

FILE NO. 070671

ORDINANCE NO.

269-07

[Amending the Planning Code to Create the Fringe Financial Service Restricted Use District and Making Related Zoning Map Amendments.]

**Ordinance amending San Francisco Planning Code Sections 249.5, 781.8, 781.9, 782, and 783 and adding Section 249.35 to the San Francisco Planning Code to create a noncontiguous Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions; amending San Francisco Planning Code Section 312 to require certain notice in Neighborhood Commercial Districts; amending San Francisco Planning Code Section 227 to add Fringe Financial Service Use to the Commercial District Zoning Control Table; amending San Francisco Planning Code Sections 702.4, 703.2, and 710 through 730 to add Fringe Financial Service Use to the Neighborhood Commercial District Zoning Control Tables; adding Section 790.111 and 890.113 to the San Francisco Planning Code to define a Fringe Financial Service Use; amending San Francisco Planning Code Sections 790.110, 790.112, 890.110, and 890.112 to require that use applications for Financial Services and Limited Financial Services include a copy of any state-issued license; amending San Francisco Planning Code Sections 803.2, 810, 811, and 812 to add Fringe Financial Service Use to the Chinatown Zoning Control Tables; amending San Francisco Planning Code Sections 814 through 818 to add Fringe Financial Service Use to certain Zoning Control Tables in the South of Market area; amending San Francisco Planning Code Section 827 to add Fringe Financial Service Use to the Rincon Hill Downtown Residential Mixed Use District Zoning Control Table; ~~amending Sections 909, 910, 911, 912, 913, and 914 to add Fringe Financial Service Use to certain Mission Bay Zoning Control Tables; amending Sectional Zoning Maps Numbers 1SU, 2SU, 6SU, 7SU, 8SU, and 10SU~~ SU01, SU02, SU06, SU07, SU08, and SU10 of Zoning Map of the City and**

1 County of San Francisco to indicate the boundaries of the Fringe Financial Service  
2 Restricted Use District, and making findings, including environmental findings and  
3 findings of consistency with the priority policies of Planning Code Section 101.1 and  
4 the General Plan.

5 Note: Additions are *single-underline italics Times New Roman*;  
6 deletions are ~~*strikethrough italics Times New Roman*~~.  
7 Board amendment additions are double underlined.  
8 Board amendment deletions are ~~strikethrough normal~~.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. Findings. The Board of Supervisors of the City and County of San  
10 Francisco hereby finds and determines that:

11 (a) General Plan and Planning Code Findings.

12 (1) On 9/20/07 at a duly noticed public hearing, the Planning Commission  
13 in Resolution No. 17485 found that the proposed Planning Code and Zoning Map  
14 amendments contained in this ordinance were consistent with the City's General Plan and  
15 with Planning Code Section 101.1(b). In addition, the Planning Commission recommended  
16 that the Board of Supervisors adopt the proposed Planning Code and Zoning Map  
17 amendments. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in  
18 File No. 070671 and is incorporated herein by reference. The Board finds that the  
19 proposed Planning Code and Zoning Map amendments contained in this ordinance are  
20 consistent with the City's General Plan and with Planning Code Section 101.1(b) for the  
21 reasons set forth in said Resolution.

22 (2) Pursuant to Planning Code Section 302, the Board finds that the proposed  
23 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
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1 Planning Commission Resolution No. 17485, which reasons are incorporated  
2 herein by reference as though fully set forth.

3 (b) Environmental Findings. The Planning Department has determined that the  
4 actions contemplated in this Ordinance are in compliance with the California Environmental  
5 Quality Act (California Public Resources Code section 21000 et seq.). Said determination is  
6 on file with the Clerk of the Board of Supervisors in File No. 070671 and is  
7 incorporated herein by reference.

8 (c) General Findings.

9 (1) Check cashing businesses cash payroll, government, personal, and other types  
10 of checks, among other related services, while taking a commission off the face-value of the  
11 check.

12 (2) Pay day lender businesses (also known as deferred deposit transaction  
13 businesses and advanced pay day lenders) provide small cash loans based on a borrower's  
14 personal check held for future deposit or on electronic access to a borrower's bank account.  
15 Generally, the borrower must include the fee for the loan in the face value of the personal  
16 check.

17 (3) According to the Federal Trade Commission and Consumer Reports, because of  
18 the high fees paid for these short term loans and check cashing services, some borrowers  
19 may pay the equivalent of more than 900% annual percentage rate interest on their loan. In  
20 California, the fee for a pay day loan can be up to \$17.50 for every \$100 borrowed, up to the  
21 maximum of \$300. The annual percentage rate for such a transaction is: 911% for a one-week  
22 loan; 456% for a two-week loan; and 212% for a one-month loan.

23 (4) According to the California Reinvestment Coalition, check cashing and pay day  
24 lender businesses, also known as fringe financial services, have grown over 1100 percent  
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1 nation-wide between 1996 and 2003. According to the Federal Trade Commission and  
2 Consumer Reports, since pay day loans were legalized in California in 1997, more than 3,500  
3 pay day loan businesses have opened in the state.

4 (5) The Brookings Institute conservatively estimates that fringe financial service  
5 providers sell \$40 million worth of their services annually out of 56 locations in San Francisco.  
6 The average fringe financial service establishment in the City has a sales volume of \$737,000  
7 annually. The estimates provided by the Brookings Institute are conservative because they  
8 only include fringe financial service providers that provide those services as their primary or  
9 secondary business service, and do not include tertiary providers of these services, including  
10 grocery stores, convenience stores, and gas stations.

11 (6) According to the Brookings Institute, these fringe financial service providers are  
12 heavily concentrated in San Francisco's poorer neighborhoods, which also have a higher  
13 percentage of minority residents than other parts of the City. The median income in a  
14 neighborhood with these types of financial services is roughly \$38,000, compared with a City-  
15 wide median income of about \$60,000. One in five residents in these neighborhoods lives in  
16 poverty, compared with a City-wide rate of about one in ten. Additionally, 30 percent of  
17 residents in these neighborhoods with a check cashing or pay day lender business are Latino,  
18 compared with a City-wide rate of about 14 percent. The neighborhood with the highest  
19 concentration of fringe financial service providers (Census Tract No. 176.01), has a median  
20 household income of just \$23,899, nearly one in three of its residents lives below the poverty  
21 line, and it has one of the highest concentrations of African American residents in the City.

22 (7) The Brookings Institute found that these fringe financial service providers tend to  
23 cluster together in the City, saturating particular neighborhoods with their high-priced financial  
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1 service products. Roughly half of the core providers of these fringe financial service providers  
2 are located in just four neighborhoods in the City.

3 (8) Concerns have been raised that the unchecked proliferation of these businesses  
4 is displacing charter banks, which offer a much broader range of financial services, and other  
5 desired commercial development in the City, particularly in the commercial districts of lower  
6 income neighborhoods. Without appropriate controls, the result of the high growth of fringe  
7 financial service providers could be a reduction or displacement of other needed financial  
8 services and other commercial benefits.

9 (9) On January 10, 2006, the Board of Supervisors adopted Ordinance No. 01-06,  
10 an urgency Ordinance that imposed a 45-day moratorium on check cashing and payday  
11 lender uses. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in  
12 File No. 051721, and is incorporated herein by reference.

13 (10) On January 13, 2005, the Mayor signed Ordinance No. 01-06 into law.

14 (11) On December 9, 2005, the Planning Department issued a report entitled  
15 "Preliminary Report on Land Use Issues and Policy Opportunities for Check Cashing and Pay  
16 Day Lender Businesses" for the Board's consideration. A copy of said report is on file with the  
17 Clerk of the Board of Supervisors in File No. 051721 and is incorporated herein by reference.

18 (12) On December 15, 2005, during a hearing of the Budget and Finance Committee  
19 of the Board of Supervisors, the Committee considered the Planning Department's report and  
20 held a hearing at which it took testimony from the public and from various City departments  
21 regarding check cashing and payday lender uses.

22 (13) On February 28, 2006, the Board of Supervisors, in accordance with California  
23 Government Code section 65858, and in furtherance of Ordinance No. 01-06, by Motion No.  
24 06-28 formally issued the Planning Department's report entitled "Preliminary Report on Land  
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1 Use Issues and Policy Opportunities for Check Cashing and Pay Day Lender Businesses.” A  
2 copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 060229 and  
3 is incorporated herein by reference.

4 (14) On May 23, 2006, the Board of Supervisors adopted Ordinance No. 115-06, an  
5 Urgency Ordinance extending the moratorium on check cashing and payday lender uses, for  
6 an additional three months. A copy of said Ordinance is on file with the Clerk of the Board of  
7 Supervisors in File No. 060641 and is incorporated herein by reference.

8 (15) This ordinance constitutes permanent controls to address the proliferation of  
9 fringe financial service providers and its passage terminates the efficacy of Ordinance 34-06,  
10 “Zoning—Three Month Extension of Interim Moratorium on New Check Cashing and Pay Day  
11 Lender Uses.”

12 Section 2. The San Francisco Planning Code is hereby amended by amending  
13 Section 227, to read as follows:

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15 **SEC. 227. OTHER USES.**

C-1	C-2	C-3-	C-3-	C-3-	C-3-	C-M	M-1	M-2	
		O	R	G	S				
									SEC. 227. OTHER USES
Retail Sales and Services									

<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(u) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a 1/4 miles of an existing fringe financial service.</u>
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Section 3. The San Francisco Planning Code is hereby amended by amending Section 249.5, to read as follows:

**SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

(a) General. A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. 1SU of the Zoning Map, is hereby established for the purposes set forth below.

(b) Purposes. In order to protect and enhance important housing resources in an area near downtown, conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area, and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area, the following controls are imposed in the North of Market Residential Special Use District.

1 (c) Controls. The following zoning controls are applicable in the North of Market  
2 Residential Special Use District. Certain controls are set forth in other Sections of this Code  
3 and are referenced herein.

4 (1) Conditional Use Criteria. In making determinations on applications for  
5 conditional use authorizations required for uses located within the North of Market Residential  
6 Special Use District, the City Planning Commission shall consider the purposes as set forth in  
7 Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

8 (2) Notwithstanding the provisions of Section 209.8 of this Code, commercial  
9 establishments shall be limited to the ground floor and the first basement floor, except that  
10 such establishments may be permitted on the second story as a conditional use if authorized  
11 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

12 (3) Garment shops that meet the qualifications set forth in Section 236(a) may be  
13 permitted on the ground floor and first basement floor as a conditional use if authorized  
14 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

15 (4) The following uses are not permitted: (A) A hotel, inn, hostel or motel; and (B)  
16 massage establishments which are not incidental to the institutional uses permitted in  
17 Sections 217(a) through (d) of the Planning Code or are not incidental to a health club,  
18 gymnasium or other facility with a regular membership or other facility which is used primarily  
19 for instruction and training in body building, exercising, reducing, sports, dancing or other  
20 similar physical activities.

21 (5) In the portion of the area designated as Subarea No. 1 of the North of Market  
22 Residential Special Use District, as shown on Section Map 1SU b of the Zoning Map, the  
23 density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2,  
24 as shown on Section Map 1SU b of the Zoning Map, the density ratio shall be one dwelling  
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1 unit for each 200 feet of lot area. The double density provisions of Section 209.1(m) shall not  
2 result in greater density than that permitted in an RC-4 District.

3 (6) Off-street parking requirements may be modified by the City Planning  
4 Commission, as provided in Section 161(h) of this Code.

5 (7) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table  
6 270 of this Code.

7 (8) Special exceptions to the 80-foot base height limit in height and bulk districts 80-  
8 120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

9 (9) Building setbacks are required in this district pursuant to Section 132.2;  
10 provisions for exceptions are also set forth in Section 132.2 of this Code.

11 (10) Exceptions to the rear yard requirements for an RC-4 District may be granted  
12 pursuant to Section 134(f) of this Code.

13 (11) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and  
14 790.58 of this Code, and further regulated by the Building Code and Sections 249.5(c)(12),  
15 136.2 and 607.4 of this Code are permitted.

16 (12) Signs located in the RC-4 portion of this district shall be regulated as provided in  
17 Section 607.4 of this Code.

18 (13) All provisions of the City Planning Code applicable in an RC-4 Use District shall  
19 apply within that portion of the district zoned RC-4, except as specifically provided above. All  
20 provisions of the City Planning Code applicable in a P Use District shall apply within that  
21 portion of the district zoned P, except as specifically provided above.

22 (14) All demolitions of buildings containing residential units shall be permitted only if  
23 authorized as a conditional use under Section 303 of this Code, unless the Director of the  
24 Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public  
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1 Safety determines that the building is unsafe or dangerous and that demolition is the only  
2 feasible means to secure the public safety. When considering whether to grant a conditional  
3 use permit for the demolition, in lieu of the criteria set forth in City Planning Code Section  
4 303(c), consideration shall be given to the purposes of the North of Market Residential Special  
5 Use District set forth in Section 249.5(b), above, to the adverse impact on the public health,  
6 safety and general welfare due to the loss of existing housing stock in the district and to any  
7 unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel  
8 units shall also comply with the provisions of the Residential Hotel Ordinance.

9 (d) Liquor Establishments. In addition to all other applicable controls set forth in this  
10 Code, Liquor Establishments in the North of Market Residential Special Use District shall be  
11 subject to the controls set forth in this Section.

12 (1) No Off-Sale Liquor Establishments shall be permitted in the North of Market  
13 Residential Special Use District.

14 (2) An Off-Sale Liquor Establishment lawfully existing in the North of Market  
15 Residential Special Use District and selling alcoholic beverages as licensed by the State of  
16 California prior to the effective date of this legislation may continue operation only under the  
17 following conditions, as provided by California Business and Professions Code Section 23790:

18 (A) The premises shall retain the same type of retail liquor license within a license  
19 classification; and

20 (B) The licensed premises shall be operated continuously without substantial  
21 change in mode or character of operation.

22 (3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to  
23 prohibit the following, provided that the type of California liquor license does not change, the  
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1 location of the establishment does not change, and the square footage used for the display  
2 and sale of alcoholic beverages does not increase:

3 (A) A change in ownership of an Off-Sale Liquor Establishment or an owner-to-  
4 owner transfer of a California liquor license; or

5 (B) Re-establishment, restoration or repair of an existing Off-Sale Liquor  
6 Establishment on the same lot after total or partial destruction or damage due to fire, riot,  
7 insurrection, toxic accident or act of God; or

8 (C) Temporary closure of an existing Off-Sale Liquor Establishment for not more  
9 than ninety (90) days for repair, renovation or remodeling.

10 (4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to  
11 prohibit the following:

12 (A) Temporary uses, as described in Planning Code Section 205.1; or

13 (B) Establishment of an Off-Sale Liquor Establishment if application for such Off-  
14 Sale Liquor Establishment is on file with the California Department of Alcoholic Beverage  
15 Control prior to the effective date of this legislation; or

16 (C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market  
17 Residential Special Use District to another location within the North of Market Residential  
18 Special Use District with conditional use authorization from the City Planning Commission,  
19 provided that (i) the type of California liquor license does not, change, (ii) the square footage  
20 used for the display and sale of alcoholic beverages does not increase, and (iii) the original  
21 premises shall not be occupied by an Off-Sale Liquor Establishment unless by another Off-  
22 Sale Liquor Establishment that is also relocating from within the North of Market Residential  
23 Special Use District. Any such conditional use authorization shall include a requirement that  
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1 the establishment comes with the "Good Neighbor Policies" set forth in Subsection (d)(6)  
2 below; or

3 (D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-  
4 Sale Beer and Wine), provided that the square footage used for the display and sale of  
5 alcoholic beverages does not increase.

6 (5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to prohibit  
7 the transfer of any California Alcoholic Beverage Control Board off-sale liquor license from a  
8 location outside of the North of Market Residential Special Use District to a location within the  
9 North of Market Residential Special Use District or the issuance of any original California  
10 Alcoholic Beverage Control Board off-sale liquor license for a location within the North of  
11 Market Residential Special Use District.

12 (6) The following "Good Neighbor Policies" shall apply to all Liquor Establishments  
13 in the North of Market Residential Special Use District in order to maintain the safety and  
14 cleanliness of the premises and vicinity:

15 (A) Employees of the establishment shall walk a 100-foot radius from the premises  
16 some time between 30 minutes after closing time and 8:00 a.m. the following morning, and  
17 shall pick up and dispose of any discarded beverage containers and other trash left by  
18 patrons;

19 (B) The establishment shall provide outside lighting in a manner sufficient to  
20 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security,  
21 without disturbing area residences;

22 (C) No alcoholic beverages shall be consumed on any outdoor property adjacent to  
23 the establishment and which is under the control of the establishment, excepting those areas  
24 of the property that are enclosed and not visible from the sidewalk. are intended for patron  
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1 services, are supervised by the establishment, and are not located adjacent to any sidewalk  
2 areas;

3 (D) No more than 33 percent of the square footage of the windows and clear doors  
4 of the establishment shall bear advertising or signage of any sort, and all advertising and  
5 signage shall be placed and maintained in a manner that ensures that law enforcement  
6 personnel have a clear and unobstructed view of the interior of the premises, including the  
7 area in which the cash registers are maintained, from the exterior public sidewalk or entrance  
8 to the premises. This requirement shall not apply to premises where there are no windows, or  
9 where existing windows are located at a height that precludes a view of the interior of the  
10 premises to a person standing outside the premises;

11 (E) No person under the age of 21 shall sell or package alcoholic beverages;

12 (F) Employees of the establishment shall regularly police the area under the control  
13 of the establishment in an effort to prevent the loitering of persons about the premises; and

14 (G) The establishment shall promptly remove any graffiti from the exterior of the  
15 premises.

16 (7) For purposes of this Section, the following definitions shall apply:

17 (A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages  
18 pursuant to a California Alcoholic Beverage Control Board license.

19 (B) "Off-Sale Liquor Establishment" shall mean any enterprise selling alcoholic  
20 beverages pursuant to a California Alcoholic Beverage Control Board License Type 20 (Off-  
21 Sale Beer and Wine), Type 21 (Off-Sale General), or any other California Alcoholic Beverage  
22 Control Board License which includes the privilege to sell alcoholic beverages for  
23 consumption off of the premises. Typical Off-Sale Liquor Establishments may include, but are  
24 not limited to, grocery stores, supermarkets and other retail sales and services;

1 (C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California  
2 Business and Professions Code Sections 23004 and 23025;

3 (D) "Sell" or "Sale" shall mean and include any retail transaction whereby, for any  
4 consideration, an alcoholic beverage is transferred from one person to another.

5 (e) Fringe Financial Services. In addition to all other applicable controls set forth in this  
6 Code, properties in the North of Market Residential Special Use District are within the Fringe  
7 Financial Service Restricted Use District established by Section 249.35 and are subject to the controls  
8 and exemptions set forth in Section 249.35.

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10 Section 4. The San Francisco Planning Code is hereby amended by adding new  
11 Section 249.35, to read as follows:

12 **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

13 (a) Findings. There are an unusually large number of establishments providing fringe  
14 financial services, including check cashing and payday lending, in the neighborhoods included in the  
15 Mission Alcoholic Beverage Special Use District, the North of Market Residential Special Use District,  
16 the Divisadero Street Alcohol Restricted Use District, the Third Street Alcohol Restricted Use District,  
17 and the Haight Street Alcohol Restricted Use Subdistrict. The unchecked proliferation of these  
18 businesses has the potential to displace other financial service providers, including charter banks,  
19 which offer a much broader range of financial services, as well as other desired commercial  
20 development in the City, which provides a broad range of neighborhood commercial goods and  
21 services.

22 (b) Establishment of the Fringe Financial Service Restricted Use District. In order to  
23 preserve the residential character and the neighborhood-serving commercial uses of the following  
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1 defined areas, a noncontiguous Fringe Financial Service Restricted Use District (Fringe Financial  
2 Service RUD) is hereby established for the following properties:

3 (1) Properties in the Mission Alcoholic Beverage Special Use District, as described in  
4 Section 781.8 of this Code and as designated on Sectional Zoning Maps Numbers ~~7SU~~ SU07 and  
5 ~~8SU~~ SU08 of the Zoning Map of the City and County of San Francisco;

6 (2) Properties in the North of Market Residential Special Use District, as described in  
7 Section 249.5 of this Code and as designated on Sectional Zoning Maps Numbers ~~4SU~~ SU01 and  
8 ~~2SU~~ SU02;

9 (3) Properties in the Divisadero Street Alcohol Restricted Use District, as described in  
10 Section 783 of this Code and as designated on Sectional Zoning Maps Numbers ~~2~~ SU02 and ~~7~~ SU07  
11 of the Zoning Map of the City and County of San Francisco;

12 (4) Properties in the Third Street Alcohol Restricted Use District, as described in Section  
13 782 of this Code and as designated on Sectional Zoning Map Number ~~40SU~~ SU10 of the Zoning  
14 Map of the City and County of San Francisco; and

15 (5) Properties in the Haight Street Alcohol Restricted Use Subdistrict, as described in  
16 Section 781.9 of this Code and as designated on Sectional Zoning Maps Numbers ~~6~~ SU06 and ~~7~~  
17 SU07 of the Zoning Map of the City and County of San Francisco;

18 (c) Restrictions.

19 (1) No new fringe financial services shall be permitted as a principal or accessory use in  
20 the Fringe Financial Service RUD.

21 (2) The controls of this Section 249.35 shall also apply within a ¼ mile of the Fringe  
22 Financial Service RUD.

23 (3) Outside of the Fringe Financial Service RUD and its ¼ mile buffer, fringe financial  
24 services shall be subject to the zoning controls set forth elsewhere in this Code, provided that, in  
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1 addition, no new fringe financial service shall be permitted as a principal or accessory use within ¼  
2 mile of an existing fringe financial service.

3 (d) Exemptions. The restrictions set forth in subsection (c) above shall not be interpreted to  
4 prohibit the following:

5 (1) A nonprofit fringe financial service; or

6 (2) Any other financial service use that is not a fringe financial service. Accordingly, any  
7 applicant for a financial service use shall provide the Planning Department with a true copy of the  
8 license issued to it by the State of California, demonstrating that such financial service operates under  
9 a license of a type distinct from that issued to a "check casher" as defined in California Civil Code  
10 section 1789.31, as amended from time to time; or to a "licensee" as defined in California Financial  
11 Code section 23001(d), as amended from time to time.

12 (e) Continuation of Existing Prohibited Fringe Financial Service Uses. Any fringe financial  
13 service subject to the restrictions set forth in this Section 249.35 may continue in accordance with  
14 Planning Code section 180 through 186.2, subject to the following provisions:

15 (1) A fringe financial service lawfully existing as licensed by the State of California prior to  
16 the effective date of this legislation, or subsequent legislation prohibiting that type of fringe financial  
17 service, so long as otherwise lawful, may continue to operate only under the following conditions:

18 (A) Except as provided in subsection 249.35(e)(2) below, the premises shall retain the same  
19 type of fringe financial service license within a license classification; and

20 (B) Except as provided in subsection 249.35(e)(2) below, the fringe financial service shall  
21 be operated continuously, without substantial changes in mode or character of operation.

22 (2) A break in continuous operation shall not be interpreted to include the following,  
23 provided that, except as indicated below, the location of the establishment does not change, the square  
24 footage used does not increase, and the type of state license does not change:



1           (A) A change in ownership of a fringe financial service provider or a lawful transfer of a  
2 state license;

3           (B) Temporary closure for restoration or repair of an existing fringe financial service on the  
4 same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act  
5 of God; or

6           (C) Temporary closure of an existing fringe financial service provider for reasons other  
7 than total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God  
8 for not more than thirty (30) days for repair, renovation, or remodeling.

9           (f) Definitions: The following definitions shall apply to this Section 249.35.

10          (1) A "fringe financial service" shall mean a retail use that provides banking services and  
11 products to the public and is owned or operated by a "check casher" as defined in California Civil  
12 Code section 1789.31, as amended from time to time, or by a "licensee" as defined in California  
13 Financial Code section 23001(d), as amended from time to time.

14          (2) A "nonprofit fringe financial service" shall mean a fringe financial service that is  
15 exempted from payment of income tax under Section 23701(d) of the California Revenue and Taxation  
16 Code and Section 501(c)(3) of the Internal Revenue Code of the United States. Any such nonprofit  
17 fringe financial service shall provide the Planning Department with a true copy(ies) of its income tax  
18 documentation demonstrating its exemption from payment of income tax under state and federal law.

19          (g) The Planning Department shall maintain information regarding the location of  
20 existing fringe financial services located outside the Fringe Financial Service Restricted Use  
21 District, which information shall be presumed accurate. An applicant for a new fringe financial  
22 service use may submit information to the Department to demonstrate that an existing fringe  
23 financial service use has closed or is otherwise not located within a ¼ mile of the location of  
24 the proposed new fringe financial service use.

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2 Section 5. The San Francisco Planning Code is hereby amended by amending  
3 Section 312, to read as follows:

4 **SEC. 312. NEIGHBORHOOD COMMERCIAL PERMIT REVIEW PROCEDURES**  
5 **FOR ALL NC DISTRICTS.**

6 (a) Purpose. The purpose of this Section is to establish procedures for reviewing  
7 building permit applications for lots in NC Districts in order to determine compatibility of the  
8 proposal with the neighborhood and for providing notice to property owners, occupants and  
9 residents neighboring the site of the proposed project and to interested neighborhood  
10 organizations, so that concerns about a project may be identified and resolved during the  
11 review of the permit.

12 (b) Applicability. Except as indicated herein, all building permit applications for  
13 demolition, new construction, changes in use to a formula retail use as defined in section  
14 703.3 of this Code or alterations which expand the exterior dimensions of a building shall be  
15 subject to the notification and review procedures required by subsection 312(d). Subsection  
16 312(f) regarding demolition permits and approval of replacement structures shall apply to all  
17 NC Districts. For the purposes of this Section, addition to a building of the features listed in  
18 Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not be subject to notification under  
19 this Section.

20 (c) Changes of Use. All building permit applications for a change of use to a bar, as  
21 defined in section 790.22, a liquor store, as defined in section 790.55, a walkup facility, as  
22 defined in section 790.140, other large institutions, as defined in section 790.50, other small  
23 institutions, as defined in section 790.51, a full-service restaurant, as defined in section  
24 790.92, a large fast food restaurant, as defined in section 790.90, a small self-service  
25

1 restaurant, as defined in section 790.91, a massage establishment, as defined in section  
2 790.60, an outdoor activity, as defined in section 790.70, ~~or~~ an adult or other entertainment  
3 use, as defined in sections 790.36 and 790.38, or a fringe financial service use, as defined in  
4 section 790.111, shall be subject to the provisions of subsection 312(d).

5 (d) Building Permit Application Review for Compliance and Notification. Upon  
6 acceptance of any application subject to this Section, the Planning Department shall review  
7 the proposed project for compliance with the Planning Code and any applicable design  
8 guidelines approved by the Planning Commission. Applications determined not to be in  
9 compliance with the standards of Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, including  
10 design guidelines for specific areas adopted by the Planning Commission, or with any  
11 applicable conditions of previous approvals regarding the project, shall be held until either the  
12 application is determined to be in compliance, is disapproved or a recommendation for  
13 cancellation is sent to the Department of Building Inspection.

14 (1) Neighborhood Commercial Design Guidelines. The construction of new  
15 buildings and alteration of existing buildings in NC Districts shall be consistent with the design  
16 policies and guidelines of the General Plan as adopted and periodically amended for specific  
17 areas or conditions by the Planning Commission. The Director of Planning may require  
18 modifications to the exterior of a proposed new building or proposed alteration of an existing  
19 building in order to bring it into conformity with the General Plan. These modifications may  
20 include, but are not limited to, changes in siting, building envelope, scale texture and detailing,  
21 openings, and landscaping.

22 (2) Notification. Upon determination that an application is in compliance with the  
23 development standards of the Planning Code, the Planning Department shall cause a notice  
24 to be posted on the site pursuant to rules established by the Zoning Administrator and shall  
25

1 cause a written notice describing the proposed project to be sent in the manner described  
2 below. This notice shall be in addition to any notices required by the Building Code and shall  
3 have a format and content determined by the Zoning Administrator. It shall include a  
4 description of the proposal compared to any existing improvements on the site with  
5 dimensions of the basic features, elevations and site plan of the proposed project including  
6 the position of any adjacent buildings, exterior dimensions and finishes, a graphic reference  
7 scale, existing and proposed uses and commercial or institutional business name, if known.  
8 The notice shall describe the project review process and shall set forth the mailing date of the  
9 notice and the expiration date of the notification period.

10 Written notice shall be mailed to the notification group which shall include the project  
11 sponsor, relevant neighborhood organizations as described in Subparagraph 312(d)(2)(C)  
12 below, all individuals having made a written request for notification for a specific parcel or  
13 parcels pursuant to Planning Code Section 351 and all owners and, to the extent practical,  
14 occupants, of properties in the notification area.

15 (A) The notification area shall be all properties within 150 feet of the subject lot in  
16 the same Assessor's Block and on the block face across from the subject lot. When the  
17 subject lot is a corner lot, the notification area shall further include all property on both block  
18 faces across from the subject lot, and the corner property diagonally across the street.

19 (B) The latest City-wide Assessor's roll for names and addresses of owners shall be  
20 used for said notice.

21 (C) The Planning Department shall maintain a list, updated every six months with  
22 current contact information, available for public review, and kept at the Planning Department's  
23 Planning Information Counter, and reception desk, as well as the Department of Building  
24 Inspection's Building Permit Counter, of neighborhood organizations which have indicated an  
25

1 interest in specific properties or areas. The organizations having indicated an interest in the  
2 subject lot or its area shall be included in the notification group for the proposed project.  
3 Notice to these groups shall be verified by a declaration of mailing signed under penalty of  
4 perjury. In the event that such an organization is not included in the notification group for a  
5 proposed project as required under this subsection, the proposed project must be re-noticed.

6 (3) Notification Period. All building permit applications shall be held for a period of  
7 30 calendar days from the date of the mailed notice to allow review by residents, occupants,  
8 owners of neighboring properties and by neighborhood groups.

9 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be  
10 waived by the Zoning Administrator for building permit applications for projects that have  
11 been, or before approval will be, the subject of a duly noticed public hearing before the  
12 Planning Commission or Zoning Administrator, provided that the nature of work for which the  
13 building permit application is required is both substantially included in the hearing notice and  
14 is the subject of the hearing.

15 (e) Requests for Planning Commission Review. A request for the Planning  
16 Commission to exercise its discretionary review powers over a specific building permit  
17 application shall be considered by the Planning Commission if received by the Planning  
18 Department no later than 5:00 p.m. of the last day of the notification period as described  
19 under Subsection (d)(3) above, subject to guidelines adopted by the Planning Commission.

20 The project sponsor of a building permit application may request discretionary review  
21 by the Planning Commission to resolve conflicts between the Director of Planning and the  
22 project sponsor concerning requested modifications to comply with relevant design guidelines  
23 of the General Plan.

1 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing  
2 requests for discretionary review by the Planning Commission within a reasonable period.

3 (2) Notice. Mailed notice of the discretionary review hearing by the Planning  
4 Commission shall be given not less than 10 days prior to the date of the hearing to the  
5 notification group as described in Paragraph 312(d)(2) above. Posted notice of the hearing  
6 shall be made as provided under Planning Code Section 306.8.

7 (f) Demolition of Dwellings, Approval of Replacement Structure Required. Unless  
8 the building is determined to pose a serious and imminent hazard as defined in the Building  
9 Code an application authorizing demolition in any NC District of an historic or architecturally  
10 important building or of a dwelling shall not be approved and issued until the City has granted  
11 final approval of a building permit for construction of the replacement building. A building  
12 permit is finally approved if the Board of Appeals has taken final action for approval on an  
13 appeal of the issuance or denial of the permit or if the permit has been issued and the time for  
14 filing an appeal with the Board has lapsed with no appeal filed.

15 (1) The demolition of any building whether or not historically and architecturally  
16 important may be approved administratively where the Director of the Department of Building  
17 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines, after  
18 consultation with the Zoning Administrator, that an imminent safety hazard exists, and the  
19 Director of the Department of Building Inspection determines that demolition or extensive  
20 alteration of the structure is the only feasible means to secure the public safety.

21  
22 Section 6. The San Francisco Planning Code is hereby amended by amending Section  
23 702.4, to read as follows:

24 **SEC. 702.4. SPECIAL USE DISTRICTS.**

In addition to the Neighborhood Commercial Use Districts and Neighborhood Commercial Special Use Districts established by Sections 702.1 and 702.2 of this Code, certain special use districts established in Section 236 through 249.9 of this Code are located within certain Neighborhood Commercial District boundaries. The designations, locations, and boundaries of the special use districts are as provided below.

Special Use Districts	Section Number
Garment Shop Special Use District	§ 236
<i>Fringe Financial Service Restricted Use District</i>	<i>§ 249.35</i>

Section 7. The San Francisco Planning Code is hereby amended by amending Section 703.2(a), to read as follows:

(a) Use Categories. The uses, functions, or activities, which are permitted in each Neighborhood Commercial District class include those listed below by zoning control category and number and cross-referenced to the Code Section containing the definition.

No.	Zoning Control Categories for Uses	Section Number of use Definition
.68	<i>Fringe Financial Service</i>	<i>§ 790.111</i>

Section 8. The San Francisco Planning Code is hereby amended by amending Sections 710 through 730, to read as follows:

**SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING CONTROL TABLE.**

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>710.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2 ZONING CONTROL TABLE.**

			NC-2		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>711.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>P#</u>		

**SPECIFIC PROVISIONS FOR NC-2 DISTRICTS**

Article 7	Other Code	Zoning Controls
Code Section	Section	
§711.49	§ 781.7	CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT
§711.50		Boundaries: Applicable only for the Chestnut Street NC-2
<u>§711.68</u>		District from Broderick to Fillmore Street as mapped on Section
		Map 2SU.
		Controls: Financial services, <del>and</del> limited financial services, <u>and</u>
		<u>fringe financial services</u> are NP.
<u>711.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</u>



(FFSRUD)

**Boundaries:** The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; and the North of Market Residential Special Use District; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

**Controls:** Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).

**SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3 ZONING CONTROL TABLE.**

			NC-3		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>712.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>P#</u>		

**SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

Article 7	Other Code	Zoning Controls
Code Section	Section	

1	<u>712.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</u>
2			<u>(FFSRUD)</u>
3			<u><b>Boundaries:</b> The FFSRUD and its ¼ mile buffer includes, but is not</u>
4			<u>limited to, properties within: the Mission Alcoholic Beverage Special</u>
5			<u>Use District; the Haight Street Alcohol Restricted Use District; the</u>
6			<u>Third Street Alcohol Restricted Use District; the Divisadero Street</u>
7			<u>Alcohol Restricted Use District; and the North of Market Residential</u>
8			<u>Special Use District; and includes Moderate-Scale Neighborhood</u>
9			<u>Commercial Districts within its boundaries.</u>
10			<u><b>Controls:</b> Within the FFSRUD and its ¼ mile buffer, fringe financial</u>
11			<u>services are NP pursuant to Section 249.35. Outside the FFSRUD</u>
12			<u>and its ¼ mile buffer, fringe financial services are P subject to the</u>
13			<u>restrictions set forth in subsection 249.35(c)(3).</u>

14

15 **SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**

16 **ZONING CONTROL TABLE.**

C			NC-S		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>713.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>P#</u>		

22

23 **SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

24	Article 7	Other Code	Zoning Controls
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Code Section	Section	
<u>713.68</u>	<u>§249.35</u>	<i>Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</i>

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>714.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>715.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					

<u>716.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			
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**SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>717.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>718.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>719.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	#	#	#

**SPECIFIC PROVISIONS FOR THE HAIGHT STREET DISTRICT**

Article 7	Other Code	Zoning Controls
Code Section	Section	
<u>§§719.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u>  <u><b>Boundaries:</b> The FFSRUD includes, but is not limited to, the Haight Street Neighborhood Commercial District.</u>  <u><b>Controls:</b> Fringe financial services are NP pursuant to Section 249.35.</u>

**SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>720.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>P#</u>		

**SPECIFIC PROVISIONS FOR THE HAYES-GOUGH DISTRICT**

Article 7	Other Code	Zoning Controls
Code Section	Section	
<u>720.68</u>	<u>§249.35</u>	<u>Fringe financial services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

**SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>721.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>722.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>723.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	#	#	#

**SPECIFIC PROVISIONS FOR POLK STREET DISTRICT**

Article 7	Other Code	Zoning Controls
Code Section	Section	

1	<u>723.68</u>	<u>§249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</u>
2			<u>(FFSRUD)</u>
3			<u><b>Boundaries:</b> The FFSRUD and its 1/4 mile buffer includes, but is not</u>
4			<u>limited to, properties within the North of Market Residential Special</u>
5			<u>Use District; and includes some properties within the Polk Street</u>
6			<u>Neighborhood Commercial District.</u>
7			<u><b>Controls:</b> Within the FFSRUD and its 1/4 mile buffer, fringe financial</u>
8			<u>services are NP pursuant to Section 249.35. Outside the FFSRUD</u>
9			<u>and its 1/4 mile buffer, fringe financial services are P subject to the</u>
10			<u>restrictions set forth in subsection 249.35(c)(3).</u>

11  
12 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**  
13 **CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>724.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

18  
19 **SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**  
20 **CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>725.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>726.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>

**SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§§726.68</u>	<u>§249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u><b>Boundaries:</b> The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial District.</u></p> <p><u><b>Controls:</b> Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).</u></p>

**SEC. 727. 24<sup>TH</sup> STREET-MISSION NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +



Retail Sales and Services

<u>727.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>
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**SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
<u>§§727.68</u>	<u>§249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u><b>Boundaries:</b> The FFSRUD and its ¼ mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial District.</u></p> <p><u><b>Controls:</b> Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).</u></p>

**SEC. 728. 24<sup>TH</sup> STREET-NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>728.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>

**SPECIFIC PROVISIONS FOR THE 24TH STREET-NOE VALLEY DISTRICT**

Article 7	Other Code	Zoning Controls
Code Section	Section	
<u>§§728.68</u>	<u>§249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</u></p> <p><u><b>Boundaries:</b> The FFSRUD and its ¼ mile buffer includes portions of, but is not limited to, the 24th Street-Noe Valley Neighborhood Commercial District.</u></p> <p><u><b>Controls:</b> Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in subsection 249.35(c)(3).</u></p>

**SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					
<u>729.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>			

**SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE.**

			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
Retail Sales and Services					

1	<u>730.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>P#</u>		
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3 **SPECIFIC PROVISIONS FOR THE INNER SUNSET NEIGHBORHOOD COMMERCIAL**

4 **DISTRICT**

5	Article 7	Other Code	Zoning Controls
6	Code Section	Section	
7	<u>§§730.68</u>	<u>§249.35</u>	<u>Fringe financial services are P subject to the restrictions set forth in</u>
8			<u>Section 249.35, including, but not limited to, the proximity</u>
9			<u>restrictions set forth in subsection 249.35(c)(3).</u>

10

11 Section 9. The San Francisco Planning Code is hereby amended by amending Section

12 781.8, to read as follows:

13 **SEC. 781.8. MISSION ALCOHOLIC BEVERAGE SPECIAL USE SUBDISTRICT.**

14 There is an unusually large number of establishments dispensing alcoholic beverages,

15 including beer and wine, for both on-site and off-site consumption in this area. The existence

16 of this many alcoholic beverage establishments appears to contribute directly to numerous

17 peace, health, safety and general welfare problems in the area, including loitering, littering,

18 drug trafficking, prostitution, public drunkenness, defacement and damaging of structures,

19 pedestrian obstructions, as well as traffic circulation, parking and noise problems on public

20 streets and neighborhood lots. The existence of such problems creates serious impacts on

21 the health, safety and welfare of residents of nearby single- and multiple-family areas,

22 including fear for the safety of children, elderly residents and of visitors to the area. The

23 problems also contribute to the deterioration of the neighborhood and concomitant

24 devaluation of property and destruction of community values and quality of life. The number

25

1 of establishments selling alcoholic beverages and the associated problems discourage more  
2 desirable and needed commercial uses in the area. In order to preserve the residential  
3 character and the neighborhood-serving commercial uses of the area, there shall be a Mission  
4 Alcoholic Beverage Special Use Subdistrict to prohibit new establishments, or expansion of  
5 existing establishments, selling alcoholic beverages for the property in the area generally  
6 bounded by Guerrero Street, San Jose Avenue, Randall Street, Mission Street, Cesar Chavez  
7 Street, Potrero Avenue and Fourteenth Street as designated on Sectional Map Numbers 7SU  
8 and 8SU.

9 The following restrictions shall apply within such district:

10 (a) Prohibition of New Establishments Selling Alcoholic Beverages. No new  
11 establishment where alcoholic beverages are sold, served or given away for on-site or off-site  
12 consumption, shall be established in this special use district as set forth below:

13 (1) No new bar, as defined in Planning Code Section 790.22, shall be permitted in  
14 this special use district;

15 (2) No new off-sale liquor establishment shall be permitted in the special use  
16 district. An "off-sale liquor establishment" shall mean any establishment which has obtained  
17 Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-  
18 sale general) selling alcoholic beverages in an open or a closed container for consumption off  
19 the premises. Typical off-sale liquor establishments may include but are not limited to the  
20 following: food markets, supermarkets, drugstores, liquor stores, bars and convenience  
21 markets.

22 (b) Prohibition of Expansion of Existing Establishments Selling Alcoholic Beverages.  
23 Any establishment selling alcoholic beverages lawfully existing prior to the effective date of  
24 this resolution and licensed by the State of California for the retail sale of alcoholic beverages  
25

1 for on-site and off-site consumption, so long as otherwise lawful, may continue in existence,  
2 provided such establishment remains in use, as follows:

3 (1) In the event that any such establishment ceases to operate or discontinues  
4 operation for 30 days or longer as set forth in State law, such use shall be deemed  
5 abandoned;

6 (2) No establishment selling alcoholic beverages may substantially change the  
7 mode or character of operation of the establishment, nor may it expand the square footage  
8 devoted exclusively to the sale of alcoholic beverages, significantly increase the percentage of  
9 alcoholic beverage sales as a portion of total sales, or change its type of retail liquor license  
10 within a license classification.

11 (c) Exception for Bona Fide Restaurant. A bona fide restaurant shall be permitted to  
12 serve alcoholic beverages in this special use district. A "bona fide restaurant" shall mean a  
13 place which is regularly used and kept open for the service of meals to guests for  
14 compensation and which has (1) suitable kitchen facilities for the cooking of an assortment of  
15 foods which may be required for meals, (2) a primary use of sit-down service to patrons, (3)  
16 adequate seating arrangements for sit-down patrons provided on the premises, (4) take-out  
17 service that is only incidental to the primary sit-down use, (5) alcoholic beverages which are  
18 sold or dispensed for consumption on the premises only when served at tables or sit-down  
19 counters by employees of the restaurant, and (6) a minimum of 51 percent of the restaurant's  
20 gross receipts shall be from the sale of meals. A "bona fide restaurant" does not include any  
21 billiard or pool hall, bowling alley, or adult entertainment business as defined in Planning Code  
22 Section 790.36.

23 (d) Exception for Non-Profit Theaters. A non-profit theater shall be permitted to  
24 serve alcoholic beverages in this special use district. A "non-profit theater" shall mean a  
25

1 building or part of a building intended to be used for the specific purposes of presenting any  
2 act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or  
3 participated in by one or more persons, whether or not such person or persons are  
4 compensated for such performance, and which is exempted from payment of income tax  
5 under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of  
6 the Internal Revenue Code of the United States. A "non-profit theater" does not include any  
7 dance hall as defined in Section 1060 of the San Francisco Police Code, billiard parlor, pool  
8 hall, bowling alley, or adult entertainment business as defined in Planning Code Section  
9 790.36.

10 (e) Fringe Financial Services. In addition to all other applicable controls set forth in this  
11 Code, properties in the Mission Alcoholic Beverage Special Use Subdistrict are within the Fringe  
12 Financial Service Restricted Use District established by Section 249.35 and are subject to the controls  
13 and exemptions set forth in Section 249.35.

14  
15 Section 10. The San Francisco Planning Code is hereby amended by amending  
16 Section 781.9, to read as follows:

17 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

18 There is an unusually large number of establishments dispensing alcoholic beverages,  
19 including beer and wine, for both on-site and off-site consumption in the Haight-Ashbury  
20 neighborhood. A concentration of alcoholic beverage establishments in a neighborhood  
21 disrupts the desired mix of land uses that contribute to a livable neighborhood and  
22 discourages more desirable and needed commercial uses in the area. A concentration of  
23 establishments selling alcoholic beverages in an area may therefore contribute to the  
24 deterioration of the neighborhood and to the concomitant devaluation of property and  
25

1 destruction of community values and quality of life. These effects contribute to peace, health,  
2 safety and general welfare problems in these areas, including loitering, littering, public  
3 drunkenness, driving while intoxicated, defacement and damaging of structures, pedestrian  
4 obstructions, as well as traffic circulation, parking and noise problems on public streets and  
5 neighborhood lots, and other nuisance activities. The existence of such problems creates  
6 serious impacts on the health, safety and welfare of residents of nearby single- and multiple-  
7 family areas. These impacts include fear for the safety of children, elderly residents and  
8 visitors to the area.

9 (a) Haight Street Alcohol Restricted Use Subdistrict Established. In order to  
10 preserve the residential character and the neighborhood-serving commercial uses of the  
11 Haight-Ashbury neighborhood, the Haight Street Alcohol Restricted Use Subdistrict (Haight  
12 Street Alcohol RUSD) is hereby established with boundaries coterminous with the Haight  
13 Street Neighborhood Commercial District as designated on Sectional Map numbers 6 and 7.  
14 The Haight Street Alcohol RUSD is designated on Section Map Numbers 6SU and 7SU.

15 (1) No new on-sale or off-sale liquor establishment shall be permitted in the Haight  
16 Street RUSD.

17 (2) These controls also shall apply within 1/4-mile of the Haight Street Alcohol  
18 RUSD to nonconforming uses in R districts pursuant to Planning Code Section 186, and in  
19 NC-1 Districts, pursuant to the Special Provisions for NC-1 Districts which follows the Control  
20 Table constituting Sections 710.10 through 710.95.

21 (3) The prohibition on Liquor Establishments shall not be interpreted to prohibit the  
22 following:

23 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or  
24  
25

1 (B) Establishment of a Liquor Establishment if application for such Liquor  
2 Establishment is on file with the California Department of Alcoholic Beverage Control prior to  
3 the effective date of legislation establishing the Haight Street Alcohol RUSD.

4 (C) Establishment of a Liquor Establishment if: (1) such use is an eligible movie  
5 theater, (2) only beer and wine are offered for consumption, and (3) such beer and wine are:  
6 (i) only consumed on the premises and primarily in the main theater auditorium, (ii) only sold  
7 to and consumed by ticketholders and only immediately before and during performances, and  
8 (iii) only offered in conjunction with the screening of films and not as an independent element  
9 of the establishment that is unrelated to the viewing of films. For purposes of this Section, an  
10 "eligible movie theater" shall be a movie theater as defined in Code Section 790.64 that  
11 contains only a single screen and auditorium, has seating for 150 or fewer persons, and is not  
12 a formula retail use as defined in Code Section 703.3(b).

13 (4) Continuation of existing Prohibited Liquor Establishments. In the Haight Street  
14 Alcohol RUSD, any Prohibited Liquor Establishment may continue in accordance with  
15 Planning Code Section 180 through 186.2, subject to the following provisions. For purposes  
16 of this Section, the Haight Street Alcohol RUSD shall be considered to include, pursuant to  
17 Section 186 of this Code and to the Special Provisions for NC-1 Districts, the area within 1/4-  
18 mile of the Haight Street Alcohol RUSD as mapped.

19 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic  
20 beverages as licensed by the State of California prior to the effective date of this legislation, or  
21 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise  
22 lawful, may continue to operate only under the following conditions, as provided by California  
23 Business and Professions Code Section 23790:  
24  
25



1 (1) Except as provided by Subsection (B) below, the premises shall retain the same  
2 type of retail liquor license within a license classification; and

3 (2) Except as provided by Subsection (B) below, the licensed premises shall be  
4 operated continuously, without substantial change in mode or character of operation.

5 (B) A break in continuous operation shall not be interpreted to include the following,  
6 provided that the location of the establishment does not change, the square footage used for  
7 the sale of alcoholic beverages does not increase, and the type of California Department of  
8 Alcoholic Beverage Control Liquor License ("ABC License") does not change except as  
9 indicated:

10 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-  
11 owner transfer of an ABC License; or

12 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor  
13 Establishment on the same lot after total or partial destruction or damage due to fire, riot,  
14 insurrection, toxic accident or act of God; or

15 (3) Temporary closure of an existing Prohibited Liquor Establishment for not more  
16 than ninety (90) days for repair, renovation or remodeling;

17 (4) Re-location of an existing Prohibited Liquor Establishment in the Haight Street  
18 Alcohol RUSD to another location within the same Haight Street Alcohol RUSD with  
19 conditional use authorization from the City Planning Commission, provided that the original  
20 premises shall not be occupied by a Prohibited Liquor Establishment, unless by another  
21 Prohibited Liquor Establishment that is also relocating from within the Haight Street Alcohol  
22 RUSD.

23 (5) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and  
24 wine) license.  
25

1 (b) Definitions:

2 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages,  
3 as defined by California Business and Professions Code Section 23004 and 23025, pursuant  
4 to a California Alcoholic Beverage Control Board license.

5 (2) An "on-sale liquor establishment" shall mean any liquor establishment which has  
6 obtained Alcoholic Beverage Control Board License type 40 (on-sale beer), type 41 (on-sale  
7 beer and wine eating place), type 42 (on-sale beer and wine public premises), type 47 (on-  
8 sale general eating place), type 48 (on-sale general-public premises) or type 57 (special on-  
9 sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale  
10 establishments may include but are not limited to bars and restaurants serving alcoholic  
11 beverages. It shall not include types 51, 52, 59, 60, 61, 67, 70 or 75.

12 (3) An "off-sale liquor establishment" shall mean any liquor establishment which has  
13 obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type  
14 21 (off-sale general) selling alcoholic beverages in an open or a closed container for  
15 consumption off the premises. Typical off-sale liquor establishments may include but are not  
16 limited to the following uses licensed to sell off-sale alcoholic beverages: food markets,  
17 supermarkets, drugstores, liquor stores, bars and convenience markets. It shall not include  
18 producers and distributor's licenses for offices or establishments not open to the general  
19 public.

20 (4) A "prohibited liquor establishment" shall mean any establishment selling  
21 alcoholic beverages lawfully existing prior to the effective date of the establishment of the  
22 Haight Street Alcohol RUSD and licensed by the State of California for the retail sale of  
23 alcoholic beverages for on or off-site consumption, so long as otherwise lawful.  
24  
25

1           (c) Fringe Financial Services. In addition to all other applicable controls set forth in this  
2 Code, properties in the Haight Street Alcohol Restricted Use Subdistrict are within the Fringe  
3 Financial Service Restricted Use District established by Section 249.35 and are subject to the controls  
4 and exemptions set forth in Section 249.35.

5  
6           Section 11. The San Francisco Planning Code is hereby amended by amending  
7 Section 782, to read as follows:

8           **SEC. 782.     THIRD STREET ALCOHOL RESTRICTED USE DISTRICT**  
9 **ESTABLISHED.**

10           There is an unusually large number of establishments dispensing alcoholic beverages,  
11 including beer and wine, for both on-site and off-site consumption in the Bayview area. The  
12 existence of this many alcoholic beverage establishments appears to contribute directly to  
13 numerous peace, health, safety and general welfare problems in the area, including loitering,  
14 littering, drug trafficking, prostitution, public drunkenness, defacement and damaging of  
15 structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems  
16 on public streets and neighborhood lots. The existence of such problems creates serious  
17 impacts on the health, safety and welfare of residents of nearby single- and multiple-family  
18 areas, including fear for the safety of children, elderly residents and of visitors to the area.  
19 The problems also contribute to the deterioration of the neighborhood and concomitant  
20 devaluation of property and destruction of community values and quality of life. The number  
21 of establishments selling alcoholic beverages and the associated problems discourage more  
22 desirable and needed commercial uses in the area.

23           (a) In order to preserve the residential character and the neighborhood-serving  
24 commercial uses of the area, the Third Street Alcohol Restricted Use District (Third Street  
25

1 Alcohol RUD) is hereby established for the property in the area generally bounded by Islais  
2 Creek to the North, Quint Street, Phelps Street, Tampa Street, Bridgeview Drive, Newhall  
3 Street, Venus Street and Egbert Avenue to the West, US Highway 101 to the South, and  
4 Mendell Street, La Salle Avenue, Keith Street, Palou Street, Jennings Street, and Ingalls  
5 Street to the East, as designated on Sectional Map numbers 8 and 10. The Third Street  
6 Alcohol RUD is designated on Section Map Numbers 8SU and 10SU.

7 (1) No new on-sale or off-sale liquor establishment shall be permitted in the Third  
8 Street Alcohol RUD.

9 (2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the  
10 following:

11 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

12 (B) Establishment of a Liquor Establishment if application for such Liquor  
13 Establishment is on file with the California Department of Alcoholic Beverage Control prior to  
14 the effective date of legislation establishing the Third Street Alcohol RUD.

15 (3) Continuation of existing Prohibited Liquor Establishments. In the Third Street  
16 Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning  
17 Code Section 180 through 186.2, subject to the following provisions.

18 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic  
19 beverages as licensed by the State of California prior to the effective date of this legislation, or  
20 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise  
21 lawful, may continue to operate only under the following conditions, as provided by California  
22 Business and Professions Code Section 23790:

23 (1) Except as provided by Subsection (B) below, the premises shall retain the same  
24 type of retail liquor license within a license classification; and  
25

1           (2)    Except as provided by Subsection (B) below, the licensed premises shall be  
2 operated continuously, without substantial change in mode or character of operation.

3           (B)    A break in continuous operation shall not be interpreted to include the following,  
4 provided that the location of the establishment does not change, the square footage used for  
5 the sale of alcoholic beverages does not increase, and the type of California Department of  
6 Alcoholic Beverage Control Liquor License ("ABC" License) does not change except as  
7 indicated:

8           (1)    A change in ownership of a Prohibited Liquor Establishment or an owner-to-  
9 owner transfer of an ABC License;

10          (2)    Re-establishment, restoration or repair of an existing Prohibited Liquor  
11 Establishment on the same lot after total or partial destruction or damage due to fire, riot,  
12 insurrection, toxic accident or act of God; or

13          (3)    Temporary closure of an existing Prohibited Liquor Establishment for not more  
14 than ninety (90) days for repair, renovation or remodeling;

15          (4)    Re-location of an existing Prohibited Liquor Establishment in the Third Street  
16 Alcohol RUD to another location within the same Third Street Alcohol RUD with conditional  
17 use authorization from the City Planning Commission, provided that the original premises  
18 shall not be occupied by a Prohibited Liquor Establishment, unless by another Prohibited  
19 Liquor Establishment that is also relocating from within the Third Street Alcohol RUD.

20          (5)    A change from a Type 21 (off-sale) to a Type 20 (off-sale beer and wine) license  
21 or a change from any Alcohol Beverage Control Board License type to a Type 41 (on-sale  
22 beer and wine--eating place).

23          (b)    The following shall apply to all liquor establishments in the Third Street Alcohol  
24 RUD in order to maintain the safety of the premises and vicinity:

1           (1)   Liquor establishments shall provide outside lighting in a manner sufficient to  
2 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security,  
3 without disturbing area residences;

4           (2)   No more than 33 percent of the square footage of the windows and clear doors  
5 of Liquor establishments shall bear advertising or signage of any sort, and all advertising and  
6 signage shall be placed and maintained in a manner that ensures that law enforcement  
7 personnel have a clear and unobstructed view of the interior of the premises, including the  
8 area in which the cash registers are maintained, from the exterior public sidewalk or entrance  
9 to the premises. This requirement shall not apply to premises where there are no windows, or  
10 where existing windows are located at a height that precludes a view of the interior of the  
11 premises to a person standing outside the premises.

12           (c)   Definitions.

13           (1)   A "liquor establishment" shall mean any enterprise selling alcoholic beverages,  
14 as defined by California Business and Professions Code Section 23004 and 23025, pursuant  
15 to a California Alcoholic Beverage Control Board license.

16           (2)   An "on-sale liquor establishment" shall mean any liquor establishment which has  
17 obtained Alcoholic Beverage Control Board license type 40 (on-sale beer), type 42 (on-sale  
18 beer and wine public premises), type 48 (on-sale general-public premises) or type 57 (special  
19 on-sale general) selling alcoholic beverages for consumption on the premises. Typical on-  
20 sale establishments may include but are not limited to bars serving alcoholic beverages. It  
21 shall not include types 41, 47, 51, 52, 59, 60, 61, 67, 70 or 75.

22           (3)   An "off-sale liquor establishment" shall mean liquor establishment which has  
23 obtained Alcoholic Beverage Control Board license type 20 (off-sale beer and wine) or type 21  
24 (off-sale general) selling alcoholic beverages in an open or closed container for consumption  
25

1 off the premises. Typical off-sale liquor establishments may include but are not limited to the  
2 following uses licensed to sell off-sale alcoholic beverages: food markets, supermarkets,  
3 drugstores, liquor stores, bars and convenience markets. It shall not include producers and  
4 distributor's licenses for offices or establishments not open to the general public.

5 (4) A "prohibited liquor establishment" shall mean any establishment selling  
6 alcoholic beverages lawfully existing prior to the effective date of the establishment of the  
7 Third Street Alcohol RUD and licensed by the State of California for the retail sale of alcoholic  
8 beverages for on- or off-site consumption, so long as otherwise lawful.

9 (d) Fringe Financial Services. In addition to all other applicable controls set forth in this  
10 Code, properties in the Third Street Alcohol Restricted Use District are within the Fringe Financial  
11 Service Restricted Use District established by Section 249.35 and are subject to the controls and  
12 exemptions set forth in Section 249.35.

13  
14 Section 12. The San Francisco Planning Code is hereby amended by amending  
15 Section 783, to read as follows:

16 **SEC. 783. DIVISADERO STREET ALCOHOL RESTRICTED USE DISTRICT**  
17 **ESTABLISHED.**

18 There are an unusually large number of establishments dispensing alcoholic  
19 beverages, including beer and wine, for off-site consumption in the Small-Scale Neighborhood  
20 Commercial District along Divisadero Street between Haight and Geary Streets. The  
21 existence of this many alcoholic beverage establishments appears to contribute directly to  
22 numerous peace, health, safety and general welfare problems in the area, including loitering,  
23 littering, public drunkenness, defacement and damaging of structures, pedestrian  
24 obstructions, as well as traffic circulation, parking and noise problems on public streets and  
25

1 neighborhood lots. The existence of such problems creates serious impacts on the health,  
2 safety and welfare of residents of nearby single- and multiple-family areas, including fear for  
3 the safety of children, elderly residents and of visitors to the area. The problems also  
4 contribute to the deterioration of the neighborhood and concomitant devaluation of property  
5 and destruction of community values and quality of life. The number of establishments selling  
6 alcoholic beverages and the associated problems discourage more desirable and needed  
7 commercial uses in the area.

8 (a) In order to preserve the residential character and the neighborhood-serving  
9 commercial uses of the area, the Divisadero Street Alcohol Restricted Use District (Divisadero  
10 Street Alcohol RUD) is hereby established for the properties in the Small-Scale Neighborhood  
11 Commercial District along Divisadero Street between Haight and Geary Streets, as  
12 designated on Sectional Map numbers 2 and 7. The Divisadero Street Alcohol RUD is  
13 designated on Sectional Map Numbers 2SU and 8SU.

14 (1) No new off-sale liquor establishments shall be permitted in the Divisadero Street  
15 Alcohol RUD.

16 (2) The prohibition on Liquor Establishments shall not be interpreted to prohibit the  
17 following:

18 (A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or

19 (B) Establishment of a Liquor Establishment if an application for such Liquor  
20 Establishment is on file with the California Department of Alcoholic Beverage Control prior to  
21 the effective date of legislation establishing the Divisadero Street Alcohol RUD.

22 (C) Re-location of an existing liquor establishment from outside the Divisadero  
23 Street Alcohol RUD to a location within the Divisadero Street Alcohol RUD if that liquor  
24  
25



1 establishment received conditional use authorization from the City Planning Commission prior  
2 to the effective date of this legislation.

3 (3) Continuation of Existing Prohibited Liquor Establishments. In the Divisadero  
4 Street Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with  
5 Planning Code Section 180 through 186.2, subject to the following provisions:

6 (A) A Prohibited Liquor Establishment lawfully existing and selling alcoholic  
7 beverages as licensed by the State of California prior to the effective date of this legislation, or  
8 subsequent legislation prohibiting that type of Liquor Establishment, so long as otherwise  
9 lawful, may continue to operate only under the following conditions, as provided by California  
10 Business and Professions Code Section 23790;

11 (1) Except as provided by Subsection (B) below, the premises shall retain the same  
12 type of retail liquor license within a license classification; and

13 (2) Except as provided by Subsection (B) below, the licensed premises shall be  
14 operated continuously, without substantial change in mode or character of operation.

15 (B) A break in continuous operation shall not be interpreted to include the following,  
16 provided that the location of the establishment does not change, the square footage used for  
17 the sale of alcoholic beverages does not increase, and the type of California Department of  
18 Alcoholic Beverage Control Liquor License ("ABC License") does not change except as  
19 indicated:

20 (1) A change in ownership of a Prohibited Liquor Establishment or an owner-to-  
21 owner transfer of an ABC License; or

22 (2) Re-establishment, restoration or repair of an existing Prohibited Liquor  
23 Establishment on the same lot after total or partial destruction or damage due to fire, riot,  
24 insurrection, toxic accident or act of God; or  
25

1           (3)    Temporary closure of an existing Prohibited Liquor Establishment for not more  
2 than ninety (90) days for repair, renovation or remodeling;

3           (4)    Re-location of an existing Prohibited Liquor Establishment in the Divisadero  
4 Street Alcohol RUD to another location within the same Divisadero Street Alcohol RUD with  
5 conditional use authorization from the City Planning Commission, provided that the original  
6 premises shall not be occupied by a Prohibited Liquor Establishment, unless by another  
7 Prohibited Liquor Establishment that is also relocating from within the Divisadero Street Alcohol  
8 RUD.

9           (b)    The following shall apply to all liquor establishments in the Divisadero Street  
10 Alcohol RUD in order to maintain the safety of the premises and vicinity:

11           (1)    Liquor establishments shall provide outside lighting in a manner sufficient to  
12 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security,  
13 without disturbing area residences;

14           (2)    No more than 33 percent of the square footage of the windows and clear doors  
15 of Liquor establishments shall bear advertising or signage of any sort, and all advertising and  
16 signage shall be placed and maintained in a manner that ensures that law enforcement  
17 personnel have a clear and unobstructed view of the interior of the premises, including the  
18 area in which the cash registers are maintained, from the exterior public sidewalk or entrance  
19 to the premises. This requirement shall not apply to premises where there are no windows, or  
20 where existing windows are located at a height that precludes a view of the interior of the  
21 premises to a person standing outside the premises.

22           (c)    Definitions:  
23  
24  
25

1 (1) A "liquor establishment" shall mean any enterprise selling alcoholic beverages,  
2 as defined by California Business and Professions Code Section 23004 and 23025, pursuant  
3 to a California Alcoholic Beverage Control Board license.

4 (2) An "off-sale liquor establishment" shall mean any liquor establishment which has  
5 obtained Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type  
6 21 (off-sale general) selling alcoholic beverages in an open or a closed container for  
7 consumption off the premises. Typical off-sale liquor establishments may include but are not  
8 limited to the following uses licensed to sell off-sale alcoholic beverages: food markets,  
9 supermarkets, drugstores, liquor stores, bars and convenience markets. It shall not include  
10 producers and distributor's licenses for offices or establishments not open to the general  
11 public.

12 (3) A "prohibited liquor establishment" shall mean any establishment selling  
13 alcoholic beverages lawfully existing prior to the effective date of the establishment of the  
14 Divisadero Street Alcohol RUD and licensed by the State of California for the retail sale of  
15 alcoholic beverages for off-site consumption, so long as otherwise lawful.

16 (d) Fringe Financial Services. In addition to all other applicable controls set forth in this  
17 Code, properties in the Divisadero Street Alcohol Restricted Use District are within the Fringe  
18 Financial Service Restricted Use District established by Section 249.35 and are subject to the controls  
19 and exemptions set forth in Section 249.35.  
20

21 Section 13. The San Francisco Planning Code is hereby amended by amending  
22 Section 790.110, to read as follows:

23 **SEC. 790.110. SERVICE, FINANCIAL.**  
24  
25

1 A retail use which provides banking services and products to the public, such as banks,  
2 savings and loans, and credit unions, when occupying more than 15 feet of linear frontage or  
3 200 square feet of gross floor area. Any applicant for a financial service use shall provide the  
4 Planning Department with a true copy of the license issued to it by the State of California.

5  
6 Section 14. The San Francisco Planning Code is hereby amended by adding Section  
7 790.111 to read as follows:

8 **SEC. 790.111. SERVICE, FRINGE FINANCIAL.**

9 A retail use that provides banking services and products to the public and is owned or operated  
10 by a "check cashier" as defined in California Civil Code section 1789.31, as amended from time to  
11 time, or by a "licensee" as defined in California Financial Code section 23001(d), as amended from  
12 time to time. Any applicant for a fringe financial service use shall provide the Planning Department  
13 with a true copy of the license issued to it by the State of California.

14  
15 Section 15. The San Francisco Planning Code is hereby amended by amending  
16 Section 790.112 to read as follows:

17 **Sec. 790.112. SERVICE, LIMITED FINANCIAL.**

18 A retail use which provides banking services , when not occupying more than 15 feet of  
19 linear frontage or 200 square feet of gross floor area. Automated teller machines, if installed  
20 within such a facility or on an exterior wall as a walk-up facility, are included in this category;  
21 however, these machines are not subject to the hours of operation, as defined in Section  
22 790.48 of this Code and set forth in zoning category number .27 listed in Article 7 of this Code  
23 for each district. Any applicant for a limited financial service use shall provide the Planning  
24 Department with a true copy of the license issued to it by the State of California.

Section 16. The San Francisco Planning Code is hereby amended by amending  
Section 803.2, to read as follows:

**TABLE 803.2. USE CATEGORIES PERMITTED IN THE CHINATOWN MIXED USE  
DISTRICTS**

No.	Zoning Control Categories for Uses	Section Number of Use Definition
<u>803.2.72</u>	<u>Fringe Financial Service</u>	<u>890.113</u>

Section 17. The San Francisco Planning Code is hereby amended by amending  
Section 810, to read as follows:

**TABLE 810. CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL  
TABLE**

			Chinatown Community Business District		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<u>.72</u>	<u>Fringe Financial Service</u>	<u>§ 890.113</u>	<u>P#</u>		

**SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT**

Section		Zoning Controls
<u>§ 810.72</u>	<u>249.35</u>	<u>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

Section 18. The San Francisco Planning Code is hereby amended by amending  
Section 811, to read as follows:

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

			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<u>.72</u>	<u>Fringe Financial Service</u>	<u>§ 890.113</u>			

Section 19. The San Francisco Planning Code is hereby amended by amending  
Section 812, to read as follows:

**TABLE 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup> +
<u>.72</u>	<u>Fringe Financial Service</u>	<u>§ 890.113</u>			

Section 20. The San Francisco Planning Code is hereby amended by amending  
Section 814, to read as follows:

**TABLE 814. SPD—SOUTH PARK DISTRICT ZONING CONTROL TABLE**

			South Park District		
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No.	Zoning Category	§ References	Controls
Retail Sales and Services			
<u>814.33</u>	<u>Fringe Financial Service</u>	<u>§§ 249.35, 890.113</u>	<u>P#</u>

#### SPECIFIC PROVISIONS FOR SPD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
<u>814.33</u>	<u>§§ 249.35, 890.113</u>	<u>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

Section 21. The San Francisco Planning Code is hereby amended by amending Section 815, to read as follows:

**TABLE 815. RSD—RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE**

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
Retail Sales and Services			
<u>815.33</u>	<u>Fringe Financial Service</u>	<u>§§ 249.35, 890.113</u>	<u>P#</u>

#### SPECIFIC PROVISIONS FOR RSD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
<u>815.33</u>	<u>§§ 249.35, 890.113</u>	<u>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

Section 22. The San Francisco Planning Code is hereby amended by amending Section 816, to read as follows:

**TABLE 816. SLR—SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE**

			Service/Light Industrial/Residential Mixed Use District
No.	Zoning Category	§ References	Controls
Retail Sales and Services			
<u>816.33</u>	<u>Fringe Financial Service</u>	<u>§§ 249.35, 890.113</u>	<u>P#</u>

**SPECIFIC PROVISIONS FOR SLR DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
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<u>816.33</u>	<u>§§ 249.35, 890.113</u>	<u>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>
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Section 23. The San Francisco Planning Code is hereby amended by amending Section 817, to read as follows:

**TABLE 817. SLI—SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE**

			Service/Light Industrial District
No.	Zoning Category	§ References	Controls
Retail Sales and Services			
<u>817.33</u>	<u>Fringe Financial Service</u>	<u>§§ 249.35, 890.113</u>	<u>P#</u>

**SPECIFIC PROVISIONS FOR SLI DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
<u>817.33</u>	<u>§§ 249.35, 817.32, 890.113</u>	<u>Fringe Financial Services are P subject to the controls set forth in Section 817.32 for Financial Services and the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

Section 24. The San Francisco Planning Code is hereby amended by amending  
Section 818, to read as follows:

**TABLE 818. SSO—SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL  
TABLE**

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
Retail Sales and Services			
<u>818.33</u>	<u>Fringe Financial Service</u>	<u>§§ 249.35, 890.113</u>	<u>P#</u>

**SPECIFIC PROVISIONS FOR SSO DISTRICTS**

Article Code Section	Other Code Section	Zoning Controls
<u>818.33</u>	<u>§§ 249.35, 890.113</u>	<u>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

Section 25. The San Francisco Planning Code is hereby amended by amending  
Section 827, to read as follows:

**TABLE 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING  
CONTROL TABLE**

	Rincon Hill Downtown Residential Mixed Use District Zoning
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No.	Zoning Category	§ References	Controls
<u>818.53</u>	<u>Fringe Financial Service</u>	<u>§§ 249.35, 890.113</u>	<u>P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).</u>

Section 26. The San Francisco Planning Code is hereby amended by amending Section 890.110, to read as follows:

**SEC. 890.110. SERVICE, FINANCIAL.**

A use, which provides banking services and products to the public, such as banks, savings and loans, and credit unions, when occupying more than 15 feet of linear frontage or 200 square feet of gross floor area. Any applicant for a financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.

Section 27. The San Francisco Planning Code is hereby amended by amending Section 890.112 to read as follows:

**SEC. 890.112. SERVICE, LIMITED FINANCIAL.**

A retail use which provides banking services , when not occupying more than 15 feet of linear frontage or 200 square feet of gross floor area. Automated teller machines, if installed within such a facility or on an exterior wall as a walk-up facility, are included in this category; however, these machines are not subject to the hours of operation, as defined in Section 890.48 of this Code and set forth in zoning category number .27 of Sections 810 through 812 of this Code for each district. Any applicant for a limited financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.

Section 28. The San Francisco Planning Code is hereby amended by adding Section 890.113, to read as follows:

**SEC. 890.113. SERVICE, FRINGE FINANCIAL.**

A retail use that provides banking services and products to the public and is owned or operated by a "check casher" as defined in California Civil Code section 1789.31, as amended from time to time, or by a "licensee" as defined in California Financial Code section 23001(d), as amended from time to time. Any applicant for a fringe financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.

~~Section 29. The San Francisco Planning Code is hereby amended by amending Sections 909, 910, and 911, as follows:~~

~~TABLES 909, 910, 911. MISSION BAY NEIGHBORHOOD COMMERCIAL DISTRICTS (MB-NC-2, MB-NC-3, AND MB-CN-S) CONTROL TABLES.~~

No.	Zoning Category	§ References	§ 909	§ 910	§ 911
			MB-NC-2	MB-NC-3	MB-NC-S
			Controls		
NONRESIDENTIAL USES					
.86	Fringe Financial Service	§§ 249.35, 790.111	P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).		

Section 30. ~~The San Francisco Planning Code is hereby amended by amending Sections 912, 913, and 914, as follows:~~

~~TABLES 912, 913, 914. MISSION BAY OFFICE, COMMERCIAL-INDUSTRIAL AND HOTEL DISTRICTS (MB-O, MB-CI, AND MB-H) CONTROL TABLES.~~

No.	Zoning Category	§ References	§ 912	§ 913	§ 914
			MB-O	MB-CI	MB-H
			Controls		
.66	Fringe Financial Service	§§ 249.35, 790.114	P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in subsection 249.35(c)(3).		

Section 34-29. In accordance with Planning Code sections 106 and 203, the following change is hereby adopted as an amendment to ~~Sectional~~ Zoning Maps Numbers ~~1SU, 2SU, 6SU, 7SU, 8SU, and 10SU~~ SU01, SU02, SU06, SU07, SU08, and SU10 of the Zoning Map of the City and County of San Francisco:

The following properties shall be part of the Fringe Financial Service Restricted Use District:

(1) Amending ~~Sectional~~ Zoning Maps ~~7SU and 8SU~~ SU07 and SU08 of the Zoning Map, properties in the Mission Alcoholic Beverage Special Use District, as described in Section 781.8 of this Code and as designated on ~~Sectional~~ Zoning Maps Numbers ~~7SU and 8SU~~ SU07 and SU08 of the Zoning Map of the City and County of San Francisco;

(2) Amending ~~Sectional~~ Zoning Maps ~~1SU and 2SU~~ SU01 and SU02 of the Zoning Map, properties in the North of Market Residential Special Use District, as described in

1 Section 249.5 of this Code and as designated on ~~Sectional~~ Zoning Maps Numbers ~~1SU and~~  
2 ~~2SU~~ SU01 and SU02;

3 (3) Amending ~~Sectional~~ Zoning Maps ~~2SU and 7SU~~ SU02 and SU07, properties in  
4 the Divisadero Street Alcohol Restricted Use District, as described in Section 783 of this Code  
5 and as designated on ~~Sectional~~ Zoning Maps Numbers ~~2 and 7~~ SU02 and SU07 of the Zoning  
6 Map of the City and County of San Francisco;

7 (4) Amending ~~Sectional~~ Zoning Map ~~10SU~~ SU10 of the Zoning Map, properties in  
8 the Third Street Special Use District, as described in Section 782 of this Code and as  
9 designated on ~~Sectional~~ Zoning Map Number ~~10SU~~ SU10 of the Zoning Map of the City and  
10 County of San Francisco; and

11 (5) Amending ~~Sectional~~ Zoning Maps ~~6SU and 7SU~~ SU06 and SU07 of the Zoning  
12 Map, properties in the Haight Street Alcohol Restricted Use Subdistrict, as described in  
13 Section 781.9 of this Code and as designated on ~~Sectional~~ Zoning Maps Numbers ~~6 and 7~~  
14 SU06 and SU07 of the Zoning Map of the City and County of San Francisco

15  
16 Section ~~32-30~~. Reporting Requirement.

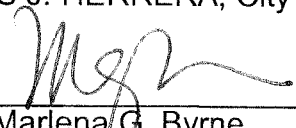
17 Within 2 years of the effective date of this Ordinance, the Planning Department shall  
18 submit to the Clerk of the Board a written report recommending amendments to this  
19 Ordinance, if necessary or desirable. Upon receipt of the report, the Clerk shall calendar a  
20 hearing before the appropriate committee of the Board of Supervisors to review the report and  
21 consider any proposed amendments to this Ordinance, based upon recommendations of the  
22 report and public comment.

23  
24 Section ~~33-31~~. Severability.

1           If any provision of this ordinance or the application thereof to any person or  
2 circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not  
3 affect other provisions or applications of this ordinance that can be given effect without the  
4 invalid or unconstitutional provision or application. To this end, the provisions of this  
5 ordinance shall be deemed severable.

6  
7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By:

  
10 Marlena G. Byrne  
11 Deputy City Attorney  
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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

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**File Number:** 070671

**Date Passed:**

Ordinance amending San Francisco Planning Code Sections 249.5, 781.8, 781.9, 782, and 783 and adding Section 249.35 to the San Francisco Planning Code to create a noncontiguous Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions; amending San Francisco Planning Code Section 312 to require certain notice in Neighborhood Commercial Districts; amending San Francisco Planning Code Section 227 to add Fringe Financial Service Use to the Commercial District Zoning Control Table; amending San Francisco Planning Code Sections 702.4, 703.2 and 710 through 730 to add Fringe Financial Service Use to the Neighborhood Commercial District Zoning Control Tables; adding Section 790.111 and 890.113 to the San Francisco Planning Code to define a Fringe Financial Service Use; amending San Francisco Planning Code Sections 790.110, 790.112, 890.110, and 890.112 to require that use applications for Financial Services and Limited Financial Services include a copy of any state-issued license; amending San Francisco Planning Code Sections 803.2, 810, 811, and 812 to add Fringe Financial Service Use to the Chinatown Zoning Control Tables; amending San Francisco Planning Code Sections 814 through 818 to add Fringe Financial Service Use to certain Zoning Control Tables in the South of Market area; amending San Francisco Planning Code Section 827 to add Fringe Financial Service Use to the Rincon Hill Downtown Residential Mixed Use District Zoning Control Table; amending Zoning Maps Numbers SU01, SU02, SU06, SU07, SU08, and SU10 of Zoning Map of the City and County of San Francisco to indicate the boundaries of the Fringe Financial Service Restricted Use District, and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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November 13, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 20, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

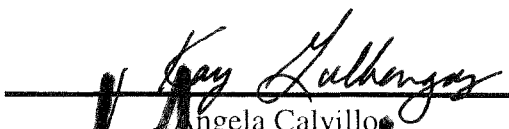


File No. 070671

I hereby certify that the foregoing Ordinance  
was **FINALLY PASSED** on November 20,  
2007 by the Board of Supervisors of the City  
and County of San Francisco.

11-26-07

Date Approved

  
Angela Calvillo  
Clerk of the Board

  
Mayor Gavin Newsom