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San Francisco could welcome back its queer bathhouses under new zoning proposal

Supervisor Rafael Mandelman introduces legislation to update outdated zoning rules to allow revival of San Francisco's once-vibrant queer bathhouse culture

SAN FRANCISCO — Today District 8 Supervisor Rafael Mandelman introduced legislation that would create a new zoning category for Adult Sex Venues and clarify where these businesses are permitted throughout the city, particularly in LGBTQ-affiliated neighborhoods like the Castro and Upper Market, SOMA, and the Tenderloin. The zoning proposal builds on Supervisor Mandelman's 2020 ordinance to roll back public health restrictions dating to the AIDS crisis that effectively shut down the city's once-vibrant community of queer bathhouses.

"During the 1970s and early 80s bathhouses were a focal point of gay social life in San Francisco and were important community meeting places where friends would gather to share stories, or watch a live show," said Mandelman who represents the Castro and is the sole LGBTQ member of the Board of Supervisors. "This ordinance is about completing the work we began in 2020 to overcome the lingering stigma of a painful chapter in the history of San Francisco's queer community by once again welcoming these safe, LGBTQ-affirming spaces in our city, and paving the way for queer entrepreneurs to open them up and contribute to our post-pandemic economic recovery."

In 1984, at the height of the AIDS epidemic, the City filed a lawsuit against the operators of several gay bathhouses and adult venues, citing them as a public health nuisance. The court issued an order requiring the businesses to employ staff to monitor the sexual activity of patrons and prohibiting the use of full or locked doors on individual video cubicles, booths, or rooms. Although the bathhouses technically could have 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.

In 2020, Mandelman's Health Code ordinance passed, requiring 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. These minimum standards were published in January 2021, recognizing the advancements in sexual health awareness and preventative treatments and the potential for sex venues to assist in the City's efforts to control the spread of HIV and other sexually transmitted infections through education and the establishment of community norms.

However, in late 2020 the Planning Department determined that a business operating as an Adult Sex Venue pursuant to the Health Code would be considered a type of Adult Business use for the purposes of the Planning Code. Adult Business is defined as a use that includes an “adult bookstore,” “adult video store,” “adult theater,” or “encounter studio” and is broadly not permitted or only conditionally permitted throughout the city. Adult Business uses are generally not permitted or are only 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 this determination, a number of entrepreneurs have sought to open LGBTQ-oriented adult sex venue bathhouse establishments, but have been blocked under current zoning.

“For a century, bathhouses and sex venues were a critical part of San Francisco’s uniquely liberal, open culture that offered a venue for people of all genders, races and social classes to connect intimately in ways that transcended the boundaries of patriarchal structures and economic segregation,” said Tina Aguirre District Manager of the Castro LGBTQ Cultural District. “It is essential that the LGBTQ community’s stronghold areas be sex-positive.”

“This needed legislation is long overdue and will remove a final roadblock to reestablishing queer businesses that were closed due to stigma surrounding HIV and the AIDS crisis,” said Bob Goldfarb, Executive Director of the Leather & LGBTQ Cultural District in SOMA. “This will benefit the community by helping to remove stigma, creating more community-serving spaces, as well as energize possibilities for queer businesses that have been prevented from opening in the city.”

The ordinance would make Adult Sex Venues, which would be defined as businesses operating pursuant to the current public health standards, principally permitted in the Castro and along Market from Castro to Octavia, as well as in most zoning districts in SOMA west of 7th Street, largely overlapping with the Leather District. These businesses are currently only permitted with a conditional use approval from the Planning Commission in the Castro and on Market between Church and Octavia, and are prohibited on the stretch of upper Market from Castro to Church and throughout SOMA, including on Folsom Street.

“We support increasing the flexibility of the zoning code to allow for a diversity of businesses to locate in the Castro and Upper Market particularly when this increased flexibility will allow for increased LGBTQ owned, operated and LGBTQ serving businesses,” said Andrea Aiello, Executive Director of the Castro Community Benefits District. “It is our hope that the proposal may help fill some of the commercial vacancies in the Castro by making opening a bathhouse seem like a viable opportunity.”

“Castro Merchants has and always will support any effort by our elected officials to promote, support and empower small businesses in our district,” said Dave Karraker, Co-Vice President of the Castro Merchants Association.

The ordinance would also tweak the zoning in parts of the Tenderloin [that](#) overlap with the Transgender Cultural District, where sex venues and gay bathhouses have historically been located, along Turk and Jones Streets.

“After 30 years, Eros spent over six months searching for a new location where our legacy business could continue to offer a safe, relaxing sex club,” said Ken Rowe, co-owner of Eros SF, among the few queer bathhouse to continue operating after the restrictions imposed in the 1980s and that recently lost its longtime space on Market Street. “When we did find a location, in a historic bath house just one block from the Market Street Corridor, where the landlords were interested in our business, the location didn’t allow adult businesses. These zoning changes can keep our business going, and offer more variety of safe experiences for tourists and locals.”

The ordinance was formally introduced at the Board of Supervisors meeting on Tuesday and is expected to be considered by the Planning Commission in early April before going on to the Board’s Land Use and Transportation committee and full Board for a vote later this spring.

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