



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
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Reviewed by: Aaron Starr, Manager of Legislative Affairs
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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 use¹ 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

¹ 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 127-20² 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

² <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.

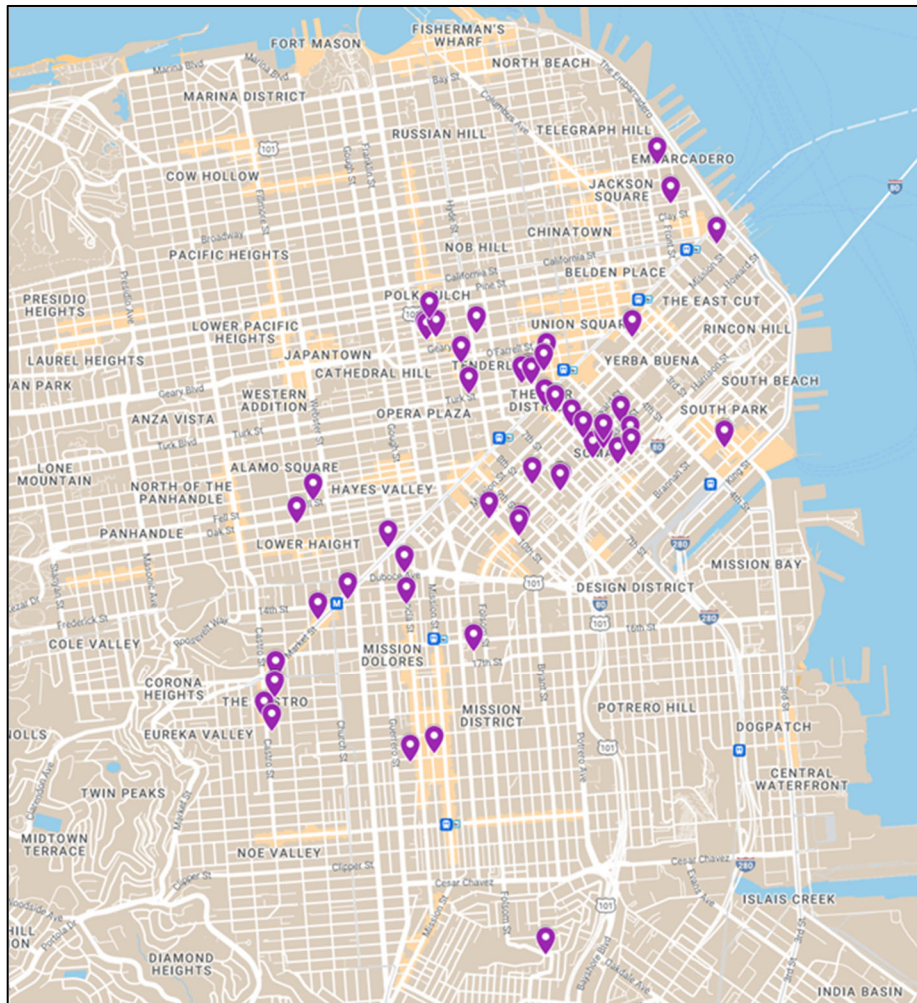
Article 8 Zoning District	ADULT ENTERTAINMENT	ASV
MUG	NP	P*** (size controls)
MUR	NP	C***
MUO	NP	C
WMUG	NP	P (size controls)
WMUO	NP	P
SALI	NP	P (size controls)
RED-MX	NP	P or C (size controls)
Chinatown CBD	P	NP

***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 1930³. Over the course of the 20th 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.

³ 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.

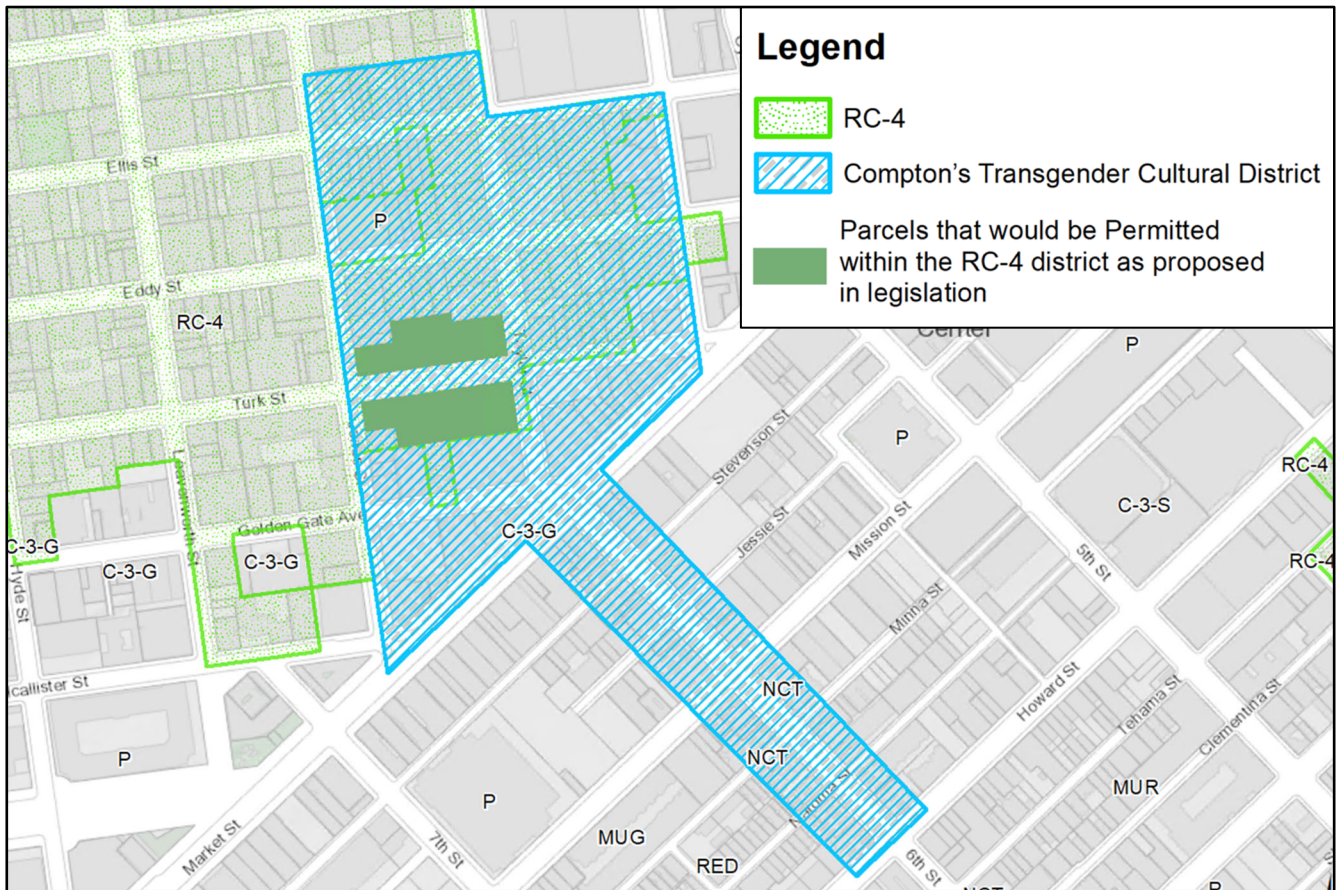
Racial and Social Equity Analysis

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.⁴

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.

⁴ <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
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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:

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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.

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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.

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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, not 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, not following current standards for All Retail Sales & Services
	Becoming less permissive

EXHIBIT C

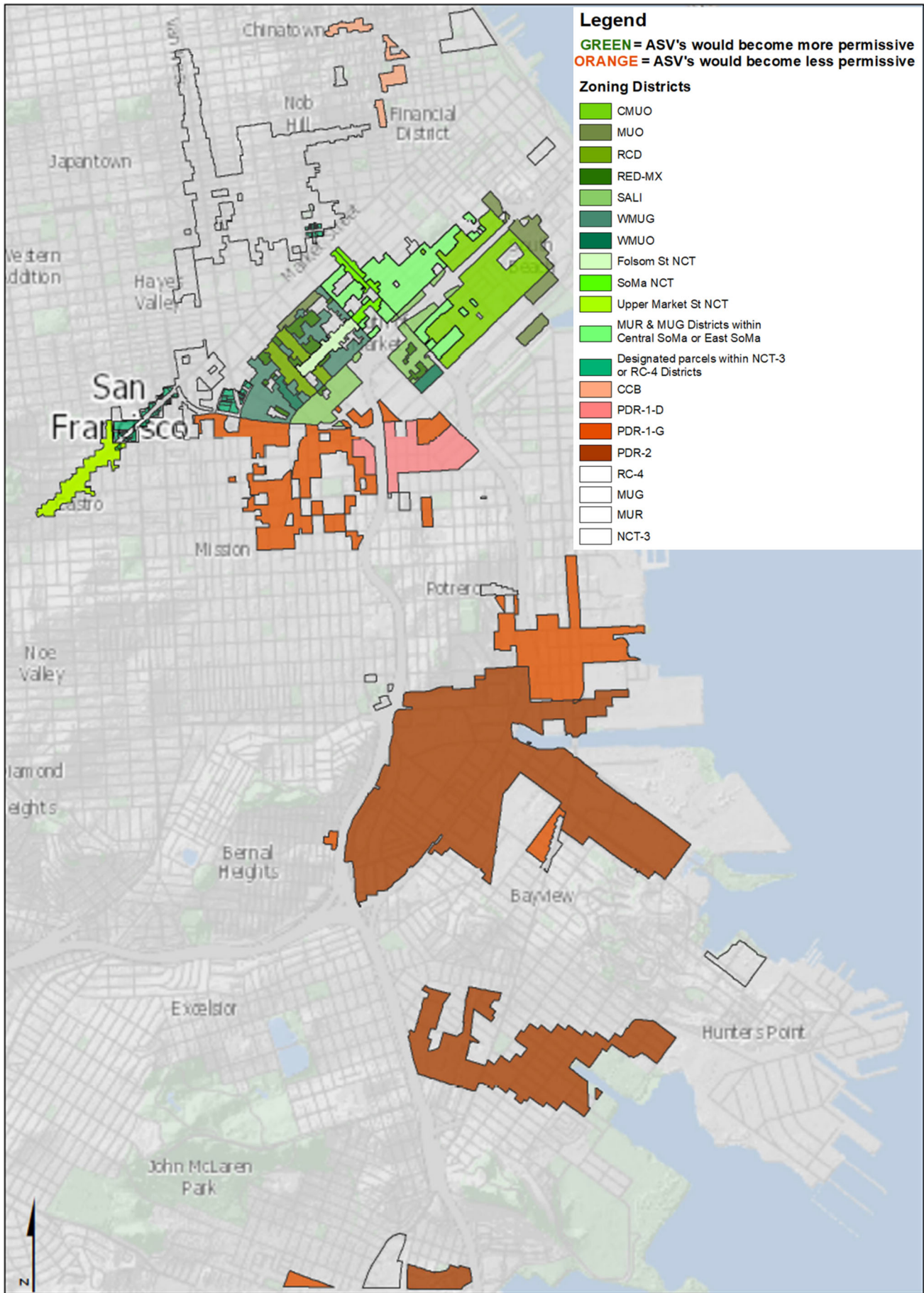


EXHIBIT D

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
Sales and Service Category					
Retail Sales and Service Uses*	§§ 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**

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

****		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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

* * * *

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

1	Retail Sales and Service	§§ 102,	P	P	NP
2	Uses*	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	NON-RESIDENTIAL				
17	STANDARDS				
18	* * * *		1st	2nd	3rd+
19	Sales and Service Use Category				
20	Retail Sales and Service	§§ 102, 202.2(a),	P	P	P
21	Uses*	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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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	NON-RESIDENTIAL STANDARDS AND USES				
4		References	Controls by Story		
5			1st	2nd	3rd+
6					
7	Sales and Service Use Category				
8	Retail Sales and Service	§ 102,	P	P	NP
9	Uses*	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	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
23	* * * *				
24			1st	2nd	3rd+
25					

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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

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

Retail Sales and Service Uses*	§§ 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**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 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 NON-RESIDENTIAL STANDARDS AND USES				
15 NON-RESIDENTIAL STANDARDS AND USES	16 References	17 Controls by Story		
		18 1st	19 2nd	20 3rd+
21 Sales and Service Use Category				
22 Retail Sales and Service Uses	§§ 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
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1 **SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

4 **CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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
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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+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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
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SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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
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SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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.

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Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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
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SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

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

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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
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SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

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

ZONING CONTROL TABLE

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

Retail Sales and Service Uses*	§§ 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
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SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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.**

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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+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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
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SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses	§§ 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
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SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

Retail Sales and Service Uses*	§§ 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
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SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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

1	Retail Sales and Service	§§ 102,	P	P	NP
2	Uses*	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	NON-RESIDENTIAL STANDARDS <u>AND USES</u>	References	Controls by Story		
14			1st	2nd	3rd+
15	Sales and Service Use Category				
16					
17	Retail Sales and Service	§§ 102,	P	NP	NP
18	Uses*	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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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+
Sales and Service Use Category				

1	Retail Sales and Service	§§ 102,	P	P	P
2	Uses*	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.**

10 * * * *

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

12 **ZONING CONTROL TABLE**

13	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
14			1st	2nd	3rd+
15	Sales and Service Use Category				
16	Retail Sales and Service	§§ 102,	P	P	NP
17	Uses*	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					
24					
25					

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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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+
Sales and Service Use Category				

Retail Sales and Service Uses*	§§ 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.

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

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

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		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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**

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

1	Retail Sales and Service	§§ 102,	P	P	NP
2	Uses*	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	Sales and Service Use Category				
17					
18	Retail Sales and Service	§§ 102, 202.2(a),	P	P	NP
19	Uses*	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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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+

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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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1
2 **SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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
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17
18 **SEC. 763. 24TH STREET-MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
19 **DISTRICT.**

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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+

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
NON-RESIDENTIAL STANDARDS AND USES	§ References	Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Use*	§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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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
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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+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 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+
Sales and Service Use Category				

1	Retail Sales and Service	§§ 102,	P	NP	NP
2	Uses*	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
Retail Sale and Service			
* * * *			
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
Non-Residential Standards and Uses			
* * * *			
.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
Non-Residential Standards and Uses			
* * * *			
.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.**

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3 **Table 840**

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

No.	Zoning Category	§ References	Mixed-Use General District Controls
Retail Sales and Services			
* * * *			
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.**

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17 **Table 841**

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

No.	Zoning Category	§ References	Mixed-Use Residential District Controls
Retail Sales and Services			
* * * *			
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.**

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7 **Table 842**

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

9 No.	Zoning Category	§ References	Mixed-Use Office District Controls
10 Retail Sales and Services			
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>

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

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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 Retail Sales and Services			
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>

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

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8 **Table 845**

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

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

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

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19 **Table 846**

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

No.	Zoning Category	§ References	SALI District Controls
Retail Sales and Services			
* * * *			
<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> <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
Retail Sales and Services			
* * * *			
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
Sales and Service Use Category		
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

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