

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: November 1, 2021

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

____ **No Comment**

____ **Recommendation Attached**

Chairperson, Small Business Commission

cc: Kerry Birnbach

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:

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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

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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		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
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

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10

11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: /s/
14 AUDREY PEARSON
 Deputy City Attorney

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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