Ordinance amending the Planning Code to authorize Elementary and Secondary Schools and Child Care uses to exceed 25,000 square feet in the Regional Commercial District, authorize a Nighttime Entertainment use in the Western SoMa Mixed Use-Office Zoning District within 200 feet of any property within a Residential Enclave or Residential Enclave-Mixed District where a Nighttime Entertainment use legally operated within five years prior to an application to re-establish the use, allow Nighttime Entertainment as a permitted use within the Western SoMa Mixed Use-Office Zoning District; and affirming the Planning Department’s California Environmental Quality Act determination and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncleodified 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.). The Board of Supervisors hereby affirms this determination.
Said determination is on file with the Clerk of the Board of Supervisors in File No. 140724 and is incorporated herein by reference.
(b) On September 5, 2014, the Planning Commission, in Resolution No. 19227, 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 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 140724, and is incorporated herein by reference.

Section 2. The Planning Code is hereby amended by revising Table 744, to read as follows:

SEC. 744.1. REGIONAL COMMERCIAL DISTRICT.

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

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

A diverse commercial environment is encouraged for the RCD. Eating and drinking establishments, general retail, office, certain auto uses, and production, distribution, and repair uses generally are permitted with certain limitations at the first and second stories. Arts activities are encouraged on all floors, but nighttime entertainment uses are prohibited.
Housing development is encouraged at the second story and above, and permitted on the ground floor on smaller lots. Student housing is not permitted, and existing residential units are protected by limitations on demolitions and conversions.

Table 744

REGIONAL COMMERCIAL DISTRICT

ZONING CONTROL TABLE

<table>
<thead>
<tr>
<th>No.</th>
<th>Zoning Category</th>
<th>Reference</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>744.21</td>
<td>Use Size [Non-Residential]</td>
<td>§§ 121.2, 790.130</td>
<td>P up to 10,000 sq. ft.; C above; NP above 25,000 sq. ft. except for Elementary and Secondary Schools as defined in Planning Code Section 217(f) and (g) and Child Care as defined in Planning Code Sections 790.50(b) and 790.51(a).</td>
</tr>
</tbody>
</table>

Section 3. The Planning Code is hereby amended by revising Sections 823 and 845.56, to read as follows:

SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.

(a) The Western SoMa Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed by Sections 803.6 and 803.7 of this Code, and Board of Supervisors Resolution No. 731-04.
(b) **Design Standards.** The construction of new buildings and alteration of existing buildings in the Western SoMa Special Use District shall be consistent with the design policies and guidelines of the "WSoMa Design Standards" as adopted and periodically amended by the Planning Commission.

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

* * * *

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

(A) **Nighttime Entertainment.** No portion of a nighttime 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 any nighttime entertainment use within the WMUO District where a nighttime 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 nighttime entertainment use.*

(B) **Animal Services.** No portion of an animal service use, as defined in Section 224 of this Code, and that operates as a 24-hour facility, shall be permitted within 200 linear feet of an existing building containing a legal residential use, as defined in Section 890.88, within an RED or RED-MX District.

* * * *

SEC. 845. WMUO - WSOMA MIXED USE-OFFICE DISTRICT.

The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to
the north side of Folsom Street. The WMUO is designed to encourage office uses along with small-scale light industrial and arts activities. Nighttime entertainment is permitted, although limited by buffers around RED and RED-MX districts.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy industrial uses are not permitted.

Table 845

WMUO – WSOMA MIXED USE-OFFICE DISTRICT

ZONING CONTROL TABLE

<table>
<thead>
<tr>
<th>No.</th>
<th>Zoning Category</th>
<th>§ References</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>****</td>
<td>Assembly, Recreation, Arts and Entertainment</td>
<td>§§</td>
<td>€ P</td>
</tr>
<tr>
<td>845.56</td>
<td>Nighttime Entertainment</td>
<td>102.17, 181(f), 803.5(b), 823</td>
<td></td>
</tr>
</tbody>
</table>

Section 4. 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.

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

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

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance amending the Planning Code to authorize Elementary and Secondary Schools and Child Care uses to exceed 25,000 square feet in the Regional Commercial District, authorize a Nighttime Entertainment use in the Western SoMa Mixed Use-Office Zoning District within 200 feet of any property within a Residential Enclave or Residential Enclave-Mixed District where a Nighttime Entertainment use legally operated within five years prior to an application to re-establish the use, allow Nighttime Entertainment as a permitted use within the Western SoMa Mixed Use-Office Zoning District; and affirming the Planning Department's California Environmental Quality Act determination and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

September 22, 2014 Land Use and Economic Development Committee - RECOMMENDED AS COMMITTEE REPORT

September 23, 2014 Board of Supervisors - PASSED, ON FIRST READING
  Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

September 30, 2014 Board of Supervisors - FINALLY PASSED
  Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/30/2014 by the Board of Supervisors of the City and County of San Francisco.

[Signature]
Angela Calvillo
Clerk of the Board

[Signature]
Mayor

10/9/2014
Date Approved