
Legislative Review: BOS File #220264 – Adult Sex Venues
Name: Mandelman
Date Introduced: 3/15/2022
Date Referred: 3/22/2022
Scheduled for BOS Committee: Land Use and Transportation Committee

Legislative Overview: This legislation would create a definition for adult sex venues in the planning code and principally permit, conditionally permit, or prohibit their use in the city, recognizing the historical association of adult sex venues in LGBTQ communities.

Existing law:

Adult sex venues are currently considered an adult business type in planning code. They are classified alongside adult bookstores, adult video stores, etc. which are generally not permitted or are conditionally permitted in certain parts of the city. In historically LGBTQ neighborhoods, such as SOMA, Castro, Tenderloin, and the Upper Market, adult businesses (which include adult sex venues) are prohibited or conditionally permitted.

Amendments to Current Law

This legislation defines adult sex venues as separate from adult businesses in the planning code in order to specify zoning controls in certain neighborhoods, especially those with large LGBTQ communities.

Below is a summary of the zoning changes for ground floor use:

Adult sex venues will be **principally permitted** in Castro Street NCD, Folsom Street NCTD, Regional Commercial District (RCD), Upper Market NCTD, Mixed Use General District (but not outside Central SOMA SUD and East SOMA Plan Area), WMUG-WSOMA Mixed Use, WMUO-WSOMA, Service/Arts/Light Industrial (SALI), Residential Enclave Mixed General (RED-MX)

Adult sex venues will be **conditionally permitted** in moderate scale neighborhood commercial (NC-3) districts, Broadway NCD, Excelsior Outer Mission NCD, Bayview NCD, Geary Blvd. NCD, Mission Bernal NCD, Lower Polk NCD, NCT-3, SOMA NCTD, Mission Street NCD, Fillmore Street NCTD, Mixed Use Residential (MUR), Mixed Use Office (MUO), Central SOMA MUO,

- Most of these neighborhoods already allow adult businesses as conditionally permitted uses, so this is not a change from status quo.

- Some of these neighborhoods (those with Production, Distribution, Repair uses – PDR) currently allow adult businesses as principally permitted uses so this proposes a more restrictive use for adult sex venues. This reflects an effort to preserve auto shops and warehouse spaces.

Adult sex venues will **not be permitted** in: Residential-Commercial Districts (RCDs) except on Turk Street between Taylor Street and Jones Street; P on Jones Street between Turk Street and Eddy Street. PDR, NC-1, NC-2, NC-S, Inner Clement NCD, Outer Clement NCD, Upper Fillmore NCD, Haight Street NCD, Japantown NCD, North Beach NCD, Polk Street NCD, Sacramento Street NCD, Union Street NCD, Pacific Ave. NCD, Lakeside Village NCD, Noe Valley NCD, West Portal NCD, Inner Sunset NCD, Noreiga Street NCD, Irving Street NCD, Taraval Street NCD, Judah Street NCD, Inner Balboa Street NCD, Outer Balboa Street NCD, Cortland Ave. NCD, San Bruno Ave. NCD, Cole Valley NCD, Lower Haight NCD, Inner Taraval NCD, NCT-1, NCT-2, Ocean Ave NCD, Glen Park NCD, Divisadero Street NCD, Hayes-Gough NCTD, Valencia Street NCTD, 24th Street-Mission NCTD, Chinatown CBD, Chinatown Visitor Retail District, Chinatown RNCD, South Park District, Rincon Hill DTR, South Beach DTR.

Legislative Intent:

This legislation acknowledges the historical connection of adult sex venues with LGBTQ communities and seeks to principally permit adult sex venues in those areas of the city including the Castro LGBTQ Cultural District in the Castro and Upper Market neighborhoods, the Leather and LGBTQ Cultural District in SOMA, and the Transgender District in the Tenderloin.

Relevant Definitions:

Adult Sex Venue: 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.

Conditional Use Authorization: A use that is not principally permitted in a particular Zoning District.

- Conditional Uses require a Planning Commission hearing in order to determine if the proposed use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan.

Background, Issues, and Considerations

- Who benefits from or will be burdened by your proposal (geographically, ethnically, linguistically)? What are your strategies for advancing racial equity or mitigating unintended consequences?

This legislation benefits the LGBTQ community by defining/permitting adult sex venues in historically LGBTQ neighborhoods, recognizing the historic role that these businesses played in those cultural areas.

- What was the development process of this proposal? Whose input have you sought out? What feedback did you hear and did you incorporate it into this proposal? If not, why not?

The Golden Gate Business Association, Castro St. Merchants, the Leather and LGBTQ Cultural District in SOMA, the Transgender District in the Tenderloin, Calle 24, and the American Indian Cultural District were all consulted as this proposal developed.

- The legislation specifically recommends that Cultural District considerations be taken into account by the Planning Commission when there is a Conditional Use hearing.
 - In NCT-3/Upper Market corridor, input from the American Indian Cultural District resulted in creating a principal use for adult sex venues along Market St., but conditional use for the remaining parts of NCT-3.
- Is this proposal punitive or enforcement based? What are the other alternatives for proactive compliance?

This proposal seeks to relax zoning controls that were historically punitive to the LGBTQ community, particularly zoning laws that banned bath houses in the 1980's during the AIDS epidemic which were widely used by the gay community.

- Given the diversity of San Francisco, how would this policy play out in different cultural settings? How does it accommodate cultural norms?

This legislation acknowledges cultural norms by recognizing the significance of adult sex venues within the LGBTQ community and easing zoning controls in neighborhoods with large LGBTQ communities.