

BOARD of SUPERVISORS



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MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448
FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee
DATE: March 22, 2022
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 220264

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

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

___ No Comment
___ Recommendation Attached

Chairperson, Small Business Commission

cc: Kerry Birnbach

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

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

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

13 * * * *

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

15 **ZONING CONTROL TABLE**

16 * * * *

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

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

9 * * * *

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

12 * * * *

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

14 **ZONING CONTROL TABLE**

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

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

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**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
* * * *				

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SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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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
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SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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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.

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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

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. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.

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

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
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	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
* * * *				

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

2 * * * *

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

4 **CONTROL TABLE**

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

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

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

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

8 * * * *

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

10 **CONTROL TABLE**

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

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

23 * * * *

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

25 **CONTROL TABLE**

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

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING

CONTROL TABLE

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

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
* * * *				

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
* * * *				

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
* * * *				

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
* * * *				

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.**

2
3 * * * *

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

5 **ZONING CONTROL TABLE**

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

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. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 * * * *

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

10 **ZONING CONTROL TABLE**

11	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
12			1st	2nd	3rd+
13	Sales and Service Use Category				
14	Retail Sales and Service	§§ 102,	P	P	NP
15	Uses*	202.2(a), 202.3			
16	Adult Business	§ 102	NP	NP	NP
17	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
18	Animal Hospital	§102	P	P	NP
19	* * * *				
20					
21					

22
23 **SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

24 * * * *

25 **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
* * * *				

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				

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					

8

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

10 * * * *

11 **Table 739. GEARY BOULEVARD 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	Retail Sales and Service	§§ 102,	P	P	P
17	Uses*	202.3(a), 202.3			
18	Adult Business	§ 102	C	C	NP
19	<u>Adult Sex Venue</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
20	Animal Hospital	§102	P	P	NP
21	* * * *				
22					
23					

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

2 * * * *

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

4 **CONTROL TABLE**

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	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

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

10 * * * *

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

12 **CONTROL TABLE**

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

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	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>NP</u>
5	Animal Hospital	§102	P	P	NP
6	* * * *				
7					

8

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

10 * * * *

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

12 **ZONING CONTROL TABLE**

13	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	<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
20	Animal Hospital	§102	P	P	NP
21	* * * *				
22					
23					

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

2 * * * *

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

4 **NCT-1 ZONING CONTROL TABLE**

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
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
<i>Adult Sex Venue</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Animal Hospital	§102	P	P	NP
* * * *				

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

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

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(8)</u>	<u>C(8)</u>	<u>NP(8)</u>
Animal Hospital	§102	P	P	NP
* * * *				

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1 (8) P on Market Street from Octavia Street to Church Street ; P in the portion of the district
 2 bounded by Mission Street, Lafayette Street, Howard Street, and 13th Street.

3
 4 **SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

5 * * * *

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

7 **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>C</u>	<u>C</u>	<u>C</u>
Animal Hospital	§102	C	NP	NP
* * * *				

19
 20 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

21 * * * *

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

23 **ZONING CONTROL TABLE**

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

19 * * * *

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

NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
		1st	2nd	3rd+
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 15 16	NON-RESIDENTIAL STANDARDS AND USES	References	Controls by Story		
			1st	2nd	3rd+
17	Sales and Service Use Category				
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.

* * * *

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
* * * *				

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

3 * * * *

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

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

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

20 * * * *

21 **Table 763. 24TH STREET – MISSION STREET NEIGHBORHOOD COMMERCIAL**
22 **TRANSIT DISTRICT ZONING CONTROL TABLE**

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

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>	<i>NP</i>	<i>NP</i>	<i>NP</i>
Bar	§ 102	C	C	C
* * * *				

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

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

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by story		
		1st	2nd	3rd+
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
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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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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>

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

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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>

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

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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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LEGISLATIVE DIGEST

[Planning Code – Adult Sex Venues]

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

Existing Law

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

Amendments to Current Law

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

Background Information

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

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only