses are Principally Permitted in Article 10 Landmark  
22 Building No. 120 (currently St. Joseph's Church at 1401 Howard Street).

23 Housing development is encouraged at the second story and above, and permitted on  
24 the ground floor on smaller lots. Student housing is not permitted, and existing residential  
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units are protected by limitations on demolitions and conversions. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

**Table 758. REGIONAL COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

		Regional Commercial District		
Zoning Category	§ References	Controls		
* * * *				
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
<b>Entertainment, Arts and Recreation Use Category</b>				
<b>Entertainment, Arts and Recreation Uses*</b>	§§ 102, 202.4	NP	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
<i>Entertainment, Nighttime</i>	<u>§ 102</u>	<u>NP(3)</u>	<u>NP(3)</u>	<u>NP</u>
* * * *	* * * *	* * * *	* * * *	* * * *

\* Not listed below.

\* \* \* \*

(3) ~~[Note deleted.]~~ C on First and Second Story in historic buildings and P in Article 10 Landmark Building No. 120 (St. Joseph’s Church at 1401 Howard Street) per Section 703.9, and subject to the Good Neighbor Policies for Nighttime Entertainment activities in Planning Code Section 803.5(b).

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

\* \* \* \*

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

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(9) **Buffers from Nighttime Entertainment and Animal Services.**

Additional requirements applicable to ~~n~~Nighttime ~~e~~Entertainment uses and ~~k~~Kennels, as defined in Section ~~102 224~~, are as follows:

(A) **Nighttime Entertainment.** No portion of a non-accessory

~~n~~Nighttime ~~e~~Entertainment use, as defined in Section 102.~~17~~ of this Code, shall be permitted within 200 linear feet of any property within a RED or RED-MX District. This buffer shall not apply to (i) any ~~n~~Nighttime ~~e~~Entertainment use within the WMUO District where a ~~n~~Nighttime ~~e~~Entertainment use that was established with a building permit application or a permit from the Entertainment Commission or San Francisco Police Department was in operation within five years prior to submission of a building permit application to re-establish a ~~n~~Nighttime ~~e~~Entertainment use or(ii) a Nighttime Entertainment Use established within the Regional Commercial District pursuant to Section 703.9(b) of this Code.

\* \* \* \*

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

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

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8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11       JUDITH A. BOYAJIAN  
      Deputy City Attorney

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