

BOARD of SUPERVISORS



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June 15, 2022

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On June 7, 2022, Supervisor Mandelman submitted the following legislation:

File No. 220709

Ordinance amending the Planning Code, to change the zoning controls in the Castro Street Neighborhood Commercial District to allow Nighttime Entertainment with a Conditional Use authorization on the second floor; and 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.

The proposed ordinance is being transmitted for review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Tina Tam, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Chief of Staff
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning

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

2

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

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

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

18 Section 1. Findings.

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

24 (b) On _____, the Planning Commission, in Resolution No. _____,
 25 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

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
 2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

8
 9 Section 2. The Planning Code is hereby amended by revising Section 715, to read as
 10 follows:

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

12 * * * *

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

15 * * * *

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS				
* * * *				
Non-Residential Uses	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Entertainment, Arts and Recreation Use Category				

1	Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
2	Arts Activities	§ 102	P	P	P
3	Entertainment, General	§ 102	P	P	NP
4	Entertainment, Nighttime	§ 102	C	<u>CNP</u>	NP

7 * * * *

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

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14
15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: /s/ _____
18 ROBB KAPLA
19 Deputy City Attorney

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LEGISLATIVE DIGEST

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

Ordinance amending the Planning Code, to change the zoning controls in the Castro Street Neighborhood Commercial District to 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.

Existing Law

Within the Castro Neighborhood Commercial District, Nighttime Entertainment is allowed with a Conditional Use authorization on the first floor of a building and is not permitted on the second story or above.

Amendments to Current Law

The Proposed Legislation would allow Nighttime Entertainment with a Conditional Use authorization on the second floor while keeping the use not permitted on the third floor or above.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only