



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Executive Summary Planning Code Text Change

HEARING DATE: JUNE 17, 2010

*Project Name:* **Amendments relating to the Castro NCD:  
Restaurant and Eating Uses**

*Case Number:* 2010.0273T [Board File No. 10-0434]

*Initiated by:* Supervisor Dufty / Introduced April 6, 2010

*Staff Contact:* Tara Sullivan, Legislative Affairs  
tara.sullivan@sfgov.org, 415-558-6257

*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Castro NCD Code Sections 715.1 (Zoning Control Table), 715.42 (full-service restaurants), 715.43 (large fast food restaurant), 715.44 (small self-service restaurants), and 715.69A (specialty food, self-service) to allow new full-service restaurants and small self-service restaurants with a Conditional Use Authorization; permit self-service specialty food establishments as-of-right, and to prohibit new large fast food restaurants in the Castro NCD.

#### The Way It Is Now:

The Castro NCD prohibits new restaurants and bar uses of any type.<sup>1</sup> The one exception is for large fast food restaurants, which is permitted only in one particular lot at the corner of Castro and Market Street.<sup>2</sup>

Under Section 179(a) of the Planning Code, those restaurants and bar uses which lawfully existed on the effective date of Ordinance No. 69-87, enacting the Castro NCD in 1987, are nonconforming and permitted to remain in use.

Any nonconforming use is considered to be 'abandoned' pursuant to Section 178(d) after 18 months rather than three years, as with the majority of other NCDs.<sup>3</sup>

---

<sup>1</sup> San Francisco Planning Code Sections 715.41 (Bar), 715.42 (Full-Service Restaurant), 715.44 (Small Self-Service Restaurant), and 715.69A (specialty food, self-service) → all are currently not permitted in the Castro NCD.

<sup>2</sup> See 715.43 – Controls for Large Fast Food Restaurants in the Castro NCD.

<sup>3</sup> Section 178(d): **Abandonment.** A permitted conditional use which is discontinued for a period of three years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code. For purposes of this Subsection, the period of nonuse for a permitted conditional use to be deemed discontinued in the North Beach, Castro Street Neighborhood Commercial Districts, and the Jackson Square Special Use District shall be eighteen

**The Way It Would Be:**

The proposed ordinance would allow a proposed full-service restaurant and a small self-service restaurant to apply for a Conditional Use Authorization in the Castro NCD. There would be no numerical cap or a sunset clause; rather it would permit these uses to be approved by the Planning Commission on a case-by-case basis.

The Code would permit as-of-right a specialty food, self-service establishment, and would remove the control that allows one large fast food restaurant in the NCD.

**REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

**RECOMMENDATION**

The Department recommends that the Commission recommend *approval* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

**BASIS FOR RECOMMENDATION**

The citywide Neighborhood Commercial Controls were enacted in 1987 in response to land use issues identified by neighborhood groups, planners, and elected officials. Along Castro Street and elsewhere in the City, restaurants and bars were identified as volatile uses which could multiply and upset the commercial equilibrium by forcing out critical neighborhood services. This concern led to prohibitions such as those in the Castro Street NCD, which nearly 20 years later continue disallow new restaurants and bars or the reestablishment of restaurant and bar uses which had converted for a period of time to another use.

The table below compares the number of eating and drinking uses from 1987 to 2010.

	<b>1987</b>	<b>2010</b>
<b>Take Out Establishments</b>	5	1
<b>Self-Service Restaurants</b>	7	8
<b>Full-Service Restaurants</b>	25	21
<b>Bar</b>	13	13
<b>Specialty Grocery/Supermarket</b>	7	4
<b>Liquor Store</b>	3	2
<b>Vacancies</b>	6	6

---

(18) months, except that in the North Beach Neighborhood Commercial District, the period of non use for a full service restaurant use, as defined in Section 790.91, to be deemed discontinued shall be three years.

Over the past several years, the Department has received requests to look at particular NCDs and the controls for eating and drinking uses. The intent of the prohibition on eating and drinking uses was to slowly decrease the number of these uses over time; however, the Department found that in particular NCDs, this prohibition often created a stagnant restaurant scene, with the few remaining restaurants not catering to the needs of the community. While the number and quality of restaurants decreased, the role of food, particular restaurants, in San Francisco grew. The result of the prohibition of new restaurants has resulted in an accumulation of demand for these types of establishments.

Starting with Noe-24<sup>th</sup> Street NCD in 2005, the Department began to recommend the re-introduction of eating and drinking controls in particular NCDs. Since 2005, there have been 7 Ordinances that have dealt with this issue.

The Department believes that opening up the full-service restaurant and small self-service restaurant uses to a Conditional Use Authorization in the Castro NCD will allow the Commission to analyze each application on a case-by-case basis. When the number of restaurants exceeds the needs of the community, the Commission can deny the application. Under the proposed legislation each application will be judged on the merits of its application, the needs of the community, and the criteria in the Planning Code.

In addition, the proposed Ordinance will allow self-service specialty food uses as-of-right. This use was recently placed into the Planning Code, and consists of neighborhood-services uses where specialty foods are often made on the premises and sold for take-away and open during regular business hours. Uses such as bakeries and confectionaries are typical examples of this use. Under Section 312, this use will require a 30-day neighborhood notification, which will enable the community to have input about the proposed establishment.

Lastly, the control for large fast-food restaurant will be removed. This was placed in the Code for one specific establishment, as is obvious from the language of the control. Large fast-food restaurants are generally not permitted (see Attachment C). Where these types of establishments are permitted, they are regulated through the formula retail controls. Because the control in the Castro NCD was crafted specifically for one parcel, and that this parcel has since had its large fast-food use abandoned (originally Noah's bagels; it is currently a Sprint store), the Department would like to remove this provision.

In sum, the Department supports the proposed Ordinance to permit new full-service restaurants and small self-service restaurants with a Conditional Use Authorization, and to allow specialty foods, self-service establishments as-of-right, and to remove the control for large fast food restaurants in the Castro NCD.

## **ENVIRONMENTAL REVIEW**

The proposal to amend Planning Code Sections 715.1 (Zoning Control Table), 715.42 (full-service restaurants), 715.43 (large fast food restaurants), 715.44 (small self-service restaurants), and 715.69A (specialty food, self-service) in the Castro NCD would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

**PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any comments in with regard to the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval</b>
--

**Attachments:**

- Exhibit A:     Draft Planning Commission Resolution
- Exhibit B:     Board of Supervisors File No. 10-0434
- Exhibit C:     Restaurant Uses Permitted by Zoning District, June 2010



# SAN FRANCISCO PLANNING DEPARTMENT

---

## Draft Planning Commission Resolution

HEARING DATE: JUNE 17, 2010

*Project Name:* **Amendments relating to the Castro NCD:  
Restaurant and Eating Uses**

*Case Number:* 2010.0273T [Board File No. 10-0434]

*Initiated by:* Supervisor Dufty / Introduced April 6, 2010

*Staff Contact:* Tara Sullivan, Legislative Affairs  
tara.sullivan@sfgov.org, 415-558-6257

*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395

*Recommendation:* **Recommend Approval**

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE CASTRO NEIGHBORHOOD COMMERCIAL DISTRICT PLANNING CODE SECTIONS 715.1 (ZONING CONTROL TABLE), 715.42 (FULL-SERVICE RESTAURANTS), 715.43 (LARGE FAST FOOD RESTAURANTS), 715.44 (SMALL SELF-SERVICE RESTAURANTS), AND 715.69A (SPECIALTY FOOD, SELF-SERVICE) TO ALLOW NEW FULL-SERVICE RESTAURANTS AND SMALL SELF-SERVICE RESTAURANTS WITH A CONDITIONAL USE AUTHORIZATION, PERMIT SELF-SERVICE SPECIALTY FOOD ESTABLISHMENTS AS-OF-RIGHT, AND REMOVE LARGE FAST FOOD RESTAURANTS FROM THE CASTRO NCD.**

### **PREAMBLE**

Whereas, on April 6, 2010, Supervisor Dufty introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-0434 which would amend the Castro NCD Code Sections 715.1 (Zoning Control Table), 715.42 (full-service restaurants), 715.43 (large fast food restaurant), 715.44 (small self-service restaurants), and 715.69A (specialty food, self-service) to allow new full-service restaurants and small self-service restaurants with a Conditional Use Authorization; permit self-service specialty food establishments as-of-right, and to prohibit new large fast food restaurants in the Castro NCD; and

Whereas, on June 17, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

**MOVED**, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Ordinance* and adopts the attached Draft Resolution to that effect.

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Castro NCD Controls have not been substantially revised since their adoption in 1987;
2. The Castro NCD prohibits new restaurants and bar uses of any type;
3. The one exception is for large fast food restaurants, which is permitted only in one particular lot at the corner of Castro and Market Street;
4. Under Section 179(a) of the Planning Code, those restaurants and bar uses which lawfully existed on the effective date of Ordinance No. 69-87, enacting the Castro NCD in 1987, are nonconforming and permitted to remain in use;
5. Any nonconforming use in the Castro NCD is considered to be 'abandoned' pursuant to Section 178(d) after 18 months rather than three years, as with the majority of other NCDs;
6. A Self-Service Specialty Food establishment is a new use definition that was enacted in December 2008. New self-service specialty food establishments are also prohibited in the Castro NCD;
7. Over the past several years, the Commission has received requests to look at particular NCDs and the controls for eating and drinking uses. The intent of the prohibition on eating and drinking uses was to slowly decrease the number of these uses over time; however, the Department found that in particular NCDs, this prohibition often created a stagnant restaurant scene, with the few remaining restaurants not catering to the needs of the community. While the number and quality of restaurants decreased, the role of food, particular restaurants, in San Francisco grew;
8. In addition, there has been a shift in recent years more towards food and drink facilities as being integral components of a thriving neighborhood. The result of the prohibition of new restaurants has resulted in an accumulation of demand for these types of establishments;

9. The Commission believes that opening up the full-service restaurant and small self-service restaurant uses to a Conditional Use Authorization will allow the Commission to analyze each application on a case-by-case basis;
10. Allowing specialty food, self-service uses as-of-right will encourage these neighborhood-serving uses to locate in the NCD;
11. The removal of the control for one large fast food restaurant will not have a negative impact on the NCD for these uses are generally not permitted and are not desirable for the Castro NCD;
12. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

**I. COMMERCE & INDUSTRY ELEMENT**

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

**GOALS**

THE THREE GOALS OF THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN RELATE TO CONTINUED ECONOMIC VITALITY, SOCIAL EQUITY, AND ENVIRONMENTAL QUALITY.

**OBJECTIVE 6**

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

**POLICY 6.2**

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

**POLICY 6.3**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

**POLICY 6.10**

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The character of the Castro NCD has changed over the past 20 years. Permitting new full-service restaurants and small self-service restaurant uses through the Conditional Use Authorization process,*

*will help to bring these important uses back to the NCD, while allowing community involvement in the approval process.*

*The proposed Ordinance seeks to remedy the existing conditions while also accommodating the demand for full-service restaurants, small self-service restaurants, and specialty food, self-service establishment uses for residents in the Castro NCD. The proposed Ordinance promotes small business enterprises by fostering the growth of full-service restaurants, small self-service restaurants, and specialty food, self-service establishments in the Castro NCD.*

*The proposed Ordinance promotes the mixed commercial-residential character in the Castro NCD by allowing a new full-service restaurants and small self-service restaurants on a case-by-case basis, and by allowing specialty food, self-service establishments' as-of-right, all of which will serve the residents in the neighborhood and contribute to the existing mix of businesses in the Castro NCD.*

13. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will encourage neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses in the Castro NCD by allowing new eating and drinking uses through the Conditional Use Authorization process and as-of-right.*

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

*The proposed legislation contains requires the Planning Commission to use the conditional use criteria when evaluating each proposed full-service restaurant and small self-service restaurant. The conditional use process will allow for the continued presence and economic viability of existing neighborhood establishments while not negatively affecting existing residential development, housing or neighborhood character. Further, any specialty food, self-service establishment will require a 312 neighborhood notice which will enable the community to have input in the placement of these uses.*

- C) The City's supply of affordable housing will be preserved and enhanced:

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*



- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

*The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.*

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed amendments. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.*

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 17, 2010.

Linda Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 17, 2010



# SAN FRANCISCO PLANNING DEPARTMENT

## Restaurant Uses Permitted by Zoning District

JUNE 2010

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

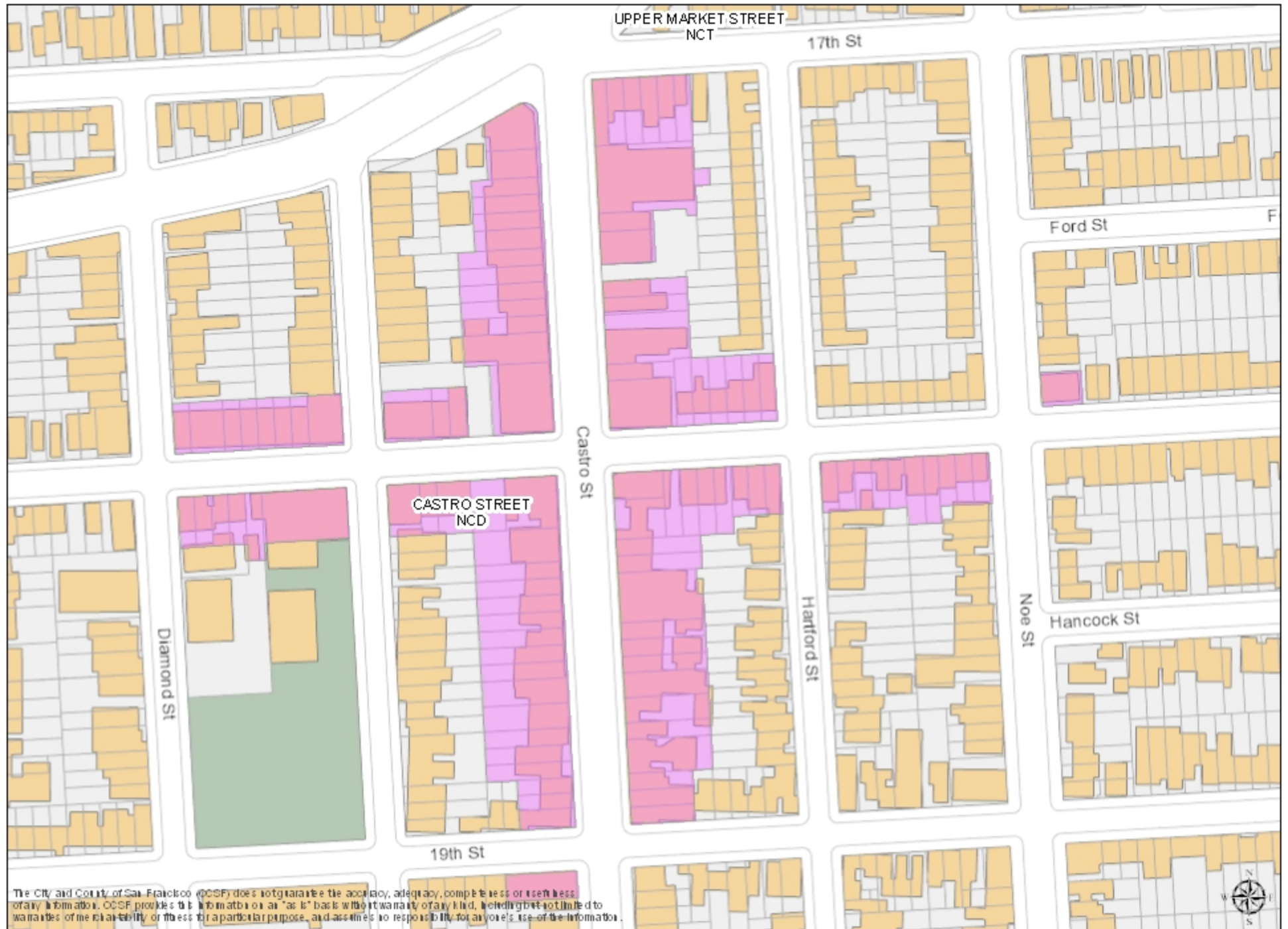
Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

	Full Service 790.92	Small Self-Service 790.91	Large Fast Food 790.90
NC-1	P#	C	NP
NC-2	P#	P#	C#
NC-3	P	P#	C#
NC-S	P	P#	C
Broadway	P	C	NP
Castro	NP	NP	C#
Inner Clement	C# (3)	NP	NP
Outer Clement	NP	NP	NP
Upper Fillmore	NP	NP	NP
Haight	C# (3)	NP	NP
Hayes	P	P	C
Upper Market	C	C	NP
North Beach	C#	C#	NP
Polk	C	C	NP
Sacramento	C	C	NP
Union Street	C# (5)	C# (5)	NP
Valencia	P	P	C
24 <sup>th</sup> and Mission	P	P	NP
24 <sup>th</sup> and Noe	C	C	C
West Portal Avenue	C	NP	NP
Inner Sunset	C	C	NP
NCT-3	P	P#	C#
Pacific Avenue	C	NP	NP
Upper Market NCT	C	C	NP
NCT-2	P	P	C
SOMA NCT	P	P	C
Mission NCT	P	C	NP
<b>Fast Food Special Use Districts</b>			
Irving Fast Food (NC-2)	NP	C	NP
Taraval Fast Food (NC-1; NC-2)	C	C	NP
Geary Fast Food (NC-3)	N/A	N/A	NP
Mission Fast Food (NC-3)	N/A	C	NP

**NOTE:** NC-1, NC-2, and NC-3 have a # sign that references the Fast Food SUDs.

# Castro NCD 2010

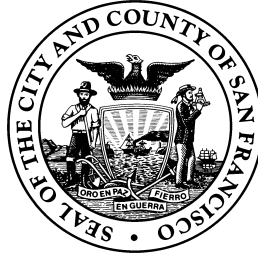


The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis with no warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and disclaims any responsibility for anyone's use of the information.



Printed: 7 June, 2010

**BOARD of SUPERVISORS**



**City Hall**  
**Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco 94102-4689**  
**Tel. No. 554-5184**  
**Fax No. 554-5163**  
**TDD/TTY No. 554-5227**

April 9, 2010

Planning Commission  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Commissioners:

On April 6, 2010, Supervisor Dufty introduced the following proposed legislation:

**File No. 100434**

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 Priority Policies of Planning Code Section 101.1.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation of approval or disapproval. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

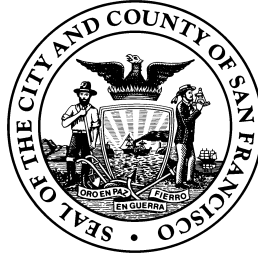
A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Land Use & Economic Development Committee

Attachment

cc: John Rahaim, Director of Planning  
Larry Badiner, Zoning Administrator  
AnMarie Rodgers, Legislative Affairs  
Tara Sullivan, Legislative Affairs  
Brett Bollinger, Major Environmental Analysis  
Kate Stacy, Deputy City Attorney

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: April 9, 2010

FILE #: 100434

DESCRIPTION: Castro Street Neighborhood Commercial District – Conditional Use Requirements for Restaurants and Self-Service Specialty Food Establishments

FROM:  Budget & Finance  
 City Operations & Neighborhood Services  
 City & School District Select  
 Government Audit & Oversight  
 Land Use & Economic Development  
 Rules  
 Public Safety

This item is scheduled to be heard in Committee on: N/A

URGENT (response needed within one week) **OR:**  No date set yet

Hearing or  Legislation referred to:

- Building Inspection Commission *Charter Section D3.750-5*
- Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- Historic Preservation Commission *Charter Section 4.135*
- Planning - Code Amendment *Planning Code Section 302(b) and 306(a) (90 days to respond)*
- Planning - Environmental review – 30 days to respond
- Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq – 10 days to respond*
- Planning - Interim Controls *Planning Code Section 306.7(c)*
- Retirement Board *Campaign & Governmental Code or Elections Code*
- Small Business Commission *M01-33*
- Youth Commission *Charter Section 3.720-2; Charter Section 4.124 (12 day to respond)*
- FYI – Planning Department

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. \_\_\_\_\_ 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. \_\_\_\_\_. The  
21 Board incorporates those reasons herein by reference. A copy of Planning Commission  
22 Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board of Supervisors in File No.  
23 \_\_\_\_\_.

24

25

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. \_\_\_\_\_, 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

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
<b>BUILDING STANDARDS</b>			
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	715.21	Use Size <i>[Non-Residential]</i>	§ 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
4	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)
5	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)
6	715.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
7	715.25	Drive-Up Facility	§ 790.30	
8	715.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
9	715.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
10	715.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
11	715.31	Business Sign	§§ 262, 602—604, 608, 609	P # § 607.1(f)2
12	715.32	Other Signs	§§ 262, 602—604, 608, 609	P # § 607.1(c) (d) (g)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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		

1	715.48	Other	§ 790.38	C #		
2		Entertainment				
3	715.49	Financial	§ 790.110	C	C	
4		Service				
5	715.50	Limited	§ 790.112	C		
6		Financial				
7		Service				
8	715.51	Medical	§ 790.114	P	P	C
9		Service				
10	715.52	Personal	§ 790.116	P	P	C
11		Service				
12	715.53	Business or	§ 790.108	P	P	C
13		Professional				
14		Service				
15	715.54	Massage	§ 790.60, § 1900	C	C	
16		Establishment	Health Code			
17	715.55	Tourist Hotel	§ 790.46	C	C	C
18	715.56	Automobile	§§ 790.8, 156, 160	C	C	C
19		Parking				
20	715.57	Automotive	§ 790.14			
21		Gas Station				
22	715.58	Automotive	§ 790.17			
23		Service Station				
24	715.59	Automotive	§ 790.15			
25		Repair				

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

715.80	Hospital or Medical Center	§ 790.44			
715.81	Other Institutions, Large	§ 790.50	P	C	C
715.82	Other Institutions, Small	§ 790.51	P	P	P
715.83	Public Use	§ 790.80	C	C	C
715.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
715.90	Residential Use	§ 790.88	P	P	P
715.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
715.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
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)		
715.94	Off-Street Parking, Residential	§§ 150, 153—157, 159—160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
715.95	Community Residential Parking	§ 790.10	C	C	C

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
<del>§ 715.43</del>		<del>Boundaries: Applicable for the Castro Street NCD</del>
		<del>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:</del>
		<del>(1) The large fast food restaurant will be located in an existing building that:</del>
		<del>(a) Is situated within the Castro Street NCD and adjacent to the Upper Market Street NCD, and</del>
		<del>(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;</del>
		<del>(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;</del>
		<del>(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;</del>
		<del>(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</del>
		<del>(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.</del>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

§ 715.48		Boundaries: Applicable for the Castro Street NCD.  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.
----------	--	---

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

By: \_\_\_\_\_  
JUDITH A. BOYAJIAN  
Deputy City Attorney

## LEGISLATIVE DIGEST

[Castro Street Neighborhood Commercial District – Conditional Use for New Full-Service, and Small Self-Service Restaurants; Self-Service Specialty Food Establishments Are Permitted; No Large Fast Food Restaurants Are Permitted.]

**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, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

### Existing Law

Planning Code Section 715.1 establishes the Castro Street Neighborhood Commercial District. The Section 715 Zoning Control Table sets forth the building standards and uses that are allowed in the Castro Street NCD. New full-service restaurants, small self-service restaurants, and self-service specialty food establishments are not permitted; a large fast-food establishment is authorized under limited circumstances.

### Amendments to Current Law

The proposed legislation would allow new full-service and small self-service restaurants with a conditional use authorization, would permit self-service specialty food establishments as of right, and would prohibit all large fast-food establishments.

### Background Information

The restrictions on restaurants and specialty food establishments were put in place more than 20 years ago, before the City enacted the controls on formula retail establishments that are now in the Planning Code. Since formula retail controls are now in place to protect the neighborhood, new food options that are appropriate for the Castro Street NCD could be approved with a conditional use.