

1 [Require that adult entertainment uses are no less than 1000 feet from schools, child care  
2 facilities and playgrounds.]

3 **Ordinance amending sections 221, 790.36 and 890.36 of the Planning Code to provide**  
4 **that, where permitted, adult entertainment uses must be no less than 1000 feet from**  
5 **public and private schools, child care facilities and Recreation and Parks department**  
6 **children’s playgrounds, and making findings of consistency with the priority policies of**  
7 **Planning Code Section 101.1 and the General Plan.**

8 Note: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strikethrough italics Times New Roman*.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
14 hereby finds and determines that:

15 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
16 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
17 Planning Commission Resolution No. \_\_\_\_\_ recommending approval of this Planning Code  
18 Amendment, and incorporates such reasons by this reference thereto. A copy of said  
19 resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

20 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this  
21 ordinance is in consistent with the Priority Policies of Section 101.1(b) of the Planning Code  
22 and, when effective, with the General Plan as proposed to be amended and hereby adopts  
23 the findings of the Planning Commission, as set forth in Planning Commission Resolution No.  
24 \_\_\_\_\_, and incorporates said findings by this reference thereto.

1 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
 2 221, to read as follows:

3 SECTION 221 ASSEMBLY AND ENTERTAINMENT

C-1	C-2	C-3- O	C-3- R	C-3- G	C-3- S	C-M	M-1	M-2	
P	P	P	P	P	P	P	P	P	(a) Clubhouse.
P	P	P	P	P	P	P	P	P	(b) Lodge building.
P	P	P	P	P	P	P	P	P	(c) Meeting hall.
	P	P	P	P	P	P	P	P	(d) Theater, except as specified under Subsection (k), below.
P	P	P	P	P	P	P	P	P	(e) Recreation building.
	P	P	P	P	P	P	P	P	(f) Amusement enterprise, including billiard hall, dance hall, nightclub, other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.

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P*	P*			P	P	P	P	P	(g) Private noncommercial recreational open use.
	P*					NA	NA	NA	(h) Amusement park, and related commercial amusement enterprises not conducted in completely enclosed buildings; provided, that the use lawfully existed at the effective date of this Code, or is so located that (1) the premises are not less than 200 feet from any R District, and (2) the aggregate area in the same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.
					C	P	P	P	(i) Commercial open-air sports stadium or arena, if conducted on premises not less than 200 feet from any R District.
					C	P	P	P	(j) Circus, carnival, or other amusement enterprise not conducted within a building, if conducted on premises not less than 200 feet from any R District.
P	P	P	P	P	P	P	P	P	(k) Adult entertainment enterprise, so specified in (i), (ii) and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000



1 Section 3. The San Francisco Planning Code is hereby amended by adding Section  
2 790.36, to read as follows:

3 **SEC. 790.36. ENTERTAINMENT, ADULT.**

4 A retail use which includes the following: adult bookstore, as defined by Section  
5 791 of the Police Code; adult theater, as defined by Section 791 of the Police Code; and  
6 encounter studio, as defined by Section 1072.1 of the Police Code. Such use shall be located  
7 no less than 1,000 feet from another adult entertainment use and no less than 1000 feet from the  
8 site of a public school, a private school required to file a private school affidavit pursuant to California  
9 Education Code Section 33190, a child care facility as defined by section 790.50(b), or a Recreation  
10 and Parks department children's playground.

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12 Section 4. The San Francisco Planning Code is hereby amended by adding Section  
13 890.36, to read as follows:

14 **SEC. 890.36. ENTERTAINMENT, ADULT.**

15 A retail use which includes the following: adult bookstore, as defined by Section  
16 791 of the Police Code; adult theater, as defined by Section 791 of the Police Code; and  
17 encounter studio, as defined by Section 1072.1 of the Police Code. Such use shall be located  
18 no less than 1,000 feet from another adult entertainment use and no less than 1000 feet from the  
19 site of a public school, a private school required to file a private school affidavit pursuant to California  
20 Education Code Section 33190, a child care facility as defined by section 890.50(b), or a Recreation  
21 and Park department children's playground.

1 Section 5. The Planning Department concluded environmental review of this ordinance  
2 pursuant to the California Environmental Quality Act. Documentation of that review is on file  
3 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

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5 APPROVED AS TO FORM:  
6 DENNIS J. HERRERA, City Attorney

7 By: \_\_\_\_\_  
8 Sarah Ellen Owsowitz  
9 Deputy City Attorney