

1 [Castro Street Neighborhood Commercial District – Conditional Use Requirements for
2 Restaurants and Self-Service Specialty Food Establishments]

3 **Ordinance amending the San Francisco Planning Code by amending Section 715.1 and**
4 **Sections 715.42, 715.43, 715.44, and 715.69A of the Zoning Control Table to allow new**
5 **full-service and small self-service restaurants with a conditional use authorization, to**
6 **permit self-service specialty food establishments as of right, and to prohibit all large**
7 **fast food establishments; adopting findings, including environmental findings;**
8 **amending Section 302 findings, and findings of consistency with the General Plan and**
9 **the Priority Policies of Planning Code Section 101.1.**

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

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

14 Section 1. Findings. The Board of Supervisors hereby finds that:

15 (a) The Planning Department has determined that the actions contemplated in this
16 ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. 100434 and is incorporated herein by reference.

19 (b) These Planning Code amendments will serve the public necessity, convenience,
20 and welfare for the reasons set forth in Planning Commission Resolution No. 18107. The
21 Board incorporates those reasons herein by reference. A copy of Planning Commission
22 Resolution No. 18107 is on file with the Clerk of the Board of Supervisors in File No.
23 100434.

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1 (c) These Planning Code amendments are consistent with the General Plan and
2 with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning
3 Commission Resolution No. 18107, and the Board incorporates those reasons herein
4 by reference.

5 The San Francisco Planning Code is hereby amended by Section 715.1, to read as
6 follows:

7 SEC. 715.1. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

8 The Castro Street District is situated in Eureka Valley, close to the geographic center of
9 San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The
10 physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain
11 many small, but intensely active commercial businesses. The multi-purpose commercial
12 district provides both convenience goods to its immediate neighborhood as well as
13 comparison shopping goods and services on a specialized basis to a wider trade area.
14 Commercial businesses are active both in the daytime and late into the evening and include a
15 number of gay-oriented bars and restaurants, as well as several specialty clothing and gift
16 stores. The district also supports a number of offices in converted residential buildings.

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

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1 service uses. The continuous retail frontage is maintained by prohibiting most automobile and
 2 drive-up uses.

3 Housing development in new buildings is encouraged above the second story. Existing
 4 housing units are protected by limitations on demolitions and upper-story conversions.

5 SEC.715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

6 ZONING CONTROL TABLE

			Castro Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	40-X, 65B See Zoning Map
715.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft & above § 121.1
715.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
715.13	Street Frontage		Required § 145.1
715.14	Awning	§ 790.20	P § 136.1(a)
715.15	Canopy	§ 790.26	P § 136.1(b)
715.16	Marquee	§ 790.58	P § 136.1(c)
715.17	Street Trees		Required § 143

1 COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

2	715.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
3				
4	715.21	Use Size [Non-Residential]	§ 790.130	P to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
5				
6	715.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
7				
8	715.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
9				
10	715.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
11				
12	715.25	Drive-Up Facility	§ 790.30	
13				
14	715.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
15				
16	715.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
17				
18	715.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
19	715.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)2
20	715.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)
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No.	Zoning Category	§ References	Castro Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
715.38	Residential Conversion	§ 790.84	P	C	
715.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
715.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P	P	
715.41	Bar	§ 790.22			
715.42	Full-Service Restaurant	§ 790.92	<u>C</u>		
715.43	Large Fast Food Restaurant	§ 790.90	<u>C</u> #		
715.44	Small Self-Service Restaurant	§ 790.91	<u>C</u>		
715.45	Liquor Store	§ 790.55	C		
715.46	Movie Theater	§ 790.64	P		
715.47	Adult Entertainment	§ 790.36	C		

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715.48	Other Entertainment	§ 790.38	C #		
715.49	Financial Service	§ 790.110	C	C	
715.50	Limited Financial Service	§ 790.112	C		
715.51	Medical Service	§ 790.114	P	P	C
715.52	Personal Service	§ 790.116	P	P	C
715.53	Business or Professional Service	§ 790.108	P	P	C
715.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
715.55	Tourist Hotel	§ 790.46	C	C	C
715.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
715.57	Automotive Gas Station	§ 790.14			
715.58	Automotive Service Station	§ 790.17			
715.59	Automotive Repair	§ 790.15			

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715.60	Automotive Wash	§ 790.18			
715.61	Automobile Sale or Rental	§ 790.12			
715.62	Animal Hospital	§ 790.6	C		
715.63	Ambulance Service	§ 790.2			
715.64	Mortuary	§ 790.62			
715.65	Trade Shop	§ 790.124	P	C	
715.66	Storage	§ 790.117			
715.67	Video Store	§ 790.135	C	C	
715.68	Fringe Financial Service	§ 790.111			
715.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
715.69A	Self-Service Specialty Food	§ 790.93	<u>P</u>		
715.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
Institutions and Non-Retail Sales and Services					
715.70	Administrative Service	§ 790.106			

1	715.80	Hospital or Medical Center	§ 790.44			
2	715.81	Other	§ 790.50	P	C	C
3		Institutions,				
4		Large				
5	715.82	Other	§ 790.51	P	P	P
6		Institutions,				
7		Small				
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9	715.83	Public Use	§ 790.80	C	C	C
10	715.84	Medical Cannabis Dispensary	§ 790.141	P		
11						
12	RESIDENTIAL STANDARDS AND USES					
13	715.90	Residential Use	§ 790.88	P	P	P
14	715.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
15						
16	715.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
17						
18	715.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
19						
20	715.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
21						
22	715.95	Community	§ 790.10	C	C	C
23		Residential				
24		Parking				
25						

SPECIFIC PROVISIONS FOR CASTRO STREET
NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 715.31 § 715.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only for the portions of the Castro Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 715.43		<i>Boundaries: Applicable for the Castro Street NCD</i>
		<i>Controls: A large fast food restaurant may be permitted as a conditional use if in addition to the criteria set forth in § 303, the Commission finds that:</i>
		<i>(1) The large fast food restaurant will be located in an existing building that:</i>
		<i>(a) Is situated within the Castro Street NCD and adjacent to the Upper Market Street NCD, and</i>
		<i>(b) Straddles the intersection of Castro and Market Streets, where heavy pedestrian traffic already exists for the many retail businesses in the area, and the addition of a large fast food restaurant would not cause additional burdens to the street;</i>
		<i>(2) The large fast food restaurant will be located in a building jointly occupied by a nonprofit community group providing medical, cultural, social, or other community services to the Castro Street NCD;</i>
		<i>(3) The fast food restaurant will contribute substantially to the financial ability of the nonprofit community group's ability to locate and operate in that building by paying the nonprofit's rent and maintenance costs for the building for at least seven years and by making a one-time cash contribution of \$120,000 to an AIDS-related community group;</i>
		<i>(4) That portion of the building occupied by the community use shall be at least twice the floor area occupied by the large fast food restaurant; and</i>
		<i>(5) No conditional use granted pursuant to this Section may exceed a period of 15 years unless a new conditional use application is filed and granted by the City Planning Commission or Board of Supervisors on appeal.</i>

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§ 715.48		<p>Boundaries: Applicable for the Castro Street NCD.</p> <p>Controls: Existing bars in the Castro Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.</p>
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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney

Supervisor Dufty
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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: 100434

Date Passed: September 14, 2010

Ordinance amending the San Francisco Planning Code by amending Section 715.1 and Sections 715.42, 715.43, 715.44, and 715.69A of the Zoning Control Table to allow new full-service and small self-service restaurants with a conditional use authorization, to permit self-service specialty food establishments as of right, and to prohibit all large fast food establishments; adopting findings, including environmental findings; amending Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

August 10, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Alioto-Pier, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Avalos

September 14, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 100434

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
9/14/2010 by the Board of Supervisors of the
City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

September 16, 2010

Date Approved