

1 [Castro Street and Upper Market Neighborhood Commercial Districts – Exemption of certain  
2 entertainment permits from the conditional use process.]

3 **Ordinance amending the San Francisco Planning Code by amending Section 715.48**  
4 **and Section 721.48 to provide that existing bars in the Castro Street and Upper Market**  
5 **Neighborhood Commercial Districts will be allowed to apply for and receive a place of**  
6 **entertainment permit from the Entertainment Commission without obtaining**  
7 **conditional use authorization from the Planning Commission if they can demonstrate**  
8 **to the satisfaction of the Entertainment Commission that they have been in regular**  
9 **operation as an entertainment use prior to January 1, 2004; adopting findings.**

10 Note: Additions are *single-underline italics Times New Roman*;  
11 deletions are *strikethrough italics Times New Roman*.  
12 Board amendment additions are double underlined.  
13 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. Findings.

16 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
17 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
18 Planning Commission Resolution No. \_\_\_\_\_ recommending approval of this  
19 Planning Code amendment, and incorporates those reasons herein by this reference. A copy  
20 of said Resolution is on file with the Clerk of the Board of Supervisors in File No.

21 \_\_\_\_\_.

22 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that  
23 this ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) and  
24 with the General Plan, and hereby adopts and incorporates herein the findings of the Planning  
25 Commission as set forth in Planning Commission Resolution No. \_\_\_\_\_.

1 (c) The Upper Market Street and Castro Street Neighborhood Commercial Districts  
2 have a worldwide reputation as entertainment districts, especially to the lesbian, gay,  
3 bisexual, and transgender communities.

4 (d) Many bars in these Neighborhood Commercial Districts have been operating for  
5 years as places of entertainment without the proper permits and there have been no  
6 significant complaints.

7 (e) The Planning Code currently requires a conditional use for a place of  
8 entertainment in these Neighborhood Commercial Districts, which would require a public  
9 hearing before the Planning Commission.

10 (f) Because the Planning Commission is currently backlogged with cases, it would  
11 take many months for existing bars to obtain approval of a conditional use, even if there is no  
12 neighborhood opposition.

13 (g) Eliminating the conditional use requirement for these existing bars would not  
14 deprive the public of a public hearing because a hearing would be required before the  
15 Entertainment Commission prior to approval of a place of entertainment permit.

16 (h) There is a significant public benefit to allowing legally-existing bars that have  
17 operated as places of entertainment for many years without problems to be grandfathered as  
18 legal entertainment uses.

19 Section 2. The San Francisco Planning Code is hereby amended by adding a pound  
20 sign after the C in Section 715.48 of the Zoning Control Table and adding Section 715.48 to  
21 the Specific Provisions for Castro Street Neighborhood Commercial District, to read as  
22 follows:

23 Sec. 715.48 Boundaries: Applicable for the Castro Street NCD.

24 Controls: Existing bars in the Castro Street Neighborhood Commercial District  
25 will be allowed to apply for and receive a place of entertainment permit from

1 the Entertainment Commission without obtaining conditional use authorization  
2 from the Planning Commission if they can demonstrate to the satisfaction of the  
3 Entertainment Commission that they have been in regular operation as an  
4 entertainment use prior to January 1, 2004; provided, however, that a  
5 conditional use is required (1) if an application for a conditional use for the  
6 entertainment use was filed with the Planning Department prior to the date this  
7 ordinance was introduced or (2) if a conditional use was denied within 12  
8 months prior to the effective date of this ordinance.

9 Section 3. The San Francisco Planning Code is hereby amended by adding a pound  
10 sign after the C in Section 721.48 of the Zoning Control Table and adding Section 721.48 to  
11 the Specific Provisions for Upper Market Street Neighborhood Commercial District, to read as  
12 follows:

13 Sec. 721.48 Boundaries: Applicable for the Upper Market Street NCD.

14 Controls: Existing bars in the Upper Market Street Neighborhood Commercial  
15 District will be allowed to apply for and receive a place of entertainment permit  
16 from the Entertainment Commission without obtaining conditional use  
17 authorization from the Planning Commission if they can demonstrate to the  
18 satisfaction of the Entertainment Commission that they have been in regular  
19 operation as an entertainment use prior to January 1, 2004; provided, however,  
20 that a conditional use is required (1) if an application for a conditional use for  
21 the entertainment use was filed with the Planning Department prior to the date  
22 this ordinance was introduced or (2) if a conditional use was denied within 12  
23 months prior to the effective date of this ordinance.

1           Section 4. The Entertainment Commission shall adopt Rules and Regulations to  
2 implement the provisions of this ordinance.

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

5 By: \_\_\_\_\_  
6       JUDITH A. BOYAJIAN  
7       Deputy City Attorney

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