

BOARD of SUPERVISORS



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## MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair  
Land Use and Transportation Committee

FROM: Brent Jalipa, Assistant Clerk

DATE: April 25, 2022

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, April 26, 2022

The following file should be presented as a **COMMITTEE REPORT** at today's Board Meeting on Tuesday, April 26, 2022, at 2:00 p.m. This item was acted upon at the regular Land Use and Transportation Committee Meeting on April 25, 2022, at 1:30 p.m., by the votes indicated.

**Item No. 29                      File No. 220264**

[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; to prohibit Adult Sex Venues as an accessory use; to prohibit Adult Businesses in the Chinatown Community Business District; 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.**

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar - Aye  
Supervisor Dean Preston - Aye  
Supervisor Aaron Peskin - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Anne Pearson, Deputy City Attorney  
Alisa Somera, Legislative Deputy Director

File No. 220264 Committee Item No. 2  
Board Item No. 29

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date April 25, 2022

Board of Supervisors Meeting Date April 26, 2022

#### Cmte Board

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| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Motion  |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Resolution  |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | Ordinance   |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | Legislative Digest                                |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Budget and Legislative Analyst Report             |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Youth Commission Report                           |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | Introduction Form                                 |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report      |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | MOU   |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Grant Information Form                            |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Grant Budget                                      |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Subcontract Budget                                |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Contract/Agreement                                |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Form 126 – Ethics Commission                      |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Award Letter                                      |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | Application                                       |
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| <b>OTHER (Use back side if additional space is needed)</b> |                                     |   |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>DPH Rpt 012621</u>                             |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>Referral CEQA 031822</u>                       |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>Referral PC 031822</u>                         |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>Referral FYI 032222</u>                        |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>Referral SBC 032222</u>                        |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>CEQA Determination 033122</u>                  |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>SBC Response 041422</u>                        |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>PLN Response 041422</u>                        |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>PC Reso No. 21097 040722</u>                   |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>Presidential Action Form - Temp Assign LUT</u> |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>PC Transmittal 041422</u>                      |
| <input checked="" type="checkbox"/>                        | <input checked="" type="checkbox"/> | <u>Melgar Comm Rpt Memo 042122</u>                |
| <input type="checkbox"/>                                   | <input type="checkbox"/>            | <u> </u>  |

Completed by: Erica Major Date April 21, 2022

Completed by: Brent Jalipa Date April 25, 2022

1 [Planning Code - Adult Sex Venues]

2  
3 **Ordinance amending the Planning Code to define Adult Sex Venue and principally**  
4 **permit, conditionally permit, or prohibit Adult Sex Venues in Commercial; Residential-**  
5 **Commercial; Production, Distribution and Repair (PDR); Neighborhood Commercial;**  
6 **Neighborhood Commercial Transit; and Mixed Use Districts; to prohibit Adult Sex**  
7 **Venues as an accessory use; to prohibit Adult Businesses in the Chinatown**  
8 **Community Business District; affirming the Planning Department’s determination**  
9 **under the California Environmental Quality Act; and making findings of consistency**  
10 **with the General Plan and the eight priority policies of Planning Code, Section 101.1,**  
11 **and findings of public necessity, convenience, and welfare under Planning Code,**  
12 **Section 302.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
15 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
16 **Board amendment additions** are in double-underlined Arial font.  
17 **Board amendment deletions** are in ~~Arial font~~.  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
19 subsections or parts of tables.

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
25 Supervisors in File No. 220264 and is incorporated herein by reference. The Board affirms  
this determination.



1 (b) On April 7, 2022, the Planning Commission, in Resolution No. 21097, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. 220264, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
7 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
8 Planning Commission Resolution No. 21097, and incorporates such reasons by this reference  
9 thereto. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File  
10 No. 220264.

11  
12 Section 2. General Background and Findings.

13 (a) In the early 1980s, there were many business establishments in the City where  
14 men met other men for sex. These businesses included bookstores with video booths, movie  
15 theaters, and bath houses, and provided some of the only community spaces where queer  
16 people, could gather and meet.

17 (b) In 1984, at the height of the AIDS epidemic, the City filed a lawsuit against the  
18 operators of several such businesses, citing the businesses as a public health nuisance. The  
19 court concluded that these businesses presented a public health risk, and issued an order  
20 allowing the businesses to remain open on the condition that they employ monitors to prevent  
21 unsafe sex from occurring, and provide education to the patrons. To facilitate the monitoring  
22 of the venues, the court further ordered that the doors to individual video cubicles, booths, or  
23 rooms be modified by removing the bottom 24-39 inches of such doors. Although the  
24 bathhouses could have legally remained open under the rules established by the court, most  
25 of them closed. In 1989, the City dismissed the lawsuit against the majority of defendants, and

1 the court order requiring the use of monitors and modified doors was vacated as to those  
2 defendants.

3 (c) In 1997, the Department of Public Health adopted minimum standards governing  
4 the operation of commercial sex clubs and parties. These minimum standards were intended  
5 to make commercial sex clubs and parties safe, and were developed in consultation with the  
6 Coalition for Healthy Sex. The minimum standards that were developed in 1997, much like the  
7 court order that preceded them, required that all areas of commercial sex clubs and parties be  
8 monitored on a regular basis by staff, and prohibited commercial sex clubs and parties from  
9 having booths, cubicles, or rooms to which patrons have access that may be locked.

10 (d) Advances in biomedical prevention strategies have provided tools to reduce the  
11 likelihood of HIV transmission and acquisition and reduce the adverse health impacts of HIV.  
12 These tools include the availability of PrEP (preexposure prophylaxis) to prevent HIV  
13 infection, rapid access to antiretroviral therapy for people newly diagnosed with HIV, and  
14 successful efforts to increase viral suppression among people living with HIV in San Francisco  
15 through strategies and programs that increase retention in care and treatment. According to  
16 the Department of Public Health, in 2018 the number of new AIDS diagnoses in San  
17 Francisco dropped to 197, marking a 58% decrease as compared to the number of new AIDS  
18 diagnoses in 2011.

19 (e) There is virtually no evidence showing that the monitoring of patrons at  
20 commercial venues that allow people to engage in sexual activity results in safer sex. Indeed,  
21 some researchers have concluded that monitoring has little or no effect on high-risk  
22 behaviors.

23 (f) A number of businesses in the City cater to consenting adults who wish to meet  
24 and engage in sexual activities on the premises of the business, or to watch other patrons  
25 doing so, under circumstances that do not involve the violation of any law regulating sexual

1 conduct. These businesses—adult sex venues—can be an important place for preventing the  
2 transmission of communicable diseases by educating patrons about ways to prevent the  
3 transmission of disease, and by establishing community norms that promote safe sex. When  
4 properly operated, adult sex venues assist, rather than impede, the City’s efforts to control the  
5 transmission of HIV, as well as other sexually transmitted diseases.

6 (g) On July 31, 2020, the Mayor signed Ordinance No. 127-20, which amended the  
7 Health Code to require the Director of Health to adopt minimum health and safety standards  
8 governing the operation of commercial adult sex venues. Ordinance No. 127-20 also prohibits  
9 the Director from adopting standards that require monitoring of patrons’ sexual activities, that  
10 regulate doors, or that mandate unlocked doors in areas where sexual activity may occur.

11 (h) Ordinance No. 127-20 established a definition in Article 47 of the Health Code of  
12 an "Adult Sex Venue" to mean “any Commercial Establishment that is operated in a manner  
13 that encourages patrons to engage in, or to watch other patrons engaging in, Sexual Activities  
14 on the premises, or that as a regular part of its operations permits patrons to engage in  
15 Sexual Activities on the premises or to watch other patrons doing so.”

16 (i) On January 26, 2021, the Director of Health published Minimum Standards for  
17 Operation of Sex Clubs, Commercial Sex Venues and Parties in accordance with Ordinance  
18 No. 127-20. These Minimum Standards currently regulate the operations of Adult Sex  
19 Venues.

20 (j) Operation of Massage Businesses or Public Bath Houses are separately  
21 regulated under Health Code Article 29 and Police Code Article 26, respectively. None of the  
22 provisions of Health Code Articles 29 and 47 or Police Code Article 26 precludes such uses  
23 from being operated in tandem with an Adult Sex Venue use.

24 (k) In December 2020, the Zoning Administrator determined that businesses  
25 operating as an Adult Sex Venue pursuant to Health Code Article 47 are considered a type of

1 Adult Business use for the purposes of the Planning Code. Adult Business is a type of Retail  
2 Sales and Service use that includes an “adult bookstore,” “adult video store,” “adult theater,”  
3 or “encounter studio” and is generally not permitted or conditionally permitted throughout the  
4 City, and is principally permitted in only certain areas. Adult Business uses are generally not  
5 permitted or only conditionally permitted in areas of the City with a strong historical and  
6 contemporary association with the LGBTQ community, including the Castro, Upper Market,  
7 Tenderloin, and SOMA neighborhoods.

8 (l) To support the establishment of Adult Sex Venues in areas of the City strongly  
9 associated with the LGBTQ community, this ordinance amends the Planning Code to  
10 establish zoning controls for Adult Sex Venues that allow this use as principally permitted in  
11 select areas, particularly those overlapping with established LGBTQ cultural districts including  
12 the Castro LGBTQ Cultural District in the Castro and Upper Market neighborhoods, the  
13 Leather and LGBTQ Cultural District in SOMA, and the Transgender District in the Tenderloin.

14  
15 Section 3. The Planning Code is hereby amended by revising Sections 102, 202.2,  
16 204.2, 204.3, and 303, 703, 803.2, 803.3, and 825, and revising the Zoning Control Tables in  
17 Sections 209.3, 210.3, 710-745, 750-764, 810-812, 814, 827, 829, and 840-848, to read as  
18 follows:

19  
20 **SEC. 102. DEFINITIONS.**

21 \* \* \* \*

22 **Adult Business.** A Retail Sales and Service Use that includes the following: adult  
23 bookstore or adult video store, as defined by Section 791 of the Police Code; adult theater, as  
24 defined by Section 791 of the Police Code; and encounter studio, as defined by Section

25

1 1072.1 of the Police Code. Such use shall be located no less than 1,000 feet from another  
2 Adult Business use.

3 *Adult Sex Venue* A Retail Sales and Service Use that operates pursuant to Health Code Article  
4 47. An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms,  
5 and is eligible for a Limited Live Performance permit.

6 \* \* \* \*

7 **Hours of Operation.** A commercial Use Characteristic limiting the permitted hours  
8 during which any commercial establishment, not including automated teller machines, may be  
9 open for business. Other restrictions on the hours of operation of Movie Theaters, Adult  
10 Businesses, *Adult Sex Venues*, Nighttime Entertainment, General Entertainment, and Other  
11 Entertainment Uses, as defined in Sections 102 and 890, shall apply pursuant to provisions in  
12 Section 303(p), when such uses are permitted as Conditional Uses. A Pharmacy may qualify  
13 for the exception to operate on a 24-hour basis provided in Section 202.2(a)(2) of the Code.  
14 *The hours of operation of a principally permitted Adult Sex Venue are subject to the provisions in*  
15 *Section 202.2(a)(8).*

16  
17 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

18 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below  
19 shall be subject to the corresponding conditions:

20 \* \* \* \*

21 *(8) Adult Sex Venue. Notwithstanding anything to the contrary in this Code, a*  
22 *principally permitted Adult Sex Venue may operate on a 24-hour basis as a permitted use provided that*  
23 *the following conditions are met during any period between midnight and 6:00 a.m. in which the venue*  
24 *is open for business:*

1                    (A) The venue shall provide adequate lighting and security for the safety of  
2 customers, residents, and the adjoining property. Such lighting and security may not negatively impact  
3 adjacent properties; and

4                    (B) The venue shall be adequately soundproofed or insulated for noise and  
5 operated so that incidental noise shall not be audible beyond the premises or in other sections of the  
6 building and fixed-source equipment noise shall not exceed the decibel levels specified in the San  
7 Francisco Noise Control Ordinance, Police Code Article 29.

8                    \* \* \* \*

9                    **SEC. 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN**  
10 **RESIDENTIAL DISTRICTS.**

11                    No use shall be permitted as an accessory use to a use other than a dwelling in any  
12 Residential District that involves or requires any of the following:

13                    (a) The use of more than one-fourth of the total floor area occupied by such use and  
14 the principal or conditional use to which it is accessory, except in the case of accessory off-  
15 street parking and loading;

16                    (b) The use of show windows or window displays or advertising to attract customers  
17 or clients, except for an identifying sign and regulated in Article 6 of this Code; or

18                    (c) The conduct of any activity of a profit-making or commercial nature, except as an  
19 integral part of the permitted principal or conditional use where such activity is expressly  
20 permitted by the Zoning Control Table for the district; or

21                    (d) A Medical Cannabis Dispensary as defined in Section 102 of this Code.

22                    (e) An Adult Sex Venue as defined in Section 102 of this Code.

23  
24                    //  
25

1           **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN C, RC,**  
2 **M, AND PDR DISTRICTS.**

3           \* \* \* \*

4           (c) **C, M, and PDR District Specific Controls.** An antenna or a microwave or satellite  
5 dish shall be permitted in, C, M, and PDR Districts, except PDR-1-B Districts, without regard  
6 to the height of such antenna or microwave or satellite dish and without regard to the  
7 proximity of such antenna or microwave or satellite dish to any R District, if the following  
8 requirements are met:

9                   (1) the antenna or dish will be used for the reception of indoor wireless,  
10 microwave, radio, satellite, or television broadcasts for the exclusive benefit of the residents or  
11 occupants in the building on which the facility is placed;

12                   (2) the antenna or dish is an accessory use to a lawful principal or conditional  
13 use; and

14                   (3) the antenna or dish shall comply with any applicable design review criteria,  
15 including but not limited to any applicable design review criteria contained in the Wireless  
16 Telecommunications Services Facility Siting Guidelines.

17           This subsection (c) shall not apply to an antenna or a microwave or satellite dish that  
18 complies with the Federal Communications Commission's Over the Air Receiving Device  
19 rules.

20           (d) **Prohibition of Accessory Adult Sex Venues.** Adult Sex Venues as defined in  
21 Section 102 of this Code are not permitted as an accessory use.

22  
23           //

24           //

1 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

2 \* \* \* \*

3 **Table 209.3**

4 **ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

5

Zoning Category	§ References	RC-3	RC-4
* * * *			
<b>Sales and Service Category</b>			
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(4)	P(4)
Adult Business	§ 102	NP	NP
<i>Adult Sex Venue</i>	<i>§ 102</i>	<i>NP</i>	<i>NP(12)</i>
* * * *			

14 \* \* \* \*

15 (12) P within the Compton’s Transgender Cultural District. on Turk Street between  
 16 Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.

18 **SEC. 210.3. PDR DISTRICTS.**

19 \* \* \* \*

20 **Table 210.3**

21 **ZONING CONTROL TABLE FOR PDR DISTRICTS**

22 \* \* \* \*

23

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
<b>Sales and Service Category</b>					

24

25



1	<b>Retail Sales and Service</b>	§§ 102, 202(a)	P(1)	P(10)	P(9)	P(1)
2	<b>Uses*</b>					
3	Adult Business	§ 102	NP	P	P	P
4	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
5	Animal Hospital	§ 102	P	P	P	P
6	* * * *					

7 \* \* \* \*

8  
9 **SEC. 303. CONDITIONAL USES.**

10 \* \* \* \*

11 (p) **Adult Business, Adult Sex Venue, Nighttime Entertainment, General**  
12 **Entertainment, and Other Entertainment Uses.**

13 (1) With respect to Conditional Use authorization applications for Adult  
14 Business, Adult Sex Venue, Nighttime Entertainment, General Entertainment and Other  
15 Entertainment uses, such use or feature shall:

16 (A) If the use is an Adult Business, it shall not be located within 1,000  
17 feet of another such use; and/or

18 (B) Not be open between two a.m. and six a.m.; and

19 (C) Not use electronic amplification between midnight and six a.m.; and

20 (D) Be adequately soundproofed or insulated for noise and operated so  
21 that incidental noise shall not be audible beyond the premises or in other sections of the  
22 building and fixed-source equipment noise shall not exceed the decibel levels specified in the  
23 San Francisco Noise Control Ordinance, Police Code Article 29.

24 (2) Notwithstanding the above, the Planning Commission may authorize a Conditional  
25 Use which does not satisfy the criteria set forth in subsections (p)(1)(B) and/or (p)(1)(C) above,

1 if facts presented are such to establish that the use will be operated in such a way as to  
2 minimize disruption to residences in and around the district with respect to noise and crowd  
3 control.

4 (3) If the proposed use is located in a Cultural District established under Administrative Code  
5 Section 107, the Planning Commission shall consider the purpose and goals established in Section  
6 107.2 as well as any recommendations set forth in the Cultural, History, Housing, and Economic  
7 Stability Strategy report for the district if one has been adopted pursuant to Section 107.4.

8 (~~34~~) The action of the Planning Commission approving a Conditional Use does not  
9 take effect until the appeal period is over or while the approval is under appeal.

10  
11 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

12 \* \* \* \*

13 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections  
14 204.1 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to  
15 Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory  
16 Uses as defined in Section 102 shall be permitted when located on the same lot.  
17 Notwithstanding the foregoing, a Retail Workspace, as defined in Section 102, shall be  
18 permitted as an Accessory Use in connection with any Eating and Drinking Use regardless of  
19 the floor area occupied by such Accessory Use, so long as (1) the hours of operation for the  
20 accessory Retail Workspace use are limited to 9 a.m. to 5 p.m. and (2) such Eating and  
21 Drinking Use is also open for business to the general public on each day during which the  
22 accessory Retail Workspace use is open. Any Use that does not qualify as an Accessory Use  
23 shall be classified as a Principal or Conditional Use unless it qualifies as a temporary use  
24 under Sections 205 through 205.4 of this Code.

1           No Use will be considered accessory to a permitted Principal or Conditional Use that  
2 involves or requires any of the following:

3           (1) The use of more than one-third of the total floor area occupied by such use  
4 and the Principal or Conditional use to which it is accessory, except in the case of accessory  
5 off-street parking and loading and as specified in subsection (d)(3) below as accessory  
6 wholesaling, manufacturing, or processing of foods, goods, or commodities:

7           (2) Any Bar or Restaurant, or any other retail establishment which serves liquor for  
8 consumption on-site; however, this shall not prohibit take-out food activity which operates in  
9 conjunction with a Limited Restaurant, Restaurant, General Grocery, and Specialty Grocery.  
10 This shall also not prohibit a Limited Restaurant as an Accessory Use to a permitted Principal  
11 or Conditional Use except as specified in subsection (d)(7) below;

12           (3) The wholesaling, manufacturing, or processing of foods, goods, or  
13 commodities on the premises of an establishment that does not also use or provide for retail  
14 sale of such foods, goods, or commodities at the same location where such wholesaling,  
15 manufacturing, or processing takes place, with the following exceptions:

16           (A) In the North Beach Special Use District where such activities are limited to  
17 15% of the total floor area occupied by the Principal or Conditional Use to which it is  
18 accessory unless the Principal or Conditional Use is Specialty Foods Manufacturing as  
19 defined in Section 780.3 of this Code; and

20           (B) Notwithstanding the floor area limitation in subsection (d)(1), a Catering Use  
21 limited to food and beverage Catering shall be permitted as an Accessory Use to Restaurants  
22 and Limited Restaurants if the following requirements are met:

23           (i) The Catering Use does not operate more than 75% of the total time within  
24 the Restaurant's or Limited Restaurant's Hours of Operation on any given day; and  
25

1 (ii) The Catering Use does not distribute or deliver individual meals to  
2 customers directly from the subject lot, either by its own means, or through a third-party  
3 delivery service.

4 (4) Any retail Liquor Store.

5 (5) Medical Cannabis Dispensaries.

6 (6) Any General Entertainment or Nighttime Entertainment use, except for one  
7 that involves a Limited Live Performance Permit as set forth in Police Code Section 1060et  
8 seq., or one that does not require a Limited Live Performance Permit as set forth in Police  
9 Code Section 1060.1(e).

10 (7) Within the North Beach SUD and NCD, a Limited Restaurant.

11 (8) A Health Service use as an Accessory Use in the Sacramento Street  
12 Neighborhood Commercial District requires a Conditional Use authorization on the ground  
13 story and is permitted above the ground story pursuant to Section 724 of this Code.

14 (9) Cannabis Retail that does not meet the limitations set forth in Section  
15 204.3(a)(3) of this Code.

16 (10) An Adult Sex Venue as defined in Section 102 of this Code.

17 \* \* \* \*

18  
19 **SEC. 710. NC-1 NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

20 \* \* \* \*

21 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING**

22 **CONTROL TABLE**

* * * *		
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
* * * *		

	<b>§ References</b>	<b>Controls by Story</b>		
<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>				
* * * *		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P(3)	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Animal Hospital	§102	P	P	P
* * * *				

**SEC. 711. NC-2 SMALL SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

**ZONING CONTROL TABLE**

\* \* \* \*

* * * *	<b>§ References</b>	<b>Controls by Story</b>		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a),			
3		202.3			
4	Adult Business	§ 102	NP	NP	NP
5	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
6	Animal Hospital	§102	P	P	NP
7	* * * *				
8					

9 \* \* \* \*

10  
11 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

12 \* \* \* \*

13 **Table 712. MODERATE –SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

14 **ZONING CONTROL TABLE**

15	* * * *	§ References	Controls by Story		
16	<b>NON-RESIDENTIAL</b>				
17	<b>STANDARDS</b>				
18	* * * *		1st	2nd	3rd+
19	<b>Sales and Service Use Category</b>				
20	Retail Sales and Service	§§ 102, 202.2(a),	P	P	P
21	<b>Uses*</b>	202.3			
22	Adult Business	§ 102	C	C	NP
23	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
24	Animal Hospital	§102	P	P	NP
25					

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**SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

\* \* \* \*

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

Non-Residential Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL  
TABLE**

1	* * * *	§ References	Controls		
2	Zoning Category				
3	<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
4		References	Controls by Story		
5			1st	2nd	3rd+
6					
7	<b>Sales and Service Use Category</b>				
8	<b>Retail Sales and Service</b>	§ 102,	P	P	NP
9	<b>Uses*</b>	202.2(a), 202.3			
10	Adult Business	§ 102	C	C	NP
11	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
12	Animal Hospital	§102	P	P	NP
13					
14	* * * *				

\* \* \* \*

**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

22	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	References	Controls by Story		
23	* * * *				
24			1st	2nd	3rd+
25					



<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	C	NP	NP
<i>Adult Sex Venue</i>	<u>§§ 102;</u> <u>202.2(a)(8)</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

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

* * * *	<b>References</b>	<b>Controls by Story</b>		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

1 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
 4 **ZONING CONTROL TABLE**

Non-Residential Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	P
* * * *				

16  
17 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**  
 20 **CONTROL TABLE**

Non-Residential Standards and Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§ 102,	P	C	NP
2	<b>Uses*</b>	202.2(a)			
3	Adult Business	§ 102	NP	NP	NP
4	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

9 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

10 \* \* \* \*

11 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**

12 **DISTRICT ZONING CONTROL TABLE**

14	Zoning Category	§ References	Controls		
15	<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
16	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
17			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
18	<b>Sales and Service Use Category</b>				
19	<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	P
20	Adult Business	§ 102	C	C	NP
21	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
22	Animal Hospital	§102	P	P	NP
23	* * * *				
24					
25					

1 \* \* \* \*

2 **SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

3 \* \* \* \*

4 **TABLE 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

5 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	C
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

17 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.3			
3	Adult Business	§ 102	NP	NP	NP
4	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

9 **SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

10 \* \* \* \*

11 **Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

12 **CONTROL TABLE**

13	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
14			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
15	<b>Sales and Service Use Category</b>				
16	<b>Retail Sales and Service Uses</b>	§§ 102,	P	C	NP
17		202.2(a), 202.3			
18	Adult Business	§ 102	NP	NP	NP
19	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
20	Animal Hospital	§102	C	C	NP
21	* * * *				
22					
23					



1 **SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102.2 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**

20 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 729. WEST PORTAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a)	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.5			
3	Adult Business	§ 102	NP	NP	NP
4	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

9

10 **SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

11

12 \* \* \* \*

13 **Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

14 **ZONING CONTROL TABLE**

15	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
16			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
17	<b>Sales and Service Use Category</b>				
18	<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
19	Adult Business	§ 102	NP	NP	NP
20	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
21	Animal Hospital	§102	P	P	P
22	* * * *				
23					
24					

1 **SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

4 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

15 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

16 \* \* \* \*

17 **Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

18 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP

Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§ 102	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL**

**TABLE**

NON-RESIDENTIAL STANDARDS <u>AND USES</u>	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.3, 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1  
2 **SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

3 \* \* \* \*

4 **Table 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

5 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

17  
18 **SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.**

19 \* \* \* \*

20 **Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

21 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS <i>AND USES</i>	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				



1	<b>Retail Sales and Service</b>	§§ 102,	P	P	P
2	<b>Uses*</b>	202.3(a), 202.3			
3	Adult Business	§ 102	C	C	NP
4	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8  
9  
10 **SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 \* \* \* \*

12 **Table 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

13 **CONTROL TABLE**

14	<b>NON-RESIDENTIAL STANDARDS <i>AND USES</i></b>	<b>References</b>	<b>Controls by Story</b>		
15			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
16	<b>Sales and Service Use Category</b>				
17	<b>Retail Sales and Service</b>	§§ 102,	P	P	P
18	<b>Uses*</b>	202.2(a), 202.3			
19	Adult Business	§ 102	C	C	NP
20	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
21	Animal Hospital	§102	P	P	NP
22	* * * *				
23					
24					
25					

1 **SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS <i>AND USES</i>	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

**SEC. 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.32(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

20 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

\* \* \* \*

**Table 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT**

**NCT-1 ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P(4)	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

1 **SEC. 751. NCT-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**  
 2 **DISTRICT.**

3 \* \* \* \*

4 **Table 751. NCT-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
 5 **NCT-2 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

17  
 18 **SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**  
 19 **DISTRICT.**

20 \* \* \* \*

21 **Table 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**  
 22 **DISTRICT NCT-3 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C(8)</u>	<u>C(8)</u>	<u>NP(8)</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

(8) P for parcels with frontage on Market Street, Howard Street, South Van Ness Avenue, or Mission Street, from Octavia Street to Church Street ; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

**SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

**CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP

<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
Animal Hospital	§102	C	NP	NP
* * * *				

**SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

**SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**



NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP

* * * *				
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**SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§§ 102;</u> <u>202.2(a)(8)</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§§ 102, 823(c)(9)(B)	P(4)	P	NP
* * * *				

**SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
------------------------------------	------------	-------------------	--	--

		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<u>Adult Sex Venue</u>	<u>§§ 102;</u> <u>202.2(a)(8)</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§§ 102, 823(c)(9)(B)	P(8)	P	NP
* * * *				

**SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
------------------------------------	------------	-------------------	--	--

		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1  
2 **SEC. 763. 24TH STREET-MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
3 **DISTRICT.**

4 \* \* \* \*  
5 **Table 763. 24TH STREET – MISSION STREET NEIGHBORHOOD COMMERCIAL**  
6 **TRANSIT DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	NP	NP
* * * *				

18  
19 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
20 **DISTRICT.**

21 \* \* \* \* **Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL**  
22 **TRANSIT DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS</b>				

NON-RESIDENTIAL STANDARDS AND USES	§ References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Use*</b>	§102; 202.2(a), 202.3	P	P	NP
Adult Business	§102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§102</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

\* \* \* \*

(d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an Accessory Use as defined in Section 102, shall be permitted in Chinatown Mixed Use Districts when located on the same lot. Any Use not qualified as an Accessory Use shall only be allowed as a Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

No use in a Chinatown Mixed Use District will be considered accessory to a Principal Use which involves or requires any of the following:

1 (1) The use of more than one-third of the total floor area occupied by both the  
2 Accessory Use and the Principal Use to which it is accessory, combined, except in the case of  
3 accessory off-street parking;

4 (2) Any Bar or Restaurant, or any other retail establishment which serves  
5 liquor for consumption on-site;

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

9 (4) The wholesaling, manufacturing or processing of foods, goods, or  
10 commodities on the premises of an establishment which does not also provide for primarily  
11 retail sale of such foods, goods or commodities at the same location where such wholesaling,  
12 manufacturing or processing takes place; however, Catering Uses that satisfy the limitations  
13 set forth in Section 703(d)(3)(B) shall be permitted as an Accessory Use to Limited  
14 Restaurants.

15 (5) Medical Cannabis Dispensaries.

16 (6) Any General Entertainment use, except for one that involves a Limited Live  
17 Performance Permit as set forth in Police Code Section 1060et seq., or one that does not  
18 require a Limited Live Performance Permit as set forth in Police Code Section 1060.1(e).

19 (7) Cannabis Retail.

20 (8) An Adult Sex Venue as defined in Section 102 of this Code.

21 No part of this subsection (d) shall prohibit take-out food activity which operates in  
22 conjunction with a Restaurant or Limited Restaurant, which includes takeout food as an  
23 accessory and necessary part of its operation.

24 \* \* \* \*



1           **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**  
2 **DISTRICTS.**

3           \* \* \* \*

4           (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts are either  
5 Principally Permitted, Conditional, Accessory, temporary, or are not permitted.

6           (1) **Permitted Uses.** If there are two or more uses in a structure, any use not  
7 classified below under Section 803.3(b)(1)(C) of this Code as Accessory will be considered  
8 separately as an independent permitted, Conditional, temporary or not permitted use.

9           (A) **Principal Uses.** Principal Uses are permitted as of right in an  
10 Eastern Neighborhood Mixed Use District, when so indicated in Sections 813 through 814 and  
11 840 through 848 of this Code for the district. Additional requirements and conditions may be  
12 placed on particular uses as provided pursuant to Section 803.5 through 803.9 and other  
13 applicable provisions of this Code.

14           (B) **Conditional Uses.** Conditional uses are permitted in an Eastern  
15 Neighborhood Mixed Use District, when authorized by the Planning Commission; whether a  
16 use is conditional in a given district is generally indicated in Sections 813 through 814 and 840  
17 through 848 of this Code. Conditional Uses are subject to the applicable provisions set forth in  
18 Sections 178, 179, 303, and 803.5 through 803.9 of this Code.

19           (i) An establishment which sells beer or wine with motor vehicle  
20 fuel is a conditional use, and shall be governed by Sections 202(b)(1).1

21           (ii) Notwithstanding any other provision of this Article, a change in  
22 use or demolition of a Movie Theater use, as set forth in Section 890.64, shall require  
23 Conditional Use authorization. This Section shall not authorize a change in use if the new use  
24 or uses are otherwise prohibited.

1 (iii) Notwithstanding any other provision of this Article, a change in  
2 use or demolition of a General Grocery use, as set forth in Section 890.102(a) and as further  
3 defined in Section 102, shall require Conditional Use authorization. This subsection  
4 (b)(1)(B)(iii) shall not authorize a change in use if the new use or uses are otherwise  
5 prohibited.

6 (iv) Large-Scale Urban Agriculture, as defined in Section 102,  
7 shall require Conditional Use authorization.

8 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections  
9 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units Accessory to  
10 Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an Accessory  
11 Use is a related minor use which is either necessary to the operation or enjoyment of a lawful  
12 Principal Use or Conditional Use, or is appropriate, incidental, and subordinate to any such  
13 use, and shall be permitted as an Accessory Use in an Eastern Neighborhoods Mixed Use  
14 District. In order to accommodate a Principal Use which is carried out by one business in  
15 multiple locations within the same general area, such Accessory Use need not be located in  
16 the same structure or lot as its Principal Use provided that (1) the Accessory Use is located  
17 within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990.  
18 Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is  
19 noncontiguous or on a different Story as the Principal Use so long as the Accessory Use is  
20 located in the same building as the Principal Use and complies with all other restrictions  
21 applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use  
22 shall be classified as a Principal Use.

23 No use will be considered accessory to a Principal Use which involves or  
24 requires any of the following:  
25

1 (i) The use of more than one-third of the total Occupied Floor Area which  
2 is occupied by both the accessory use and principal use to which it is accessory, combined,  
3 except in the case of accessory off-street parking or loading which shall be subject to the  
4 provisions of Sections 151, 156 and 303 of this Code;

5 (ii) A Hotel, Motel, inn, hostel, Adult Entertainment, Massage  
6 Establishment, or Movie Theater use in a RED, RED-MX, SPD, DTR, MUG, WMUG, MUR,  
7 MUO, CMUO, WMUO, SALI or UMU District;

8 (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

9 (iv) Medical Cannabis Dispensaries as defined in 890.133.

10 (v) Any Nighttime Entertainment use, as defined in Section 102;  
11 provided, however, that a Limited Live Performance Permit as set forth in Police Code Section  
12 1060et seq., and entertainment that does not require a Limited Live Performance permit as  
13 set forth in Police Code Section 1060.1(e), is allowed in any District except for an RED, RED-  
14 MX, MUR, or MUG District.

15 (vi) Cannabis Retail that does not meet the limitations set forth in Section  
16 204.3(a)(3).

17 (vii) Catering Uses that do not meet the limitations set forth in Section  
18 703(d)(3)(B).

19 (viii) An Adult Sex Venue as defined in Section 102 of this Code.

20 (D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in  
21 Eastern Neighborhoods Mixed Use Districts to the extent authorized by Sections 205 through  
22 205.3 of this Code.

23 //

24 //

1 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

2 \* \* \* \*

3 **TABLE 810**

4 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

5

Zoning Category	§ Reference s	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
<u>Adult Business</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Bar	§ 102	C	C	C
* * * *				

18

19 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

20 \* \* \* \*

21 **TABLE 811**

22 **CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

23

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by story		

24

25

		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§ 102	NP	NP	NP
* * * *				

**SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**TABLE 812**

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ Reference	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Adult Business	§ 102	NP	NP	NP
* * * *				

**SEC. 814. SPD – SOUTH PARK DISTRICT.**

\* \* \* \*

**TABLE 814**

**SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	South Park District Controls
<b>Retail Sale and Service</b>			
* * * *			
814.34	Cannabis Retail	§§202.2(a),890.125	C up to 5,000 sf per lot
<u>814.35</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			

**SEC. 825. DTR – DOWNTOWN RESIDENTIAL DISTRICTS.**

\* \* \* \*

(c) **Use.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) below as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

**(1) Permitted Uses.**

(A) **Principal Uses.** All uses are permitted as Principal Uses as of right in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not

1 Permitted in this Section 825 of this Code or any other Section governing an individual DTR  
2 District. Additional requirements and conditions may be placed on particular uses as provided  
3 pursuant to Section 803.5 and other applicable provisions of this Code.

4 (B) **Conditional Uses.** Conditional uses are permitted in a Downtown  
5 Residential District, when authorized by the Planning Commission; whether a use is  
6 conditional in a given district is indicated in the Section of this Code governing the individual  
7 DTR District. Conditional Uses are subject to the applicable provisions set forth in Sections  
8 178, 179, 303, and 803.5 of this Code.

9 (i) Notwithstanding any other provision of this Article, a change in  
10 use or demolition of a movie theater use, as set forth in Section 890.64, shall require  
11 conditional use authorization. This Section shall not authorize a change in use if the new use  
12 or uses are otherwise prohibited.

13 (C) **Accessory Uses.** Subject to the limitations set forth below, in  
14 Section 151.1, and elsewhere in this Code, an accessory use is a related minor use which is  
15 either necessary to the operation or enjoyment of a lawful principal use or Conditional Use, or  
16 is appropriate, incidental and subordinate to any such use, and shall be permitted as an  
17 accessory use in a Downtown Residential District. In order to accommodate a principal use  
18 which is carried out by one business in multiple locations within the same general area, such  
19 accessory use need not be located in the same structure or lot as its principal use provided  
20 that (1) the accessory use is located within 1,000 feet of the principal use; (2) the multiple  
21 locations existed on the effective date of this amendment; and (3) the existence of the multiple  
22 locations is acknowledged in writing by the Zoning Administrator within 60 days after the  
23 effective date of this amendment. Any use, which does not qualify as an accessory use, shall  
24 be classified as a principal use. No use will be considered accessory to a principal use, which  
25 involves or requires any of the following:

(i) The use of more than one-third of the total occupied floor area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151.1, 156 and 303 of this Code;

(ii) Nighttime entertainment, massage establishment, Adult Sex Venue, or movie theater;

(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

\* \* \* \*

**SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).**

\* \* \* \*

**TABLE 827  
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING  
CONTROL TABLE**

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
<b>Non-Residential Standards and Uses</b>			
* * * *			
.45b	Child Care Facility	§102	P
<u>.45c</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			



1 **SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).**

2 \* \* \* \*

3 **TABLE 829**

4 **SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING**  
 5 **CONTROL TABLE**

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
<b>Non-Residential Standards and Uses</b>			
* * * *			
.45a	Child Care Facility	§102	P
<u>.45b</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			

14  
 15 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

16 \* \* \* \*

17 **Table 840**

18 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use General District Controls
<b>Retail Sales and Services</b>			
* * * *			
840.52	Cannabis Retail	§§202.2(a),890.125	C. Subject to size controls in Section 840.45
<u>840.53</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P. Subject to size controls in Section 840.45. NP outside of the Central</u>

SoMA SUD and the East SoMA Plan Area.

**SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

\* \* \* \*

**Table 841**

**MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use Residential District Controls
<b>Retail Sales and Services</b>			
* * * *			
841.52	Cannabis Retail	§§ 102, 202.2(a), 890.125	C in the Central SoMa SUD P elsewhere
<u>841.53</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C. NP outside of the Central SoMA SUD and the East SoMa Plan Area.</u>

**SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.**

\* \* \* \*

**Table 842**

**MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use Office District Controls
<b>Retail Sales and Services</b>			
* * * *			

1	842.49	Tourist Hotel	§890.46	C if less than 75 rooms; C with no
2				room limit in height districts that are
3				105 feet and above
4	<u>842.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>

5

6 **SEC. 843. UMU – URBAN MIXED USE DISTRICT.**

7 \* \* \* \*

8 **Table 843**

9 **UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE**

10	No.	Zoning Category	§ References	Mixed-Use Office District Controls
11	Retail Sales and Services			
12	* * * *			
13	843.45	Tourist Hotel	§890.46	NP
14	<u>842.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>

15

16 **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

17 \* \* \* \*

18 **Table 844**

19 **WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

20	No.	Zoning Category	§ References	WSoMA Mixed-Use General District
21				Controls
22	<b>Retail Sales and Services</b>			
23	* * * *			
24	<u>840.52</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P up to 25,000 gross sq. ft. per lot; above</u>
25				<u>25,000 gross sq. ft. permitted only if the</u>

			<i>ratio of other permitted uses to retail is at least 3:1.</i>
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**SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

\* \* \* \*

**Table 845**

**WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	WSoMA Mixed-Use Office District Controls
<b>Retail Sales and Services</b>			
* * * *			
845.49	Tourist Hotel	§ 890.46	P up to 75 rooms
<u>845.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P</u>

**SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

\* \* \* \*

**Table 846**

**SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SALI District Controls
<b>Retail Sales and Services</b>			
* * * *			
<u>846.53</u>	<u>Adult Sex Venue</u>	<u>§§ 102</u>	<u>P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above.</u>

1 **SEC. 847. RED-MX – RESIDENTIAL ENCLAVE -MIXED GENERAL DISTRICT.**

2 \* \* \* \*

3 **Table 847**

4 **RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
<b>Retail Sales and Services</b>			
* * * *			
847.36	Personal Service	§890.116	P up to 1,250 gsf per lot; C above; NP above 1 FAR
<u>847.36a</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P up to 1,250 gsf per lot;</u> <u>C above;</u> <u>NP above 1 FAR</u>

14 **SEC. 848. CMUO – CENTRAL SOMA MIXED-USE OFFICE DISTRICT.**

15 \* \* \* \*

16 **Table 848**

17 **CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL**  
18 **TABLE**

Zoning Category	§ References	Central SoMa Mixed Use Office District Controls
<b>Sales and Service Use Category</b>		
Retail Sales and Service Uses*	§ 102	P(1)
Adult Business	§ 102	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>
Animal Hospital	§ 102	P

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Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ Audrey Pearson  
AUDREY WILLIAMS PEARSON  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 4/18/2022)

[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; to prohibit Adult Sex Venues as an accessory use; to prohibit Adult Businesses in the Chinatown Community Business District; 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” (“ASV”). 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. Adult Businesses are allowed in the Chinatown Community Business District.

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 ASVs 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. ASVs would not be allowed as an accessory use to other uses. Adult Businesses would be prohibited in the Chinatown Community Business District.

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, ASVs would be prohibited in neighborhoods with historically strong associations with the LGBTQ community.

This version incorporates amendments made at the Land Use and Transportation Committee on April 18, 2022. The amendments prohibit ASVs as an accessory use (see sections 204.2, 204.3, 703, 803.2, 803.3, and 825), prohibit Adult Businesses in the Chinatown Community Business District (section 810), allow ASVs in the entirety of the Compton’s Transgender Cultural District (section 209.3), and make other minor amendments as recommended by the Planning Commission on April 7, 2022.

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April 14, 2022

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Mandelman  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2022-002129PCA:  
Planning Code-Adult Sex Venues  
Board File No. 220264

**Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Mandelman,

On April 7, 2022 the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mandelman that would amend 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. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:  
  
~~P within the Compton's Transgender Cultural District, on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.~~
2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. An

Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.

3. Correct the error in Table 810 to change Adult Business uses from “Permitted” to “Not Permitted”.
4. Make technical amendments to:
  - a. Include Adult Sex Venue in Table 843 as “Conditionally” permitted, to match existing permissions under “Adult Entertainment”.
  - b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
  - c. Clarify where ASV’s are principally permitted within the NCT-3 by amending “note 8” of Table 752 as follows:

P for parcels with frontage on Market Street, Howard Street, or Mission Street. from Octavia Street to Church Street ; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,



Aaron D. Starr  
Manager of Legislative Affairs

cc: Audrey Pearson, Deputy City Attorney  
Jacob Bintliff, Aide to Supervisor Mandelman  
Erica Major, Office of the Clerk of the Board

**Attachments :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21097

**HEARING DATE: APRIL 7, 2022**

**Project Name:** Planning Code - Adult Sex Venues  
**Case Number:** 2022-002129PCA [Board File No. 220264]  
**Initiated by:** Supervisor Mandelman / Introduced March 15, 2022  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, (628) 628-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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.**

WHEREAS, on March 15, 2022 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220264, which would amend 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;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 7, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:

*P within the Compton's Transgender Cultural District, on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.*

2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. *An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.*

3. Correct the error in Table 810 to change Adult Business uses from "Permitted" to "Not Permitted".

4. Make technical amendments to:

- a. Include Adult Sex Venue in Table 843 as "Conditionally" permitted, to match existing permissions under "Adult Entertainment".
- b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
- c. Clarify where ASV's are principally permitted within the NCT-3 by amending "note 8" of Table 752 as follows:

*P for parcels with frontage on Market Street, ~~Howard Street, or Mission Street~~. from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.*

## 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:

The Commission supports the proposed ordinance because it will create a more appropriate definition and land use controls for Adult Sex Venues than currently exists. The severe restrictions placed on bathhouses in

the mid-1980's was in reaction to a devastating epidemic; however, we know now that many of those restrictions were an overreaction. In the decades following, most major cities in the country recognized that the restrictions placed on these uses were misguided and ineffective. Consequently, they have been removed or amended. Adult Sex Venues can play an important role in educating patrons about sexually transmitted diseases and promoting safer sex. When properly operated, Adult Sex Venues assist, rather than impede, the City's efforts to control the transmission of HIV, as well as other sexually transmitted diseases.

### **General Plan Compliance**

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

## **COMMERCE AND INDUSTRY ELEMENT**

### **OBJECTIVE 2**

#### **MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

##### **Policy 3.1**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

##### **Policy 3.2**

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*The proposed Ordinance allows new commercial activity in districts where it once was largely prohibited. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of gathering places available to residents and visitors alike.*

### **OBJECTIVE 3**

#### **PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

##### **Policy 1.1**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed Ordinance assists in accomplishing these policy goals by allowing new commercial activity in the form of ASV's to neighborhoods where they have historically thrived before being forced to close in the 1980's.*

### **Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities

for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 7, 2022.



Jonas P Ionin San Francisco Planning Commission

Jonas P. Ionin  
Commission Secretary

AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: April 7, 2022



# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE:** April 7, 2022

**90-Day Deadline:** June 16, 2022

**Project Name:** Planning Code-Adult Sex Venues  
**Case Number:** 2022-002129PCA [Board File No. 220264]  
**Initiated by:** Supervisor Mandelman / Introduced March 15, 2022  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**Recommendation:** Approval with Modifications

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code to define Adult Sex Venues 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.

#### The Way It Is Now:

1. Chapter 47 of the Health Code defines Adult Sex Venues, however the Planning Code does not. The Zoning Administrator has determined that businesses operating as Adult Sex Venues under the Health Code are considered Adult Businesses under the Planning Code. Adult Businesses are a type of Retail Sales and Service use<sup>1</sup> with varying degrees of permissibility, depending on the zoning district.
2. The Code sets operating hours and conditions for Retail Sales and Service uses. Depending on the use and zoning district, Retail Sales and Services are permitted to operate until 10pm, 11pm, or 2am. Additional hours of operation can be authorized through Conditional Use approval.
3. Where an Adult Business requires a Conditional Use authorization, the project must meet the findings

<sup>1</sup> Except in Article 8, where this use is considered Adult Entertainment.



under Planning Code Section 303.

### The Way It Would Be:

1. Adult Sex Venues (ASV's) would be added as a type of Retail Sales and Service use in the Planning Code. They would also be added to the zoning control tables, as either Principally Permitted, Conditionally Permitted, or Not Permitted, depending on the district. The Planning Code definition would be as follows:

*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.*

2. All ASV's would be subject to noise control, lighting, and security standards set forth in the Ordinance. Where Principally permitted, ASV's could operate 24/7. Where Conditionally permitted, they may apply to operate until 2am, but may seek to extend their operations to between 2am-6am.
3. Where an ASV requires Conditional Use authorization, the Commission shall consider the following finding in addition to those in Section 303:

*If the proposed use is located in a Cultural District established under Administrative Code section 107, the Planning Commission shall consider the purpose and goals established in subsection 107.2 as well as any recommendations set forth in the Cultural, History, Housing, and Economic Stability Strategy report for the district if one has been adopted pursuant to section 107.4.*

## Background

In the 1970's and 80's, there were many business establishments in the City where men met other men for sex. These businesses included bookstores with video booths, movie theaters, and bath houses, and provided some of the only community spaces where queer people could gather and meet.

**| Adult Sex Venues provided some of the only community spaces where queer people could gather and meet.**

In 1984, at the height of the AIDS epidemic, the City filed a lawsuit against the operators of several such businesses, citing them as a public health nuisance. The court issued an order that required businesses to employ staff to monitor the sexual activity of patrons and prohibited the use of full or locked doors on individual video cubicles, booths, or rooms. Although the bathhouses could have legally remained open under the rules established by the court, most of them closed. In 1997, the Department of Public Health adopted minimum standards for the operation of commercial sex clubs which effectively codified the provisions of the earlier court order.



*Protest opposing the closing of the bathhouses, 1984. Source: SFChronicle*

On July 31, 2020, the Mayor signed Ordinance 127-20<sup>2</sup> authored by Supervisor Mandelman, which amended the Health Code to require the Director of Public Health to adopt minimum health and safety standards governing the operation of adult sex venues and prohibiting these standards from requiring the monitoring of patrons' sexual activities or regulating the type of doors that may be installed.

In December of 2020 the Zoning Administrator determined that businesses operating as an Adult Sex Venue pursuant to Health Code Article 47 are considered a type of Adult Business use for the purposes of the Planning Code.

## Issues and Considerations

### ASV Definition

Adult Sex Venues are distinct from other types of Adult Businesses as defined in the Planning Code. Adult Businesses are defined as including adult bookstores and video stores, adult theaters, and encounter studios. In all these business types, goods, services, and/or entertainment are provided by paid staff. Adult Sex Venues

<sup>2</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=8715416&GUID=9085BB90-DD07-4FEC-A560-22C4B2C29E61>

operate as a place for patrons to engage in consensual sexual activity with other patrons. The use is also monitored differently than other Adult Business uses in the Health Code. Additionally, some Adult Businesses may receive ABC licenses, whereas Adult Sex Venues may not.

Adult Sex Venues are distinct from other types of Adult Businesses as they are defined in the Planning Code.

In the past, most Adult Sex Venues in San Francisco operated as bathhouses or private clubs. As such, the definition of “Adult Sex Venue” should include these associated activities. Including language in the definition of ASV’s stating the use may operate in conjunction with bathhouse-style facilities, or in conjunction with a Limited Live Performance permit will ensure venues intending to operate in the common manner of ASV’s will not have to obtain separate use permits for Personal Service or Entertainment uses.

### Where ASV’s Could Operate

Currently, ASV’s are considered an Adult Business use (or Adult Entertainment use in Article 8). Based off the current treatment of ASV’s as Adult Businesses (or in some Art. 8 districts as Adult Entertainment), the controls for ASV’s would change in several zoning districts. The following charts illustrate how Adult Businesses and Adult Entertainment uses are currently regulated, alongside ASV’s proposed controls for the corresponding districts. ASV’s in all zoning districts **not** listed below would continue to operate with the same controls as Adult Businesses for that zoning district.

Orange indicates ASV’s controls would become more restrictive. Green indicates ASV’s controls would become more permissive:

Zoning District	ADULT BUSINESS	ASV
RC-4	NP	NP*
PDR-1-D	P	C
PDR-1-G	P	C
PDR-2	P	C
NCT-3	C (C 2nd, NP 3rd)	C**(C** 2nd, NP**3rd)
SOMA NCT	NP (all floors)	C (all floors)
Folsom St NCT	NP (all floors)	P (all floors)
RCD	NP (all floors)	P (all floors)
CMUO	NP	C
Upper Market St NCT	NP (all floors)	P (all floors)

\*P on Turk between Taylor St and Jones St

\*\*P on Market Street from Octavia Street to Church Street;  
P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

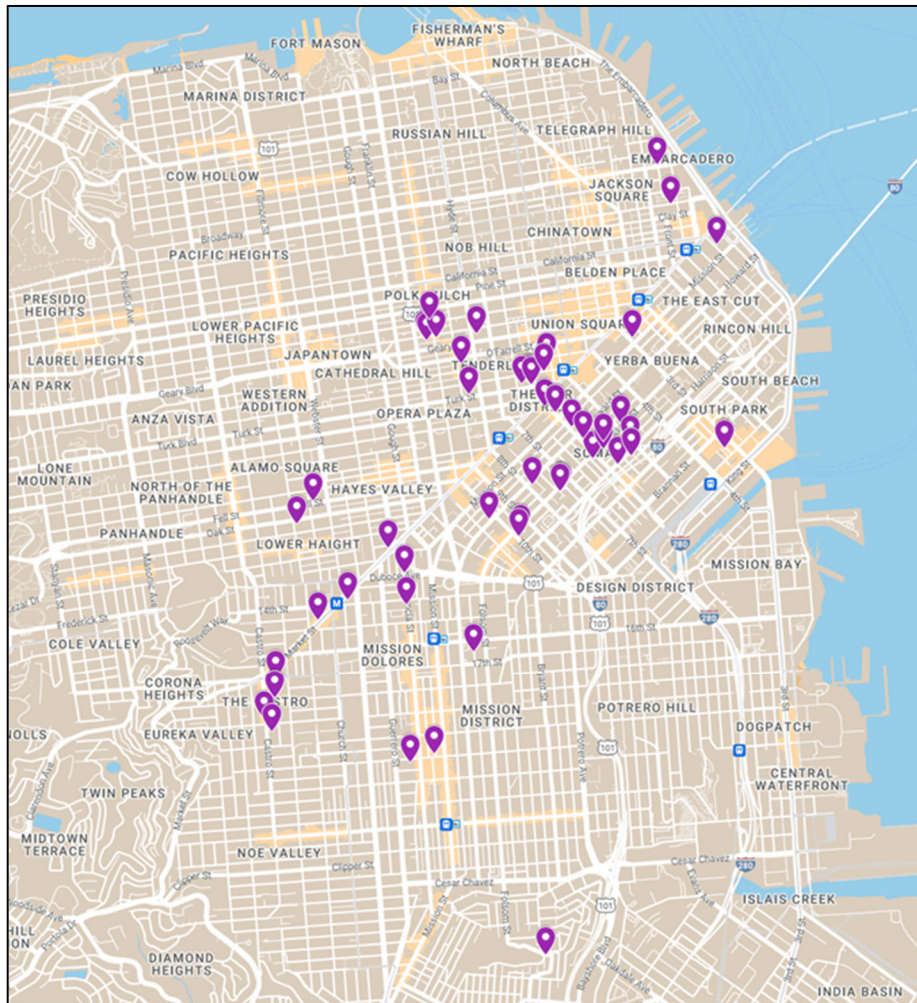
Article 8 Zoning District	ADULT ENTERTAINMENT	ASV
MUG	NP	P*** (size controls)
MUR	NP	C***
MUO	NP	C
WMUG	NP	P (size controls)
WMUO	NP	P
SALI	NP	P (size controls)
RED-MX	NP	P or C (size controls)
Chinatown CBD	P	NP

\*\*\*NP outside of the Central SoMa SUD and the East SoMa Plan Area.

A complete list of zoning districts that would list ASV's as a separate use can be found as Exhibit A. A map of where ASV permissions would change can be found as Exhibit B. Although the Chinatown Community Business District currently allows Adult Businesses, staff determined that this is an error that originated from the Code Reorganization project. As such, this ordinance presents an opportunity to correct that error.

### Restoring a Historically Significant Use

ASV's were a common business type in San Francisco prior to the AIDS epidemic and catered to consenting adults who wished to meet and engage in sexual activities. The first documented ASV in San Francisco was established in the Tenderloin in 1930<sup>3</sup>. Over the course of the 20<sup>th</sup> century at least 60 bathhouses and sex clubs have operated across the Castro, Tenderloin, SoMa, and Mission districts. During the height of the AIDS epidemic, bathhouses in San Francisco had severe restrictions placed on them, forcing most to close.



*Locations of former ASV's.*

<sup>3</sup> GLBT Historical Society – Historic LGBTQ Sites Database



Adult Business uses are generally Not Permitted or Conditionally permitted in areas of the city with a strong association with the LGBTQ community, including the Castro, Upper Market, Tenderloin, and SOMA neighborhoods. Since the Zoning Administrator’s determination that ASV’s are Adult Businesses, several entrepreneurs have sought to open LGBTQ-oriented adult sex venue bath houses but have been blocked under current zoning.

### **General Plan Compliance**

The Commerce and Industry Element of the General Plan calls for managing economic growth and change to ensure enhancement of the total city environment, maintaining a sound and diverse economic base and fiscal structure, and providing expanded employment opportunities for city residents. Policies 2.1 and 2.3 focus on retaining commercial activity and attracting new activity by fostering a favorable social and cultural climate. The proposed Ordinance assists in accomplishing these policy goals by allowing new commercial activity in the form of ASV’s to neighborhoods where they have historically thrived before being forced to close in the 1980’s.

### **Racial and Social Equity Analysis**

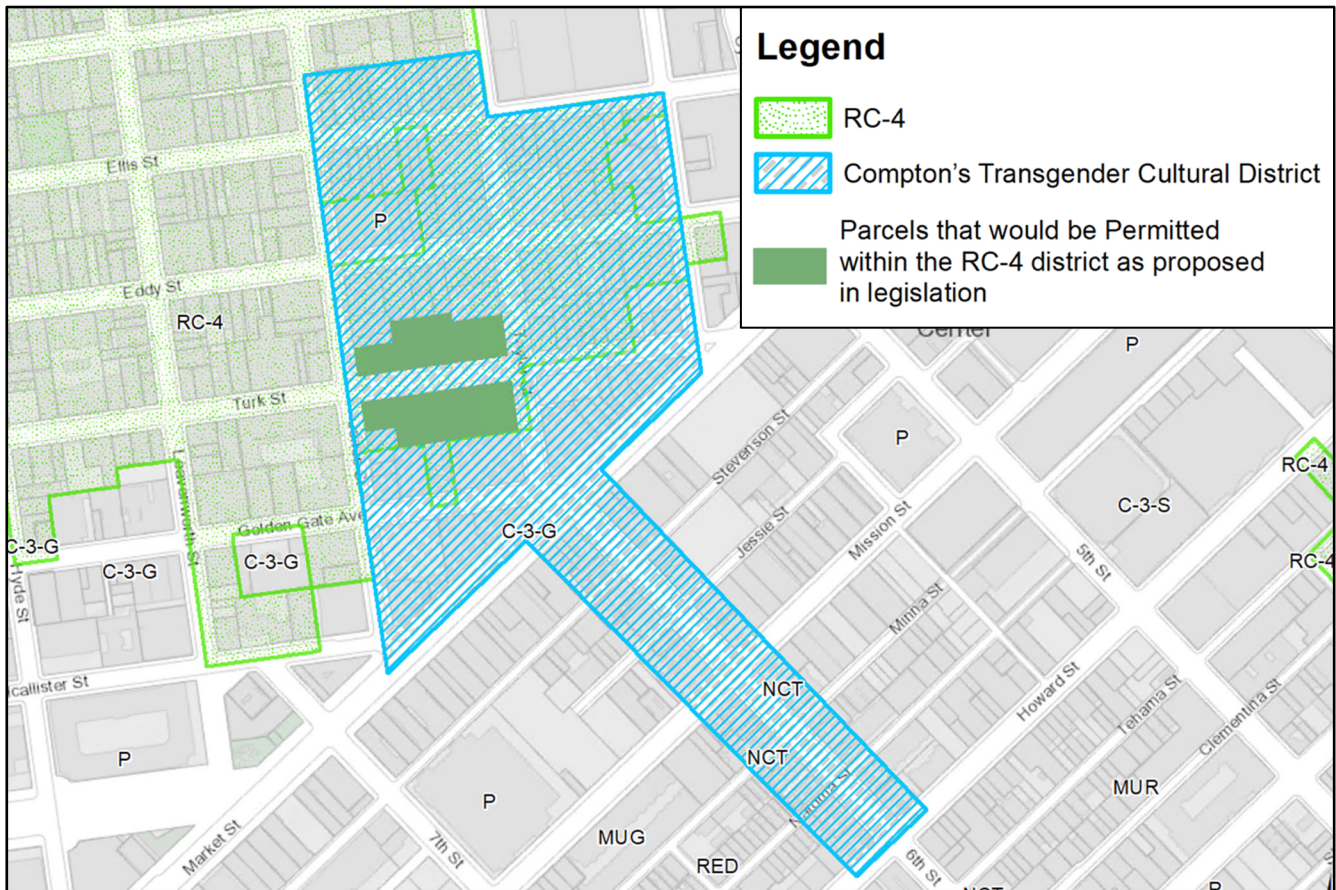
The City should support the establishment of Adult Sex Venues in areas that are strongly associated with the LGBTQ community. This Ordinance amends the Planning Code to establish zoning controls for Adult Sex Venues that allow this use as principally permitted in select areas, particularly those overlapping with established LGBTQ cultural districts including the Castro LGBTQ Cultural District, Upper Market neighborhoods, and the Leather and LGBTQ Cultural District in SOMA.

One cultural district that has been largely left out of this legislation is the Compton’s Transgender Cultural District. The district was created in 2017 by three black trans women and is the first legally recognized transgender district in the world. The district encompasses 6 blocks in the southeastern Tenderloin and crosses over Market Street to include two blocks of 6th street. This urban region of the city’s Tenderloin District has held a documented, ongoing presence of transgender residents since as early as the 1920s- with the Tenderloin known as a “gay ghetto” during the 1930s to the 1960s- prior to the birth of the internationally renowned Castro District in San Francisco. This area is home to San Francisco’s first LGBT bar, and various community spaces, gathering sites, and hotels with cultural significance for the broader transgender and queer community in the Tenderloin.<sup>4</sup>

The legislation as currently proposed would only permit ASV’s for parcels fronting one block along Turk Street within the Compton’s Transgender District, even though historically, eight different ASV’s have been located within the cultural district. Expanding the area within the RC-4 District where ASV’s are permitted to include the entire area within the Compton’s Transgender Cultural District would help promote businesses that celebrate the rich cultural history of the City’s LGBTQ residents. It is important for racial & social equity advancement that entrepreneurial opportunities exist for all. Allowing ASV’s in all neighborhoods with a historical tie to them can help the neighborhoods gain a greater diversity of proprietors, including queer women, transgender, and BIPOC owners.

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<sup>4</sup> <https://www.transgenderdistrictsf.com/about>



## Implementation

The Department has determined that this Ordinance will not impact our current implementation procedures.

## Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:

*P within the Compton's Transgender Cultural District, on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.*

2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. *An*

Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.

3. Correct the error in Table 810 to change Adult Business uses from “Permitted” to “Not Permitted”.
4. Make technical amendments to:
  - a. Include Adult Sex Venue in Table 843 as “Conditionally” permitted, to match existing permissions under “Adult Entertainment”.
  - b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
  - c. Clarify where ASV’s are principally permitted within the NCT-3 by amending “note 8” of Table 752 as follows:

P for parcels with frontage on Market Street, Howard Street, or Mission Street. from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

### **Basis for Recommendation**

The Department supports the proposed ordinance because it will create a more appropriate definition and land use controls for Adult Sex Venues than currently exists. The severe restrictions placed on bathhouses in the mid-1980’s was in reaction to a devastating epidemic; however, we know now that many of those restrictions were an overreaction. In the decades following, most major cities in the country recognized that the restrictions placed on these uses were misguided and ineffective. Consequently, they have been removed or amended. Adult Sex Venues can play an important role in educating patrons about sexually transmitted diseases and promoting safer sex. When properly operated, Adult Sex Venues assist, rather than impede, the City’s efforts to control the transmission of HIV, as well as other sexually transmitted diseases.

**Recommendation 1: Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton’s Transgender Cultural District.** Staff is recommending this because the district is home to various businesses with cultural significance for the broader transgender and queer community in the Tenderloin. It was also home to at least eight separate ASV’s at various points in the last century. This use should be allowed within the entire cultural district of the RC-4 to better enable new businesses that celebrate the rich cultural history of the City’s LGBTQ residents to locate within the district.

**Recommendation 2: Clarify the definition of Adult Sex Venues to ensure the most common types of ASV’s can operate without seeking additional use permits.** Staff recommends including clarifying language in the definition of ASV’s to ensure that traditional characteristics of ASV’s can be present on the site while still being considered an integral part of the primary ASV use. Adding language regarding bathhouse facilities and LLP’s will ensure traditional ASV uses do not have to acquire multiple use permits.

**Recommendation 3: Correct the error in Table 810 to change Adult Business uses from “Permitted” to “Not Permitted”.** Staff is recommending this because the Department has concluded this control was erroneously

placed in the Code. All other Chinatown Mixed Use districts prohibit Adult Businesses. As such, this Ordinance presents an opportunity to correct that error.

**Recommendation 4: Make various technical amendments.** Staff recommends making the various technical amendments as described in the above section to ensure the Ordinance is implemented as intended.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

## Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Complete Table of Zoning Districts Where ASV's will be Listed
- Exhibit C: Map of ASV Control Changes
- Exhibit D: Board of Supervisors File No. 220264





## EXHIBIT A

# PLANNING COMMISSION DRAFT RESOLUTION

**HEARING DATE:** April 7, 2022

**Project Name:** Planning Code-Adult Sex Venues  
**Case Number:** 2022-002129PCA [Board File No. 220264]  
**Initiated by:** Supervisor Mandelman / Introduced March 15, 2022  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, (628) 628-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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.**

WHEREAS, on March 15, 2022 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220264, which would amend 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;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 7, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:

*P ~~within the Compton's Transgender Cultural District.~~ on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.*

2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. *An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.*

3. Correct the error in Table 810 to change Adult Business uses from "Permitted" to "Not Permitted".

4. Make technical amendments to:

- a. Include Adult Sex Venue in Table 843 as "Conditionally" permitted, to match existing permissions under "Adult Entertainment".
- b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
- c. Clarify where ASV's are principally permitted within the NCT-3 by amending "note 8" of Table 752 as follows:

*P ~~for parcels with frontage~~ on Market Street, ~~Howard Street, or Mission Street.~~ from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.*

## 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:

The Commission supports the proposed ordinance because it will create a more appropriate definition and land use controls for Adult Sex Venues than currently exists. The severe restrictions placed on bathhouses in the mid-1980's was in reaction to a devastating epidemic; however, we know now that many of those restrictions were an overreaction. In the decades following, most major cities in the country recognized that the restrictions placed on these uses were misguided and ineffective. Consequently, they have been removed or amended. Adult Sex Venues can play an important role in educating patrons about sexually transmitted diseases and promoting safer sex. When properly operated, Adult Sex Venues assist, rather than impede, the City's efforts to control the transmission of HIV, as well as other sexually transmitted diseases.

### General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

#### COMMERCE AND INDUSTRY ELEMENT

##### OBJECTIVE 2

**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

###### Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

###### Policy 3.2

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*The proposed Ordinance allows new commercial activity in districts where it once was largely prohibited. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of gathering places available to residents and visitors alike.*

##### OBJECTIVE 3

**PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

###### Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed Ordinance assists in accomplishing these policy goals by allowing new commercial activity in the form of ASV's to neighborhoods where they have historically thrived before being forced to close in the 1980's.*

### **Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

**Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 7, 2022.

Jonas P. Ionin  
*Commission Secretary*

AYES:

NOES:

ABSENT:

ADOPTED: April 7, 2022

# EXHIBIT B

## Zoning Controls with Proposed Changes: All Non-Article 8 Districts

Zoning District	ADULT BUSINESS	ASV
RC-3	NP	NP
RC-4	NP	NP*
PDR-1-B	NP	NP
PDR-1-D	P	C
PDR-1-G	P	C
PDR-2	P	C
NC-1	NP	NP
NC-2	NP	NP
NC-3	C	C
NC-S	NP	NP
Broadway NCD	C	C
Castro St NCD	C (NP 2nd & 3rd)	P (P 2nd & 3rd)
Inner Clement NCD	NP	NP
Outer Clement NCD	NP	NP
Upper Fillmore St NCD	NP	NP
Haight St NCD	NP	NP
Excelsior Outer Mission NCD	C	C
Japantown NCD	NP	NP
North Beach NCD	NP	NP
Polk St NCD	NP	NP
Sacramento St NCD	NP	NP
Union Street NCD	NP	NP
Pacific Ave NCD	NP	NP
Lakeside Village NCD	NP	NP
24th St Noe Valley NCD	NP	NP
West Portal Ave NCD	NP	NP
Inner Sunset NCD	NP	NP
Noriega St NCD	NP	NP
Irving St NCD	NP	NP
Taraval St NCD	NP	NP
Judah St NCD	NP	NP
Inner Balboa St NCD	NP	NP
Outer Balboa St NCD	NP	NP
Bayview NCD	C	C
Cortland Ave NCD	NP	NP
Geary Blvd NCD	C	C
Mission Bernal NCD	C	C
San Bruno Ave NCD	NP	NP
Cole Valley NCD	NP	NP
Lower Haight St NCD	NP	NP
Lower Polk St NCD	C	C
Inner Taraval St NCD	NP	NP
NCT-1	NP	NP
NCT-2	NP	NP
NCT-3	C (C 2nd, NP 3rd)	C**(C** 2nd, &3rd)
SOMA NCT	NP (all floors)	C (all floors)
Mission St NCT	C	C
Ocean Ave NCT	NP	NP
Glen Park NCT	NP	NP
Folsom St NCT	NP (all floors)	P (all floors)
RCD	NP (all floors)	P (all floors)
Divisadero St NCT	NP	NP
Fillmore St NCT	C	C
Hayes-Gough NCT	NP	NP
Valencia St NCT	NP	NP
24th St-Mission St NCT	NP	NP
Upper Market St NCT	NP (all floors)	P (all floors)

### KEY:

	No change
	Becoming more permissive, following standards for All Retail Sales & Services
	Becoming more permissive, <b>not</b> following current standards for All Retail Sales & Services
	Becoming less permissive

\*P on Turk between Taylor St and Jones St

\*\*P on Market Street from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

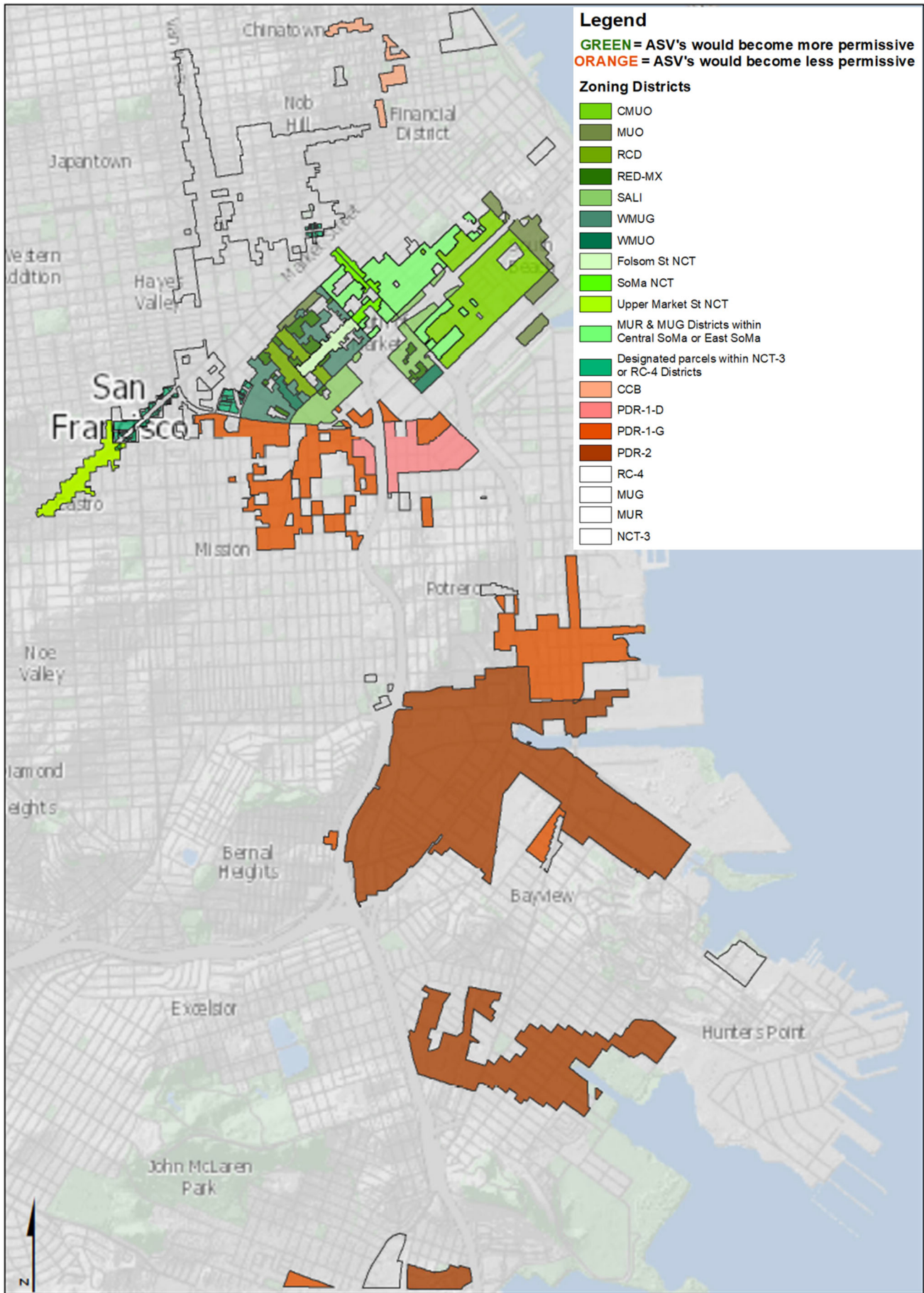
## Zoning Controls with Proposed Changes: Article 8 Districts

ARTICLE 8					
	ALL Retail Sales & Services	ADULT BUSINESS	ALL ENTERTAINMENT	ADULT ENTERTAINMENT	PROPOSED ASV CONTROLS
Chinatown CBD	P	n/a	NP	n/a	NP
Chinatown Visitor Retail	P	NP	NP	n/a	NP
Chinatown Res NCD	P	NP	NP	n/a	NP
South Park	P up to 5,000sqft	NP	NP	n/a	NP
Rincon Hill	P	n/a	NP	NP	NP
South Beach DTR	P	n/a	NP	NP	NP
MUG	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.	n/a	n/a	NP	P. Subject to size controls for Retail Sales & Services. NP outside of the Central SoMA SUD and the East SoMA Plan Area.
MUR	P	n/a	n/a	NP	C. NP outside of the Central SoMa SUD and the East SoMa Plan Area.
MUO	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.	n/a	n/a	NP	C
WMUG	P up to 10,000 gsf per lot. NP above.	n/a	n/a	NP	P. Subject to size controls for Retail Sales & Services
WMUO	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above	n/a	n/a	NP	P
SALI	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above	n/a	n/a	NP	P. Subject to size controls for Retail Sales & Services
RED-MX	NP	n/a	n/a	NP	P up to 1,250 gsf per lot; C above; NP above 1 FAR
CMUO	P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1	NP	P	NP	C

	No change
	Becoming more permissive, following standards for All Retail Sales & Services
	Becoming more permissive, <b>not</b> following current standards for All Retail Sales & Services
	Becoming less permissive



# EXHIBIT C





**EXHIBIT D**

1 [Planning Code - Adult Sex Venues]

2

3 **Ordinance amending the Planning Code to define Adult Sex Venue and principally**  
 4 **permit, conditionally permit, or prohibit Adult Sex Venues in Commercial; Residential-**  
 5 **Commercial; Production, Distribution and Repair (PDR); Neighborhood Commercial;**  
 6 **Neighborhood Commercial Transit; and Mixed Use Districts; affirming the Planning**  
 7 **Department's determination under the California Environmental Quality Act; and**  
 8 **making findings of consistency with the General Plan, and the eight priority policies of**  
 9 **Planning Code, Section 101.1, and findings of public necessity, convenience, and**  
 10 **welfare under Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 14 **Board amendment additions** are in double-underlined Arial font.  
 15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 17 subsections or parts of tables.

15

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

17

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
 20 ordinance comply with the California Environmental Quality Act (California Public Resources  
 21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 22 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
 23 determination.

24 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
 25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
3 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
5 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
6 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by this  
7 reference thereto. A copy of said Resolution is on file with the Clerk of the Board of  
8 Supervisors in File No. \_\_\_\_\_.

9  
10 Section 2. General Background and Findings.

11 (a) In the early 1980s, there were many business establishments in the City where  
12 men met other men for sex. These businesses included bookstores with video booths, movie  
13 theaters, and bath houses, and provided some of the only community spaces where queer  
14 people, could gather and meet.

15 (b) In 1984, at the height of the AIDS epidemic, the City filed a lawsuit against the  
16 operators of several such businesses, citing the businesses as a public health nuisance. The  
17 court concluded that these businesses presented a public health risk, and issued an order  
18 allowing the businesses to remain open on the condition that they employ monitors to prevent  
19 unsafe sex from occurring, and provide education to the patrons. To facilitate the monitoring  
20 of the venues, the court further ordered that the doors to individual video cubicles, booths, or  
21 rooms be modified by removing the bottom 24-39 inches of such doors. Although the  
22 bathhouses could have legally remained open under the rules established by the court, most  
23 of them closed. In 1989, the City dismissed the lawsuit against the majority of defendants, and  
24 the court order requiring the use of monitors and modified doors was vacated as to those  
25 defendants.

1 (c) In 1997, the Department of Public Health adopted minimum standards governing  
2 the operation of commercial sex clubs and parties. These minimum standards were intended  
3 to make commercial sex clubs and parties safe, and were developed in consultation with the  
4 Coalition for Healthy Sex. The minimum standards that were developed in 1997, much like the  
5 court order that preceded them, required that all areas of commercial sex clubs and parties be  
6 monitored on a regular basis by staff, and prohibited commercial sex clubs and parties from  
7 having booths, cubicles, or rooms to which patrons have access that may be locked.

8 (d) Advances in biomedical prevention strategies have provided tools to reduce the  
9 likelihood of HIV transmission and acquisition and reduce the adverse health impacts of HIV.  
10 These tools include the availability of PrEP (preexposure prophylaxis) to prevent HIV  
11 infection, rapid access to antiretroviral therapy for people newly diagnosed with HIV, and  
12 successful efforts to increase viral suppression among people living with HIV in San Francisco  
13 through strategies and programs that increase retention in care and treatment. According to  
14 the Department of Public Health, in 2018 the number of new AIDS diagnoses in San  
15 Francisco dropped to 197, marking a 58% decrease as compared to the number of new AIDS  
16 diagnoses in 2011.

17 (e) There is virtually no evidence showing that the monitoring of patrons at  
18 commercial venues that allow people to engage in sexual activity results in safer sex. Indeed,  
19 some researchers have concluded that monitoring has little or no effect on high-risk  
20 behaviors.

21 (f) A number of businesses in the City cater to consenting adults who wish to meet  
22 and engage in sexual activities on the premises of the business, or to watch other patrons  
23 doing so, under circumstances that do not involve the violation of any law regulating sexual  
24 conduct. These businesses—adult sex venues—can be an important place for preventing the  
25 transmission of communicable diseases by educating patrons about ways to prevent the

1 transmission of disease, and by establishing community norms that promote safe sex. When  
2 properly operated, adult sex venues assist, rather than impede, the City's efforts to control the  
3 transmission of HIV, as well as other sexually transmitted diseases.

4 (g) On July 31, 2020, the Mayor signed Ordinance No. 127-20, which amended the  
5 Health Code to require the Director of Health to adopt minimum health and safety standards  
6 governing the operation of commercial adult sex venues. Ordinance No. 127-20 also prohibits  
7 the Director from adopting standards that require monitoring of patrons' sexual activities, that  
8 regulate doors, or that mandate unlocked doors in areas where sexual activity may occur.

9 (h) Ordinance No. 127-20 established a definition in Article 47 of the Health Code of  
10 an "Adult Sex Venue" to mean "any Commercial Establishment that is operated in a manner  
11 that encourages patrons to engage in, or to watch other patrons engaging in, Sexual Activities  
12 on the premises, or that as a regular part of its operations permits patrons to engage in  
13 Sexual Activities on the premises or to watch other patrons doing so."

14 (i) On January 26, 2021, the Director of Health published Minimum Standards for  
15 Operation of Sex Clubs, Commercial Sex Venues and Parties in accordance with Ordinance  
16 No. 127-20. These Minimum Standards currently regulate the operations of Adult Sex  
17 Venues.

18 (j) Operation of Massage Businesses or Public Bath Houses are separately  
19 regulated under Health Code Article 29 and Police Code Article 26, respectively. None of the  
20 provisions of Health Code Articles 29 and 47 or Police Code Article 26 precludes such uses  
21 from being operated in tandem with an Adult Sex Venue use.

22 (k) In December 2020, the Zoning Administrator determined that businesses  
23 operating as an Adult Sex Venue pursuant to Health Code Article 47 are considered a type of  
24 Adult Business use for the purposes of the Planning Code. Adult Business is a type of Retail  
25 Sales and Service use that includes an "adult bookstore," "adult video store," "adult theater,"

1 or “encounter studio” and is generally not permitted or conditionally permitted throughout the  
2 City, and is principally permitted in only certain areas. Adult Business uses are generally not  
3 permitted or only conditionally permitted in areas of the City with a strong historical and  
4 contemporary association with the LGBTQ community, including the Castro, Upper Market,  
5 Tenderloin, and SOMA neighborhoods.

6 (l) To support the establishment of Adult Sex Venues in areas of the City strongly  
7 associated with the LGBTQ community, this ordinance amends the Planning Code to  
8 establish zoning controls for Adult Sex Venues that allow this use as principally permitted in  
9 select areas, particularly those overlapping with established LGBTQ cultural districts including  
10 the Castro LGBTQ Cultural District in the Castro and Upper Market neighborhoods, the  
11 Leather and LGBTQ Cultural District in SOMA, and the Transgender District in the Tenderloin.

12  
13 Section 3. The Planning Code is hereby amended by revising Sections 102, 202.2,  
14 and 303, and revising the Zoning Control Tables in Sections 209.3, 210.3, 710-745, 750-764,  
15 810-812, 814, 827, 829, and 840-848, to read as follows:

16  
17 **SEC. 102. DEFINITIONS.**

18 \* \* \* \*

19 **Adult Business.** A Retail Sales and Service Use that includes the following: adult  
20 bookstore or adult video store, as defined by Section 791 of the Police Code; adult theater, as  
21 defined by Section 791 of the Police Code; and encounter studio, as defined by Section  
22 1072.1 of the Police Code. Such use shall be located no less than 1,000 feet from another  
23 Adult Business use.

24 **Adult Sex Venue** *A Retail Sales and Service Use that operates pursuant to Health Code Article*  
25 *47.*

1 \* \* \* \*

2 **Hours of Operation.** A commercial Use Characteristic limiting the permitted hours  
3 during which any commercial establishment, not including automated teller machines, may be  
4 open for business. Other restrictions on the hours of operation of Movie Theaters, Adult  
5 Businesses, Adult Sex Venues, Nighttime Entertainment, General Entertainment, and Other  
6 Entertainment Uses, as defined in Sections 102 and 890, shall apply pursuant to provisions in  
7 Section 303(p), when such uses are permitted as Conditional Uses. A Pharmacy may qualify  
8 for the exception to operate on a 24-hour basis provided in Section 202.2(a)(2) of the Code.  
9 The hours of operation of a principally permitted Adult Sex Venue are subject to the provisions in  
10 Section 202.2(a)(8).

11  
12 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

13 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below  
14 shall be subject to the corresponding conditions:

15 \* \* \* \*

16 (8) Adult Sex Venue. Notwithstanding anything to the contrary in this Code, a  
17 principally permitted Adult Sex Venue may operate on a 24-hour basis as a permitted use provided that  
18 the following conditions are met during any period between midnight and 6:00 a.m. in which the venue  
19 is open for business:

20 (A) The venue shall provide adequate lighting and security for the safety of  
21 customers, residents, and the adjoining property. Such lighting and security may not negatively impact  
22 adjacent properties; and

23 (B) The venue shall be adequately soundproofed or insulated for noise and  
24 operated so that incidental noise shall not be audible beyond the premises or in other sections of the  
25

1 building and fixed-source equipment noise shall not exceed the decibel levels specified in the San  
 2 Francisco Noise Control Ordinance, Police Code Article 29.

3 \* \* \* \*

4  
 5 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

6 \* \* \* \*

7 **Table 209.3**

8 **ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

9

Zoning Category	§ References	RC-3	RC-4
* * * *			
Sales and Service Category			
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(4)	P(4)
Adult Business	§ 102	NP	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP(12)</u>
* * * *			

18 \* \* \* \*

19 (12) P on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk  
 20 Street and Eddy Street.

21  
 22 **SEC. 210.3. PDR DISTRICTS.**

23 \* \* \* \*

24 **Table 210.3**

25 **ZONING CONTROL TABLE FOR PDR DISTRICTS**

\* \* \* \*

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
<b>Sales and Service Category</b>					
<b>Retail Sales and Service Uses*</b>	§§ 102, 202(a)	P(1)	P(10)	P(9)	P(1)
Adult Business	§ 102	NP	P	P	P
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
Animal Hospital	§ 102	P	P	P	P
* * * *					

\* \* \* \*

**SEC. 303. CONDITIONAL USES.**

\* \* \* \*

**(p) Adult Business, Adult Sex Venue, Nighttime Entertainment, General Entertainment, and Other Entertainment Uses.**

(1) With respect to Conditional Use authorization applications for Adult Business, Adult Sex Venue, Nighttime Entertainment, General Entertainment and Other Entertainment uses, such use or feature shall:

(A) If the use is an Adult Business, it shall not be located within 1,000 feet of another such use; and/or

(B) Not be open between two a.m. and six a.m.; and

(C) Not use electronic amplification between midnight and six a.m.; and

(D) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the



1 building and fixed-source equipment noise shall not exceed the decibel levels specified in the  
 2 San Francisco Noise Control Ordinance, Police Code Article 29.

3 (2) Notwithstanding the above, the Planning Commission may authorize a Conditional  
 4 Use which does not satisfy the criteria set forth in subsections (p)(1)(B) and/or (p)(1)(C) above,  
 5 if facts presented are such to establish that the use will be operated in such a way as to  
 6 minimize disruption to residences in and around the district with respect to noise and crowd  
 7 control.

8 (3) If the proposed use is located in a Cultural District established under Administrative Code  
 9 Section 107, the Planning Commission shall consider the purpose and goals established in Section  
 10 107.2 as well as any recommendations set forth in the Cultural, History, Housing, and Economic  
 11 Stability Strategy report for the district if one has been adopted pursuant to Section 107.4.

12 (~~34~~) The action of the Planning Commission approving a Conditional Use does not  
 13 take effect until the appeal period is over or while the approval is under appeal.

14  
 15 **SEC. 710. NC-1 NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

16 \* \* \* \*

17 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING**  
 18 **CONTROL TABLE**

* * * *		
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
* * * *		
<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>	<b>§ References</b>	<b>Controls by Story</b>

1	****		1st	2nd	3rd+
2	<b>Sales and Service Use Category</b>				
3	<b>Retail Sales and Service</b>	§§ 102,	P(3)	NP	NP
4	<b>Uses*</b>	202.2(a),			
5		202.3			
6	Adult Business	§ 102	NP	NP	NP
7	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
8	Animal Hospital	§102	P	P	P
9					
10	* * * *				
11					

12 **SEC. 711. NC-2 SMALL SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 \* \* \* \*

14 **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

15 **ZONING CONTROL TABLE**

16 \* \* \* \*

18	****	§ References	Controls by Story		
19	<b>NON-RESIDENTIAL</b>				
20	<b>STANDARDS AND USES</b>				
21	* * * *		1st	2nd	3rd+
22	<b>Sales and Service Use Category</b>				
23					
24					
25					

1 2 3 4	<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
5	Adult Business	§ 102	NP	NP	NP
6	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
7	Animal Hospital	§102	P	P	NP
8	* * * *				

9 \* \* \* \*

10  
11 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

12 \* \* \* \*

13 **Table 712. MODERATE –SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**  
14 **ZONING CONTROL TABLE**

15 16 17	* * * * <b>NON-RESIDENTIAL STANDARDS</b>	<b>§ References</b>	<b>Controls by Story</b>		
18	* * * *		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
19	<b>Sales and Service Use Category</b>				
20 21 22	Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	P
23	Adult Business	§ 102	C	C	NP
24	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
25	Animal Hospital	§102	P	P	NP

* * * *				
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\* \* \* \*

**SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

\* \* \* \*

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

Non-Residential Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL  
TABLE**

1	* * * *	§ References	Controls		
2	Zoning Category				
3	<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
4		References	Controls by Story		
5			1st	2nd	3rd+
6					
7	<b>Sales and Service Use Category</b>				
8	<b>Retail Sales and Service</b>	§ 102,	P	P	NP
9	<b>Uses*</b>	202.2(a), 202.3			
10	Adult Business	§ 102	C	C	NP
11	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
12	Animal Hospital	§102	P	P	NP
13					
14	* * * *				

15 \* \* \* \*

16

17 **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

22	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	References	Controls by Story		
23	* * * *				
24			1st	2nd	3rd+
25					

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	C	NP	NP
<u>Adult Sex Venue</u>	<u>§§ 102;</u> <u>202.2(a)(8)</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *	<b>References</b>	<b>Controls by Story</b>		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

Non-Residential Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	P
* * * *				

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

Non-Residential Standards and Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§ 102, 202.2(a)	P	C	NP



1	Adult Business	§ 102	NP	NP	NP
2	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	Animal Hospital	§102	P	P	NP
4	* * * *				

6  
7 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 \* \* \* \*

9 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**  
10 **DISTRICT ZONING CONTROL TABLE**

11 Zoning Category	12 § References	13 Controls		
14 <b>NON-RESIDENTIAL STANDARDS AND USES</b>				
15 NON-RESIDENTIAL STANDARDS AND USES	16 References	17 Controls by Story		
		18 1st	19 2nd	20 3rd+
21 <b>Sales and Service Use Category</b>				
22 <b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	P
23 Adult Business	§ 102	C	C	NP
24 <i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
25 Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

1 **SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **TABLE 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	C
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

15  
16 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 \* \* \* \*

18 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

19 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP

1	Adult Business	§ 102	NP	NP	NP
2	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	Animal Hospital	§102	P	P	NP
4	* * * *				

6  
7 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 \* \* \* \*

9 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

10 **CONTROL TABLE**

11	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
12			1st	2nd	3rd+
13	<b>Sales and Service Use Category</b>				
14	<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	P	NP
15					
16	Adult Business	§ 102	NP	NP	NP
17					
18	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
19	Animal Hospital	§102	P	P	NP
20	* * * *				

22 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

23 \* \* \* \*

24 **Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

25 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP

* * * *				
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**SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

**SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS	References	Controls by Story		
		1st	2nd	3rd+

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102.2 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 729. WEST PORTAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a)	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.5	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				



1 **SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2  
3 \* \* \* \*

4 **Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

5 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	P
* * * *				

16  
17 **SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

20 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP

Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§ 102	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL**

4 **TABLE**

NON-RESIDENTIAL STANDARDS <i>AND USES</i>	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.3, 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.3			
3	Adult Business	§ 102	NP	NP	NP
4	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

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9 **SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.**

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11 **Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

12 **CONTROL TABLE**

13	<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>	<b>References</b>	<b>Controls by Story</b>		
14			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
15	<b>Sales and Service Use Category</b>				
16	<b>Retail Sales and Service</b>	§§ 102,	P	P	P
17	<b>Uses*</b>	202.3(a), 202.3			
18	Adult Business	§ 102	C	C	NP
19	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
20	Animal Hospital	§102	P	P	NP
21	* * * *				
22					
23					

1 **SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS <i>AND USES</i></b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.3			
3	Adult Business	§ 102	NP	NP	NP
4	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

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9 **SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

10 \* \* \* \*

11 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

12 **CONTROL TABLE**

13	<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>	<b>References</b>	<b>Controls by Story</b>		
14			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
15	<b>Sales and Service Use Category</b>				
16					
17	<b>Retail Sales and Service</b>	§§ 102,	P	NP	NP
18	<b>Uses*</b>	202.2(a), 202.3			
19	Adult Business	§ 102	NP	NP	NP
20	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
21	Animal Hospital	§102	C	C	NP
22	* * * *				
23					

1 **SEC. 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

4 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				



1	<b>Retail Sales and Service</b>	§§ 102,	P	P	P
2	<b>Uses*</b>	202.32(a), 202.3			
3	Adult Business	§ 102	C	C	NP
4	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

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9 **SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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11 **Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

12 **ZONING CONTROL TABLE**

13	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
14			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
15	<b>Sales and Service Use Category</b>				
16	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
17	<b>Uses*</b>	202.2(a), 202.3			
18	Adult Business	§ 102	NP	NP	NP
19	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
20	Animal Hospital	§102	P	P	NP
21	* * * *				
22					
23					

1 **SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

2 \* \* \* \*

3 **Table 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT**

4 **NCT-1 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P(4)	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

16  
17 **SEC. 751. NCT-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**  
18 **DISTRICT.**

19 \* \* \* \*

20 **Table 751. NCT-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

21 **NCT-2 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C(8)</u>	<u>C(8)</u>	<u>NP(8)</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*



		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

**SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1  
2 **SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

3 \* \* \* \*

4 **Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

5 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

17  
18 **SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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20 **Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

21 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.3			
3	Adult Business	§ 102	NP	NP	NP
4	<u>Adult Sex Venue</u>	<u>§§ 102;</u>	<u>P</u>	<u>P</u>	<u>P</u>
5		<u>202.2(a)(8)</u>			
6	Animal Hospital	§§ 102,	P(4)	P	NP
7		823(c)(9)(B)			
8					
9	* * * *				

11 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

12 \* \* \* \*

13 **Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

14	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
15			1st	2nd	3rd+
16	<b>Sales and Service Use Category</b>				
17					
18	<b>Retail Sales and Service</b>	§§ 102, 202.2(a),	P	P	NP
19	<b>Uses*</b>	202.3			
20	Adult Business	§ 102	NP	NP	NP
21	<u>Adult Sex Venue</u>	<u>§§ 102;</u>	<u>P</u>	<u>P</u>	<u>P</u>
22		<u>202.2(a)(8)</u>			
23	Animal Hospital	§§ 102,	P(8)	P	NP
24		823(c)(9)(B)			
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**SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+



<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1  
2 **SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

3 \* \* \* \*

4 **Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

5 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Animal Hospital	§102	P	P	NP
* * * *				

17  
18 **SEC. 763. 24TH STREET-MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
19 **DISTRICT.**

20 \* \* \* \*

21 **Table 763. 24TH STREET – MISSION STREET NEIGHBORHOOD COMMERCIAL**

22 **TRANSIT DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	NP	NP
* * * *				

**SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \* **Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>		
<b>NON-RESIDENTIAL STANDARDS</b>				
<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>§ References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Use*</b>	§102; 202.2(a), 202.3	P	P	NP
Adult Business	§102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§102</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§102	P	P	NP

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**SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

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**TABLE 810  
CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ Reference s	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Bar	§ 102	C	C	C
* * * *				

**SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

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**TABLE 811  
CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§102	NP	NP	NP
<i>Adult Sex Venue</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Animal Hospital	§ 102	NP	NP	NP
* * * *				

**SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**TABLE 812  
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING  
CONTROL TABLE**

Zoning Category	§ Reference s	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	NP	NP
2	<b>Uses*</b>	202.2(a),			
3		202.3			
4	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Adult Business	§ 102	NP	NP	NP
6	* * * *				

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8 **SEC. 814. SPD – SOUTH PARK DISTRICT.**

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10 **TABLE 814**

11 **SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	South Park District Controls
<b>Retail Sale and Service</b>			
* * * *			
814.34	Cannabis Retail	§§202.2(a),890.125	C up to 5,000 sf per lot
<u>814.35</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
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21 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).**

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23 **TABLE 827**

24 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING**

25 **CONTROL TABLE**

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No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
<b>Non-Residential Standards and Uses</b>			
* * * *			
.45b	Child Care Facility	§102	P
<u>.45c</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			

**SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).**

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**TABLE 829  
SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING  
CONTROL TABLE**

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
<b>Non-Residential Standards and Uses</b>			
* * * *			
.45a	Child Care Facility	§102	P
<u>.45b</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			

1 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

2 \* \* \* \*

3 **Table 840**

4 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use General District Controls
<b>Retail Sales and Services</b>			
* * * *			
840.52	Cannabis Retail	§§202.2(a),890.125	C. Subject to size controls in Section 840.45
<u>840.53</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P. Subject to size controls in Section 840.45. NP outside of the Central SoMA SUD and the East SoMA Plan Area .</u>

15 **SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

16 \* \* \* \*

17 **Table 841**

18 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use Residential District Controls
<b>Retail Sales and Services</b>			
* * * *			
841.52	Cannabis Retail	§§ 102, 202.2(a), 890.125	C in the Central SoMa SUD P elsewhere



1	<u>841.53</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C. NP outside of the Central SoMA SUD</u>
2				<u>and the East SoMa Plan Area.</u>

3  
4  
5 **SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.**

6 \* \* \* \*

7 **Table 842**

8 **MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

9 No.	Zoning Category	§ References	Mixed-Use Office District Controls
10 <b>Retail Sales and Services</b>			
11 * * * *			
12 842.49	Tourist Hotel	§890.46	C if less than 75 rooms; C with no room limit in height districts that are 105 feet and above
15 <u>842.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>

16  
17 **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

18 \* \* \* \*

19 **Table 844**

20 **WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

21 No.	Zoning Category	§ References	WSoMA Mixed-Use General District Controls
22 <b>Retail Sales and Services</b>			
23 * * * *			

1	<u>840.52</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P up to 25,000 gross sq. ft. per lot; above</u>
2				<u>25,000 gross sq. ft. permitted only if the</u>
3				<u>ratio of other permitted uses to retail is at</u>
4				<u>least 3:1.</u>

5

6 **SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

7 \* \* \* \*

8 **Table 845**

9 **WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

10 No.	Zoning Category	§ References	WSoMA Mixed-Use Office District
11 Controls			
12 <b>Retail Sales and Services</b>			
13 * * * *			
14 845.49	Tourist Hotel	§ 890.46	P up to 75 rooms
15 <u>845.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P</u>

16

17 **SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

18 \* \* \* \*

19 **Table 846**

20 **SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

21 No.	Zoning Category	§ References	SALI District Controls
22 <b>Retail Sales and Services</b>			
23 * * * *			
24 <u>846.53</u>	<u>Adult Sex Venue</u>	<u>§§ 102</u>	<u>P up to 10,000 gsf per lot; C up to 25,000</u>
25			<u>gsf; NP above.</u>

1  
2 **SEC. 847. RED-MX – RESIDENTIAL ENCLAVE -MIXED GENERAL DISTRICT.**

3 \* \* \* \*

4 **Table 847**

5 **RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
<b>Retail Sales and Services</b>			
* * * *			
847.36	Personal Service	§890.116	P up to 1,250 gsf per lot; C above; NP above 1 FAR
<u>847.36a</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P up to 1,250 gsf per lot;</u> <u>C above;</u> <u>NP above 1 FAR</u>

14  
15 **SEC. 848. CMUO – CENTRAL SOMA MIXED-USE OFFICE DISTRICT.**

16 \* \* \* \*

17 **Table 848**

18 **CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL**  
19 **TABLE**

Zoning Category	§ References	Central SoMa Mixed Use Office District Controls
<b>Sales and Service Use Category</b>		
Retail Sales and Service Uses*	§ 102	P(1)
Adult Business	§ 102	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>

1	Animal Hospital	§ 102	P
2	* * * *		

3  
4           Section 4. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor’s veto of the ordinance.

8  
9           Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
13 additions, and Board amendment deletions in accordance with the “Note” that appears under  
14 the official title of the ordinance.

15  
16 APPROVED AS TO FORM:  
17 DAVID CHIU, City Attorney

18 By: /s/ Audrey Pearson  
19       AUDREY WILLIAMS PEARSON  
20       Deputy City Attorney

21 n:\legana\as2022\2100492\01584722.docx



# San Francisco Department of Public Health

Grant Colfax, MD  
Director of Health

City and County of San Francisco  
London N. Breed  
Mayor

## Minimum Standards for Operation of Sex Clubs, Commercial Sex Venues and Parties

---

The following minimum standards for the operation of sex clubs, commercial sex venues and parties are intended to ensure that these venues provide a safe environment for their patrons and do not contribute to the spread of Sexually Transmitted Diseases (STDs and Human Immunodeficiency Virus (HIV) in San Francisco.

### I. Sexual Activities

The following activities have been identified as posing a risk for transmissions of STDs and/or HIV in all sex clubs, commercial sex venues and parties:

- Insertive and/or receptive anal intercourse without a latex or a polyurethane condom;
- Insertive and/or receptive vaginal intercourse without a latex or a polyurethane condom;
- Fisting without the use of a latex glove (due to likelihood of-blood exposure).

### II. Other activities

In addition to the above activities, owners are expected to take reasonable steps to protect the general health of their patrons by recommending that patrons understand the risk associated with other activities and review current safer sex guidelines. These include the following activities:

- Oral intercourse with ejaculation without the use of a barrier impermeable to HIV/STDs;
- Cunnilingus without the use of a barrier impermeable to HIV/STDs;
- Rimming or fingering without the use of a barrier impermeable to HIV/STDs;
- The shared use of dildos (without the use of a latex or polyurethane condom) and other personal sex toys.
- Any other activities that may result in the breaking of the skin and/or bleeding

### III. Rules

- (a) All sex clubs, commercial sex venues and parties should display signs in the city's mandated languages (English, Chinese, Spanish and Tagalog) which inform patrons about sexual activities and safer sex guidelines online and in the establishment. Other languages should be added as deemed necessary to be culturally relevant for the clientele. Signs must include those behaviors which are appropriate to the customers/members that frequent the sex clubs, commercial sex venues and parties. These signs must be posted at the entrance to the club or party, where customers/members pay entrance fee, and in multiple locations throughout the facility. Signs must be printed in lettering no less than one inch in height and one-quarter inch width. Signs must be readable and visible to patrons.
- (b) All owner/operators are required to obtain the written acknowledgment from each patron indicating that they have agreed to adhere to the posted rules regarding prohibited sexual activities. Patrons must be made aware of the consequences of non-compliance to the posted rules.
- (c) All sex clubs, commercial sex venues and parties operators are required to ensure that each customer/member's age is verified to be at least 18 years old, via an unaltered, clearly visible valid (unexpired) current state or county issued identification card and/or Driver's License or passport. A customer/member's age is to be verified upon each entry.
- (d) No person should be admitted who is visibly intoxicated or under the influence of substances.



# San Francisco Department of Public Health

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Director of Health

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London N. Breed  
Mayor

- (e) The sale or consumption of alcohol or other substances is not allowed on the premises of sex clubs, commercial sex venues and parties.
- (f) Anyone who rents out the space of a sex club, commercial sex venue or party venue to host an event and/or party must comply and adhere to the same rules of the permitted site owner/operator.
- (g) All sex clubs, commercial sex venues and party operators are required to implement an "Alert" system for notification of medical emergencies and sexual assault of customers/members.
- (h) Sex in the exchange for money or free entry is not allowed on the premises of sex clubs, commercial sex venues, or parties.

## IV. Condoms and Safe Sex Materials

- (a) All establishments are required to provide safe sex materials free of charge. These must include lubricated condoms, non-lubricated condoms, water-based lubricants, gloves and plastic or latex barriers. Instructions on proper use of condoms must also be made available. Patrons must be made aware of where these supplies are located in the establishment.
- (b) Establishments which allow anal and/or vaginal intercourse are required to provide lubricated condoms in every booth, cubicle, room, compartment, or stall. These should be routinely checked for expiration dates and replaced accordingly.
- (c) An adequate supply of safe sex materials must be maintained for use by patrons at all times the club or party is in operation.

## V. Monitoring

All areas of the commercial sex club, commercial sex venue or sex party must be accessible by the staff routinely for the safety of patrons and to replenish supplies.

- (a) Staff must ensure condoms/lubricants and safer sex materials are replenished in every booth, room, cubicle, compartment, or stall.
- (b) Each sex club, commercial sex venue or party must have a minimum of two staff members on shift on the premises at the during the hours of operation. These must include at least one trained floor staff and a "front-door person".
- (c) Each sex club, commercial sex venue or party organizer staff must intervene immediately to stop activities if patrons are engaging in illegal activities or sexual assault.

## VI. Training

All staff of sex club, commercial sex venue or party are required to receive training within the first two weeks of start date about IDU, Narcan administration and STD/HIV transmission and prevention, as well as intervention techniques, and also required to attend a refresher course at least once per year. Curriculum for this training must be submitted to the Department of Public Health, Population Health Division, Community Health Equity & Promotion Branch for approval.



# San Francisco Department of Public Health

Grant Colfax, MD  
Director of Health

City and County of San Francisco  
London N. Breed  
Mayor

## **VII. Lighting**

During operating hours, all areas of the sex club or party must be sufficiently lighted to enable staff and patrons to navigate and engage in a safe and comfortable manner.

## **VIII. Rooms, Booths and Cubicles**

Sex clubs, commercial sex venues or parties may offer rooms, booths, and cubicles which lock for patrons to have access. The owner/operators of all sex clubs, commercial sex venues and party organizers are expected to maintain strict cleaning procedures in between use and replenish safer sex materials. Copies of keys for locked spaces should be available in case emergency access is required.

## **IX. Education**

Sex clubs, and commercial sex venue owners/operators and/or party organizers are expected to provide STD/HIV educational materials to patrons in English, Spanish, Chinese and Tagalog. These materials must include posters, brochures, articles, and/or videotapes which promote safe sex activities. Sex clubs, and commercial sex venue owners/operators and/or party organizers are encouraged to conduct STD/HIV prevention activities such as workshops, events, allow agencies to provide STD/HIV testing and one-on-one counseling, in addition to providing health education materials to patrons.

## **X. Fire, Building, Planning, Health, and Police Codes**

All clubs and parties must comply with Fire, Building, Planning, Health, and Police codes. The facility must have at least two exit routes to permit prompt evacuation of patrons/employees during an emergency.

## **XI. Wash-up and Waste Disposal Facilities**

All clubs and parties must provide adequate wash-up facilities for their patrons. This includes the provision of hot and cold running water, liquid soap, hand sanitizer and paper towels. Each sex club, commercial sex venue or party organizer also must provide an adequate number of waste receptacles, placed where patrons have access for the easy disposal of used condoms and other materials.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

March 18, 2022

**File No. 220264**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Ms. Gibson:

On March 15, 2022, Supervisor Mandelman submitted the following legislation:

**File No. 220264**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Handwritten signature of Erica Major.

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

03/31/2022

Handwritten signature of Joy Navarrete.





CITY AND COUNTY OF SAN FRANCISCO  
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS  
DIRECTOR KATY TANG

April 14, 2022

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**RE: BOS File No. 220264 – Adult Sex Venues**

Dear Ms. Calvillo,

On April 11, 2022 the Small Business Commission (the Commission) heard BOS File #220264 – Adult Sex Venues. Jacob Bintliff, Legislative Aide to Supervisor Mandelman, presented the legislation. Mr. Bintliff reviewed the historical health and planning regulations that have been applied to adult businesses, highlighting the stigma that the industry experienced at the height of the AIDS epidemic, and the rationale for creating a new definition of Adult Sex Venues in the Planning Code.

After robust discussion, the SBC unanimously voted (4-0 with two absences) to support this legislation as amended by the Planning Commission. The Commission is committed to removing outdated regulatory barriers that negatively impact small businesses, and this proposal is in line with that goal. By defining Adult Sex Venues within Planning Code and principally/conditionally permitting or prohibiting their use throughout the City, this legislation acknowledges the historical connection of Adult Sex Venues with the LGBTQ community by principally permitting their use in areas where previous venues once existed.

The Commission commends Supervisor Mandelman and his staff for their outreach to communities that are, or could be, impacted by this proposal. Such thorough community outreach shows a great respect for the City's cultural districts and distinct neighborhood character.

Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Katy Tang". The signature is written in a cursive, flowing style.

Katy Tang  
Director, Office of Small Business



April 14, 2022

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Mandelman  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2022-002129PCA:  
Planning Code-Adult Sex Venues  
Board File No. 220264

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Supervisor Mandelman,

On April 7, 2022 the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Mandelman that would amend 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. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:  
  
~~P within the Compton's Transgender Cultural District, on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.~~
2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. An

Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.

3. Correct the error in Table 810 to change Adult Business uses from “Permitted” to “Not Permitted”.
4. Make technical amendments to:
  - a. Include Adult Sex Venue in Table 843 as “Conditionally” permitted, to match existing permissions under “Adult Entertainment”.
  - b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
  - c. Clarify where ASV’s are principally permitted within the NCT-3 by amending “note 8” of Table 752 as follows:

P for parcels with frontage on Market Street, Howard Street, or Mission Street. from Octavia Street to Church Street ; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,



Aaron D. Starr  
Manager of Legislative Affairs

cc: Audrey Pearson, Deputy City Attorney  
Jacob Bintliff, Aide to Supervisor Mandelman  
Erica Major, Office of the Clerk of the Board

**Attachments :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21097

**HEARING DATE: APRIL 7, 2022**

**Project Name:** Planning Code - Adult Sex Venues  
**Case Number:** 2022-002129PCA [Board File No. 220264]  
**Initiated by:** Supervisor Mandelman / Introduced March 15, 2022  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, (628) 628-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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.**

WHEREAS, on March 15, 2022 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220264, which would amend 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;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 7, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:

*P within the Compton's Transgender Cultural District, on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.*

2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. *An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.*

3. Correct the error in Table 810 to change Adult Business uses from "Permitted" to "Not Permitted".

4. Make technical amendments to:

- a. Include Adult Sex Venue in Table 843 as "Conditionally" permitted, to match existing permissions under "Adult Entertainment".
- b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
- c. Clarify where ASV's are principally permitted within the NCT-3 by amending "note 8" of Table 752 as follows:

*P for parcels with frontage on Market Street, ~~Howard Street, or Mission Street~~. from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.*

## 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:

The Commission supports the proposed ordinance because it will create a more appropriate definition and land use controls for Adult Sex Venues than currently exists. The severe restrictions placed on bathhouses in

the mid-1980's was in reaction to a devastating epidemic; however, we know now that many of those restrictions were an overreaction. In the decades following, most major cities in the country recognized that the restrictions placed on these uses were misguided and ineffective. Consequently, they have been removed or amended. Adult Sex Venues can play an important role in educating patrons about sexually transmitted diseases and promoting safer sex. When properly operated, Adult Sex Venues assist, rather than impede, the City's efforts to control the transmission of HIV, as well as other sexually transmitted diseases.

### **General Plan Compliance**

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

## **COMMERCE AND INDUSTRY ELEMENT**

### **OBJECTIVE 2**

#### **MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

##### **Policy 3.1**

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

##### **Policy 3.2**

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*The proposed Ordinance allows new commercial activity in districts where it once was largely prohibited. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of gathering places available to residents and visitors alike.*

### **OBJECTIVE 3**

#### **PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

##### **Policy 1.1**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed Ordinance assists in accomplishing these policy goals by allowing new commercial activity in the form of ASV's to neighborhoods where they have historically thrived before being forced to close in the 1980's.*

### **Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities

for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 7, 2022.



Jonas P Ionin San Francisco Planning Commission

Jonas P. Ionin  
Commission Secretary

AYES: Ruiz, Diamond, Fung, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: April 7, 2022





# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE:** April 7, 2022

**90-Day Deadline:** June 16, 2022

**Project Name:** Planning Code-Adult Sex Venues  
**Case Number:** 2022-002129PCA [Board File No. 220264]  
**Initiated by:** Supervisor Mandelman / Introduced March 15, 2022  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**Recommendation:** Approval with Modifications

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code to define Adult Sex Venues 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.

#### The Way It Is Now:

1. Chapter 47 of the Health Code defines Adult Sex Venues, however the Planning Code does not. The Zoning Administrator has determined that businesses operating as Adult Sex Venues under the Health Code are considered Adult Businesses under the Planning Code. Adult Businesses are a type of Retail Sales and Service use<sup>1</sup> with varying degrees of permissibility, depending on the zoning district.
2. The Code sets operating hours and conditions for Retail Sales and Service uses. Depending on the use and zoning district, Retail Sales and Services are permitted to operate until 10pm, 11pm, or 2am. Additional hours of operation can be authorized through Conditional Use approval.
3. Where an Adult Business requires a Conditional Use authorization, the project must meet the findings

<sup>1</sup> Except in Article 8, where this use is considered Adult Entertainment.

under Planning Code Section 303.

### The Way It Would Be:

1. Adult Sex Venues (ASV's) would be added as a type of Retail Sales and Service use in the Planning Code. They would also be added to the zoning control tables, as either Principally Permitted, Conditionally Permitted, or Not Permitted, depending on the district. The Planning Code definition would be as follows:

*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.*

2. All ASV's would be subject to noise control, lighting, and security standards set forth in the Ordinance. Where Principally permitted, ASV's could operate 24/7. Where Conditionally permitted, they may apply to operate until 2am, but may seek to extend their operations to between 2am-6am.
3. Where an ASV requires Conditional Use authorization, the Commission shall consider the following finding in addition to those in Section 303:

*If the proposed use is located in a Cultural District established under Administrative Code section 107, the Planning Commission shall consider the purpose and goals established in subsection 107.2 as well as any recommendations set forth in the Cultural, History, Housing, and Economic Stability Strategy report for the district if one has been adopted pursuant to section 107.4.*

## Background

In the 1970's and 80's, there were many business establishments in the City where men met other men for sex. These businesses included bookstores with video booths, movie theaters, and bath houses, and provided some of the only community spaces where queer people could gather and meet.

**Adult Sex Venues provided some of the only community spaces where queer people could gather and meet.**

In 1984, at the height of the AIDS epidemic, the City filed a lawsuit against the operators of several such businesses, citing them as a public health nuisance. The court issued an order that required businesses to employ staff to monitor the sexual activity of patrons and prohibited the use of full or locked doors on individual video cubicles, booths, or rooms. Although the bathhouses could have legally remained open under the rules established by the court, most of them closed. In 1997, the Department of Public Health adopted minimum standards for the operation of commercial sex clubs which effectively codified the provisions of the earlier court order.



*Protest opposing the closing of the bathhouses, 1984. Source: SFChronicle*

On July 31, 2020, the Mayor signed Ordinance 127-20<sup>2</sup> authored by Supervisor Mandelman, which amended the Health Code to require the Director of Public Health to adopt minimum health and safety standards governing the operation of adult sex venues and prohibiting these standards from requiring the monitoring of patrons' sexual activities or regulating the type of doors that may be installed.

In December of 2020 the Zoning Administrator determined that businesses operating as an Adult Sex Venue pursuant to Health Code Article 47 are considered a type of Adult Business use for the purposes of the Planning Code.

## Issues and Considerations

### ASV Definition

Adult Sex Venues are distinct from other types of Adult Businesses as defined in the Planning Code. Adult Businesses are defined as including adult bookstores and video stores, adult theaters, and encounter studios. In all these business types, goods, services, and/or entertainment are provided by paid staff. Adult Sex Venues

<sup>2</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=8715416&GUID=9085BB90-DD07-4FEC-A560-22C4B2C29E61>

operate as a place for patrons to engage in consensual sexual activity with other patrons. The use is also monitored differently than other Adult Business uses in the Health Code. Additionally, some Adult Businesses may receive ABC licenses, whereas Adult Sex Venues may not.

Adult Sex Venues are distinct from other types of Adult Businesses as they are defined in the Planning Code.

In the past, most Adult Sex Venues in San Francisco operated as bathhouses or private clubs. As such, the definition of “Adult Sex Venue” should include these associated activities. Including language in the definition of ASV’s stating the use may operate in conjunction with bathhouse-style facilities, or in conjunction with a Limited Live Performance permit will ensure venues intending to operate in the common manner of ASV’s will not have to obtain separate use permits for Personal Service or Entertainment uses.

### Where ASV’s Could Operate

Currently, ASV’s are considered an Adult Business use (or Adult Entertainment use in Article 8). Based off the current treatment of ASV’s as Adult Businesses (or in some Art. 8 districts as Adult Entertainment), the controls for ASV’s would change in several zoning districts. The following charts illustrate how Adult Businesses and Adult Entertainment uses are currently regulated, alongside ASV’s proposed controls for the corresponding districts. ASV’s in all zoning districts **not** listed below would continue to operate with the same controls as Adult Businesses for that zoning district.

Orange indicates ASV’s controls would become more restrictive. Green indicates ASV’s controls would become more permissive:

Zoning District	ADULT BUSINESS	ASV
RC-4	NP	NP*
PDR-1-D	P	C
PDR-1-G	P	C
PDR-2	P	C
NCT-3	C (C 2nd, NP 3rd)	C**(C** 2nd, NP**3rd)
SOMA NCT	NP (all floors)	C (all floors)
Folsom St NCT	NP (all floors)	P (all floors)
RCD	NP (all floors)	P (all floors)
CMUO	NP	C
Upper Market St NCT	NP (all floors)	P (all floors)

\*P on Turk between Taylor St and Jones St

\*\*P on Market Street from Octavia Street to Church Street;  
P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

Article 8 Zoning District	ADULT ENTERTAINMENT	ASV
MUG	NP	P*** (size controls)
MUR	NP	C***
MUO	NP	C
WMUG	NP	P (size controls)
WMUO	NP	P
SALI	NP	P (size controls)
RED-MX	NP	P or C (size controls)
Chinatown CBD	P	NP

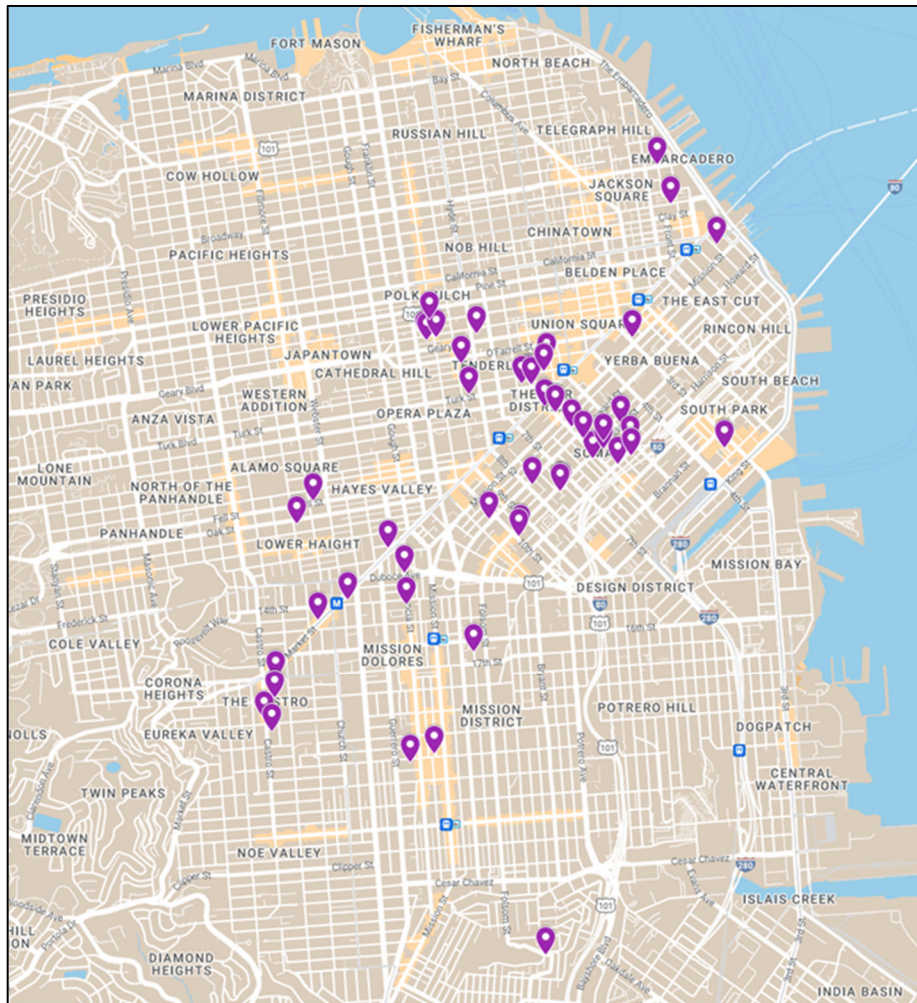
\*\*\*NP outside of the Central SoMa SUD and the East SoMa Plan Area.



A complete list of zoning districts that would list ASV's as a separate use can be found as Exhibit A. A map of where ASV permissions would change can be found as Exhibit B. Although the Chinatown Community Business District currently allows Adult Businesses, staff determined that this is an error that originated from the Code Reorganization project. As such, this ordinance presents an opportunity to correct that error.

### Restoring a Historically Significant Use

ASV's were a common business type in San Francisco prior to the AIDS epidemic and catered to consenting adults who wished to meet and engage in sexual activities. The first documented ASV in San Francisco was established in the Tenderloin in 1930<sup>3</sup>. Over the course of the 20<sup>th</sup> century at least 60 bathhouses and sex clubs have operated across the Castro, Tenderloin, SoMa, and Mission districts. During the height of the AIDS epidemic, bathhouses in San Francisco had severe restrictions placed on them, forcing most to close.



*Locations of former ASV's.*

<sup>3</sup> GLBT Historical Society – Historic LGBTQ Sites Database

Adult Business uses are generally Not Permitted or Conditionally permitted in areas of the city with a strong association with the LGBTQ community, including the Castro, Upper Market, Tenderloin, and SOMA neighborhoods. Since the Zoning Administrator’s determination that ASV’s are Adult Businesses, several entrepreneurs have sought to open LGBTQ-oriented adult sex venue bath houses but have been blocked under current zoning.

### **General Plan Compliance**

The Commerce and Industry Element of the General Plan calls for managing economic growth and change to ensure enhancement of the total city environment, maintaining a sound and diverse economic base and fiscal structure, and providing expanded employment opportunities for city residents. Policies 2.1 and 2.3 focus on retaining commercial activity and attracting new activity by fostering a favorable social and cultural climate. The proposed Ordinance assists in accomplishing these policy goals by allowing new commercial activity in the form of ASV’s to neighborhoods where they have historically thrived before being forced to close in the 1980’s.

### **Racial and Social Equity Analysis**

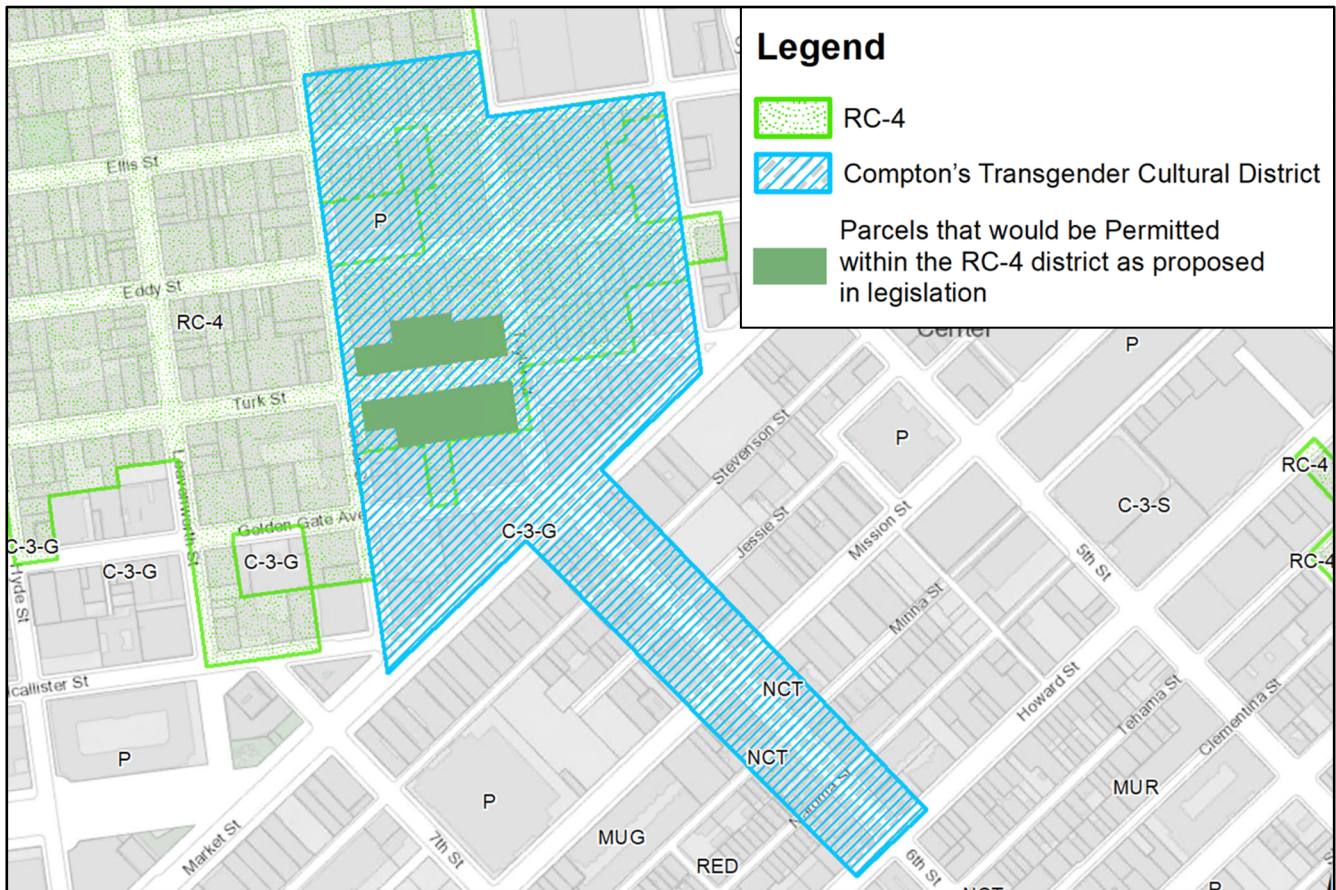
The City should support the establishment of Adult Sex Venues in areas that are strongly associated with the LGBTQ community. This Ordinance amends the Planning Code to establish zoning controls for Adult Sex Venues that allow this use as principally permitted in select areas, particularly those overlapping with established LGBTQ cultural districts including the Castro LGBTQ Cultural District, Upper Market neighborhoods, and the Leather and LGBTQ Cultural District in SOMA.

One cultural district that has been largely left out of this legislation is the Compton’s Transgender Cultural District. The district was created in 2017 by three black trans women and is the first legally recognized transgender district in the world. The district encompasses 6 blocks in the southeastern Tenderloin and crosses over Market Street to include two blocks of 6th street. This urban region of the city’s Tenderloin District has held a documented, ongoing presence of transgender residents since as early as the 1920s- with the Tenderloin known as a “gay ghetto” during the 1930s to the 1960s- prior to the birth of the internationally renowned Castro District in San Francisco. This area is home to San Francisco’s first LGBT bar, and various community spaces, gathering sites, and hotels with cultural significance for the broader transgender and queer community in the Tenderloin.<sup>4</sup>

The legislation as currently proposed would only permit ASV’s for parcels fronting one block along Turk Street within the Compton’s Transgender District, even though historically, eight different ASV’s have been located within the cultural district. Expanding the area within the RC-4 District where ASV’s are permitted to include the entire area within the Compton’s Transgender Cultural District would help promote businesses that celebrate the rich cultural history of the City’s LGBTQ residents. It is important for racial & social equity advancement that entrepreneurial opportunities exist for all. Allowing ASV’s in all neighborhoods with a historical tie to them can help the neighborhoods gain a greater diversity of proprietors, including queer women, transgender, and BIPOC owners.

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<sup>4</sup> <https://www.transgenderdistrictsf.com/about>



### Implementation

The Department has determined that this Ordinance will not impact our current implementation procedures.

### Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:

*P within the Compton's Transgender Cultural District, on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.*

2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. *An*



Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.

3. Correct the error in Table 810 to change Adult Business uses from “Permitted” to “Not Permitted”.
4. Make technical amendments to:
  - a. Include Adult Sex Venue in Table 843 as “Conditionally” permitted, to match existing permissions under “Adult Entertainment”.
  - b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
  - c. Clarify where ASV’s are principally permitted within the NCT-3 by amending “note 8” of Table 752 as follows:

P for parcels with frontage on Market Street, Howard Street, or Mission Street. from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

### **Basis for Recommendation**

The Department supports the proposed ordinance because it will create a more appropriate definition and land use controls for Adult Sex Venues than currently exists. The severe restrictions placed on bathhouses in the mid-1980’s was in reaction to a devastating epidemic; however, we know now that many of those restrictions were an overreaction. In the decades following, most major cities in the country recognized that the restrictions placed on these uses were misguided and ineffective. Consequently, they have been removed or amended. Adult Sex Venues can play an important role in educating patrons about sexually transmitted diseases and promoting safer sex. When properly operated, Adult Sex Venues assist, rather than impede, the City’s efforts to control the transmission of HIV, as well as other sexually transmitted diseases.

**Recommendation 1: Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton’s Transgender Cultural District.** Staff is recommending this because the district is home to various businesses with cultural significance for the broader transgender and queer community in the Tenderloin. It was also home to at least eight separate ASV’s at various points in the last century. This use should be allowed within the entire cultural district of the RC-4 to better enable new businesses that celebrate the rich cultural history of the City’s LGBTQ residents to locate within the district.

**Recommendation 2: Clarify the definition of Adult Sex Venues to ensure the most common types of ASV’s can operate without seeking additional use permits.** Staff recommends including clarifying language in the definition of ASV’s to ensure that traditional characteristics of ASV’s can be present on the site while still being considered an integral part of the primary ASV use. Adding language regarding bathhouse facilities and LLP’s will ensure traditional ASV uses do not have to acquire multiple use permits.

**Recommendation 3: Correct the error in Table 810 to change Adult Business uses from “Permitted” to “Not Permitted”.** Staff is recommending this because the Department has concluded this control was erroneously



placed in the Code. All other Chinatown Mixed Use districts prohibit Adult Businesses. As such, this Ordinance presents an opportunity to correct that error.

**Recommendation 4: Make various technical amendments.** Staff recommends making the various technical amendments as described in the above section to ensure the Ordinance is implemented as intended.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

## Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Complete Table of Zoning Districts Where ASV's will be Listed
- Exhibit C: Map of ASV Control Changes
- Exhibit D: Board of Supervisors File No. 220264



## EXHIBIT A

# PLANNING COMMISSION DRAFT RESOLUTION

**HEARING DATE:** April 7, 2022

**Project Name:** Planning Code-Adult Sex Venues  
**Case Number:** 2022-002129PCA [Board File No. 220264]  
**Initiated by:** Supervisor Mandelman / Introduced March 15, 2022  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, (628) 628-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND 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.**

WHEREAS, on March 15, 2022 Supervisor Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 220264, which would amend 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;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on April 7, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c); and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation(s) is/are as follows:

1. Expand the area in which Adult Sex Venues are Principally permitted within the RC-4 zoning district to include the Compton's Transgender Cultural District by amending "note 12" of Table 209.3 as follows:

*P ~~within the Compton's Transgender Cultural District.~~ on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street.*

2. Clarify the definition of Adult Sex Venues to ensure the most common types of ASV's can operate without seeking additional use permits as follows:

**Adult Sex Venue** A Retail Sales and Service Use that operates pursuant to Health Code Article 47. *An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and are eligible for a Limited Live Performance permit.*

3. Correct the error in Table 810 to change Adult Business uses from "Permitted" to "Not Permitted".

4. Make technical amendments to:

- a. Include Adult Sex Venue in Table 843 as "Conditionally" permitted, to match existing permissions under "Adult Entertainment".
- b. Amend Sections 204.2, 204.3, 703, 803.2, 803.3, and 825 to not allow Adult Sex Venues to operate as Accessory to any other use.
- c. Clarify where ASV's are principally permitted within the NCT-3 by amending "note 8" of Table 752 as follows:

*P ~~for parcels with frontage~~ on Market Street, ~~Howard Street, or Mission Street.~~ from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.*

## 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:

The Commission supports the proposed ordinance because it will create a more appropriate definition and land use controls for Adult Sex Venues than currently exists. The severe restrictions placed on bathhouses in the mid-1980's was in reaction to a devastating epidemic; however, we know now that many of those restrictions were an overreaction. In the decades following, most major cities in the country recognized that the restrictions placed on these uses were misguided and ineffective. Consequently, they have been removed or amended. Adult Sex Venues can play an important role in educating patrons about sexually transmitted diseases and promoting safer sex. When properly operated, Adult Sex Venues assist, rather than impede, the City's efforts to control the transmission of HIV, as well as other sexually transmitted diseases.

### General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

#### COMMERCE AND INDUSTRY ELEMENT

##### OBJECTIVE 2

**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

###### Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

###### Policy 3.2

Promote measures designed to increase the number of San Francisco jobs held by San Francisco residents.

*The proposed Ordinance allows new commercial activity in districts where it once was largely prohibited. This added commercial activity will help maintain a favorable social and cultural climate in San Francisco as it adds to the number of gathering places available to residents and visitors alike.*

##### OBJECTIVE 3

**PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.**

###### Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

*The proposed Ordinance assists in accomplishing these policy goals by allowing new commercial activity in the form of ASV's to neighborhoods where they have historically thrived before being forced to close in the 1980's.*

### **Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

**Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 7, 2022.

Jonas P. Ionin  
*Commission Secretary*

AYES:

NOES:

ABSENT:

ADOPTED: April 7, 2022

# EXHIBIT B

## Zoning Controls with Proposed Changes: All Non-Article 8 Districts

Zoning District	ADULT BUSINESS	ASV
RC-3	NP	NP
RC-4	NP	NP*
PDR-1-B	NP	NP
PDR-1-D	P	C
PDR-1-G	P	C
PDR-2	P	C
NC-1	NP	NP
NC-2	NP	NP
NC-3	C	C
NC-S	NP	NP
Broadway NCD	C	C
Castro St NCD	C (NP 2nd & 3rd)	P (P 2nd & 3rd)
Inner Clement NCD	NP	NP
Outer Clement NCD	NP	NP
Upper Fillmore St NCD	NP	NP
Haight St NCD	NP	NP
Excelsior Outer Mission NCD	C	C
Japantown NCD	NP	NP
North Beach NCD	NP	NP
Polk St NCD	NP	NP
Sacramento St NCD	NP	NP
Union Street NCD	NP	NP
Pacific Ave NCD	NP	NP
Lakeside Village NCD	NP	NP
24th St Noe Valley NCD	NP	NP
West Portal Ave NCD	NP	NP
Inner Sunset NCD	NP	NP
Noriega St NCD	NP	NP
Irving St NCD	NP	NP
Taraval St NCD	NP	NP
Judah St NCD	NP	NP
Inner Balboa St NCD	NP	NP
Outer Balboa St NCD	NP	NP
Bayview NCD	C	C
Cortland Ave NCD	NP	NP
Geary Blvd NCD	C	C
Mission Bernal NCD	C	C
San Bruno Ave NCD	NP	NP
Cole Valley NCD	NP	NP
Lower Haight St NCD	NP	NP
Lower Polk St NCD	C	C
Inner Taraval St NCD	NP	NP
NCT-1	NP	NP
NCT-2	NP	NP
NCT-3	C (C 2nd, NP 3rd)	C**(C** 2nd, &3rd)
SOMA NCT	NP (all floors)	C (all floors)
Mission St NCT	C	C
Ocean Ave NCT	NP	NP
Glen Park NCT	NP	NP
Folsom St NCT	NP (all floors)	P (all floors)
RCD	NP (all floors)	P (all floors)
Divisadero St NCT	NP	NP
Fillmore St NCT	C	C
Hayes-Gough NCT	NP	NP
Valencia St NCT	NP	NP
24th St-Mission St NCT	NP	NP
Upper Market St NCT	NP (all floors)	P (all floors)

### KEY:

	No change
	Becoming more permissive, following standards for All Retail Sales & Services
	Becoming more permissive, <b>not</b> following current standards for All Retail Sales & Services
	Becoming less permissive

\*P on Turk between Taylor St and Jones St

\*\*P on Market Street from Octavia Street to Church Street; P in the portion of the district bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

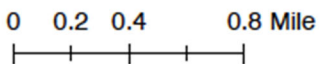
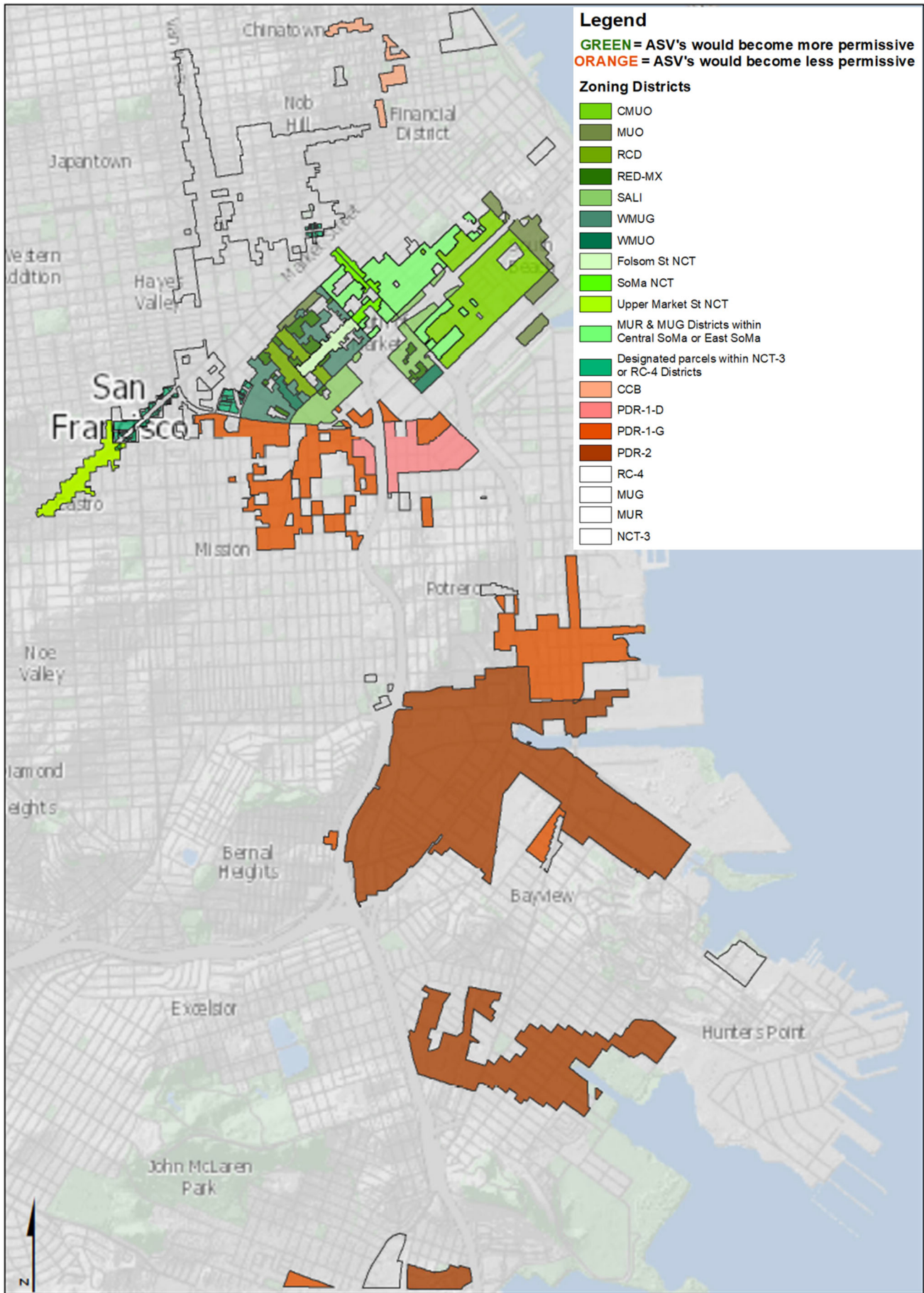
## Zoning Controls with Proposed Changes: Article 8 Districts

ARTICLE 8					
	ALL Retail Sales & Services	ADULT BUSINESS	ALL ENTERTAINMENT	ADULT ENTERTAINMENT	PROPOSED ASV CONTROLS
Chinatown CBD	P	n/a	NP	n/a	NP
Chinatown Visitor Retail	P	NP	NP	n/a	NP
Chinatown Res NCD	P	NP	NP	n/a	NP
South Park	P up to 5,000sqft	NP	NP	n/a	NP
Rincon Hill	P	n/a	NP	NP	NP
South Beach DTR	P	n/a	NP	NP	NP
MUG	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.	n/a	n/a	NP	P. Subject to size controls for Retail Sales & Services. NP outside of the Central SoMA SUD and the East SoMA Plan Area.
MUR	P	n/a	n/a	NP	C. NP outside of the Central SoMa SUD and the East SoMa Plan Area.
MUO	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.	n/a	n/a	NP	C
WMUG	P up to 10,000 gsf per lot. NP above.	n/a	n/a	NP	P. Subject to size controls for Retail Sales & Services
WMUO	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above	n/a	n/a	NP	P
SALI	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above	n/a	n/a	NP	P. Subject to size controls for Retail Sales & Services
RED-MX	NP	n/a	n/a	NP	P up to 1,250 gsf per lot; C above; NP above 1 FAR
CMUO	P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1	NP	P	NP	C

	No change
	Becoming more permissive, following standards for All Retail Sales & Services
	Becoming more permissive, <b>not</b> following current standards for All Retail Sales & Services
	Becoming less permissive



# EXHIBIT C



**EXHIBIT D**

1 [Planning Code - Adult Sex Venues]

2

3 **Ordinance amending the Planning Code to define Adult Sex Venue and principally**  
 4 **permit, conditionally permit, or prohibit Adult Sex Venues in Commercial; Residential-**  
 5 **Commercial; Production, Distribution and Repair (PDR); Neighborhood Commercial;**  
 6 **Neighborhood Commercial Transit; and Mixed Use Districts; affirming the Planning**  
 7 **Department's determination under the California Environmental Quality Act; and**  
 8 **making findings of consistency with the General Plan, and the eight priority policies of**  
 9 **Planning Code, Section 101.1, and findings of public necessity, convenience, and**  
 10 **welfare under Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 14 **Board amendment additions** are in double-underlined Arial font.  
 15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 17 subsections or parts of tables.

15

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

17

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
 20 ordinance comply with the California Environmental Quality Act (California Public Resources  
 21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 22 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
 23 determination.

24 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
 25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
3 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
5 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
6 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by this  
7 reference thereto. A copy of said Resolution is on file with the Clerk of the Board of  
8 Supervisors in File No. \_\_\_\_\_.

9  
10 Section 2. General Background and Findings.

11 (a) In the early 1980s, there were many business establishments in the City where  
12 men met other men for sex. These businesses included bookstores with video booths, movie  
13 theaters, and bath houses, and provided some of the only community spaces where queer  
14 people, could gather and meet.

15 (b) In 1984, at the height of the AIDS epidemic, the City filed a lawsuit against the  
16 operators of several such businesses, citing the businesses as a public health nuisance. The  
17 court concluded that these businesses presented a public health risk, and issued an order  
18 allowing the businesses to remain open on the condition that they employ monitors to prevent  
19 unsafe sex from occurring, and provide education to the patrons. To facilitate the monitoring  
20 of the venues, the court further ordered that the doors to individual video cubicles, booths, or  
21 rooms be modified by removing the bottom 24-39 inches of such doors. Although the  
22 bathhouses could have legally remained open under the rules established by the court, most  
23 of them closed. In 1989, the City dismissed the lawsuit against the majority of defendants, and  
24 the court order requiring the use of monitors and modified doors was vacated as to those  
25 defendants.

1 (c) In 1997, the Department of Public Health adopted minimum standards governing  
2 the operation of commercial sex clubs and parties. These minimum standards were intended  
3 to make commercial sex clubs and parties safe, and were developed in consultation with the  
4 Coalition for Healthy Sex. The minimum standards that were developed in 1997, much like the  
5 court order that preceded them, required that all areas of commercial sex clubs and parties be  
6 monitored on a regular basis by staff, and prohibited commercial sex clubs and parties from  
7 having booths, cubicles, or rooms to which patrons have access that may be locked.

8 (d) Advances in biomedical prevention strategies have provided tools to reduce the  
9 likelihood of HIV transmission and acquisition and reduce the adverse health impacts of HIV.  
10 These tools include the availability of PrEP (preexposure prophylaxis) to prevent HIV  
11 infection, rapid access to antiretroviral therapy for people newly diagnosed with HIV, and  
12 successful efforts to increase viral suppression among people living with HIV in San Francisco  
13 through strategies and programs that increase retention in care and treatment. According to  
14 the Department of Public Health, in 2018 the number of new AIDS diagnoses in San  
15 Francisco dropped to 197, marking a 58% decrease as compared to the number of new AIDS  
16 diagnoses in 2011.

17 (e) There is virtually no evidence showing that the monitoring of patrons at  
18 commercial venues that allow people to engage in sexual activity results in safer sex. Indeed,  
19 some researchers have concluded that monitoring has little or no effect on high-risk  
20 behaviors.

21 (f) A number of businesses in the City cater to consenting adults who wish to meet  
22 and engage in sexual activities on the premises of the business, or to watch other patrons  
23 doing so, under circumstances that do not involve the violation of any law regulating sexual  
24 conduct. These businesses—adult sex venues—can be an important place for preventing the  
25 transmission of communicable diseases by educating patrons about ways to prevent the

1 transmission of disease, and by establishing community norms that promote safe sex. When  
2 properly operated, adult sex venues assist, rather than impede, the City's efforts to control the  
3 transmission of HIV, as well as other sexually transmitted diseases.

4 (g) On July 31, 2020, the Mayor signed Ordinance No. 127-20, which amended the  
5 Health Code to require the Director of Health to adopt minimum health and safety standards  
6 governing the operation of commercial adult sex venues. Ordinance No. 127-20 also prohibits  
7 the Director from adopting standards that require monitoring of patrons' sexual activities, that  
8 regulate doors, or that mandate unlocked doors in areas where sexual activity may occur.

9 (h) Ordinance No. 127-20 established a definition in Article 47 of the Health Code of  
10 an "Adult Sex Venue" to mean "any Commercial Establishment that is operated in a manner  
11 that encourages patrons to engage in, or to watch other patrons engaging in, Sexual Activities  
12 on the premises, or that as a regular part of its operations permits patrons to engage in  
13 Sexual Activities on the premises or to watch other patrons doing so."

14 (i) On January 26, 2021, the Director of Health published Minimum Standards for  
15 Operation of Sex Clubs, Commercial Sex Venues and Parties in accordance with Ordinance  
16 No. 127-20. These Minimum Standards currently regulate the operations of Adult Sex  
17 Venues.

18 (j) Operation of Massage Businesses or Public Bath Houses are separately  
19 regulated under Health Code Article 29 and Police Code Article 26, respectively. None of the  
20 provisions of Health Code Articles 29 and 47 or Police Code Article 26 precludes such uses  
21 from being operated in tandem with an Adult Sex Venue use.

22 (k) In December 2020, the Zoning Administrator determined that businesses  
23 operating as an Adult Sex Venue pursuant to Health Code Article 47 are considered a type of  
24 Adult Business use for the purposes of the Planning Code. Adult Business is a type of Retail  
25 Sales and Service use that includes an "adult bookstore," "adult video store," "adult theater,"

1 or “encounter studio” and is generally not permitted or conditionally permitted throughout the  
2 City, and is principally permitted in only certain areas. Adult Business uses are generally not  
3 permitted or only conditionally permitted in areas of the City with a strong historical and  
4 contemporary association with the LGBTQ community, including the Castro, Upper Market,  
5 Tenderloin, and SOMA neighborhoods.

6 (l) To support the establishment of Adult Sex Venues in areas of the City strongly  
7 associated with the LGBTQ community, this ordinance amends the Planning Code to  
8 establish zoning controls for Adult Sex Venues that allow this use as principally permitted in  
9 select areas, particularly those overlapping with established LGBTQ cultural districts including  
10 the Castro LGBTQ Cultural District in the Castro and Upper Market neighborhoods, the  
11 Leather and LGBTQ Cultural District in SOMA, and the Transgender District in the Tenderloin.

12  
13 Section 3. The Planning Code is hereby amended by revising Sections 102, 202.2,  
14 and 303, and revising the Zoning Control Tables in Sections 209.3, 210.3, 710-745, 750-764,  
15 810-812, 814, 827, 829, and 840-848, to read as follows:

16  
17 **SEC. 102. DEFINITIONS.**

18 \* \* \* \*

19 **Adult Business.** A Retail Sales and Service Use that includes the following: adult  
20 bookstore or adult video store, as defined by Section 791 of the Police Code; adult theater, as  
21 defined by Section 791 of the Police Code; and encounter studio, as defined by Section  
22 1072.1 of the Police Code. Such use shall be located no less than 1,000 feet from another  
23 Adult Business use.

24 **Adult Sex Venue** *A Retail Sales and Service Use that operates pursuant to Health Code Article*  
25 *47.*

1 \* \* \* \*

2 **Hours of Operation.** A commercial Use Characteristic limiting the permitted hours  
3 during which any commercial establishment, not including automated teller machines, may be  
4 open for business. Other restrictions on the hours of operation of Movie Theaters, Adult  
5 Businesses, Adult Sex Venues, Nighttime Entertainment, General Entertainment, and Other  
6 Entertainment Uses, as defined in Sections 102 and 890, shall apply pursuant to provisions in  
7 Section 303(p), when such uses are permitted as Conditional Uses. A Pharmacy may qualify  
8 for the exception to operate on a 24-hour basis provided in Section 202.2(a)(2) of the Code.  
9 The hours of operation of a principally permitted Adult Sex Venue are subject to the provisions in  
10 Section 202.2(a)(8).

11  
12 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

13 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below  
14 shall be subject to the corresponding conditions:

15 \* \* \* \*

16 (8) Adult Sex Venue. Notwithstanding anything to the contrary in this Code, a  
17 principally permitted Adult Sex Venue may operate on a 24-hour basis as a permitted use provided that  
18 the following conditions are met during any period between midnight and 6:00 a.m. in which the venue  
19 is open for business:

20 (A) The venue shall provide adequate lighting and security for the safety of  
21 customers, residents, and the adjoining property. Such lighting and security may not negatively impact  
22 adjacent properties; and

23 (B) The venue shall be adequately soundproofed or insulated for noise and  
24 operated so that incidental noise shall not be audible beyond the premises or in other sections of the  
25

1 building and fixed-source equipment noise shall not exceed the decibel levels specified in the San  
 2 Francisco Noise Control Ordinance, Police Code Article 29.

3 \* \* \* \*

4  
 5 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

6 \* \* \* \*

7 **Table 209.3**

8 **ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

9

Zoning Category	§ References	RC-3	RC-4
* * * * Sales and Service Category			
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(4)	P(4)
Adult Business	§ 102	NP	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP(12)</u>
* * * *			

18 \* \* \* \*

19 (12) P on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk  
 20 Street and Eddy Street.

21  
 22 **SEC. 210.3. PDR DISTRICTS.**

23 \* \* \* \*

24 **Table 210.3**

25 **ZONING CONTROL TABLE FOR PDR DISTRICTS**



\* \* \* \*

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
<b>Sales and Service Category</b>					
<b>Retail Sales and Service Uses*</b>	§§ 102, 202(a)	P(1)	P(10)	P(9)	P(1)
Adult Business	§ 102	NP	P	P	P
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>C</u>	<u>C</u>	<u>C</u>
Animal Hospital	§ 102	P	P	P	P
* * * *					

\* \* \* \*

**SEC. 303. CONDITIONAL USES.**

\* \* \* \*

**(p) Adult Business, Adult Sex Venue, Nighttime Entertainment, General Entertainment, and Other Entertainment Uses.**

(1) With respect to Conditional Use authorization applications for Adult Business, Adult Sex Venue, Nighttime Entertainment, General Entertainment and Other Entertainment uses, such use or feature shall:

(A) If the use is an Adult Business, it shall not be located within 1,000 feet of another such use; and/or

(B) Not be open between two a.m. and six a.m.; and

(C) Not use electronic amplification between midnight and six a.m.; and

(D) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the

1 building and fixed-source equipment noise shall not exceed the decibel levels specified in the  
 2 San Francisco Noise Control Ordinance, Police Code Article 29.

3 (2) Notwithstanding the above, the Planning Commission may authorize a Conditional  
 4 Use which does not satisfy the criteria set forth in subsections (p)(1)(B) and/or (p)(1)(C) above,  
 5 if facts presented are such to establish that the use will be operated in such a way as to  
 6 minimize disruption to residences in and around the district with respect to noise and crowd  
 7 control.

8 (3) If the proposed use is located in a Cultural District established under Administrative Code  
 9 Section 107, the Planning Commission shall consider the purpose and goals established in Section  
 10 107.2 as well as any recommendations set forth in the Cultural, History, Housing, and Economic  
 11 Stability Strategy report for the district if one has been adopted pursuant to Section 107.4.

12 (34) The action of the Planning Commission approving a Conditional Use does not  
 13 take effect until the appeal period is over or while the approval is under appeal.

14  
 15 **SEC. 710. NC-1 NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

16 \* \* \* \*

17 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING**  
 18 **CONTROL TABLE**

* * * *		
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
* * * *		
<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>	<b>§ References</b>	<b>Controls by Story</b>

****		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P(3)	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	P
* * * *				

**SEC. 711. NC-2 SMALL SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**

**ZONING CONTROL TABLE**

\* \* \* \*

****	<b>§ References</b>	<b>Controls by Story</b>		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a),			
3		202.3			
4	Adult Business	§ 102	NP	NP	NP
5	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
6	Animal Hospital	§102	P	P	NP
7	* * * *				
8					

9 \* \* \* \*

10  
11 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

12 \* \* \* \*

13 **Table 712. MODERATE –SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**

14 **ZONING CONTROL TABLE**

15	* * * *	§ References	Controls by Story		
16	<b>NON-RESIDENTIAL</b>				
17	<b>STANDARDS</b>				
18	* * * *		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
19	<b>Sales and Service Use Category</b>				
20	Retail Sales and Service	§§ 102, 202.2(a),	P	P	P
21	<b>Uses*</b>	202.3			
22	Adult Business	§ 102	C	C	NP
23	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
24	Animal Hospital	§102	P	P	NP
25					

* * * *				
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\* \* \* \*

**SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

\* \* \* \*

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

Non-Residential Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL  
TABLE**

1	* * * *	§ References	Controls		
2	Zoning Category				
3	<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
4		References	Controls by Story		
5			1st	2nd	3rd+
6					
7	<b>Sales and Service Use Category</b>				
8	<b>Retail Sales and Service</b>	§ 102,	P	P	NP
9	<b>Uses*</b>	202.2(a), 202.3			
10	Adult Business	§ 102	C	C	NP
11	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
12	Animal Hospital	§102	P	P	NP
13					
14	* * * *				

15 \* \* \* \*

16

17 **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

22	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	References	Controls by Story		
23	* * * *				
24			1st	2nd	3rd+
25					

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	C	NP	NP
<u>Adult Sex Venue</u>	<u>§§ 102;</u> <u>202.2(a)(8)</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *	<b>References</b>	<b>Controls by Story</b>		
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**



\* \* \* \*

**Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

Non-Residential Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	P
* * * *				

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

Non-Residential Standards and Uses	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§ 102, 202.2(a)	P	C	NP

1	Adult Business	§ 102	NP	NP	NP
2	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	Animal Hospital	§102	P	P	NP
4	* * * *				

6  
7 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 \* \* \* \*

9 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**  
10 **DISTRICT ZONING CONTROL TABLE**

11 Zoning Category	12 § References	13 Controls		
14 <b>NON-RESIDENTIAL STANDARDS AND USES</b>				
15 NON-RESIDENTIAL STANDARDS AND USES	16 References	17 Controls by Story		
		18 1st	19 2nd	20 3rd+
21 <b>Sales and Service Use Category</b>				
22 <b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	P
23 Adult Business	§ 102	C	C	NP
24 <i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
25 Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*

1 **SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **TABLE 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	C
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

15  
16 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 \* \* \* \*

18 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

19 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP

1	Adult Business	§ 102	NP	NP	NP
2	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	Animal Hospital	§102	P	P	NP
4	* * * *				

6  
7 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 \* \* \* \*

9 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

10 **CONTROL TABLE**

11	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
12			1st	2nd	3rd+
13	<b>Sales and Service Use Category</b>				
14	<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	P	NP
15					
16	Adult Business	§ 102	NP	NP	NP
17					
18	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
19	Animal Hospital	§102	P	P	NP
20	* * * *				

22 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

23 \* \* \* \*

24 **Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

25 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP

* * * *				
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**SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

**SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

**CONTROL TABLE**

NON-RESIDENTIAL STANDARDS	References	Controls by Story		
		1st	2nd	3rd+

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102.2 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 729. WEST PORTAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				



<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a)	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.5	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2  
3 \* \* \* \*

4 **Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

5 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	P
* * * *				

16  
17 **SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

20 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP

Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§§ 102, 202.2(a)	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses</b>	§ 102	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL**

4 **TABLE**

NON-RESIDENTIAL STANDARDS <i>AND USES</i>	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.3, 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.3(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1 **SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS <i>AND USES</i>	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.3			
3	Adult Business	§ 102	NP	NP	NP
4	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

9 **SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

10 \* \* \* \*

11 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

12 **CONTROL TABLE**

13	<b>NON-RESIDENTIAL STANDARDS <u>AND USES</u></b>	<b>References</b>	<b>Controls by Story</b>		
14			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
15	<b>Sales and Service Use Category</b>				
16					
17	<b>Retail Sales and Service</b>	§§ 102,	P	NP	NP
18	<b>Uses*</b>	202.2(a), 202.3			
19	Adult Business	§ 102	NP	NP	NP
20	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
21	Animal Hospital	§102	C	C	NP
22	* * * *				
23					



1 **SEC. 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

4 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

16  
17 **SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

20 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	P
2	<b>Uses*</b>	202.32(a), 202.3			
3	Adult Business	§ 102	C	C	NP
4	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

9 **SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

10 \* \* \* \*

11 **Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

12 **ZONING CONTROL TABLE**

13	<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
14			<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
15	<b>Sales and Service Use Category</b>				
16					
17	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
18	<b>Uses*</b>	202.2(a), 202.3			
19	Adult Business	§ 102	NP	NP	NP
20	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
21	Animal Hospital	§102	P	P	NP
22	* * * *				
23					

1 **SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

2 \* \* \* \*

3 **Table 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT**

4 **NCT-1 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P(4)	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

16  
17 **SEC. 751. NCT-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**  
18 **DISTRICT.**

19 \* \* \* \*

20 **Table 751. NCT-2 – SMALL SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

21 **NCT-2 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C(8)</u>	<u>C(8)</u>	<u>NP(8)</u>
Animal Hospital	§102	P	P	NP
* * * *				

\* \* \* \*



		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	C	C	NP
* * * *				

**SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1  
2 **SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

3 \* \* \* \*

4 **Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

5 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

17  
18 **SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

19 \* \* \* \*

20 **Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

21 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	P	NP
2	<b>Uses*</b>	202.2(a), 202.3			
3	Adult Business	§ 102	NP	NP	NP
4	<i>Adult Sex Venue</i>	<u>§§ 102;</u>	<u>P</u>	<u>P</u>	<u>P</u>
5		<u>202.2(a)(8)</u>			
6	Animal Hospital	§§ 102,	P(4)	P	NP
7		823(c)(9)(B)			
8					
9	* * * *				

11 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

12 \* \* \* \*

13 **Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

14	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
15			1st	2nd	3rd+
16	<b>Sales and Service Use Category</b>				
17					
18	<b>Retail Sales and Service</b>	§§ 102, 202.2(a),	P	P	NP
19	<b>Uses*</b>	202.3			
20	Adult Business	§ 102	NP	NP	NP
21	<i>Adult Sex Venue</i>	<u>§§ 102;</u>	<u>P</u>	<u>P</u>	<u>P</u>
22		<u>202.2(a)(8)</u>			
23	Animal Hospital	§§ 102,	P(8)	P	NP
24		823(c)(9)(B)			
25					



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**SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
Adult Business	§ 102	C	C	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

**SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

1  
2 **SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

3 \* \* \* \*

4 **Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

5 **ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	C	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

17  
18 **SEC. 763. 24TH STREET-MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
19 **DISTRICT.**

20 \* \* \* \*

21 **Table 763. 24TH STREET – MISSION STREET NEIGHBORHOOD COMMERCIAL**

22 **TRANSIT DISTRICT ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+

<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	NP	NP
Adult Business	§ 102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	C	NP	NP
* * * *				

**SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \* **Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>		
<b>NON-RESIDENTIAL STANDARDS</b>				
<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>§ References</b>	<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Use*</b>	§102; 202.2(a), 202.3	P	P	NP
Adult Business	§102	NP	NP	NP
<i>Adult Sex Venue</i>	<u>§102</u>	<u>P</u>	<u>P</u>	<u>P</u>
Animal Hospital	§102	P	P	NP

* * * *				
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\* \* \* \*

**SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

\* \* \* \*

**TABLE 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ Reference s	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	P
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Bar	§ 102	C	C	C
* * * *				

**SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

\* \* \* \*

**TABLE 811**

**CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§102	NP	NP	NP
<i>Adult Sex Venue</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Animal Hospital	§ 102	NP	NP	NP
* * * *				

**SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**TABLE 812  
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING  
CONTROL TABLE**

Zoning Category	§ Reference s	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service</b>	§§ 102,	P	NP	NP
2	<b>Uses*</b>	202.2(a),			
3		202.3			
4	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Adult Business	§ 102	NP	NP	NP
6	* * * *				

7

8 **SEC. 814. SPD – SOUTH PARK DISTRICT.**

9 \* \* \* \*

10 **TABLE 814**

11 **SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	South Park District Controls
<b>Retail Sale and Service</b>			
* * * *			
814.34	Cannabis Retail	§§202.2(a),890.125	C up to 5,000 sf per lot
<u>814.35</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			

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21 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).**

22 \* \* \* \*

23 **TABLE 827**

24 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING**

25 **CONTROL TABLE**

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No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
<b>Non-Residential Standards and Uses</b>			
* * * *			
.45b	Child Care Facility	§102	P
<u>.45c</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			

**SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).**

\* \* \* \*

**TABLE 829  
SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING  
CONTROL TABLE**

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
<b>Non-Residential Standards and Uses</b>			
* * * *			
.45a	Child Care Facility	§102	P
<u>.45b</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>NP</u>
* * * *			



1 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

2 \* \* \* \*

3 **Table 840**

4 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use General District Controls
<b>Retail Sales and Services</b>			
* * * *			
840.52	Cannabis Retail	§§202.2(a),890.125	C. Subject to size controls in Section 840.45
<u>840.53</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P. Subject to size controls in Section 840.45. NP outside of the Central SoMA SUD and the East SoMA Plan Area .</u>

15 **SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

16 \* \* \* \*

17 **Table 841**

18 **MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed-Use Residential District Controls
<b>Retail Sales and Services</b>			
* * * *			
841.52	Cannabis Retail	§§ 102, 202.2(a), 890.125	C in the Central SoMa SUD P elsewhere

1	<u>841.53</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C. NP outside of the Central SoMA SUD</u>
2				<u>and the East SoMa Plan Area.</u>

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4  
5 **SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.**

6 \* \* \* \*

7 **Table 842**

8 **MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

9 No.	Zoning Category	§ References	Mixed-Use Office District Controls
10 <b>Retail Sales and Services</b>			
11 * * * *			
12 842.49	Tourist Hotel	§890.46	C if less than 75 rooms; C with no room limit in height districts that are 105 feet and above
15 <u>842.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>

16  
17 **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

18 \* \* \* \*

19 **Table 844**

20 **WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

21 No.	Zoning Category	§ References	WSoMA Mixed-Use General District Controls
23 <b>Retail Sales and Services</b>			
24 * * * *			

1	<u>840.52</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P up to 25,000 gross sq. ft. per lot; above</u>
2				<u>25,000 gross sq. ft. permitted only if the</u>
3				<u>ratio of other permitted uses to retail is at</u>
4				<u>least 3:1.</u>

5

6 **SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

7 \* \* \* \*

8 **Table 845**

9 **WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

10 No.	Zoning Category	§ References	WSoMA Mixed-Use Office District
11 Controls			
12 <b>Retail Sales and Services</b>			
13 * * * *			
14 845.49	Tourist Hotel	§ 890.46	P up to 75 rooms
15 <u>845.50</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P</u>

16

17 **SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

18 \* \* \* \*

19 **Table 846**

20 **SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

21 No.	Zoning Category	§ References	SALI District Controls
22 <b>Retail Sales and Services</b>			
23 * * * *			
24 <u>846.53</u>	<u>Adult Sex Venue</u>	<u>§§ 102</u>	<u>P up to 10,000 gsf per lot; C up to 25,000</u>
25			<u>gsf; NP above.</u>

1  
2 **SEC. 847. RED-MX – RESIDENTIAL ENCLAVE -MIXED GENERAL DISTRICT.**

3 \* \* \* \*

4 **Table 847**

5 **RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
<b>Retail Sales and Services</b>			
* * * *			
847.36	Personal Service	§890.116	P up to 1,250 gsf per lot; C above; NP above 1 FAR
<u>847.36a</u>	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>P up to 1,250 gsf per lot;</u> <u>C above;</u> <u>NP above 1 FAR</u>

14  
15 **SEC. 848. CMUO – CENTRAL SOMA MIXED-USE OFFICE DISTRICT.**

16 \* \* \* \*

17 **Table 848**

18 **CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL**  
19 **TABLE**

Zoning Category	§ References	Central SoMa Mixed Use Office District Controls
<b>Sales and Service Use Category</b>		
Retail Sales and Service Uses*	§ 102	P(1)
Adult Business	§ 102	NP
<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>

1	Animal Hospital	§ 102	P
2	* * * *		

3

4           Section 4. Effective Date. This ordinance shall become effective 30 days after

5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

7 of Supervisors overrides the Mayor’s veto of the ordinance.

8

9           Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

13 additions, and Board amendment deletions in accordance with the “Note” that appears under

14 the official title of the ordinance.

15

16 APPROVED AS TO FORM:  
 17 DAVID CHIU, City Attorney

18 By: /s/ Audrey Pearson  
 19       AUDREY WILLIAMS PEARSON  
 Deputy City Attorney

20 n:\legana\as2022\2100492\01584722.docx

**From:** [David Nale](#)  
**To:** [Major, Erica \(BOS\)](#)  
**Subject:** Comment on Item for Monday, April 18, 2022 Land Use and Transportation Committee Meeting  
**Date:** Sunday, April 17, 2022 10:31:24 PM  
**Attachments:** [HistoricTurkStreet.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am writing to request your support of BOS File #220264 Adult SexvVenues. This Planning Code Amendment will allow Eros, an LGBT safevsex venue to open at my property 132 Turk Street.

I came to San Francisco in 1999 to escape homophobia and lead an unfettered life as an open gay man in our great city. The Tenderloin, especially our 100 block of Turk, has historically had a strong LGBT presence. Most importantly, 100 Turk Street was the site of the 1966 Comptons Cafeteria riot where the transgender community fought back against an oppressive police force and helped start the modern gay rights movement. A few doors down, the Blue and Gold Cocktail Lounge at 136 Turk Street served the LGBT community between 1947 and 1993. Aunt Charlies Lounge at 133 Turk Street opened in 1987 and is the only LGBT business still operating on the block.

If this amendment is approved, Eros will open their business in the same location where a gay bathhouse operated from the 1930's to the 1980's. 132 Turk Street was constructed in 1923 with a warehouse over a grocery store. In the 1930s the warehouse became The Club Turkish Baths, one of the first gay bathhouses in the city. In the late 70s it became the Bulldog Baths but was closed in the 1980s during the AIDS crisis.

Please support the LGBT community by supporting Planning Code Amendment File No. 220264.

Thank you,  
David Nale, Owner 130-132 Turk Street  
415-265-3496



100 Turk Street Then and Now



**GENE COMPTON'S CAFETERIA RIOT 1966**

HERE MARKS THE SITE OF GENE COMPTON'S CAFETERIA WHERE A RIOT TOOK PLACE ONE AUGUST NIGHT WHEN TRANSGENDER WOMEN AND GAY MEN STOOD UP FOR THEIR RIGHTS AND FOUGHT AGAINST POLICE BRUTALITY, POVERTY, OPPRESSION AND DISCRIMINATION IN THE TENDERLOIN.

WE, THE TRANSGENDER, GAY, LESBIAN AND BISEXUAL COMMUNITY, ARE DEDICATING THIS PLAQUE TO THESE HEROES OF OUR CIVIL RIGHTS MOVEMENT.

DEDICATED JUNE 22, 2006

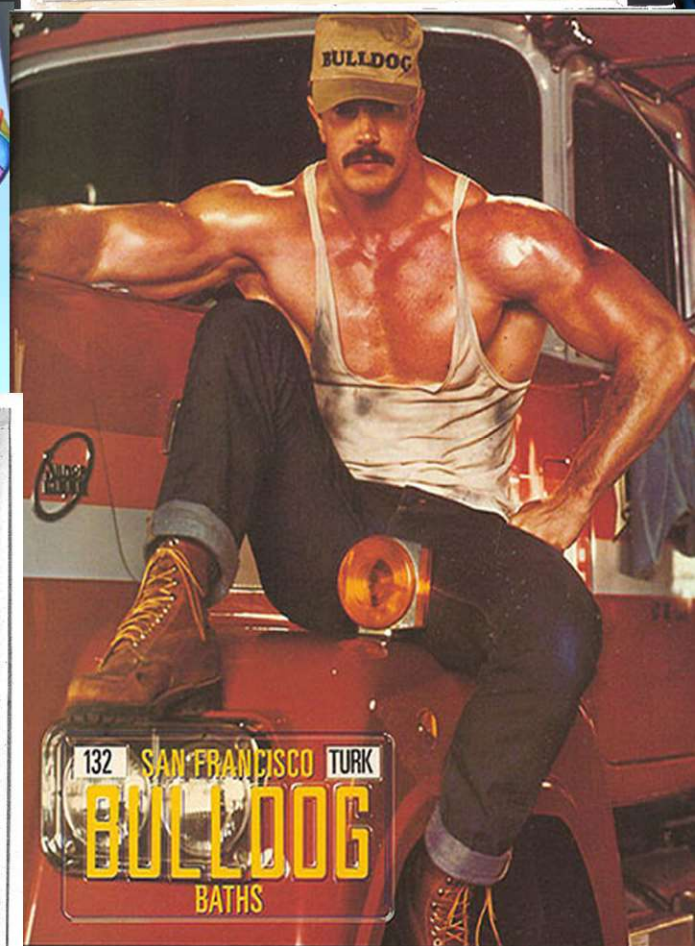


**130 TURK STREET**  
c. 1923  
FORMERLY HOUSED THE BULLDOG BATHS

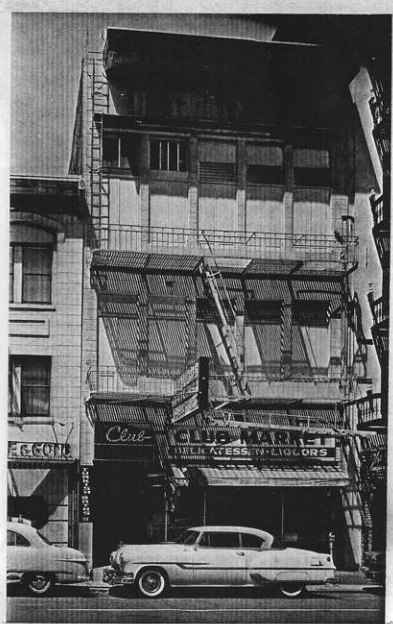
THIS BUILDING IS LISTED IN THE  
NATIONAL REGISTER OF  
HISTORIC PLACES

UPTOWN TENDERLOIN HISTORIC DISTRICT

**BLUE & GOLD**  
Cocktail Lounge  
136 TURK ST.  
SAN FRANCISCO



*The Club*  
**TURKISH BATHS**  
EXCLUSIVELY FOR MEN  
All Private Rooms  
LOUNGE AND SNACK BAR  
*Open Day & Night*



The Largest Bath in the **USA**  
132 Turk St., San Francisco, CA 94102 (415)775-5511  
FOR THE BULLDOG BATHS POSTER (HEAVY STOCK, 24" X 35"). SEND \$8.00 TO: P.O. BOX 27397 SAN FRANCISCO, CA 94127



**From:** [Gabby Burgos-Colon](#)  
**To:** [Major, Erica \(BOS\)](#)  
**Subject:** PUBLIC COMMENT: In- Support of Adult Sex Venues Planning Code  
**Date:** Monday, April 18, 2022 1:14:26 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, Members of the Committee,

I want to thank all of you for taking the time to consider the ordinance regarding Adult Sex Venues. I'm here to express my support for it and all the recommendations that have been set forth, especially the expansion of zoning to include the boundaries of the Transgender Cultural District. These businesses were considered one of the only safe gathering spaces for LGBTQ+ individuals. I believe it's time to end the stigma that was created against them during the HIV pandemic. I see its approval as an opportunity to revitalize the community by embracing and celebrating our history while providing a space where safe sex practices and education can create a more informed community. I know that the planning and small business commissions have recommended the ordinance for approval so I ask and hope for you all to follow suit and support it. I appreciate you all and have a wonderful week!

Best,

**Gabby Burgos-Colon** | [they/them/theirs]  
Program Associate

**[The Transgender District](#)**

1067 Market Street Suite 2001  
San Francisco CA, 94103

**p:** (787) 479-8047

**e:** [gabby@transgenderdistrictsf.com](mailto:gabby@transgenderdistrictsf.com)





**From:** [David Nale](#)  
**To:** [Somera, Alisa \(BOS\)](#); [Jalipa, Brent \(BOS\)](#)  
**Subject:** Fwd: Comment on Item for Monday, April 18, 2022 Land Use and Transportation Committee Meeting  
**Date:** Monday, April 18, 2022 7:53:53 AM  
**Attachments:** [HistoricTurkStreet.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, Alisa and Brent

I received a message from Erica that she is out of town and I should forward the attached message to you.

Could you please accept this comment for today's meeting?

Thank you,  
David Nale  
4152653496

----- Forwarded message -----

From: David Nale <dsnale@gmail.com>  
Date: Sun, Apr 17, 2022 at 10:30 PM  
Subject: Comment on Item for Monday, April 18, 2022 Land Use and Transportation Committee Meeting  
To: <Erica.Major@sfgov.org>

I am writing to request your support of BOS File #220264 Adult SexvVenues. This Planning Code Amendment will allow Eros, an LGBT safevsex venue to open at my property 132 Turk Street.

I came to San Francisco in 1999 to escape homophobia and lead an unfettered life as an open gay man in our great city. The Tenderloin, especially our 100 block of Turk, has historically had a strong LGBT presence. Most importantly, 100 Turk Street was the site of the 1966 Comptons Cafeteria riot where the transgender community fought back against an oppressive police force and helped start the modern gay rights movement. A few doors down, the Blue and Gold Cocktail Lounge at 136 Turk Street served the LGBT community between 1947 and 1993. Aunt Charlies Lounge at 133 Turk Street opened in 1987 and is the only LGBT business still operating on the block.

If this amendment is approved, Eros will open their business in the same location where a gay bathhouse operated from the 1930's to the 1980's. 132 Turk Street was constructed in 1923 with a warehouse over a grocery store. In the 1930s the warehouse became The Club Turkish Baths, one of the first gay bathhouses in the city. In the late 70s it became the Bulldog Baths but was closed in the 1980s during the AIDS crisis.

Please support the LGBT community by supporting Planning Code Amendment File No. 220264.

Thank you,  
David Nale, Owner 130-132 Turk Street  
415-265-3496



100 Turk Street Then and Now



**GENE COMPTON'S CAFETERIA RIOT 1966**

HERE MARKS THE SITE OF GENE COMPTON'S CAFETERIA WHERE A RIOT TOOK PLACE ONE AUGUST NIGHT WHEN TRANSGENDER WOMEN AND GAY MEN STOOD UP FOR THEIR RIGHTS AND FOUGHT AGAINST POLICE BRUTALITY, POVERTY, OPPRESSION AND DISCRIMINATION IN THE TENDERLOIN.

WE, THE TRANSGENDER, GAY, LESBIAN AND BISEXUAL COMMUNITY, ARE DEDICATING THIS PLAQUE TO THESE HEROES OF OUR CIVIL RIGHTS MOVEMENT.

DEDICATED JUNE 22, 2006

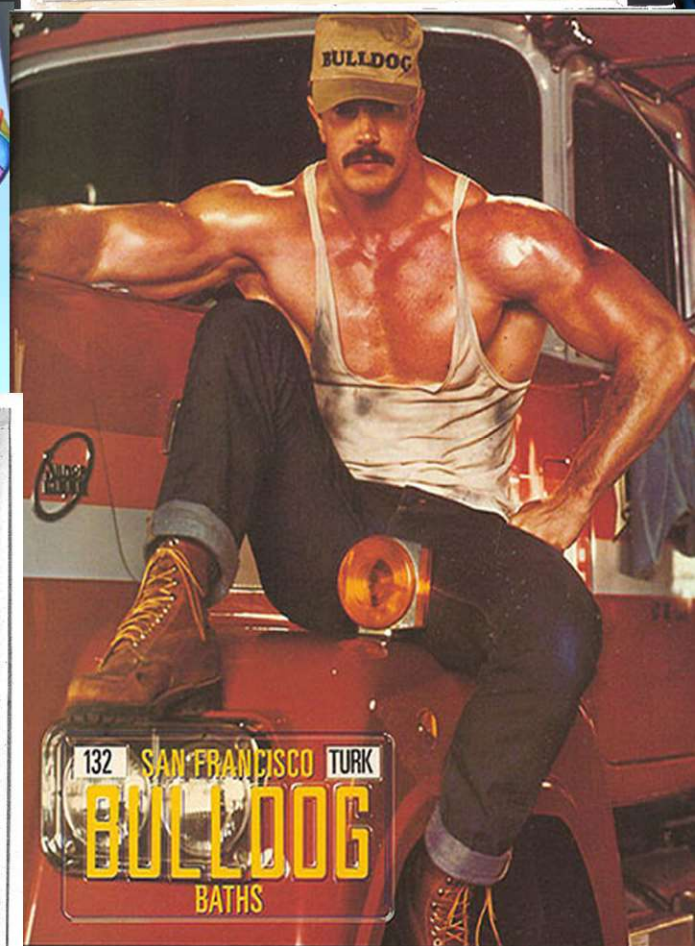


**130 TURK STREET**  
c. 1923  
FORMERLY HOUSED THE BULLDOG BATHS

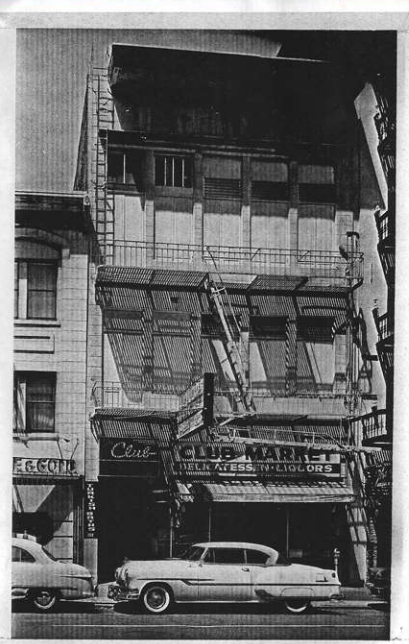
THIS BUILDING IS LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES

UPTOWN TENDERLOIN HISTORIC DISTRICT

**BLUE & GOLD**  
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FOR THE BULLDOG BATHS POSTER (HEAVY STOCK, 24" X 35"). SEND \$8.00 TO: P.O. BOX 27397 SAN FRANCISCO, CA 94127



BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

March 18, 2022

**File No. 220264**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Ms. Gibson:

On March 15, 2022, Supervisor Mandelman submitted the following legislation:

**File No. 220262**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

March 18, 2022

Planning Commission  
Attn: Jonas Ionin  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Commissioners:

On March 15, 2022, Supervisor Mandelman submitted the following legislation:

**File No. 220264**

**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.**

The proposed ordinance is being transmitted for review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

- c: Rich Hillis, Director  
Tina Tam, Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Chief of Staff  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: March 22, 2022

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Mandelman on March 15, 2022:

**File No. 220264**

**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.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

cc: Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health  
Ana Validzic, Department of Public Health

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448
FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee
DATE: March 22, 2022
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 220264

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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

\_\_\_ No Comment
\_\_\_ Recommendation Attached

Chairperson, Small Business Commission

cc: Kerry Birnbach

President, District 10  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-6516  
Fax No. 554-7674  
TDD/TTY No. 544-6546

**Shamann Walton**

---

---

**PRESIDENTIAL ACTION**

Date: 4/18/2022

To: Angela Calvillo, Clerk of the Board of Supervisors

---

---

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. [redacted]

[redacted]  
(Primary Sponsor)

Title. [redacted]

Transferring (Board Rule No 3.3)

File No. [redacted]

[redacted]  
(Primary Sponsor)

Title. [redacted]

From: [redacted]

Committee

To: [redacted]

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: Rafael Mandelman

Replacing Supervisor: Myrna Melgar

For: 4/18/2022

(Date)

Public Safety & Neighborhood Services

(Committee)

Meeting

Start Time: [redacted]

End Time: [redacted]

Temporary Assignment:  Partial  Full Meeting

  
Shamann Walton, President  
Board of Supervisors



Member, Board of Supervisors  
District 7



City and County of San Francisco

**MYRNA MELGAR**

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DATE: April 20, 2022

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee *mm*

RE: Land Use and Transportation Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of urgent nature and request it to be considered by the full Board on Tuesday, April 26, 2022:

**File No. 220264**

**Planning Code - Adult Sex Venues**

Sponsors: Mandelman; Haney

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, April 25, 2022, at 1:30pm.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only