## Amendment of the whole In committee. 07/26/04 ORDINANCE NO.

FILE NO. 040324

1 [Define adult entertainment uses, require that adult entertainment uses are no less than 1000 feet from schools, child care facilities and playgrounds, require that schools and child care 2 facilities are no less than 1000 feet from adult entertainment uses, provide notice by mail of building permit applications for adult entertainment uses, schools, and child care facilities to 3 properties within 1000 feet of the subject lot, request that the Planning Department, in consultation with the City Attorney's Office, conduct a study of alternative avenues of 4 communication in the form of reasonably available sites for adult entertainment uses.] 5 Ordinance amending sections 221, 790.36 and 890.36, 209.3, 217, 790.50, and 890.50 of 6 7 the Planning Code to define adult entertainment uses, to provide that, where permitted, 8 adult entertainment uses must be no less than 1000 feet from public and private schools, child care facilities and Recreation and Parks department children's 9 10 playgrounds, to provide that public and private schools and child care facilities must 11 be no less than 1000 feet from adult entertainment uses, to require that building permit 12 applications for adult entertainment uses, public and private schools, and child care facilities be noticed by mail to all properties within 1,000 feet of the subject lot, to 13 14 request that the Planning Department, in consultation with the City Attorney's Office. conduct a study of alternative avenues of communication in the form of reasonably 15 available sites for adult entertainment uses, and making findings of consistency with 16 the priority policies of Planning Code Section 101.1 and the General Plan. 17 18 Note: Additions are *single-underline italics Times New Roman*; deletions are *strikethrough italics Times New Roman*. 19 Board amendment additions are double underlined. Board amendment deletions are strikethrough normal. 20 21 Be it ordained by the People of the City and County of San Francisco: 22 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco 23 hereby finds and determines that: 24 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this

ordinance will serve the public necessity, convenience and welfare for the reasons set forth in

1	Planr	ning C	ommi	ssion	Resol	ution	No		rec	commending approval of this Planning Co	de		
2	Amer	ndmer	nt, and	l incor	porate	es suc	ch rea	sons	by thi	s reference thereto. A copy of said			
3	resol	ution i	s on fi	le with	n the (	Clerk	of the	Boar	d of S	upervisors in File No			
4		(b)	Pursu	ant to	Planr	ning C	ode S	Sectio	n 101	.1, this Board of Supervisors finds that th	is		
5	ordin	ance i	s <del>in </del> co	onsist	ent wi	th the	Prior	ity Po	licies	of Section 101.1(b) of the Planning Code			
6	and, when effective, with the General Plan as proposed to be amended and hereby adopts												
7	the findings of the Planning Commission, as set forth in Planning Commission Resolution No.												
8		•			•					ence thereto.			
9										de is hereby amended by amending Sect	ion		
10	221	to rea				Tarron			.g 00.	ao io norosy amondou sy amonding cook			
11		TION :				V VID I	=NITE	ДΤΛΙΙ	NIN/EN	IT			
			C-3-										
12			0	R	G	S			l –				
13	P	Р	P	P	P	P	P	P	P	(a) Clubhouse.			
14	P	Р	P	P	P	P	P	P	P	(b) Lodge building.			
15	P	Р	P	P	P	P	P	P	P	(c) Meeting hall.			
16	-	Р	P	P	P	P	P	P	P	(d) Theater, except as specified			
17								ĺ		under Subsection (k), below.			
18	P	Р	P	P	P	P	P	P	P	(e) Recreation building.			
19		P	P	P	P	P	P	P	P	(f) Amusement enterprise, including			
20										billiard hall, dance hall, nightclub,			
21										other nighttime entertainment			
22										activities as defined in Section			
23										102.17, bowling alley, skating rink,			
24										shooting gallery, when conducted			
<u>_</u>										within a completely enclosed			

1			<del></del> 1						1 - 9 P 2 1 - 1 - 74 \ (1 - 62 2 1 6 - 1
1									building; provided, (1) that incidental
2									noise is reasonably confined to the
3									premises by adequate
									soundproofing or other device, and
4									(2) that no portion of a building
5									occupied by such use shall have any
6									opening, other than fixed windows
7									and exits required by law, within 50
8									feet of any R District.
9	P*	P*		Р	Р	Р	Р	Р	(g) Private noncommercial
									recreational open use.
10		P*				NA	NA	NA	(h) Amusement park, and related
11									commercial amusement enterprises
12									not conducted in completely
13									enclosed buildings; provided, that
14									the use lawfully existed at the
15									effective date of this Code, or is so
16									located that (1) the premises are not
									less than 200 feet from any R
17									District, and (2) the aggregate area
18									in the same or adjoining blocks
19									occupied by existing amusement
20									enterprises is in excess of five acres.
21					С	Р	Р	Р	(i) Commercial open-air sports
22									stadium or arena, if conducted on
23									premises not less than 200 feet from
									any R District.
24					С	Р	Р	Р	(j) Circus, carnival, or other
25								<u> </u>	<u> </u>

										amusement enterprise not
1										·
2										conducted within a building, if
3										conducted on premises not less than
										200 feet from any R District.
4	Р	Р	Р	Р	Р	Р	Р	Р	Р	(k) Adult entertainment <u>use</u>
5										enterprise as defined in Section
6										790.36 of the Planning Code, so
7										specified in (i), (ii) and (iii) below,
8										provided that the use is so located
9										that the premises upon which it is
										conducted are not less than 1,000
10										feet from the premises of any other
11										adult entertainment <u>use</u> enterprise
12										and not less than 1000 feet from the site
13										of a public or private school offering
14										instruction on the elementary or high
15										school level, a private school
										required to file a private school
16										affidavit pursuant to California
17										Education Code Section 33190, a
18										child care facility as defined by section
19										209.3(f), or a Recreation and Parks
20										department children's playground. Any
21										adult entertainment use which
22										existed lawfully within the City as of
										the effective date of this ordinance
23										shall be considered a non-
24										conforming use but shall not be
25		<u> </u>		1						

1					subject to Section 181 of this Code
2					regarding non-conforming uses.
					Any building permit application for
3					an adult entertainment use shall be
4					noticed by mail to all properties
5					within 1,000 feet of the subject lot.
6					The latest City-wide Assessor's roll
7					shall be used to obtain the names
8					and addresses of property owners.
					(i) Adult bookstore as defined by
9					Section 791 of Part II, Chapter VIII of
10					the San Francisco Municipal Code
11					<del>(Police Code);</del>
12					(ii) Adult theater, as defined by
13					Section 791 of Part II, Chapter VIII of
14					the San Francisco Municipal Code
					(Police Code);
15					(iii) Encounter studios, as defined by
16					Section 1072.1 of Part II, Chapter
17					VIII of the San Francisco Municipal
18					Code (Police Code). [See Section
19					212(a)]
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20					

Section 3. The San Francisco Planning Code is hereby amended by amending Section 790.36, to read as follows:

23

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SEC. 790.36. ENTERTAINMENT, ADULT.

1	A retail use which includes the following an adult bookstore, as defined by Section 791
2	of the Police Code; or an adult theater, as defined by Section 791 of the Police Code; and
3	encounter studio, as defined by Section 1072.1 of the Police Code. Such use shall be located
4	no less than 1,000 feet from another adult entertainment use and no less than 1000 feet from the
5	site of a public or private school offering instruction on the elementary or high school level, a
6	private school required to file a private school affidavit pursuant to California Education Code Section
7	33190, a child care facility as defined by section 790.50(b), or a Recreation and Parks department
8	children's playground. Any adult entertainment use which existed lawfully within the City as of
9	the effective date of this ordinance shall be considered a non-conforming use but shall not be
10	subject to Section 181 of this Code regarding non-conforming uses. Any building permit
11	application for an adult entertainment use as defined in this section shall be noticed by mail to
12	all properties within 1,000 feet of the subject lot. The latest City-wide Assessor's roll shall be
13	used to obtain the names and addresses of property owners. For the purposes of this
14	section, the following words and phrases shall mean and include:
15	(a) Adult Bookstore. Any establishment having as a significant portion of it stock-in-
16	trade any one or more of the following:
17	(1) books, magazines, periodicals, computer or digital media, or other printed matter
18	which are distinguished or characterized by their emphasis on matter depicting or describing
19	"specified anatomical areas" or "specified sexual activities"; or
20	(2) photographs, films, motion pictures, videotapes, slides, computer or digital
21	media, or other visual representations which are distinguished or characterized by their
22	emphasis on matter depicting or describing "specified sexual activities" or "specified
23	anatomical areas."
24	(b) Adult Theater. Any theater which regularly features one or more of the

following:

1	(1) films, motion pictures, videotapes, slides, computer or digital media or other
2	visual representations which are distinguished or characterized by their emphasis on matter
3	depicting or describing "specified anatomical areas" or "specified sexual activities"; or
4	(2) live performances which are distinguished or characterized by their emphasis on
5	"specified anatomical areas" or "specified sexual activities", and which is not customarily open
6	to the general public during such features because it excludes minors by reason of age.
7	An adult theater shall include commercial establishments where such materials or
8	performances are viewed from individual enclosures.
9	(c) Specified Sexual Activities.
10	(1) Human genitals in a state of sexual stimulation or arousal;
11	(2) Acts of human masturbation, sexual intercourse or sodomy;
12	(3) Fondling or other erotic touching of human genitals, pubic region, buttock or
13	female breast.
14	(d) Specified Anatomical Areas.
15	(1) Less than completely and opaquely covered
16	(a) Human genitals, pubic hair, buttock, natal cleft, perineum, anal region, and
17	(b) Female breast at or below the areola thereof; and
18	(2) Human male genitals in a discernibly turgid state, even if completely and
19	opaquely covered.
20	(e) Theater. A building or part of a building intended to be used for the specific, but
21	not necessarily exclusive, purposes of presenting live performances or displaying films,
22	motion pictures, videotapes, slides, computer or digital media, or other visual representations
23	before an individual or assemblage of persons, whether such assemblage be of a public,
24	restricted, or private nature, except a home or private dwelling and for which no fee, by way of
25	an admission charge, is made.

1	(f) Significant Portion. For the purposes of determining whether a "significant
2	portion" of an establishment includes an adult bookstore or adult theater, the following factors
3	shall be considered:
4	(1) the amount of floor area and cellar space accessible to customers and allocated
5	to such uses; and
6	(2) the amount of floor area and cellar space accessible to customers and allocated
7	to such uses as compared to the total floor area and cellar space accessible to customers in
8	the establishment.
9	For the purposes of determining whether a bookstore has a "significant portion" of its
10	stock in materials described in subsections (e) or (f), the following factors shall be considered:
11	(3) the amount of such stock accessible to customers as compared to the total
12	stock accessible to customers in the establishment; and
13	(4) the amount of floor area and cellar space accessible to customers containing
14	such stock; and
15	(5) the amount of floor area and cellar space accessible to customers containing
16	such stock as compared to the total floor area and cellar space accessible to customers in the
17	establishment.
18	Section 4. The San Francisco Planning Code is hereby amended by amending Section
19	890.36, to read as follows:
20	SEC. 890.36. ENTERTAINMENT, ADULT.
21	A retail use which includes the following an adult bookstore, as defined by
22	Section 791 of the Police Code; or an adult theater as defined by Section 790.36, as defined
23	by Section 791 of the Police Code; and encounter studio, as defined by Section 1072.1 of the
24	Police Code. Such use shall be located no less than 1,000 feet from another adult
25	entertainment use and no less than 1000 feet from the site of a public or private school offering

- 1 <u>instruction on the elementary or high school level</u>, a private school required to file a private school
- 2 affidavit pursuant to California Education Code Section 33190, a child care facility as defined by
- 3 <u>section 890.50(b), or a Recreation and Park department children's playground. Any adult</u>
- 4 entertainment use which existed lawfully within the City as of the effective date of this
- 5 ordinance shall be considered a non-conforming use but shall not be subject to Section 181 of
- 6 <u>this Code regarding non-conforming uses</u>. Any building permit application for an adult
- 7 <u>entertainment use shall be noticed by mail to all properties within 1,000 feet of the subject lot.</u>
- 8 The latest City-wide Assessor's roll shall be used to obtain the names and addresses of
- 9 property owners.

Section 5. The San Francisco Planning Code is hereby amended by amending Section 209.3, to read as follows:

## SEC. 209.3. INSTITUTIONS.

RH-	RH-	RH-	RH	RH	RM	RM	RM	RM	RC	RC	RC	RC	
1	1	1	-2	-3	-1	-2	-3	-4	-1	-2	-3	-4	
(D)		(S)											
С	С	С	С	С	С	С	С	С	С	С	С	С	(a) Hospital,
													medical center or
													other medical
													institution which
													includes facilities
													for inpatient care
													and may also
													include medical
													offices, clinics,
													laboratories, and
													employee or
	1 (D)	1 1 (D)	1 1 1 (D) (S)	1 1 1 -2 (S)	1 1 1 -2 -3 (S)	1 1 1 -2 -3 -1 (D) (S)	1 1 1 -2 -3 -1 -2 (S)	1 1 1 -2 -3 -1 -2 -3 (D) (S)	1	1	1	1	1

1								_		_				·
1														student dormitories
2														and other housing,
3														operated by and
														affiliated with the
4														institution, which
5														institution has met
6														the applicable
7														provisions of
8														Section 304.5 of
														this Code
9														concerning
10														institutional master
11														plans.
12	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	(b) Residential care
40														l
13														facility providing
13 14														lodging, board and
14														
14 15														lodging, board and
14 15 16														lodging, board and care for a period of
14 15														lodging, board and care for a period of 24 hours or more to
14 15 16														lodging, board and care for a period of 24 hours or more to six or fewer
14 15 16 17														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of
14 15 16 17 18														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by
14 15 16 17 18 19 20														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed
14 15 16 17 18 19 20 21														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of
14 15 16 17 18 19 20 21 22														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such
14 15 16 17 18 19 20 21														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display
14 15 16 17 18 19 20 21 22														lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near

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1												indication of the
2												nature of the
3												occupancy except
												for a sign as
4												permitted by Article
5												6 of this Code, shall
6												not provide
7												outpatient services
8												and shall be
												located in a
9												structure which
10												remains residential
11												in character. Such
12												facilities shall
13												include but not
14												necessarily be
15												limited to a board
												and care home,
16												family care home,
17												long-term nursery,
18												orphanage, rest
19												home or home for
20												the treatment of
21												addictive,
												contagious or other
22												diseases or
23												psychological
24												disorders.
25												

1	С	С	С	С	С	С	С	С	С	С	С	С	С	(c) Residential care
2														facility meeting all
														applicable
3														requirements of
4														Subsection 209.3
5														(b) above but
6														providing lodging,
7														board and care as
8														specified therein to
9														seven or more
														persons.
10										С	С	С	С	(d) Social service or
11														philanthropic facility
12														providing
13														assistance of a
14														charitable or public
15														service nature and
16														not of a
17														profitmaking or
														commercial nature.
18														(With respect to RC
19														Districts, see also
20														Section 209.9(d).)
21	P	Р	Р	Р	P	Р	Р	Р	P	Р	Р	Р	Р	(e) Child-care
22														facility providing
23														less than 24-hour
														care for 12 or fewer
24														children by licensed
25														

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1														personnel and
2														meeting the open-
														space and other
3														requirements of the
4														State of California
5														and other
6														authorities.
7	С	С	С	С	С	С	С	С	С	С	С	С	С	(f) Child-care facility
8														providing less than
9														24-hour care for 13
														or more children by
10														licensed personnel
11														and meeting the
12														open-space and
13														other requirements
14														of the State of
15														California and other
														authorities <u>.</u>
16														provided that the
17														day care is not
18														located within 1,000
19														feet from the
20														premises of any
21														adult entertainment
22														use as defined in
														<u>Section 790.36.</u>
23														Any child care
24														facility which
25								,	,					

	 	 	 	 	-	-	<del></del>	 	
1									existed lawfully
2									within the City as of
									the effective date of
3									this ordinance shall
4									<u>be considered a</u>
5									non-conforming use
6									<u>but shall not be</u>
7									subject to Section
8									181 of this Code
9									regarding non-
									conforming uses.
10									Any building permit
11									application for a
12									day care center
13									shall be noticed by
14									mail to all
15									properties within
									1,000 feet of the
16									subject lot. The
17									latest City-wide
18									Assessor's roll shall
19									<u>be used to obtain</u>
20									the names and
21									addresses of
22									property owners.
									(With respect to RC
23									Districts, see also
24									Section 209.9(d).)
25									

1	С	С	С	С	С	С	С	С	С	С	С	С	С	(g) Elementary
2														school, either public
														or private <u>, provided</u>
3														that the school is
4														not located within
5														1,000 feet from the
6														premises of any
7														adult entertainment
8														use as defined in
9														<u>Section 790.36</u>
10														except to the extent
														this restriction is
11														preempted by state
12														law. Any school
13														which existed
14														lawfully within the
15														City as of the
16														effective date of
17														this ordinance shall
														be considered a
18														non-conforming use but shall not be
19														subject to Section
20														181 of this Code
21														regarding non-
22														conforming uses.
23														Any building permit
24														application for a
		<u> </u>	<u> </u>		<u> </u>		<u> </u>	<u> </u>						

					=								-	-
1														school shall be
2														noticed by mail to
3														all properties within
														1,000 feet of the
4														subject lot. The
5														latest City-wide
6														Assessor's roll shall
7														be used to obtain
8														the names and
9														addresses of
														property owners
10														Such institution
11														may include
12														employee or
13														student dormitories
14														and other housing
15														operated by and
														affiliated with the
16														institution. (With
17														respect to RC
18														Districts, see also
19														Section 209.9(d).)
20	С	С	С	С	С	С	С	С	С	С	С	С	С	(h) Secondary
21														school, either public
														or private, other
22														than a school
23														having industrial
24														arts as its primary
25				,		,		,	,		,	<u> </u>		

1							course of study and
2							provided that the
							school is not
3							located within 1,000
4							feet from the
5							premises of any
6							adult entertainment
7							uses as defined in
8							<u>Section 790.36</u>
9							except to the extent
							this restriction is
10							preempted by state
11							law. Any school
12							which existed
13							lawfully within the
14							City as of the
15							effective date of
							this ordinance shall
16							<u>be considered a</u>
17							non-conforming use
18							but shall not be
19							subject to Section
20							181 of this Code
21							regarding non-
22							conforming uses.
							Any building permit
23							application for a
24							 school shall be
25							

				ī———										
1														noticed by mail to
2														all properties within
3														1,000 feet of the
														subject lot. The
4														latest City-wide
5														Assessor's roll shall
6														be used to obtain
7														the names and
8														addresses of
9														property owners.
														Such institution
10														may include
11														employee or
12														student dormitories
13														and other housing
14														operated by and
15														affiliated with the
														institution. (With
16														respect to RC
17														Districts, see also
18														Section 209.9(d).)
19	С	С	С	С	С	С	С	С	С	С	С	С	С	(i) Post secondary
20														educational
21														institution for the
22														purposes of
														academic,
23														professional,
24														business or fine
25		,		,	,		,	,				<u> </u>	,	

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1														arts education,
2														which institution
3														has met the
														applicable
4														provisions of
5														Section 304.5 of
6														this Code
7														concerning
8														institutional master
														plans. Such
9														institution may
10														include employee
11														or student
12														dormitories and
13														other housing
14														operated by and
														affiliated with the
15														institution. Such
16														institution shall not
17														have industrial arts
18														as its primary
19														course of study.
20	С	С	С	С	С	С	С	С	С	С	С	С	С	(j) Church or other
21														religious institution
														which has a tax-
22														exempt status as a
23														religious institution
24														granted by the
25	]	<u>.                                    </u>	1		<u> </u>	ı	<u> </u>	<u> </u>	<u> </u>	ı	<u> </u>	<u> </u>		

1							Ur	nited States
							Go	overnment, and
2							wh	nich institution is
3							us	ed primarily for
4							co	Ilective worship
5							or	ritual or
6							ob	servance of
7							со	mmon religious
8							be	eliefs. Such
							ins	stitution may
9							ind	clude, on the
10							sa	me lot, the
11							ho	ousing of persons
12							wh	no engage in
13							su	pportive activity
14							foi	r the institution.
							(V	/ith respect to RC
15							Di	stricts, see also
16							Se	ection 209.9(d).)
17								

Section 6. The San Francisco Planning Code is hereby amended by amending Section 217, to read as follows:

## SEC. 217. INSTITUTIONS.

18

19

21	C-1	C-2	C-3-	C-3-	C-3-	C-3-	С-М	M-1	M-2	
22			0	R	G	S				
23	С	С	С	С	С	С	С	С		(a) Hospital, medical center or other
24										medical institution which includes
25										facilities for inpatient care and may

1										also include medical offices, clinics,
2										laboratories, and employee or
										student dormitories and other
3										housing, operated by and affiliated
4										with the institution, which institution
5										has met the applicable provisions of
6										Section 304.5 of this Code
7										concerning institutional master
8										plans.
9	Р	Р	Р	Р	Р	С	Р	Р		(b) Residential care facility
										providing lodging, board and care
10										for a period of 24 hours or more to
11										persons in need of specialized aid
12										by personnel licensed by the State
13										of California. Such facilities shall
14										include but not necessarily be
15										limited to a board and care home,
16										family care home, long-term
										nursery, orphanage, rest home or
17										home for the treatment of addictive,
18										contagious or other diseases or
19										psychological disorders.
20	Р	Р	Р	Р	Р	Р	Р	Р	Р	(c) Clinic primarily providing
21										outpatient care in medical,
22										psychiatric or other healing arts and
23										not a part of a medical institution as
										specified in Subsection 217(a)
24										above.
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1	Р	Р	Р	Р	Р	Р	Р	Р	Р	(d) Social service or philanthropic
2										facility providing assistance of a
										charitable or public service nature.
3	Р	Р	Р	Р	Р	С	Р	Р		(e) Child-care facility providing less
4										than 24-hour care for children by
5										licensed personnel and meeting the
6										open-space and other requirements
7										of the State of California and other
8										authorities.
9	Р	Р	Р	Р	Р	Р	Р	Р		(f) Elementary school, either public
10										or private <u>, provided that the school</u>
										is not located within 1,000 feet from
11										the premises of any adult
12										entertainment use as defined in
13										Section 790.36 except to the extent
14										this restriction is preempted by
15										state law. Any school which existed
16										lawfully within the City as of the
17										effective date of this ordinance shall
										be considered a non-conforming
18										use but shall not be subject to
19										Section 181 of this Code regarding
20										non-conforming uses. Any building
21										permit application for a school shall
22										be noticed by mail to all properties
23										within 1,000 feet of the subject lot.
24										The latest City-wide Assessor's roll
										shall be used to obtain the names
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1									and addresses of property owners.
2									Such institution may include
									employee or student dormitories
3									and other housing operated by and
4									affiliated with the institution.
5	Р	Р	Р	Р	Р	Р	Р	Р	(g) Secondary school, either public
6									or private, other than a school
7									having industrial arts as its primary
8									course of study, provided that the
9									school is not located within 1,000
									feet from the premises of any adult
10									entertainment use as defined in
11									Section 790.36 except to the extent
12									this restriction is preempted by
13									state law. Any school which existed
14									lawfully within the City as of the
15									effective date of this ordinance shall
									be considered a non-conforming
16									use but shall not be subject to
17									Section 181 of this Code regarding
18									non-conforming uses. Any building
19									permit application for a school shall
20									be noticed by mail to all properties
21									within 1,000 feet of the subject lot.
									The latest City-wide Assessor's roll
22									shall be used to obtain the names
23									and addresses of property owners.
24									Such institution may include
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1										employee or student dormitories
2										and other housing operated by and
3										affiliated with the institution.
	Р	Р	Р	Р	Р	Р	Р	Р		(h) Postsecondary educational
4										institution for the purposes of
5										academic, professional, business or
6										fine-arts education, which institution
7										has met the applicable provisions of
8										Section 304.5 of this Code
9										concerning institutional master
										plans. Such institution may include
10										employee or student dormitories
11										and other housing operated by and
12										affiliated with the institution. Such
13										institution shall not have industrial
14										arts as its primary course of study.
15						Р	Р	Р	Р	(i) Secondary or postsecondary
16										educational institution, other than
										as specified in Subsection 217(g)
17										and (h) above <u>and provided that the</u>
18										secondary school is not located
19										within 1,000 feet from the premises
20										of any adult entertainment use as
21										defined in Section 790.36 except to
22										the extent this restriction is
										preempted by state law. Any
23										postsecondary school which existed
24										lawfully within the City as of the
25			<u> </u>	I						1

1										effective date of this ordinance shall
2										be considered a non-conforming
3										use but shall not be subject to
										Section 181 of this Code regarding
4										non-conforming uses. Any building
5										permit application for a school shall
6										be noticed by mail to all properties
7										within 1,000 feet of the subject lot.
8										The latest City-wide Assessor's roll
										shall be used to obtain the names
9										and addresses of property owners
10	Р	Р	Р	Р	Р	Р	Р	Р	Р	(j) Church or other religious
11										institution. Such institution may
12										include, on the same lot, the
13										housing of persons who engage in
14										supportive activity for the institution.
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Section 7. The San Francisco Planning Code is hereby amended by amending Section 790.50, to read as follows:

## SEC. 790.50. INSTITUTIONS, OTHER LARGE.

A public or private, nonprofit or profit-making use which provides services to the community excluding hospitals and medical centers and including but not limited to the following:

(a) Assembly and Social Service. A use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial club house, lodge, meeting hall, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area or noncommercial horticulture area not publicly owned.

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1	(b) Child Care. A use which provides less than 24-hour care for 13 or more
2	children by licensed personnel and which meets the requirements of the State of California
3	and other authorities provided that the child care use is not located within 1,000 feet from the
4	premises of any adult entertainment use as defined in Section 790.36. Any child care use
5	which existed lawfully within the City as of the effective date of this ordinance shall be
6	considered a non-conforming use but shall not be subject to Section 181 of this Code
7	regarding non-conforming uses. Any building permit application for a child care use shall be
8	noticed by mail to all properties within 1,000 feet of the subject lot. The latest City-wide
9	Assessor's roll shall be used to obtain the names and addresses of property owners.
10	(c) Educational Service. A use certified by the State Educational Agency
11	which provides educational services, such as a school, college or university. It may include,
12	on the same premises, employee or student dormitories and other housing operated by and
13	affiliated with the institution.
14	(d) Religious Facility. A use which provides religious services to the
15	community, such as a church, temple or synagogue. It may include on the same lot, the
16	housing of persons who engage in supportive activity for the institution.
17	(e) Residential Care. A medical use which provides lodging, board, and care
18	24 hours or more to seven or more persons in need of specialized aid by personnel licensed

Section 8. The San Francisco Planning Code is hereby amended by amending Section 890.50, to read as follows:

by the State of California and which provides no outpatient services; including but not limited

to, a board and care home, rest home, or home for the treatment of the addictive, contagious,

SEC. 890.50. INSTITUTIONS, OTHER.

or other diseases or physiological disorders.

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A public or private, nonprofit or profit-making use, excluding hospitals and
medical centers, which provides services to the community, including but not limited to the
following:

- (a) Assembly and Social Service. A use which provides social, fraternal, counseling or recreational gathering services to the community. It includes a private noncommercial clubhouse, lodge, meeting hall, family or district association, recreation building, or community facility not publicly owned. It also includes an unenclosed recreation area or noncommercial horticulture area not publicly owned.
- (b) Child Care. A use which provides less than 24-hour care for children by licensed personnel and which meets the requirements of the State of California and other authorities provided that the child care use is not located within 1,000 feet from the premises of any adult entertainment use as defined in Section 790.36. Any child care use which existed lawfully within the City as of the effective date of this ordinance shall be considered a non-conforming use but shall not be subject to Section 181 of this Code regarding non-conforming uses. Any building permit application for a child care use shall be noticed by mail to all properties within 1,000 feet of the subject lot. The latest City-wide Assessor's roll shall be used to obtain the names and addresses of property owners.
- (c) Educational Service. A use certified by the State Educational Agency which provides educational services such as a school, college or university. It may include, on the same premises, employee or student dormitories and other housing operated by and affiliated with the institution.
- (d) Religious Facility. A use which provides religious services to the community such as a church, temple or synagogue. It may include on the same lot, the housing of persons who engage in supportive activity for the institution.

1	(e) Residential Care. A medical use which provides lodging, board, and care							
2	for one day or more to persons in need of specialized aid by personnel licensed by the State							
3	of California and which provides no outpatient services; including but not limited to, a board							
4	and care home, rest home, or home for the treatment of the addictive, contagious, or other							
5	diseases or physiological disorders.							
6	(f) Job Training. A use which provides job training and may also provide							
7	vocational counseling and job referrals.							
8	Section 9. The Board of Supervisors hereby directs the Director of the Planning							
9	Department, in consultation with the City Attorney, to prepare a study of "alternative avenues							
10	of communication" in the form of reasonably available sites for adult businesses under this							
11	ordinance. The Board requests that the Director submit the study to them within 180 days of							
12	the effective date of this ordinance							
13	Section 10. The Planning Department concluded environmental review of this							
14	ordinance pursuant to the California Environmental Quality Act. Documentation of that review							
15	is on file with the Clerk of the Board of Supervisors in File No							
16								
17	APPROVED AS TO FORM:							
18	DENNIS J. HERRERA, City Attorney							
19	By:							
20	Sarah Ellen Owsowitz Deputy City Attorney							
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