

Sex Businesses in San Francisco:

Where They Are and How the City Should Guide Where They Should Be

URBP 298 Research Proposal by Seon Joo Kim

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1. Audience

Members of the San Francisco Board of Supervisors and planners in the City of San Francisco are the target audience for my report. This up-to-date analysis on sex businesses will increase their understanding on the current match (or mismatch) between regulations and realities, providing them with a springboard to explore strategies to minimize these businesses' negative impacts on neighborhoods in the City.

Although this report will focus on civil, not criminal, regulation of lawful sex businesses,¹ this report will be a useful reference for the City's Police Department as they work closely with the Planning Department on overseeing sex businesses' initiation and operation.

I also hope that those concerned with the presence of sex businesses, such as the general public and planners and policy makers in other cities, will gain a solid understanding of this sensitive and complex, yet largely overlooked, subject. Such an understanding, coupled with regulatory recommendations, will give practical insights on how to approach generally unwanted yet unavoidable elements in a neighborhood without disregarding their *raison d'être*.

2. Background

Definition of Sex Businesses.

A comprehensive planning advisory report on regulating sex businesses, published by the American Planning Association, defines "sex business" as a collective term including a range of different types of businesses, including "adult cabaret; adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio; and/or sex shop."² Usually the term "adult business" is used interchangeably, but the report prefers the term "sex business" to distinguish it from other businesses that trade age-limited substances, such as liquor stores and gambling establishments.³ In line with this approach, I will primarily use the term "sex business" to refer to the type of sex-oriented commercial establishments that necessitate a distinctive regulatory approach. Nevertheless, conventional terms as used in most municipal regulations, such as "adult business" and "adult entertainment," will also be used.

¹ For more details on the distinction between civil and criminal regulations, as well as between lawful and unlawful sex businesses, see Eric Damian Kelly and Connie Cooper, *Everything You Always Wanted to Know About Regulating Sex Businesses* (Chicago: American Planning Association, 2000), 1-2.

² *Ibid.*, 5.

³ *Ibid.*, 4.

Significantly, the report emphasizes the importance of employing a correct regulatory definition of sex businesses (and the materials they handle) for enforcement to be effective.⁴ To clarify which types of sex oriented-materials become a land-use issue and not an access issue in general, the report distinguishes soft-core pornography from hard-core pornography.⁵ Because soft-core pornography is not place-specific and available through mainstream media, such as network television and unrestricted cable channels, a local government can neither appropriately nor effectively confront it via land-use regulation.⁶ Therefore, my research will focus on businesses with hard-core pornographic content, whose availability and display are mostly limited to physical places, such as a retail outlet or an on-site theater.⁷

Regulations of Sex Businesses in San Francisco.

The City of San Francisco mainly uses three types of regulations to limit the location, operation, and signage of sex businesses: Planning Codes accompanied by Zoning Maps, Police Codes, and Administrative Codes.

- **Planning Codes and Zoning Maps** are the most inclusive and detailed regulatory tools regarding the land-use aspect of sex businesses, specifying distance limits and restricted areas.⁸ Planning Codes refer to Police Codes for the definition of sex businesses.
- **Police Codes** describe certain characteristics of hard-core pornography to distinguish “adult theaters,” “adult bookstores,” and “encounter studios” from general entertainment businesses, thereby establishing the official umbrella definition of sex businesses in San Francisco.⁹ Police Codes also include signage and visibility regulations, permit and application process, and violation penalties.
- **Administrative Codes** reinforce unacceptability of sex businesses in special use districts, such as waterfront land uses and the Candlestick District.¹⁰

While my report will involve an analysis of all three types of Codes, it will focus on land use regulations found in the Planning Codes.

Sex Businesses in the Context of Neighborhoods.

⁴ For a further discussion on problems with a vague definition of pornography, see *ibid.*, 2.

⁵ For more details on the distinction, see *ibid.*, 3-6.

⁶ *Ibid.*, 6.

⁷ Other hard-core pornographic businesses whose operation reaches beyond physical places, such as phone, internet, and mail-order sex businesses, are beyond the scope of my report.

⁸ *San Francisco Planning Code*, Sec. 790.36 and 890.36 (specific to the distance requirement) and throughout most of the specific land use sections, e.g. Sec. 815 (Residential / Service Mixed Use District) and Sec. 816 (Service / Light Industrial / Residential Mixed Use District).

⁹ *San Francisco Police Code*, Sec. 791 and 1072.

¹⁰ *San Francisco Administrative Code*, “Chapter 61: Waterfront Land Use” and “Appendix 35: Candlestick Point Special Use District.”

Sex businesses are often protested by residents, shunned by families, and regarded as signs of undesirable neighborhoods.¹¹ At the same time, sex businesses are protected by law through free speech and privacy rights. Thus, the question arises: if sex businesses are entitled to exist while unwelcome by most people,¹² where should they be located? This report attempts to 1) first capture the current picture of regulations and locations of sex businesses and 2) find more suitable places for these businesses to fit in the complete puzzle of a city.

3. Research Questions

Is there a discrepancy between the areas where sex businesses are allowed under the City of San Francisco Planning Codes and the areas where they are actually located? How can the Codes be updated to minimize sex businesses' negative impacts on neighborhoods in San Francisco?

4. Relevance

Debate on Harmful Effects of Sex Businesses.

Harmful effects of sex businesses, especially on women and minors, have been a subject of serious research in the fields of psychology, sociology, child development, and women's studies.¹³ While it is generally understood in the U.S. that sex businesses have negative impacts on individuals and families and warrant governmental regulations,¹⁴ the debate on the definition of sex businesses and the extent of their negative impacts has persisted. On one hand, some authors argue that certain forms of entertainment that currently fall under the category of sex business, such as striptease and nude dancing, have cultural and artistic value that deserve constitutional protection.¹⁵ On the other hand, sex businesses are regarded as "purveyors of obscenity," to which the first amendment protection would not apply.¹⁶ Understanding the legal implications of this hotly debated topic, as well as such

¹¹ San Francisco Redevelopment Agency counts the frequency of criminal activities, "sometimes equated with an over concentration of ... adult stores," as an example of economic blight. San Francisco Redevelopment Agency, "Understanding Redevelopment" <http://www.sfgov.org/site/sfra_index.asp?id=21365> [13 December 2007].

¹² The relevance section will further explore what constitutes the basis of argument on each side.

¹³ Andrea Dworkin has written a series of books on how pornography perpetuates male supremacy and objectifies female bodies; her argument is summarized in Christine Oosterhous, "Pornography and Land Use Planning: a Guide to Zoning, Case Law, Redevelopment, and the Feminist Perspective," Master's thesis, San Jose State University, 2002: 35-38. Donna M. Hughes, an expert on sex trafficking at the University of Rhode Island, also wrote articles and policy reports demonstrating the relationship between sex businesses and international sex trafficking; see the Bibliography for the list of her works on the subject. [More references to come.]

¹⁴ Kelly and Cooper, 66.

¹⁵ Ben Urish, "Narrative Striptease in the Nightclub Era," *Journal of American Culture* 27, no. 2 (June 2004): 157; Judith Lynne Hanna, "Exotic Dance Adult Entertainment: A Guide for Planners and Policy Makers," *Journal of Planning Literature* 20, no. 2 (November 2005): 130.

¹⁶ Daniel J McDonald, "Regulating Sexually Oriented Businesses: The Regulatory Uncertainties of a 'Regime of Prohibition by Indirection' and the Obscenity Doctrine's Communal Solution." *Brigham Young University Law Review* 1997, no. 2 (1997): 360.

businesses' actual impacts on the society, is essential to plan a neighborhood where people feel safe and comfortable without violating anyone's rights of expression.

Debate on the Basis of Regulations of Sex Businesses.

The on-going debate on the nature and effects of sex business has brought questions as to what extent municipal regulations of sex business are justified. As noted in the previous section, the first amendment protection is not extended to "obscene" materials, and the determination of the obscenity largely depends on local discretion of "contemporary community standards."¹⁷ Even for the materials determined not to be obscene and thus protected by the first amendment, a local government has responsibility and authority to regulate such materials to the extent they pose potential risks to public health, safety, or welfare, just like any other zoning. Therefore, a local government wishing to regulate sex businesses must demonstrate standards held by the community toward sex businesses and negative impacts imposed by such businesses on surrounding neighborhoods.

Indeed, most of local regulations on sex businesses, including zoning and signage ordinances, are legally justified by such businesses' negative secondary impacts. Cities have used records and responses from police, real estate brokers, and residents to demonstrate sex businesses' negative impacts.¹⁸ However, recent studies and some court decisions question the validity of such evidence and demand more concrete, locality-specific evidence to support the claim that sex businesses have harmful impacts on neighborhoods.¹⁹ For a city wanting to demonstrate such harmful effects, the first step would be to create an up-to-date, well-documented record of sex businesses' current locations. This information, accompanied by a thorough inventory of current regulations, would provide a solid basis for planners to explore strategies most appropriate for the city, as well as for individual neighborhoods.

Common Association between Sex Businesses and Sex Crimes.

Even apart from the legal particulars, surveying sex businesses' current status is imperative, considering the common association between sex businesses and criminal activities. Many legal sex businesses are prone to (or perceived to) include illegal elements,²⁰ and such association is not an exception in San Francisco.²¹ The City, albeit almost always ranking on

¹⁷ Kelly and Cooper, 92.

¹⁸ Kelly and Cooper summarize methods and findings from such studies in "Chapter 3. Formal Studies," 45-65.

¹⁹ Bryant Paul, Bradley J. Shafer, and Daniel Linz, "Government Regulation of 'Adult' Businesses through Zoning and Anti-Nudity Ordinances: Debunking the Legal Myth of Negative Secondary Effects," *Communication Law and Policy* 6, no. 2 (Spring 2001): 355-391; Daniel Linz, et al. "An Examination of the Assumption that Adult Businesses are Associated with Crime in Surrounding Areas: a Secondary Effects Study in Charlotte, North Carolina," *Law & Society Review* 38, no. 1 (2004): 69-104; David L. Hudson, "The Secondary Effects Doctrine: 'The Evisceration of First Amendment Freedoms,'" *Washburn Law Journal* 37, no. 1 (1997): 55-94; James Lawlor, "Adult Business Rules Subject to Closer Scrutiny," *Planning* 72, no. 4 (April 2006): 49.

²⁰ For example, in the City of Mountain View, police investigation has found massage parlors to be connected with prostitution. Candice Shih, "Massage Parlors Continue to Pose Prostitution Problem," *Mountain View Voice* (29 August 2003) <http://www.mv-voice.com/morgue/2003/2003_08_29.prostit.html> [4 September 2007].

²¹ Meredith May ran a four-part series on the City's sex trafficking in *San Francisco Chronicle* from October 6 to 10, 2006 <<http://www.sfgate.com/sextrafficking>> [28 August 2007].

top of the “livable cities” list,²² is infamous for its abundance of international sex-trafficking that often fills needs of sex businesses and their clients.²³ More up-to-date, comprehensive strategies are needed to distinguish a form of entertainment from a crime against human dignity and to facilitate police investigation and enforcement of justice.

Discrepancy between Permitted Areas and Actual Locations of Sex Businesses.

It is not hard to pass by sex businesses in areas where they are most likely not allowed in San Francisco. For example, while the City’s Planning Code requires a minimum distance of 1,000 feet between sex businesses,²⁴ multiple adult theaters are found within 1,000 feet on Market Street between 6th and 7th Streets. Moreover, these businesses are concentrated in certain districts, such as the Tenderloin District,²⁵ even though most of the District is zoned for residential-commercial, where only “compatible” retails are allowed.²⁶

While some research has been done in other cities, no comprehensive data on sex business locations in San Francisco exists, especially in a geographical comparison to the City’s current regulations. I will utilize the Geographic Information System (GIS) to visually represent the direct match (or mismatch) between the locations of existing sex businesses and the locations allowed under city regulations. Such a vivid comparison will open the eyes of policy makers and planners to possible pitfalls on regulating this type of businesses that could have significant impacts on residents, workers, visitors, and future development.

Recent Planning Efforts Involving Industrial Areas in View of Outdated Regulations.

The Eastern Neighborhoods Community Planning Program was initiated by the Planning Department in efforts to achieve the balance of industrial lands and other needed land uses, especially housing, in historically industrial areas that are facing pressure for conversion.²⁷ The Program’s goals include balancing land uses and preserving industrial areas,²⁸ which have traditionally been the area of choice for planners to permit sex businesses. Therefore, without a clear understanding of the nature and impacts of sex businesses, it is conceivable that the updated neighborhood plans will allow sex businesses in areas where residences are delicately mixed in with light industries.

²² San Francisco ranked 28th (and second among the U.S. cities) in *Business Week*’s pick of the world’s Top 100 most livable cities <http://bwnt.businessweek.com/interactive_reports/livable_cities_worldwide> [28 August 2007]. The City also ranked second in *Places Rated Almanac*’s pick of America’s most livable communities in 2007 <<http://www.placesrated.com>> [28 August 2007].

²³ May quotes Hughes for listing the following reasons for making San Francisco one of the largest sex-trafficking centers: “liberal attitude toward sex, the city’s history of arresting prostitutes instead of pimps, and its large immigrant population.” May, “San Francisco is A Major Center For International Crime Networks that Smuggle and Enslave,” *San Francisco Chronicle*, 6 October 2006.

²⁴ *San Francisco Planning Code*, Sec. 790.36 and 890.36.

²⁵ One easy way to see the concentration of sex businesses is to do a business search on the internet map. For example, finding “adult business” in San Francisco in the Google Map shows most of the red pins (indicating the business locations) cover the northeastern part of the City.

²⁶ *San Francisco Planning Code*, Sec. 209.8, 210.2.

²⁷ San Francisco Planning Department, *Eastern Neighborhoods Community Planning* <http://www.sfgov.org/site/planning_index.asp?id=66268> [27 November 2007]

²⁸ *Ibid.*

After all, most of San Francisco's Planning Codes pertaining to sex businesses are more than ten years old. Notably, the section of the Police Codes that defines adult theaters and bookstores, on which the Planning Codes are based on, was last amended in 1985.²⁹ Three and a half years have passed since a community member testified in a Planning Commission meeting to support a 1,000 foot separation requirement between adult entertainment uses and schools: "[t]he City has almost studiously avoided regulating this [adult entertainment] industry."³⁰ It is about time for the City to stop avoiding, look hard at the facts, and update regulations in a holistic way that accounts for neighborhoods' livability and business interests.

5. Hypothesis

Mismatch between Regulations and Realities.

I predict that many sex businesses in San Francisco are located outside of the areas where the City's planning regulations allow them, especially given the obsolete and limited definition of sex businesses the City uses as a basis of their regulations and enforcement. As described in the Background section, my first-hand observation and quick web search support the prediction. I also assume that legal non-conforming uses justify some of these businesses to operate outside of the allowable areas.

Recommended Updates.

While there are debates on the extent to which a local government can or should regulate sex businesses, I predict that careful analysis of legal arguments will show that local regulations on certain activities are indeed necessary and justifiable. Such activities include: explicit display of inappropriate sexual content, unfiltered access of sex-oriented materials to general public, and promotion of sexual activities under the disguise of "adult entertainment."³¹

Accordingly, I predict that, for the City to maximize the utility of the Planning Codes to regulate sex businesses more effectively, the following recommendations need to be incorporated.³²

- The Codes need to have the definition of "adult entertainment" business updated.
- The Codes need to provide more specific classifications of sex businesses to distinguish them from general media / entertainment businesses, to control public display, and to limit direct interaction between entertainers and customers.
- The Codes need to clarify whether each classification is a protected form of entertainment under the First Amendment.³³

²⁹ *San Francisco Police Code*, Sec. 791 and 1072; *San Francisco Planning Code*, Sec. 790.36 and 890.36.

³⁰ *San Francisco Planning Commission Meeting Minutes* (10 June 2004)

<http://www.sfgov.org/site/planning_page.asp?id=26738> [7 December 2007].

³¹ Kelly and Cooper, 116-117. [More references to come]

³² This section will closely follow Community Defense Counsel, Chapters 4 through 9, *Protecting Communities from Sexually Oriented Businesses*, 2nd ed. (Scottsdale: Alliance Defense Funds, Inc., 2002), 41-107; and "Chapter 9: Recommendations" in Kelly and Cooper, 155-164.

³³ Kelly and Cooper consider lap dancing and encounter businesses as close to prostitution and hence argue that they do not have the constitutional protection (Kelly and Cooper, 158-159). McDonald explores in

- The Codes should be accompanied with other business licensing ordinances, e.g. massage parlor licensing ordinance, especially for on-site entertainment.

Under the updated Codes, I predict that more businesses will fall in the category of adult entertainment businesses; then the Codes would have an even greater need to address the issue of legal non-conforming uses. Planners should creatively devise ways to phase out those businesses, and I predict that amortization law and relocation strategies will be viable options.³⁴

6. Methods

This section lays out how I plan to find the information relevant to my research questions, i.e. locations of sex businesses and related polices in San Francisco. My major methods include: literature and case review, policy review, business search, mapping, and interview. For each major analysis, I start with a summary paragraph describing the method, followed by a step-by-step instruction. Some optional methods that will take place only under certain conditions are also explored and explained as such.

Literature and Case Review.

I will review a wide range of credible literature to identify frequently appearing arguments, key concepts, and unique approaches surrounding the issue of sex businesses and related municipal regulations. If I find one or two cities' approaches to regulating sex businesses to be worthwhile for further investigation, I will conduct an in-depth review of such cases. Otherwise, I will include other cities' regulations and conditions as analyzed by other authors as part of the general literature review.

I. Literature Review

A. Data sources:

1. Journals, books, policy guides and reports
2. Newspapers and magazines

B. Reasons: To explore 1) the nature / definition of sex businesses; 2) the basis and limits of governmental regulations (especially regarding legal aspects); and 3) strategies on updating and implementing planning codes to regulate sex businesses legally and effectively.

C. Data collection procedures:

1. Search with key words "adult business," "sex business," "zoning regulation," etc. in research databases, such as (but not limited to):
 - EBSCO Host Research Database
 - Expanded Academic ASAP
 - Online.Sagepub.com
 - Wordcat.org

detail why most of the sexually oriented businesses have characteristics of "obscenity" and therefore are not guaranteed of the First Amendment protection; and that "local determinations" of obscenity are more legitimate (McDonald, 367-376).

³⁴ Kelly and Cooper, 163.

- LegalTrac
 - Lexis/Nexis
2. Select articles and record citation, location of texts, summary, and keywords in the cumulative Bibliography.
- D. Methods of analysis:
1. Review the summaries of each item and identify / categorize frequently appearing arguments, key concepts, unique approaches, etc.
 2. Select and refine the arguments / strategies that would best protect neighborhoods in San Francisco from sex businesses' negative impacts.
- II. **Case Review** (if one or two cities' approaches to regulating sex businesses are found to be worthwhile for further investigation)
- A. Data sources:
1. Sources from Literature Review
 2. Selected cities' websites
 3. Possibly interviews with the planning staff of the selected cities
- B. Reasons: to draw lessons from other cities' specific efforts to regulate sex businesses
1. To examine other cities' regulations and existing conditions regarding sex businesses in depth.
 2. To explore strategies other cities' planning departments have taken to protect neighborhoods from negative impacts of sex businesses.
 3. To evaluate results of their efforts, i.e. actual changes and lessons learned.
- C. Data collection procedures:
1. Select applicable cities and strategies from Literature Review.
 2. Conduct online search of the selected cities' codes and plans pertaining to sex businesses.
 3. Interview the involved planning staff, if possible, for actual changes and lessons learned (generally following the methods for Expert's Perspectives in the below).
- D. Methods of analysis:
1. Review the selected cities' codes and plans as well as interview notes.
 2. Compare San Francisco's current regulations and the recommended changes with these cities' approaches, etc.
 3. Update the analysis of current regulations and recommendations accordingly.

City Policy Review.

I will produce a complete inventory of San Francisco's current regulations on sex businesses, with an emphasis on finding relevance and effectiveness of the Planning Codes. If I decide to conduct a Focus Study,³⁵ then I will also look up the City's past regulations during a specific time period and/or for a specific area.

³⁵ For the rationale and content of a Focus Study, please refer to the section on Focus Study in the Outline section.

I. **City Policy Review – Current**

- A. Data sources: Plans and policies from the Planning Department (General Plan, Planning Codes, Specific Plans, and relevant meeting minutes as searched from the website – see Data collection procedures for details); plans and policies from the Redevelopment Agency (Redevelopment Plans and relevant meeting minutes); policies from other relevant city departments [e.g., Mayor’s Office of Human Rights and Mayor’s Office of Status of Women – see outline for more detailed listing.]
- B. Reasons: To obtain a comprehensive picture of the City’s current regulations on sex businesses
- C. Data collection procedures:
 - 1. Search each department’s website with the keywords “sex business,” “adult entertainment,” “adult bookstore,” and “adult theater.”
 - 2. Search the on-line version of the plans and policies with the keywords noted above.
- D. Method of analysis
 - 1. Identify types of and reasons for the restriction.
 - 2. Identify areas where sex businesses are allowed / restricted.

II. **City Policy Review – Past** (if needed for a Focus Study)

- A. Data sources: Past zoning codes at San Francisco Public Library; municipal archive [to be confirmed]; UC Berkeley College of Environmental Studies Library
- B. Reasons: To obtain the City’s past regulations on sex businesses for specific time periods / areas identified for focus studies
- C. Data collection procedures:
 - 1. Browse through corresponding sections in the City’s past zoning codes (available at the San Francisco Public Library).
 - 2. If not found in the Library, ask the City for archive information.
 - 3. If still not found, ask librarians at UC Berkeley College of Environmental Studies for help.
- D. Methods of analysis
 - 1. Identify types of and reasons for the restriction for the specific period.
 - 2. Identify areas where sex businesses were allowed / restricted for the specific period
 - 3. Compare the past and the current regulations, analyzing the trend of change.

Business Search.

To identify current locations of sex businesses in San Francisco, I will obtain addresses of sex businesses from the City agencies.³⁶ I will also conduct an independent web search to

³⁶ Travis Yokoyama, a graduate planning student at San Jose State University, has informed me that the Planning and Police Departments usually keep track of addresses and other essential information of sex businesses.

capture sex businesses that may not be categorized as such under the current regulations. In addition, if I find it necessary to gather more detailed land-use information for a Focus Study (of a specific area), I will conduct a field survey to obtain sex businesses' current locations and characteristics first-hand at a neighborhood level. I may supplement the field survey with a review of historical maps that trace the past development of sex businesses for a specific time period in a specific area.

I. Business Search – City Agencies

- A. Data sources: Planning Department and Police Department
- B. Reasons: To identify locations and clusters of existing sex businesses in the City
- C. Data collection procedures:
 - 1. Planning Department: call the general information number (415-558-6378) to obtain the address list of sex businesses.
 - 2. Police Department: call the public affairs number (415-553-1651) to obtain the address list of sex businesses.
- D. Methods of analysis
 - 1. Compare the address lists from both departments.
 - 2. Create a final master list of all sex businesses and their addresses.

II. Business Search – Online

- A. Data sources: InfoUSA (or other online business search engines)
- B. Reasons: To confirm sex business locations as identified in the list provided by the City agencies
- C. Data collection procedures:
 - 1. Search adult entertainment businesses in San Francisco using SIC Code 792227 Adult Entertainment (and selecting other options as “all”).
 - 2. Request the list (price: \$10.00).
- D. Method of analysis: Compare with and update the master list.

III. Business Search – Field Survey (if needed for a Focus Study)

- A. Data source: Author's direct observation of sex businesses within a specific area (identified for a Focus Study)
- B. Reason: To obtain more accurate and detailed information on sex business locations and characteristics in an area where such businesses are concentrated.
- C. Data collection procedures:
 - 1. Create a Land Use Survey Template that lists information to be collected.
 - 2. Walk through the area and visually identify sex businesses.
 - 3. Record business and land-use information as listed in the Template.
- D. Method of analysis: Create a matrix to organize the information obtained through the Land Use Survey.
- E. Notes:

1. Interviews with experts will precede the field survey to confirm the need for focus studies and to get suggestions on the area and procedures.
2. Further steps of analysis will be determined once the need for a Focus Study is confirmed.

IV. **Business Search – Maps** (if needed for a Focus Study)

- A. Data sources: Property assessors’ maps and Sanborn maps at San Francisco Public Library; municipal archive [to be confirmed]; and UC Berkeley Map Library.
- B. Reason: To trace back locations of sex businesses for a specific time period / a specific area identified for a Focus Study.
- C. Data collection procedures:
 1. Browse through the maps at the San Francisco Public Library.
 2. If not found in the Library, ask the City for archive information.
 3. If still not found, ask librarians at UC Berkeley Map Library for help.
- D. Methods of analysis
 1. Identify locations of sex businesses to identify sex business locations for the selected period / area.
 2. Compare with the current data, analyzing the trend of change.

Mapping.

Once I obtain and organize the current data on locations of sex businesses, as well as areas where such businesses are permitted under the City’s various regulations, I will use the GIS to depict visually what percentage of actual locations are contained within the permitted areas. The GIS will also allow me to compare the currently permitted areas to areas where such businesses would be permitted if regulations reflect changes recommended by this report. Finally, I will show the percentage of sex businesses that would become included in (or excluded from) the permitted areas per the updated regulations.

I. **Mapping**

- A. Data sources:
 1. Results from City Policy Review, i.e. areas where sex businesses are allowed
 2. Results from Business Search, i.e. where such businesses are located
 3. Recommended changes to current regulations per Literature Review and Interview
- B. Reasons: To visualize findings on current regulations and locations as well as results from recommended changes.
 1. To visually compare areas where sex businesses are allowed under the City’s regulations with areas where such businesses are actually located / concentrated.
 2. To visually compare areas where sex businesses are allowed under the current regulations with areas where they would be allowed under the updated regulations (applying recommended changes of this report).
- C. Data collection procedures: Refer to the procedures for City Policy Review, Business Search, Literature Review, and Interview.

- D. Methods of analysis
1. Use GIS to visually identify areas where sex businesses are allowed.
 2. Use GIS to visually identify individual, and clusters of, sex business locations.
 3. Use GIS to visually identify areas where sex businesses would be allowed were the recommended changes of this report to take an effect.
 4. Compare 1&2, 1&3, and 2&3.

Interview.

I will conduct interviews with planners in San Francisco to 1) confirm findings on sex business locations and regulations and 2) obtain professional opinions regarding current regulations as well as future updates. If I get connected to an appropriate and willing police officer, I will also be able to confirm findings and gather an insider's perspectives on enforcement of sex business-related regulations.

I. Expert's Perspectives – Planning Staff

- A. Data source: Phone / in-person interviews with the City planning staff [to be identified]
- B. Reasons: To obtain an insider's perspectives on regulating sex businesses.
1. To confirm current regulatory policies as identified from City Policy Review; to ask their perspectives on and interpretations of current policies.
 2. To confirm current sex business locations as identified from Business Search; to ask their perspectives on and experiences with enforcement issues.
 3. To confirm desirability / feasibility of recommended updates as identified from Literature and Case Review; to ask their perspectives on possible improvements on regulations.
- C. Data collection procedures:
1. Identify two planning staff (one from the Citywide Planning division and the other from the Code Enforcement division) for an interview through the San Jose State University (SJSU) part-time faculty who works at the Planning Department [Charles Rivasplata (charles.rivasplata@sfgov.org; 415-558-6255)].
 2. Write out interview questions following Shishir's In-Depth Interview tips.
 3. Conduct interviews (preferably in person, alternatively via phone) with the staff after obtaining most of the data from readily available sources
- D. Methods of analysis
1. Use a tape recorder to record and take notes of all interviews.
 2. Transfer the notes into a word document.
 3. Analyze the previous findings in light of the information and insights from the staff.
 4. Update the analysis of current regulations and locations and recommendations accordingly.

- II. **Expert's Perspectives – Police Officer** (if an appropriate personnel is found)
 - A. Data source: Phone / in-person interviews with the Police Officer [to be identified]
 - B. Reasons: To ask their perspectives on enforcement issues.
 - C. Data collection procedures:
 1. Identify a police officer with enforcement experiences on sex businesses through SJSU's Justice Studies Program or Asha.
 2. Write out interview questions following Shishir's In-Depth Interview tips.
 3. Conduct in-person interviews, if possible, with the Officer after obtaining most of the data from readily available sources.
 - D. Methods of analysis
 1. Use a tape recorder to record and take notes of all interviews.
 2. Transfer the notes into a word document.
 3. Analyze the previous findings in light of the information and insights from the Officer.
 4. Update the analysis of current regulations and recommendations accordingly.

7. Outline

- I. Introduction (2 pages)
 - A. Research question (< 1 page)
 - B. Relevance (1 page)
 - C. Overview (< 1 page)
- II. Background: General Principles Guiding Local Regulations on Sex Businesses [Lit Review; Interview] (5 pages)
 - A. Sex businesses defined (1 page)
 - B. Basis and types of regulations (2 pages)
 - C. Limits on regulations / legal protection (2 pages)
- III. Guiding Policies and Planning Regulations on Sex Businesses in San Francisco [Policy Review; GIS; Interview] (12 pages)
 - A. Municipal definition of sex businesses (1 page)
 - B. Regulation of constitutionally unprotected businesses (1 page)
 - C. General Plan (1 page)
 - D. Planning Codes (5 pages)
 - E. Other planning policies (1 page)
 - F. Operational regulations (1 page)
 - G. Summary: areas that allow sex businesses (with map) and their suitability for sex businesses (2 pages)
- [III-extra. Case Studies [Lit Review; Policy Review; Interview] – if 1) findings from Literature Review, Policy Review, and Interview make it obvious that certain areas (possibly New York, Chicago, Sunnyvale, Santa Cruz, or Rancho Cordova) merit closer investigation; and 2) I have enough time and resources to conduct independent in-depth case studies.
 - A. City #1

- B. City #2]
- IV. Locations of Existing Sex Businesses in San Francisco Compared to Permitted Locations [Business Search; GIS] (5 pages)
 - A. Methodology
 - B. Current locations (2 pages)
 - C. Comparison to the Planning Codes (2 pages)
 - 1. Legal
 - 2. Legal, non-conforming
 - 3. Illegal
 - D. Implications (1 page)
- [IV-extra. Focus Study on Sex Business-Concentrated Area in San Francisco [Lit Review; Policy Review; Field Survey; Interview] – if 1) findings from Business Search make it obvious that certain areas (possibly Tenderloin/SOMA or North Beach) merit closer investigation; and 2) I have enough time and resources to conduct such an in-depth Focus Study. For the Focus Study, I will take a closer look at polices and land use characteristics applicable to an area where sex businesses are concentrated, especially if the current regulation does not allow sex businesses in the area. I will investigate reasons for such concentration by tracing the area’s historical development.
 - A. Detailed analysis of Planning Codes relevant to the area
 - B. Field Survey methodology and findings on the area’s land use
 - C. Review of policies and locations of sex businesses in the past
 - D. Reasons for the mismatch and implications for current regulations]
- V. Recommended Updates [Lit Review; Policy Review; Interview; GIS] (9 pages)
 - A. Planning Codes (4 pages)
 - 1. Adult businesses redefined
 - 2. More specific classifications
 - 3. Limits on public display and interaction between entertainers and customers
 - 4. Comparison to the previous codes (with map)
 - 5. Analysis of the potential change in allowable areas [with an emphasis on the change in the area selected for the Focus Study, if applicable]
 - B. Other codes / Collaboration with other departments (2 pages)
 - 1. Police
 - 2. Health
 - 3. Mayor’s office / commission: Economic and Workforce Development; Community Development; Criminal Justice; Entertainment; Neighborhood Services; Human rights; Status of Women; Prostitution
 - C. Business licensing ordinances (1 page)
 - D. Strategies to deal with legal non-conforming sex businesses (2 pages)
 - 1. Amortization law
 - 2. Relocation strategies
- VI. Conclusion (5 pages)
 - A. Summary of findings on current status (2 pages)
 - 1. Mismatch between regulations and locations of sex businesses
 - 2. Implications of the mismatch and reasons to update the regulations
 - B. Summary of recommendations and potential impacts (2 pages)

- C. Further research questions (1 page)
- VII. Bibliography
- VIII. Appendix

8. Bibliography

* Articles in peer reviewed journals

- (a) Items cited in the research proposal
- (b) Other relevant items I have already read
- (c) Items identified to be useful yet to be read
- (d) Most likely irrelevant items

- I. General
 - A. Sex Businesses
 - B. Basis for Regulation
- II. Regulations
 - A. San Francisco
 - B. Other
- III. Location
- IV. Other

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Article 15.4: Encounter Studios

Article 15.5: Nude Models in Public Photography Studios

Article 15.6: Escort Services

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9. Schedule of Tasks

Note: Schedule for first semester, URBP 298A, is not included. Following pages have schedule for URBP 298B.

December 2007

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Policy Review; Work on Sec. III.	4	5	6	7	8
9	10 Policy Review; Work on Sec. III.	11	12	13 Draft Section III	14	15
16	17 Start Business Search; Consider Case Studies	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 GIS Tutorial (YC); Revise Lit. Review for Sec. II.	8	9	10	11	12
13	14 GIS Tutorial (YC); Continue Sec. II.; Confirm business addresses	15	16	17	18	19
20	21 GIS Tutorial (YC); Start Mapping	22	23	24	25	26
27	28 Start Sec. IV; Continue Mapping; Identify interviewees	29	30	31		

February 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 Continue Sec. IV.; Confirm interview questions; Request a map review (YC)	5	6	7	8	9
10	11 Consider Sec. IV- Focus Study; Set up interviews	12	13	14	15 Degree App.	16
17	18 Start Sec. V. Conduct interviews	19	20	21	22	23
24	25 Continue Sec. V. Complete interviews	26	27	28	29	

March 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 Start Sec. VI.	4	5	6	7	8
9	10 Continue Sec. VI.; Start Sec. I	11	12	13	14	15
16	17 Finalize Draft	18	19 Draft I	20	21	22
23	24 Follow up interviews	25	26	27	28	29
30	31 Revise Draft I					

April 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 Revise Draft I	8	9 Draft II	10	11	12
13	14 Revise Draft II; (Ask for a third- person review)	15	16	17	18	19
20	21 Revise Draft II; Refine the format	22	23	24	25	26
27	28 Finalize the format	29	30 Final Draft			

May 2008

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 Revise Final Draft	6	7	8	9	10
11	12 Revise Final Draft; Binding	13	14	15	16 Finished Report	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31