

LEGISLATIVE DIGEST

[Planning Code – Adult Sex Venues]

Ordinance amending the Planning Code to define Adult Sex Venue and principally permit, conditionally permit, or prohibit Adult Sex Venues in Commercial; Residential-Commercial; Production, Distribution and Repair (PDR); Neighborhood Commercial; Neighborhood Commercial Transit; and Mixed Use Districts; affirming the Planning Department’s determination under the California Environmental Quality Act; and 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.

Existing Law

Currently, Article 47 of the Health Code includes a definition of “Adult Sex Venue.” The Planning Code includes a definition of “Adult Business,” and a recent Zoning Administrator determination found that businesses operating as Adult Sex Venues under the Health Code are considered Adult Businesses under the Planning Code. The Planning Code also regulates the hours of operation of retail sales uses. Depending on the zoning district, retail uses are permitted to operate until 10 p.m., 11 p.m., or 2 a.m., and additional hours of operation can be authorized by conditional use approval from the Planning Commission.

Amendments to Current Law

This ordinance amends the Planning Code to separately define Adult Sex Venue as a specific use category, and amends the control tables for Neighborhood Commercial, Neighborhood Commercial Transit, and Mixed-Use Districts, Production, Distribution and Repair (PDR) districts to permit, conditionally permit, or prohibit the use. Principally permitted ASV’s would be allowed to operate on a 24-hour basis. Conditionally permitted ASVs could seek to operate 24-hours with conditional use approval from the Planning Commission.

Background Information

Adult Sex Venues are defined in the Health Code as “any commercial establishment that is operated in a manner that encourages patrons to engage in, or to watch other patrons engaging in, sexual activities on the premises, or that as a regular part of its operations permits patrons to engage in sexual activities on the premises or to watch other patrons doing so.” If categorized as an Adult Business under the Planning Code, ASV’s would be prohibited in neighborhoods with historically strong associations with the LGBTQ community.

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