



Western SoMa Citizens  
Planning Task Force

# Entertainment as part of a Complete Neighborhood



# Eastern Neighborhoods Plan Areas



SAN FRANCISCO PLANNING DEPARTMENT | APRIL 2008

Sunday, December 18, 11

The Planning Department launched a vast rezoning effort known as the Eastern Neighborhoods process in 2002. It encompassed the Mission, Potrero Hill, Showplace Square, the Central waterfront and South of Market. That's almost a quarter of the city.

A broad coalition of stakeholders, including residents, small business owners, affordable-housing providers, transportation advocates, artists and entertainment industry representatives, lobbied the Board of Supervisors to remove Western SoMa from this one-size-fits-all process and let the community plan for their own future.





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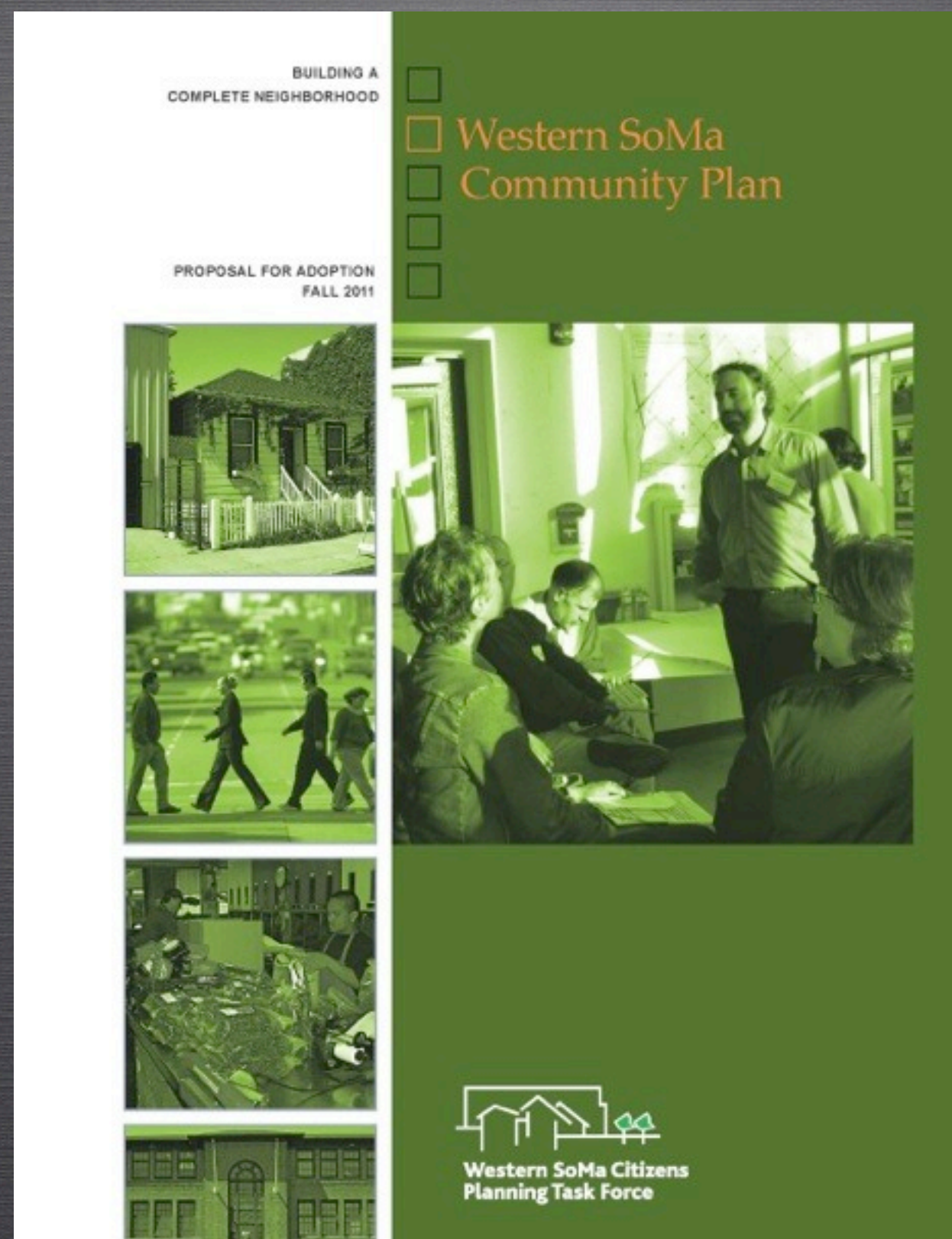
## Constituencies represented on the Task Force



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Out of this came the Western SoMa Citizens Planning Task Force, a bottom-up exercise in participatory democracy. Eventually, 26 different constituencies were identified and stakeholders were appointed to the Task Force to represent their interests.

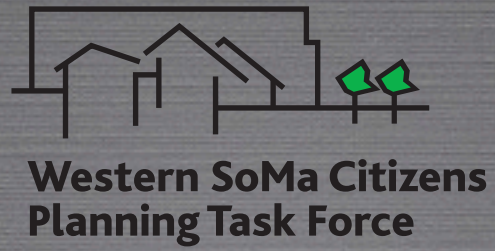




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"Building a Complete Neighborhood." That's what it's all about. A complete Neighborhood is much more than just housing. It took us three years to write the Western SoMa Community Plan. It contains several innovative recommendations:



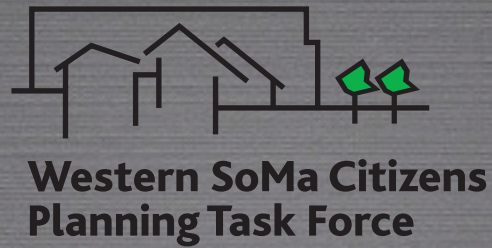


# Residential Enclave Districts

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We dramatically expand the number of Residential Enclave Districts, particularly north of Harrison Street, to reflect where people already live.





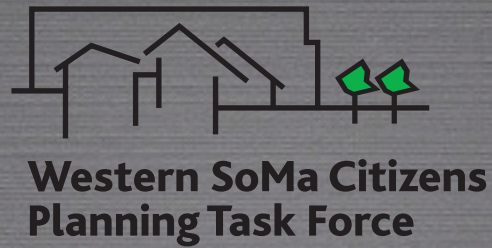
# Residential Enclave Districts

## Service, Arts and Light Industrial District

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We create the Service, Arts and Light Industrial zoning, the SALI district, south of Harrison Street, where working class jobs, entertainment and arts uses are encouraged and housing is prohibited.





# Residential Enclave Districts

## Service, Arts and Light Industrial District

## Folsom Street Neighborhood Commercial District

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Folsom Street would become the ceremonial center of the neighborhood when it becomes the transit-oriented Folsom Street Neighborhood Commercial District, with a mixture of commercial and light entertainment uses on the ground floor and small offices and housing occupying the upper floors.





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# Residential Enclave Districts

## Service, Arts and Light Industrial District

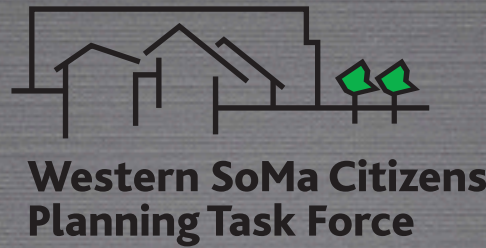
## Folsom Street Neighborhood Commercial District

## Regional Commercial Districts (9th and 10th Streets)

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9th and 10th Streets would become Regional Commercial Districts to strengthen the auto repair and home furnishings businesses that draw people to South of Market.



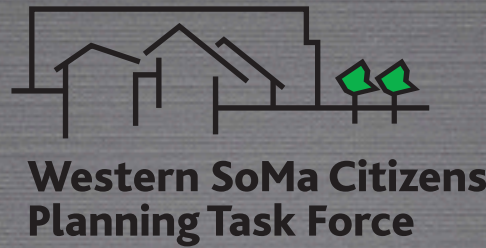


Residential Enclave Districts  
Service, Arts and Light Industrial District  
Folsom Street Neighborhood Commercial District  
Regional Commercial Districts (9th and 10th Streets)  
Large development sites

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We identified more than a dozen large development sites, essentially sites of more than an acre that were vacant or underutilized, that could accommodate high density clusters of housing and all the other services required to blend into the surrounding community.



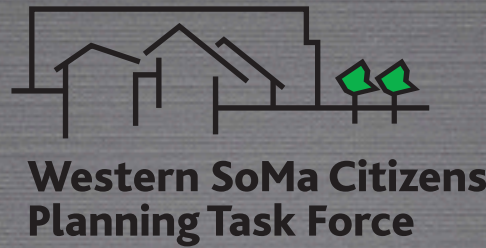


Residential Enclave Districts  
Service, Arts and Light Industrial District  
Folsom Street Neighborhood Commercial District  
Regional Commercial Districts (9th and 10th Streets)  
Large development sites  
Filipino and LGBTQ Social Heritage Districts

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The Plan would create Social Heritage Districts to preserve and honor the contributions of the Filipino and LGBTQ communities.





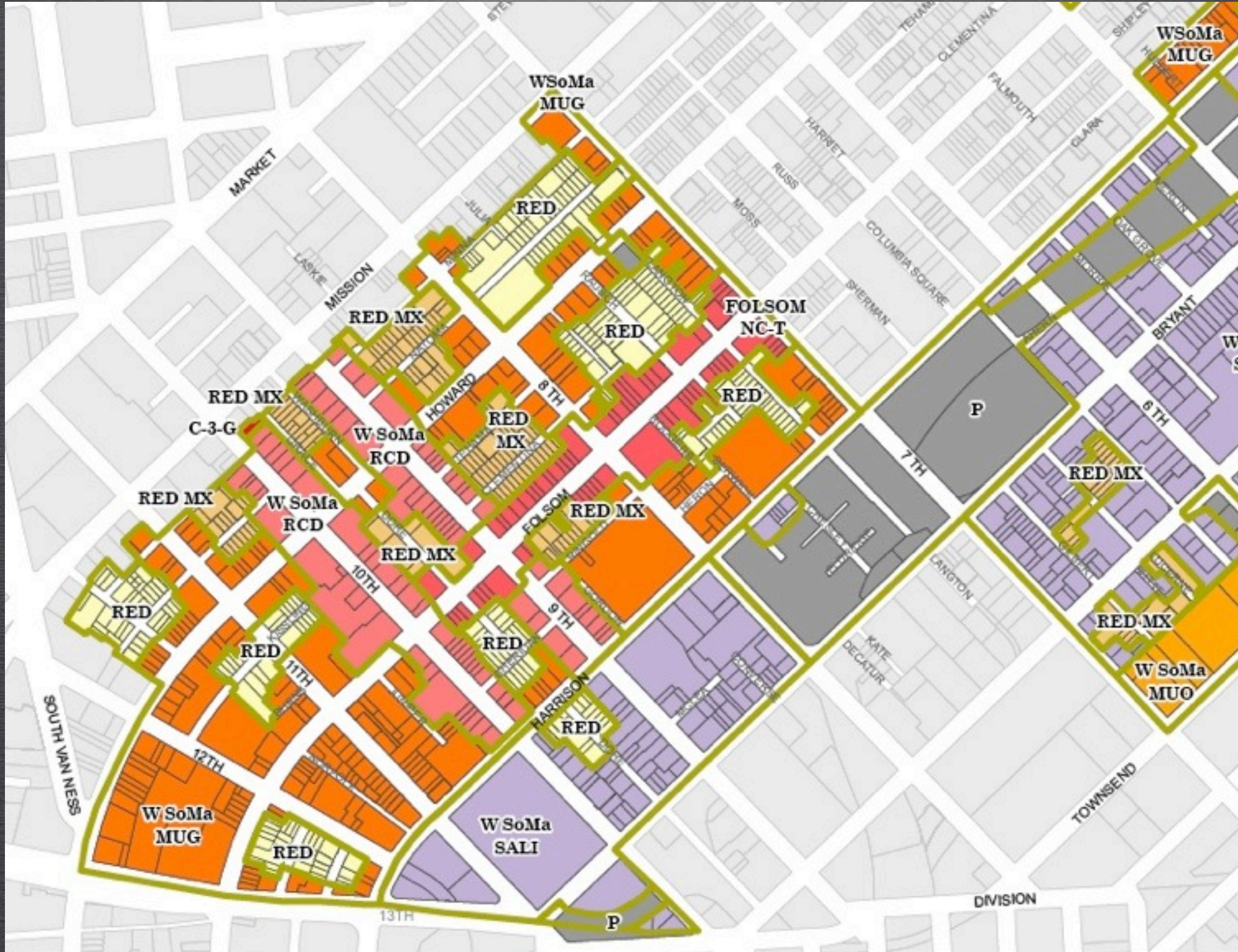
Residential Enclave Districts  
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Large development sites  
Filipino and LGBTQ Social Heritage Districts  
SoMa Community Stabilization Policy

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The Task Force is currently working with the Board of Supervisors to give us a Community Stabilization Policy that preserves the historic balance of affordable housing and jobs.



# Residential density north of Harrison Street



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Here is the proposed zoning. Housing would be encouraged everywhere north of Harrison Street and we anticipate the addition of 3-4,000 new units of housing over the next 20 years.



# No housing south of Harrison Street



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South of Harrison, in the SALI and the Mixed Use Office district along Townsend Street, housing is prohibited and space is protected for all those uses that don't coexist peacefully alongside housing. The Plan was forwarded to the Planning Department for environmental review in August of 2008, and over the last three years we've amended, adjusted and strengthened what many consider to be a thoroughly comprehensive document.





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entertainment

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... so, with that context out of the way, let me talk specifically about entertainment. In the 1980s, entrepreneurs, many with ties to North Beach, saw SoMa as a place to reinvigorate a nightclub scene that had grown tawdry and tacky along the Broadway corridor. The devastation of the AIDS epidemic, beginning in the early 1980s, opened up a ready supply of former gay bars for the industry to populate. These were the days of performers like Chris Issaks and Tori Amos, business owners such as Robin Reichart and Mark Rennie, in the era of the Paradise Lounge and the Billboard Cafe ...



**NO MORE CLUBS AND EXPENSIVE RESTAURANTS  
SOMA IS FOR FAMILIES. WE WANT PEACE AND QUIET. THIS IS OUR  
COMMUNITY AND OUR RULES...NOT THE ENTERTAINMENT COMMITTEE!**

I'm seriously concerned with this entertainment zoning in soma. it's absolutely clear that their mentality is not for family. as a parent, i'm protecting the safety, health, values and culture of my children. i've lived here too long to see the many changes, including more clubs, restaurants, businesses that don't care, and are disrespectful and insensitive to families and residents, culture of our community....crime, gangs, filthy sidewalks, expensive menus and products, loud rowdy customers - having sex and doing drugs on the streets, no parking, operating under pretense that they respect our community, disrespectful to our trees and environment, unsupportive of our schools, children, seniors, and non-profits. we are not rich and i clearly see some businesses' upscale target market.

i've had enough.

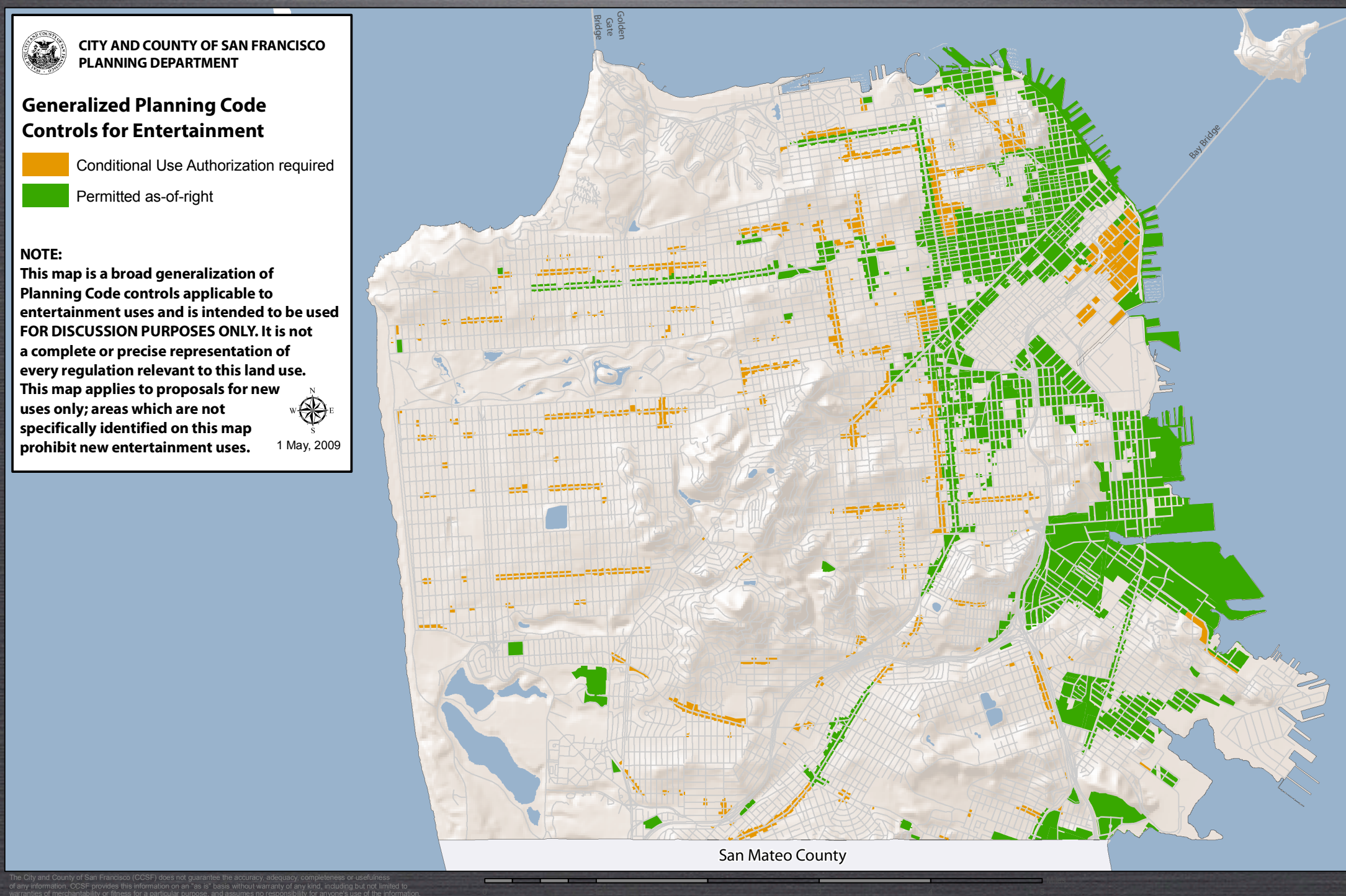
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But not everyone was enjoying these wild times. Existing residents were raising families down here too and they pushed back. Remember, this was before the live/work boom so don't start blaming people who just moved into the neighborhood. The Filipino population, living along alleys you've probably never heard of -- Kissling, Juniper, Norfolk, Clementina and Ringold -- resented the Bridge and Tunnel crowd that was bringing noise, nuisance and violence into their quiet community.

Ultimately, the 1990 "South of Market Plan" dealt with the expansion of nighttime entertainment in a compromise, acknowledging residential housing as a permitted use and entertainment as a legal, non-conforming use. Every SoMa venue that could establish even a trace of an entertainment-related history in its past was grandfathered in.



# Where entertainment is allowed citywide

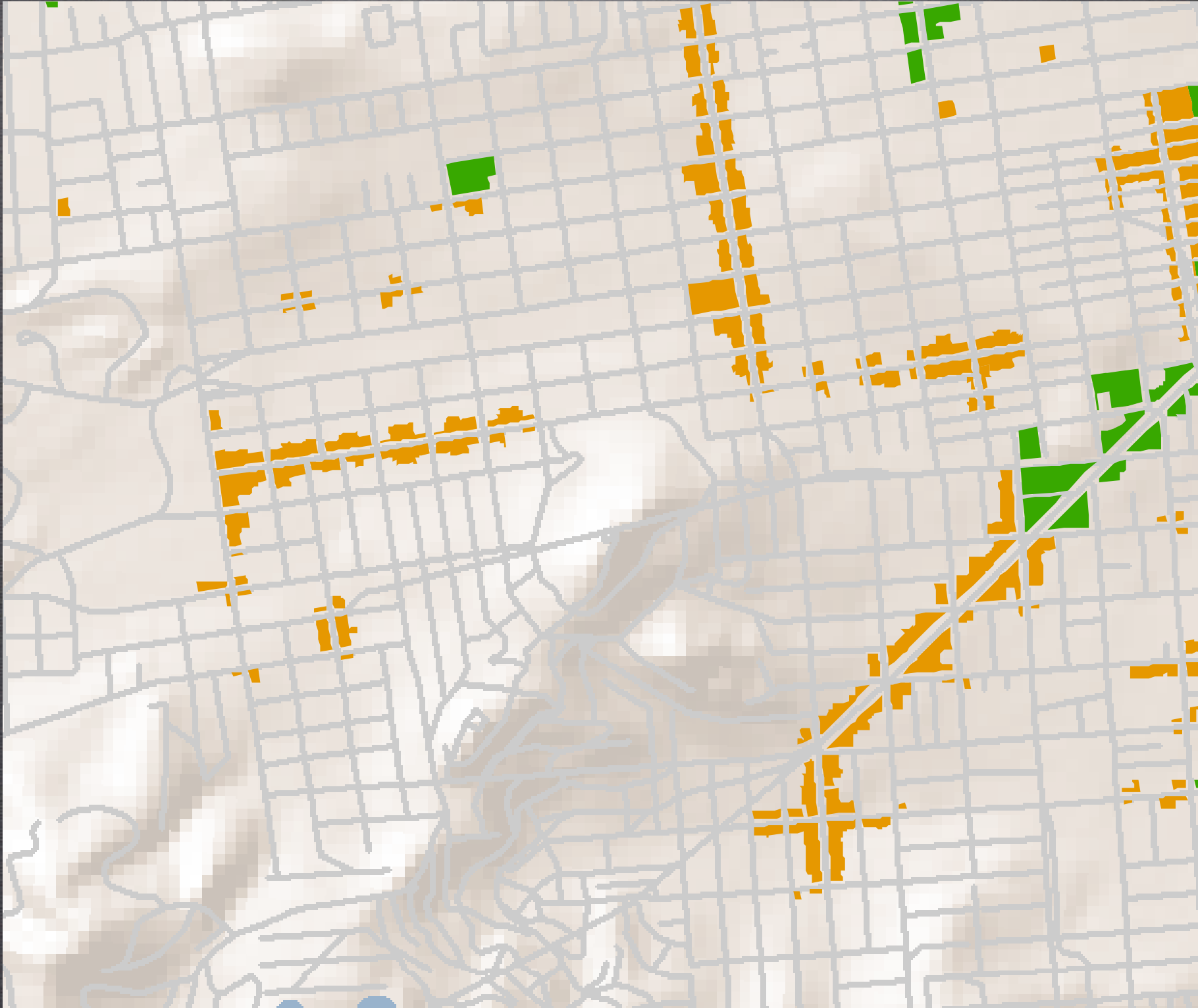


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Citywide, entertainment is dealt with in a much more black and white manner. I think this map will surprise you. The green and orange areas show where entertainment is a permitted or conditional use and on the rest of the map -- in the vast majority of the city -- entertainment is not allowed.



# Where entertainment is allowed in District 8

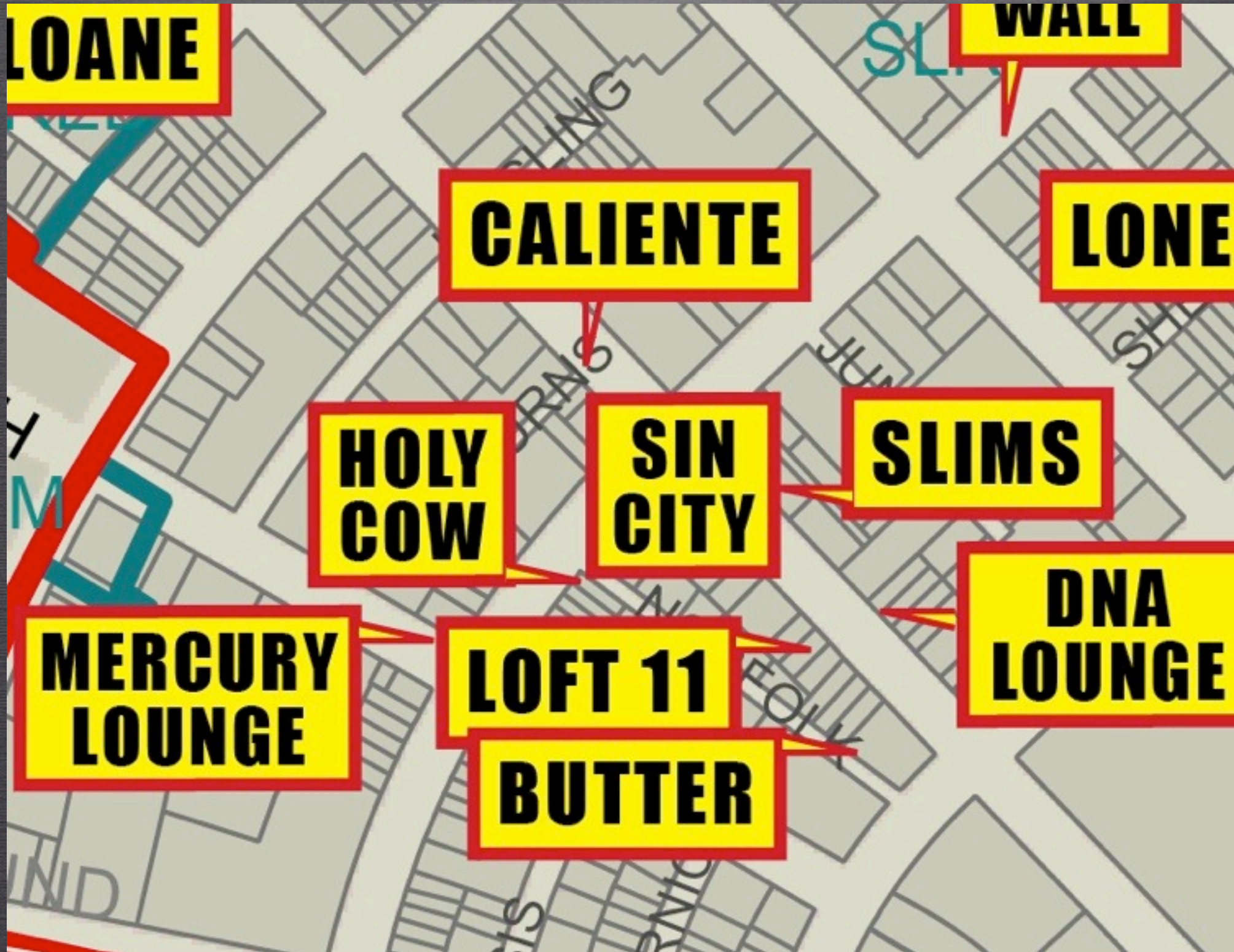


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To put this into better perspective, even in Supervisor Scott Wiener's district, with the Castro, 24th Street and the Valencia Street corridor, entertainment is only permitted in the neighborhood commercial districts and not allowed in any of the residential neighborhoods.



## Neighbor/nightclub conflicts in the 11th Street area



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That's because entertainment is fundamentally at odds with housing. A quick look at this map shows just a sampling of venues which have experienced conflicts with their neighbors. There is a large concentration in the 11th Street corridor, for sure -- Caliente, Holy Cow, Slims, the DNA Lounge, Butter, Loft 11 and the Mercury Lounge -- have all had their battles ...



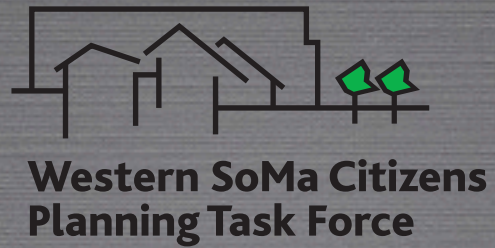
# Neighbor/nightclub conflicts throughout SoMa



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... but fights between neighbors and nightclubs are not restricted to the so-called entertainment district. Sloane, at 12th and Mission, the Lone Star and Hole in the Wall between 9th and 10th Streets, the Rawhide, Icon, Cat Club, 1015 Folsom, Manor West, Glas Kat and the Endup, have all had difficulties with their immediate neighbors.



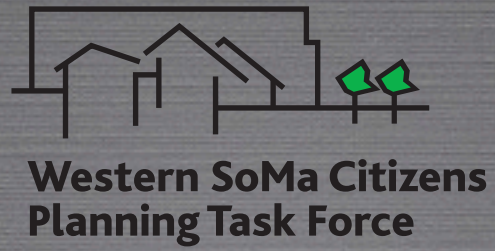


- Entertainment should be considered part of a "complete neighborhood"

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We devoted an incredible amount of time to developing new zoning controls that balance the interests of everyone in the community. Terrance Alan was the first person to represent the entertainment industry on the Task Force and he set the tone for the discussions between the neighbors and the clubs when he outlined these goals in May of 2005: first, entertainment should be considered part of a "complete neighborhood"





- Entertainment should be considered part of a "complete neighborhood"
- Entertainment is better scattered throughout a mixed-use community

Sunday, December 18, 11

Entertainment is better scattered throughout a mixed-use community





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- Entertainment should be considered part of a "complete neighborhood"
- Entertainment is better scattered throughout a mixed-use community
- Non-conforming status makes it difficult to renovate, correct problems or relocate entertainment venues





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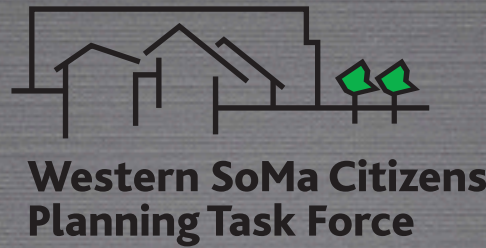
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- The neighbors and entertainment industry all agree that an entertainment zone is a bad idea

*Terrance Alan*  
*Entertainment Representative*  
*May 4, 2006*

Sunday, December 18, 11

The neighbors and entertainment industry all agree that an entertainment zone is a bad idea





## *Western SoMa Task Force entertainment policy*

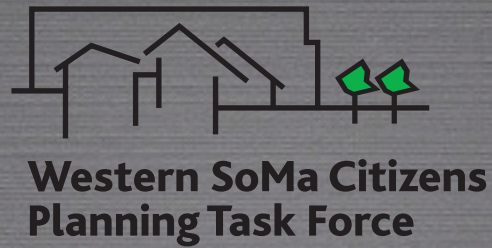
**1. Leave entertainment as a legal, non-conforming use in the mixed-use neighborhoods north of Harrison Street, where the Plan anticipates the greatest amount of residential growth to occur.**

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66 community meetings were held, including three Town Hall meetings at Bessie Carmichael School, more than a year of monthly meeting of our own Arts and Entertainment Focus Group, and at 22 meetings of the full Task Force, we voted on an assortment of policies and amendments to the final Plan. Here's what the Task Force recommends:

1. Leave entertainment as a legal, non-conforming use in the mixed-use neighborhoods north of Harrison Street, where the Plan anticipates the greatest amount of residential growth to occur.





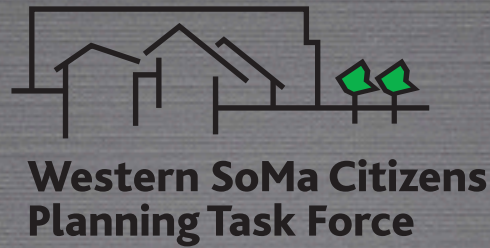
## *Western SoMa Task Force entertainment policy*

2. Change the zoning south of Harrison Street to allow all forms of entertainment as a fully permitted use.

Sunday, December 18, 11

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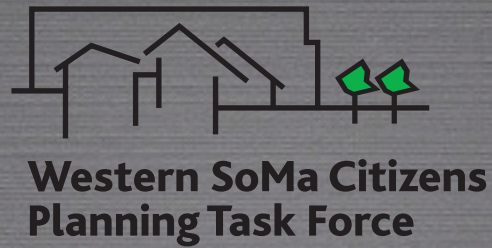
## *Western SoMa Task Force entertainment policy*

**3. Allow the non-conforming status that every existing venue holds to remain with the property for a reasonable length if the property were to be demolished so that entertainment could be built into the new construction.**

Sunday, December 18, 11

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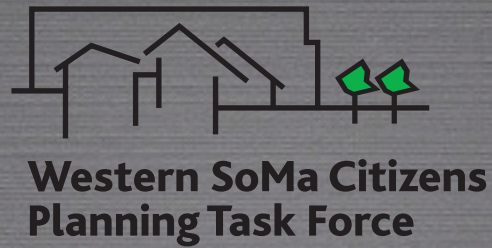




## *Western SoMa Task Force entertainment policy*

**4. Allow entertainment as an accessory use (limited live performances) in the Folsom Street Neighborhood Commercial District.**





## *Western SoMa Task Force entertainment policy*

**5. The Task Force also approved mitigation language that would impose conditions on new residential construction:**

Sunday, December 18, 11

5. The Task Force also approved mitigation language that would impose conditions on new residential construction: Let me paraphrase this language that's included in our EIR ...





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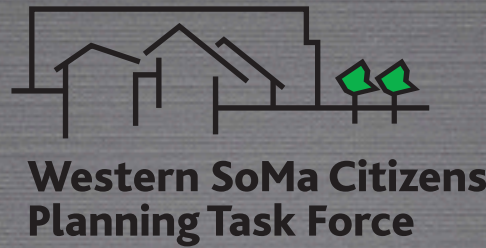
## *Western SoMa Task Force entertainment policy*

“Mitigation Measure M-NO-4b: Siting of Noise-Sensitive Uses. To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-site to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first approval action, in order to demonstrate that acceptable interior noise levels consistent with those in Title 24 standards can be attained.”

Sunday, December 18, 11

New construction, which is considered sensitive to noise (housing) would be required to study the conditions in the immediate area and if necessary additional sound mitigation measures would be required in the project that would ensure that state mandated Title 24 standards for a healthy environment inside be attained.





## *8 Reasons why a Special Use District (an entertainment zone) won't help 11th Street*

# A special use district can't prevent the ABC from suspending a club's license

Sunday, December 18, 11

Some folks are not satisfied. A compromise sometimes means you don't get every thing you want. The neighbors gave up a lot in these negotiations.

Terrance Alan ruled out any sort of special district for entertainment -- and that was an important concession at the start of our process -- so we never devoted a lot of time to talking about an entertainment zone, but at this late stage in the process, it's back and now they're calling it a "Special Use District."

Theoretically, an SUD could override the underlying zoning and allow additional entertainment permits in the area but 11th Street is already crowded with nightclubs and they already are allowed to expand under current law. Only one has taken advantage of that provision.

The real problem is that many sit empty most nights of the week. Zoning has nothing to do with that. It's a lack of customers.

And despite their guarded rhetoric, an SUD always seems to some people to be the solution to enforcement issues. We've been through this before. Let me share a little of what we've learned:

A special use district can't prevent the ABC from suspending a club's license. A license to sell alcohol is granted by the Department of Alcoholic Beverage Control, a state agency, and their regulations are not subject to local control.





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

**An SUD can't allow some clubs  
to be noisier than others**

Sunday, December 18, 11

An SUD can't allow some clubs to be noisier than others. The volume of music inside a nightclub is one thing. But when it escapes the confines of the building and begins to impact those living in the surrounding area, it becomes subject to federal, state and local regulations. Neighbors of nightclubs are entitled to equal protection under the law.





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

**Zoning changes can't be used to  
punish the neighbors for complaining**

Sunday, December 18, 11

Zoning changes can't be used to punish the neighbors for complaining. To downzone a person's property -- in other words, change its status from as-of-right use to a non-permitted one -- diminishes the property's value and opens the city up to charges of an "illegal taking."





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

A special use district can't fill up  
half empty nightclubs

Sunday, December 18, 11

A special use district can't fill up half empty nightclubs. Nighttime entertainment is a private business. Some succeed and others fail. It's not within the interests of local government to choose winners and losers.





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

A special use district  
can't legalize illegal parties

Sunday, December 18, 11

A special use district can't legalize illegal parties. Private events that draw large crowds, serve food and beverages, feature entertainment and have an impact on the surrounding community, fall under various statutes that require permissions and permits. The Planning Commission cannot usurp the powers of any other government agency.





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

# Planning Code amendments can't save the Eagle

Sunday, December 18, 11

Planning Code amendments can't save the Eagle ... as much as we wish they could. Local agencies can regulate the kinds of uses that are allowed and prohibited -- the Planning Code might specify that a nighttime entertainment use is allowed and that formula retail is not, for example -- but they can't require that a specific use such as a gay bar be the only use allowed.





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

Existing housing is here to stay ...

Sunday, December 18, 11

Existing housing is here to stay ... whether existing housing adjacent to nightclubs has been there for one year or a hundred years, it is currently a fully-permitted use. Were the Planning Commission to be so bold as to downzone that housing -- and I've already mentioned the perils of an illegal taking -- it would become a legal, nonconforming use (as nightclubs currently are) and would be grandfathered into the zoning.





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*8 Reasons why a Special Use District  
(an entertainment zone) won't help 11th Street*

... and it doesn't pay  
to piss off the neighbors

Sunday, December 18, 11

... and it doesn't pay to piss off the neighbors. The right to "the peaceful and quiet use and enjoyment of your home" is a fundamental fact of life. It was once expressed as "a man's home is his castle." It is enshrined in English common law and has a thousand years worth of precedent behind it. It is most commonly used today in public and private nuisance cases. No matter what the zoning might say, if a neighbor can establish that an entertainment venue interferes with the rights which we all enjoy as citizens, the venue can be sued every single time the nuisance occurs.





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*What smart planning can do ...*

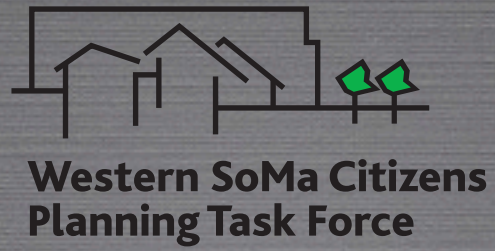
# Smart planning doesn't punish anyone

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SoMa is the quintessential mixed use community because neighbors and club owners have worked through a lot of this clutter and chaos. In fact, that's what makes this a such an interesting place to live. But we've learned that there are some types of uses that are destined to be fighting all the time and we do not want to create any more conflicts between incompatible uses. Here's what smart planning *can* do:

- Smart planning doesn't punish anyone.





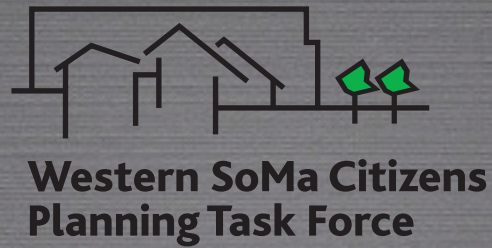
*What smart planning can do ...*

It should minimize conflict

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- It should minimize conflict.





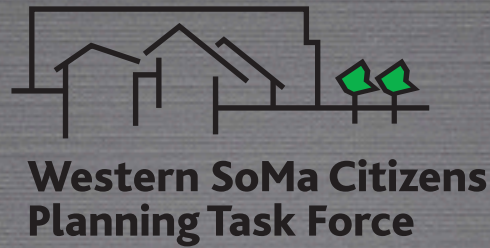
*What smart planning can do ...*

It should protect the rights of everyone

Sunday, December 18, 11

- It should protect the rights of everyone.





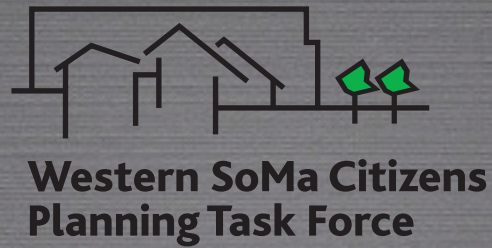
*What smart planning can do ...*

It can channel additional housing into  
some areas and new entertainment  
opportunities into  
more appropriate ones.

Sunday, December 18, 11

- It can channel additional housing into some areas and new entertainment opportunities into other more appropriate ones.





*What smart planning can do ...*

It can encourage a partnership with a  
wide variety of interests

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- It can encourage a partnership with a wide variety of interests.





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# Entertainment as part of a Complete Neighborhood

Sunday, December 18, 11

Smart planning can ensure that the entertainment industry is valued, as it should be, as a part of a complete neighborhood.