

1 [Planning Code - Nighttime Entertainment Castro Street Neighborhood Commercial District]

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3 **Ordinance amending the Planning Code to change the zoning controls in the Castro**  
4 **Street Neighborhood Commercial District to exclude Article 10 Landmark buildings**  
5 **from use size limitation and allow Nighttime Entertainment with a Conditional Use**  
6 **authorization on the second floor; affirming the Planning Department’s determination**  
7 **under the California Environmental Quality Act; and making findings of consistency**  
8 **with the General Plan and the eight priority policies of Planning Code, Section 101.1,**  
9 **and findings of public necessity, convenience, and welfare under Planning Code,**  
10 **Section 302.**

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this  
21 ordinance comply with the California Environmental Quality Act (California Public Resources  
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
23 Supervisors in File No. 220709 and is incorporated herein by reference. The Board affirms  
24 this determination.  
25

(b) On June 15, 2023, the Planning Commission, in Resolution No. 21333, 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. 220709, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21333, and incorporates such reasons by this reference thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 220709, and is incorporated herein by reference.

Section 2. Article 7 of the Planning Code is hereby amended by revising Section 715, to read as follows:

**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls
* * * *		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Floor Area Ratio	§§ 102, 123, 124	3.0 to 1

1	Use Size	§§ 102, 121.2	P to 1,999 square feet; C 2,000 square feet to 3,999 square feet; NP(1) 4,000 square feet and above		
2					
3					
4	* * * *				
5			<b>Controls by Story</b>		
6			1st	2nd	3rd+
7					
8	* * * *				
9	<b>Entertainment, Arts and Recreation Use Category</b>				
10	<b>Entertainment, Arts and Recreation Uses*</b>	§ 102	NP	NP	NP
11	Arts Activities	§ 102	P	P	P
12	Entertainment, General	§ 102	P	P	NP
13	Entertainment, Nighttime	§ 102	C	<u>CNP</u>	NP
14					
15	* * * *				
16					
17					

\* Not listed below

(1) USE SIZE EXEMPTION

Per Planning Code Section 121.2(b), Use Size shall generally not exceed 4,000 square feet except that a Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in Section 102 that is operated by a non-profit and is neighborhood-serving

1 may exceed 4,000 square feet by Conditional Use authorization. The non-residential use size  
2 limitation shall not apply to Article 10 Landmark buildings located in the Castro NCD

3 \* \* \* \*

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

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10  
11 APPROVED AS TO FORM:  
12 DAVID CHIU, City Attorney

13 By: /s/ Robb Kapla  
14 ROBB KAPLA  
15 Deputy City Attorney

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**City and County of San Francisco**  
**Tails**  
**Ordinance**

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 220709

**Date Passed:** October 31, 2023

Ordinance amending the Planning Code to change the zoning controls in the Castro Street Neighborhood Commercial District to exclude Article 10 Landmark buildings from use size limitation and allow Nighttime Entertainment with a Conditional Use authorization on the second floor; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

October 02, 2023 Land Use and Transportation Committee - CONTINUED

October 16, 2023 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 16, 2023 Land Use and Transportation Committee - CONTINUED AS AMENDED

October 23, 2023 Land Use and Transportation Committee - REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT

October 24, 2023 Board of Supervisors - PASSED ON FIRST READING

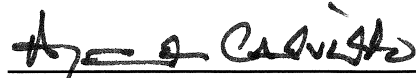
Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Preston, Ronen, Safai, Stefani and Walton  
Noes: 1 - Peskin

October 31, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Melgar, Ronen, Safai, Stefani and Walton  
Noes: 1 - Peskin  
Excused: 1 - Preston

File No. 220709

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
10/31/2023 by the Board of Supervisors of  
the City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
London N. Breed  
Mayor

11/9/23  
\_\_\_\_\_  
Date Approved