

BOARD of SUPERVISORS



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October 22, 2021

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

Dear Commissioners:

On October 19, 2021, Supervisor Mandelman submitted the following legislation:

**File No. 211093**

**Ordinance amending the Planning Code to conditionally permit Bars in the Castro Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted for review. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

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  
Scott Sanchez, Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Adam Varat, Acting Director of Citywide Planning  
AnMarie Rodgers, Legislative Affairs  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning

1 [Planning Code - Castro Street Neighborhood Commercial District]

2

3 **Ordinance amending the Planning Code to conditionally permit Bars in the Castro**  
 4 **Street Neighborhood Commercial District; affirming the Planning Department’s**  
 5 **determination under the California Environmental Quality Act; making findings of**  
 6 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
 7 **Section 101.1.; and making findings of public necessity, convenience, and welfare**  
 8 **under Planning Code, Section 302.**

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

13

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

15

16 Section 1. Environmental and Land Use Findings.

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

22 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
 23 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
 24 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

25

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 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 reference  
6 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File  
7 No. \_\_\_\_\_.

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 (a) **The Castro Street District.** The Castro Street District is situated in Eureka Valley,  
13 close to the geographic center of San Francisco between the Mission District, Twin Peaks,  
14 and Upper Market Street. \* \* \* \*

15 (b) **Intent of Controls.** The Castro Street District controls are designed to maintain  
16 existing small-scale development and promote a balanced mix of uses. Building standards  
17 permit small-scale buildings and uses and protect rear yards above the ground story and at  
18 residential levels. In new buildings, most commercial uses are permitted at the ground and  
19 second stories. Special controls are necessary to preserve the existing equilibrium of  
20 neighborhood-serving convenience and specialty commercial uses. In order to maintain  
21 convenience stores and protect adjacent residential livability, controls authorize some  
22 additional ~~eating and~~ drinking establishments with a conditional use, permit self-service  
23 specialty food establishments, and permit with certain limitations new late-night uses, adult  
24 and other entertainment, and financial service uses. The continuous retail frontage is  
25 maintained by prohibiting most automobile and drive-up uses. Housing development in new

1 buildings is encouraged above the second story. Existing housing units are protected by  
 2 limitations on demolitions and upper-story conversions. Accessory Dwelling Units are  
 3 permitted within the district pursuant to Subsection 207(c)(4) of this Code.

4  
 5 **Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
 6 **ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
* * * *				
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
<b>Sales and Service Use Category</b>				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	NP
* * * *				
Bar	§§ 102, 202.2(a)	<u>NP</u>	<u>NP</u>	NP
* * * *				

22  
 23 Section 3. Effective Date. This ordinance shall become effective 30 days after  
 24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
 25



## **LEGISLATIVE DIGEST**

[Planning Code – Castro Street Neighborhood Commercial District]

**Ordinance amending the Planning Code to conditionally permit Bars in the Castro Street Neighborhood Commercial District; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1.; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

### Existing Law

Currently, bars (as defined in the Planning Code) are not permitted in the Castro Street Neighborhood Commercial District.

### Amendments to Current Law

This ordinance would amend the zoning control table for the Castro Street Neighborhood Commercial District to conditionally permit bar uses on the first and second story. Bars would continue to be not permitted on the third story.

### Background Information

The Planning Code defines Bar as “a Retail Sales and Service Use that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine, and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 23, 42, 48, or 61), drinking establishments serving beer where minors are present (with ABC license types 40 or 60) in conjunction with other uses such as Movie Theaters and General Entertainment, and bars serving wine operated by licensed winegrowers (with ABC license type 02). . . . A non-profit theater that provides on-site alcoholic beverage sales only for consumption by ticket-holding patrons on the premises, with ABC license type 64, shall not be considered a Bar use.”

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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):

Mandelman

Subject:

[Planning Code - Castro Street Neighborhood Commercial District]

The text is listed:

Ordinance amending the Planning Code to conditionally permit Bars in the Castro Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

Signature of Sponsoring Supervisor:

For Clerk's Use Only