

1 [Zoning - Video Stores]
 2 AMENDING PART II, CHAPTER II, OF THE SAN FRANCISCO MUNICIPAL CODE
 3 (PLANNING CODE) BY AMENDING EACH OF THE NEIGHBORHOOD COMMERCIAL
 4 DISTRICT ZONING CONTROL TABLES IN ARTICLE 7 TO REQUIRE VIDEO STORES TO
 5 OBTAIN CONDITIONAL USE AUTHORIZATION IN ALL NEIGHBORHOOD COMMERCIAL
 6 DISTRICTS, AND ADDING SECTION 790.135 TO DEFINE "VIDEO STORE"; ADOPTING
 7 FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

8 Note: Additions are underlined; deletions are in ((double parentheses)).

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

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 12 Section 1. The San Francisco Planning Code is hereby amended by adding Section
 13 710.67 to the Neighborhood Commercial Cluster District NC-1 Zoning Control Table (Section
 14 710) requiring video stores to obtain conditional use authorization, as follows:

15 SEC. 710.
 16 NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT
 17 NC-1 ZONING CONTROL TABLE

			NC-1		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>710.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>		

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 21 Section 2. The San Francisco Planning Code is hereby amended by adding Section
 22 711.67 to the Small-Scale Neighborhood Commercial District NC-2 Zoning Control Table
 23 (Section 711) requiring video stores to obtain conditional use authorization, as follows:

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SEC. 711.
SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
NC-2 ZONING CONTROL TABLE

			NC-2		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>711.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

Section 3. The San Francisco Planning Code is hereby amended by adding Section 712.67 to the Moderate-Scale Neighborhood Commercial District NC-3 Zoning Control Table (Section 712) requiring video stores to obtain conditional use authorization, as follows:

SEC. 712.
MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
NC-3 ZONING CONTROL TABLE

			NC-3		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>712.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>

Section 4. The San Francisco Planning Code is hereby amended by adding Section 713.67 to the Neighborhood Commercial Shopping Center District NC-S Zoning Control Table (Section 713) requiring video stores to obtain conditional use authorization, as follows:

SEC. 713.
NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT
NC-S ZONING CONTROL TABLE

			NC-S		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>713.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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1 Section 5. The San Francisco Planning Code is hereby amended by adding Section
 2 714.67 to the Broadway Neighborhood Commercial District Zoning Control Table (Section
 3 714) requiring video stores to obtain conditional use authorization, as follows:

4 **SEC. 714.**
 5 **BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**
 6 **ZONING CONTROL TABLE**

			Broadway		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>714.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

10 Section 6. The San Francisco Planning Code is hereby amended by adding Section
 11 715.67 to the Castro Street Neighborhood Commercial District Zoning Control Table (Section
 12 715) requiring video stores to obtain conditional use authorization, as follows:

14 **SEC. 715.**
 15 **CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 16 **ZONING CONTROL TABLE**

			Castro Street		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>715.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

20 Section 7. The San Francisco Planning Code is hereby amended by adding Section
 21 716.67 to the Inner Clement Street Neighborhood Commercial District Zoning Control Table
 22 (Section 716) requiring video stores to obtain conditional use authorization, as follows:

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**SEC. 716.
INNER CLEMENT STREET NEIGHBORHOOD
COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Inner Clement Street		
			Controls		
Retail Sales and Services					
<u>716.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

Section 8. The San Francisco Planning Code is hereby amended by adding Section 717.67 to the Outer Clement Street Neighborhood Commercial District Zoning Control Table (Section 717) requiring video stores to obtain conditional use authorization, as follows:

**SEC. 717.
OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Outer Clement Street		
			Controls		
Retail Sales and Services					
<u>717.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>		

Section 9. The San Francisco Planning Code is hereby amended by adding Section 718.67 to the Upper Fillmore Street Neighborhood Commercial District Zoning Control Table (Section 718) requiring video stores to obtain conditional use authorization, as follows:

**SEC. 718.
UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Upper Fillmore Street		
			Controls		
Retail Sales and Services					
<u>718.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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1 Section 10. The San Francisco Planning Code is hereby amended by adding Section
 2 719.67 to the Haight Street Neighborhood Commercial District Zoning Control Table (Section
 3 719) requiring video stores to obtain conditional use authorization, as follows:

4 **SEC. 719.**
 5 **HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 6 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Haight Street		
			Controls		
Retail Sales and Services					
<u>719.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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 10 Section 11. The San Francisco Planning Code is hereby amended by adding Section
 11 720.67 to the Hayes-Gough Neighborhood Commercial District Zoning Control Table (Section
 12 720) requiring video stores to obtain conditional use authorization, as follows:

13 **SEC. 720.**
 14 **HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Hayes-Gough		
			Controls		
Retail Sales and Services					
<u>720.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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 19 Section 12. The San Francisco Planning Code is hereby amended by adding Section
 20 721.67 to the Upper Market Street Neighborhood Commercial District Zoning Control Table
 21 (Section 721) requiring video stores to obtain conditional use authorization, as follows:

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**SEC. 721.
UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Upper Market Street		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>721.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

Section 13. The San Francisco Planning Code is hereby amended by adding Section 722.67 to the North Beach Neighborhood Commercial District Zoning Control Table (Section 722) requiring video stores to obtain conditional use authorization, as follows:

**SEC. 722.
NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			North Beach		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>722.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

Section 14. The San Francisco Planning Code is hereby amended by adding Section 723.67 to the Polk Street Neighborhood Commercial District Zoning Control Table (Section 723) requiring video stores to obtain conditional use authorization, as follows:

**SEC. 723.
POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Polk Street		
No.	Zoning Category	§ References	Controls		
Retail Sales and Services					
<u>723.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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1 Section 15. The San Francisco Planning Code is hereby amended by adding Section
 2 724.67 to the Sacramento Street Neighborhood Commercial District Zoning Control Table
 3 (Section 724) requiring video stores to obtain conditional use authorization, as follows:

4 **SEC. 724.**
 5 **SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 6 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Sacramento Street		
			Controls		
Retail Sales and Services					
<u>724.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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 10 Section 16. The San Francisco Planning Code is hereby amended by adding Section
 11 725.67 to the Union Street Neighborhood Commercial District Zoning Control Table (Section
 12 725) requiring video stores to obtain conditional use authorization, as follows:

13 **SEC. 725.**
 14 **UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Union Street		
			Controls		
Retail Sales and Services					
<u>725.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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 19 Section 17. The San Francisco Planning Code is hereby amended by adding Section
 20 726.67 to the Valencia Street Neighborhood Commercial District Zoning Control Table
 21 (Section 726) requiring video stores to obtain conditional use authorization, as follows:

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SEC. 726.
VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	Valencia Street		
			Controls		
Retail Sales and Services					
<u>726.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

Section 18. The San Francisco Planning Code is hereby amended by adding Section 727.67 to the 24TH Street-Mission Neighborhood Commercial District Zoning Control Table (Section 727) requiring video stores to obtain conditional use authorization, as follows:

SEC. 727.
24TH STREET-MISSION NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	24 th Street-Mission		
			Controls		
Retail Sales and Services					
<u>727.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>		

Section 19. The San Francisco Planning Code is hereby amended by adding Section 728.67 to the 24TH Street-Noe Valley Neighborhood Commercial District Zoning Control Table (Section 728) requiring video stores to obtain conditional use authorization, as follows:

SEC. 728.
24TH STREET-NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

No.	Zoning Category	§ References	24 th Street-Noe Valley		
			Controls		
Retail Sales and Services					
<u>728.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	

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1 Section 20. The San Francisco Planning Code is hereby amended by adding Section
 2 729.67 to the West Portal Avenue Neighborhood Commercial District Zoning Control Table
 3 (Section 729) requiring video stores to obtain conditional use authorization, as follows:

4 **SEC. 729.**
 5 **WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 6 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	West Portal Avenue		
			Controls		
Retail Sales and Services					
729.67	Video Store	§ 790.135	C	C	

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 10 Section 21. The San Francisco Planning Code is hereby amended by adding Section
 11 790.135 to define "Video Store," as follows:

12 **SEC. 790.135. VIDEO STORE.** A retail use which, as its primary use, sells or rents to
 13 the general public any type of analog or digital reproduction of motion pictures, films, or
 14 television programming including, but not limited to, video tape, laser disc or digital video disc
 15 (DVD). Any such use which only distributes programming on line or which is an accessory
 16 use, as defined in Section 703.2(b)(1)(C), shall not be defined as a Video Store.

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 18 Section 22. The San Francisco Planning Code is hereby amended by amending
 19 Section 703.2 to reflect the creation of a new use category of Video Store, as follows:

20 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

21 A use is the specific purpose for which a property or building is used, occupied, maintained, or
 22 leased. Whether or not a use is permitted in a specific district is set forth or summarized and
 23 cross-referenced in Sections 710.1 through 730.95 of this Code for each district class.

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1 (a) **Use Categories.** The uses, functions, or activities, which are permitted in each
 2 Neighborhood Commercial District class include those listed below by zoning control category
 3 and number and cross-referenced to the Code Section containing the definition.

No.	Zoning Control Categories for Uses	Section Number of Use Definition
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5		
6	.24 Outdoor Activity Area	§ 790.70
7	.25 Drive-up Facility	§ 790.30
8	.26 Walk-up Facility	§ 790.140
9	.27 Hours of Operation	§ 790.48
10	.38 Residential Conversion	§ 790.84
11	.39 Residential Demolition	§ 790.86
12	.40 Other Retail Sales and Services	§ 790.102
13	.41 Bar	§ 790.22
14	.42 Full-service Restaurant	§ 790.92
15	.43 Large Fast-Food Restaurant	§ 790.90
16	.44 Small Self-Service Restaurant	§ 790.91
17	.46 Movie Theater	§ 790.64
18	.47 Adult Entertainment	§ 790.36
19	.48 Other Entertainment	§ 790.38
20	.49 Financial Service	§ 790.110
21	.50 Limited Financial Service	§ 790.112
22	.51 Medical Service	§ 790.114
23	.52 Personal Service	§ 790.116
24	.53 Business or Professional Service	§ 790.108
25	.54 Massage Establishment	§ 790.60
	.55 Tourist Hotel	§ 790.46
	.56 Automobile Parking	§ 790.8
	.57 Automotive Gas Station	§ 790.14
	.58 Automotive Service Station	§ 790.17
	.59 Automotive Repair	§ 790.15
	.60 Automotive Wash	§ 790.18
	.61 Automobile Sale or Rental	§ 790.12
	.62 Animal Hospital	§ 790.6
	.63 Ambulance Service	§ 790.2
	.64 Mortuary	§ 790.62
	.65 Trade Shop	§ 790.124
	.66 Storage	§ 790.117
	.67 Video Store	§ 790.135
	.70 Administrative Service	§ 790.106

1	.80	Hospital or Medical Center	§ 790.44
	.81	Other Institutions, Large	§ 790.50
2	.82	Other Institutions, Small	§ 790.51
	.83	Public Use	§ 790.80
3	.90	Residential Use	§ 790.88
	.95	Community Residential Parking	§ 790.10

4 (b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are
5 either principal, conditional, accessory, or temporary uses as stated in this Section, and
6 include those uses set forth or summarized and cross-referenced in the zoning control
7 categories as listed in Paragraph (a) in Sections 710.1 through 729.95 of this Code for each
8 district class.

9 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed
10 building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this
11 Code. Exceptions from this requirement are: uses which, when located outside of a building,
12 qualify as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-
13 street parking and loading and other uses listed below which function primarily as open-air
14 uses, or which may be appropriate if located on an open lot, outside a building, or within a
15 partially enclosed building, subject to other limitations of this Article 7 and other sections of
16 this Code.

18	No.	Zoning Control Category
19	.56	Automobile Parking
	.57	Automotive Gas Station
20	.58	Automotive Service Station
	.60	Automotive Wash
21	.61	Automobile Sale or Rental
22	.81	Other Institutions, Large (selected)
	.83	Public Use (selected)
23	.95	Community Residential Parking
24	///	
25	///	

1 If there are two or more uses in a structure and none is classified below under Section
2 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
3 separately as independent principal, conditional or temporary uses.
4

5 (A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood
6 Commercial District, when so indicated in Sections 710.1 through 729.95 of this Code for
7 each district class.

8 (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood
9 Commercial District when authorized by the Planning Commission; whether a use is
10 conditional in a given district is indicated in Sections 710.10 through 729.95. An establishment
11 which sells beer or wine with motor vehicle fuel is a conditional use, and shall be governed by
12 Section 229. Conditional uses are subject to the provisions set forth in Sections 178, 179, and
13 316 through 316.8 of this Code.

14 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the
15 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and
16 NC Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and
17 Loading as Accessory Uses) of this Code, a related minor use which is either necessary to the
18 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
19 and subordinate to any such use, shall be permitted as an accessory use when located on the
20 same lot. Any use which does not qualify as an accessory use shall be classified as a
21 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
22 205.2 of this Code.

23 No use will be considered accessory to a permitted principal or conditional use which
24 involves or requires any of the following:

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1 (i) The use of more than 1/3 of the total floor area occupied by such use and the
2 principal or conditional use to which it is accessory, except in the case of accessory off-street
3 parking and loading;

4 (ii) Any bar, restaurant, other entertainment, or any retail establishment which
5 serves liquor for consumption on-site;

6 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out food
7 use which occupies 100 square feet or less (including the area devoted to food preparation
8 and service and excluding storage and waiting areas) in a general grocery or specialty
9 grocery store;

10 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out food
11 use operating as a minor and incidental use within a full-service restaurant;

12 (v) The wholesaling, manufacturing or processing of foods, goods, or commodities
13 on the premises of an establishment which does not also use or provide for primarily retail
14 sale of such foods, goods or commodities at the same location where such wholesaling,
15 manufacturing or processing takes place.

16 The foregoing rules shall not prohibit take-out food activity which operates in
17 conjunction with a fast-food restaurant or a self-service restaurant. A fast-food restaurant or a
18 self-service restaurant, by definition, includes take-out food as an accessory and necessary
19 part of its operation.

20 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions
21 set forth in Section 205 of this Code.

22 (2) **Not Permitted Uses.**

23 (A) Uses which are not specifically listed in this Article are not permitted unless they
24 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are

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1 determined by the Zoning Administrator to be permitted uses in accordance with Section
2 307(a) of this Code.

3 (B) No use, even though listed as a permitted use, shall be permitted in a
4 Neighborhood Commercial District which, by reason of its nature or manner of operation,
5 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
6 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
7 noise.

8 (C) The establishment of a use that sells alcoholic beverages, other than beer and
9 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

10
11 Section 23. Section 101.1 Findings.

12 The Board of Supervisors hereby finds that this legislation is consistent with and
13 enhances the Priority Policies of Planning Code Section 101.1 in that it conserves and
14 protects existing neighborhood character (Policy 2) by requiring a use with a potentially
15 adverse impact to obtain conditional use authorization. This legislation has no effect upon the
16 other Priority Policies.

17
18 APPROVED AS TO FORM:

19 LOUISE H. RENNE, City Attorney

20
21 By:


22 MIRIAM L. STOMBLÉR
23 Deputy City Attorney

24
25
SUPERVISOR YEE
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 991963

Date Passed:

Ordinance amending Planning Code by amending each of the Neighborhood Commercial District Zoning Control Tables in Article 7 to require video stores to obtain conditional use authorization in all neighborhood commercial districts and adding Section 790.135 to define "video store"; adopting findings pursuant to Planning Code Section 101.1.

May 1, 2000 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Katz

May 8, 2000 Board of Supervisors — FINALLY PASSED


Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

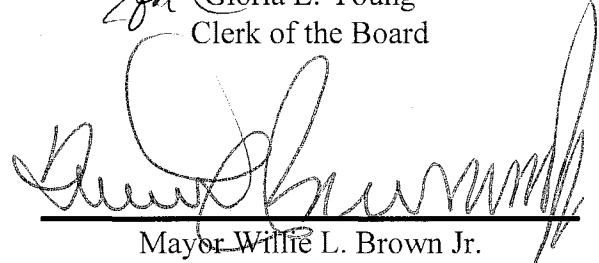
File No. 991963

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on May 8, 2000 by
the Board of Supervisors of the City and
County of San Francisco.

MAY 19 2000

Date Approved


for Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.