

Definitions in Health Code Article 19F

Bar or Tavern - means any business establishment primarily devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of such beverages.

Business establishment - means any retail establishment, office, business, store, factory, warehouse, storage facility or other place operated as a commercial venture. The term includes any place where services are provided or goods are manufactured, distributed, processed, assembled, sold or displayed for sale on a wholesale or retail basis. The term also includes any places operated as part of the commercial venture, such as places that provide accounting, management, personnel, information processing, accounting, communication, financial and other support services that is owner operated, operated with employees, or operated with volunteers. "Business establishment," whether owner operated, operated with employees or operated with volunteers, includes, but is not limited to:

- (1) automobile dealerships, furniture or other showrooms for the display of merchandise offered for sale;
- (2) grocery, pharmacy, specialty, department and other stores which sell goods or merchandise;
- (3) service stations, stores or shops for the repair or maintenance of appliances, shoes, motor vehicles or other items or products;
- (4) barbershops, beauty shops, cleaners, laundromats and other establishments offering services to the general public;
- (5) video arcade, poolhall, and other amusement centers;
- (6) offices providing professional services such as legal, medical, dental, engineering, accounting and architectural services;
- (7) banks, savings and loan offices, and other financial establishments;
- (8) hotels and motels, and other places that provide accommodations to the public, subject to the exceptions set forth in Section 1009.23.

Child care facility - means a facility in which a person, at the request and consent of a parent or legal guardian, provides care during a part of any 24-hour period for compensation, whether or not such person is licensed.

Commercial building - means a building that contains only business establishments, and no dwelling units.

Director - means the Director of Public Health or his or her designee.

Dwelling unit - means:

- (1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping;
- (2) a room in group housing, even if such room lacks private cooking facilities and private plumbing facilities, such as rooms in senior citizen housing, single room occupancy or residential hotels, dorms, hostels, or shelters; or,
- (3) a housekeeping room as defined in the Housing Code;

Educational facility - means any school or education institution, whether commercial or nonprofit, operated for the purpose of providing academic classroom instruction, trade, craft, computer or other technical training, or instruction in dancing, artistic, musical or other cultural skills.

Enclosed - means:

- (1) any covered or partially covered space having more than 50 percent of its perimeter area walled in or otherwise closed to the outside such as a covered porch with more than two walls, or
- (2) any space open to the sky ("uncovered") having more than 75 percent of its perimeter area walled in or otherwise closed to the outside such as a courtyard. Outdoor patios and historically compliant semi-enclosed smoking rooms shall not be considered enclosed.

Historically compliant semi-enclosed smoking room - means a room in a bar or tavern that:

- (1) has one side open to the outside;
- (2) has a depth no more than two times the height of the room at the opening to the outside;
- (3) has self-closing doors from the room to the rest of the establishment;
- (4) is not a source of mechanical ventilation for the building; and
- (5) existed and where smoking was allowed as of December 31, 2009 and has had no structural alterations since that date except as approved by the Director under Section 1009.23(d).

Mixed-use building - means a building with commercial and dwelling units.

Multi-unit housing complex - means a public or private building, or portion thereof, containing two or more dwelling or other housing units. This definition includes, but is not limited to:

- (1) a building with live/work units, as defined in the Planning Code;
- (2) apartment buildings, condominiums, senior citizen residences, nursing homes, housekeeping room/units, residential or single room occupancy hotels, "other housing" as defined in the Planning Code, and other multiple unit residential dwellings, except as permitted under Section 1009.23(a) of this Article. "Other housing" as defined in the Planning Code includes
 - a. group housing, boarding (which covers rooming houses where lodging is provided without individual cooking facilities, by prearrangement for a week or more at a time and for six or more persons in a space not defined as a dwelling unit),
 - b. group housing for religious orders,
 - c. group housing for medical and educational institutions,
 - d. a hotel, inn or hostel; and
 - e. a motel, including an auto court, motor lodge, tourist court or other facility similarly identified.

Nonprofit establishment - means any facility used for social, recreational, health care or similar services, or office, store, or other place operated by any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, character building, political, social or other similar purposes, the net proceeds from the operation of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity.

Outdoor patio - means a side or rear outside area of a bar or tavern that has no walls or ceiling and is open air. Outdoor dining areas of restaurants are not considered outdoor patios when food is no longer served in the dining area, even if there is a bar located outside.

Person - means any individual person, firm, partnership, association, corporation, company, organization, or legal entity of any kind.

Residential building - means a building that contains only dwelling or housing units, and no business establishments.

Residential hotel - has the same meaning as defined in Chapter 41 of the San Francisco Administrative Code, which is any building or structure that contains one or more residential hotel units as defined here, below, unless exempted by the Administrative Code. Residential hotels are further defined and regulated in the Residential Hotel Unit Conversion and Demolition Ordinance, Chapter 41 of the San Francisco Administrative Code.

Residential hotel unit - means any guest room, as defined in Chapter XII, Part II of the San Francisco Housing Code, which had been occupied by a permanent resident on September 23, 1979, or any guest room designated as a residential unit pursuant to Chapter 41 of the San Francisco Administrative Code.

Restaurant - means every restaurant, coffee shop, cafeteria, cafe, luncheonette, sandwich stand, soda fountain, or other eating establishment serving food to the general public, including outdoor and sidewalk dining areas. This term also includes separate rooms within restaurants, either accessible from the restaurant or an outside door, and whether or not the room is used as a meeting room or banquet room or food or beverages are served in the room. This term also includes the areas adjacent to and serving the meeting or banquet room.

Smoking or to smoke - means and includes inhaling, exhaling, burning or carrying any lighted smoking equipment for tobacco or any other weed or plant, except that this Article shall not affect the policy making marijuana offenses the lowest law enforcement priority under Chapter 12X of the Administrative Code nor affect any laws or regulations regarding medical cannabis;

Sports arena - means sports stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and similar places where the public assembles either to engage in physical exercise, participate in athletic competition or witness sports events.

Tobacco shop - means any tobacco retailer whose principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by any of the following: 50% or more of floor area and display area is devoted to the sale or exchange of tobacco products, tobacco paraphernalia, or both; 70% or more of gross sales receipts are derived from the sale or exchange of tobacco products, tobacco paraphernalia, or both; or 50% or more of completed sales transactions include a tobacco product or tobacco paraphernalia. A "tobacco shop" cannot be located within or adjacent to a restaurant, bar or tavern, either as a room accessible from the restaurant, bar or tavern or from a separate entrance.

Tourist lodging facilities - means a retail use that provides tourist accommodations, including guest rooms or suites, which are intended or designed to be used, rented, or hired out to guests (transient visitors) intending to occupy the room for less than 32 consecutive days. This definition includes, but is not limited to, buildings containing six or more guest rooms designated and certified as tourist units

under Chapter 41 of the San Francisco Administrative Code. For purposes of this Article, "tourist lodging facilities" include, but are not limited to, motels that contain guest rooms or suites which are independently accessible from the outside, with garage or parking space located on the lot, and designed for, or occupied by, automobile-traveling transient visitors, hotels, motels, youth hostels, bed and breakfast inns, and hotel and motel guest rooms. The term "tourist lodging facilities" includes all lobbies, offices and internal passageways to guest rooms and suites within the same enclosed building or buildings as the guest rooms or suites.