

1 [Interim Zoning Controls - Convenience Stores in the Tenderloin and South of Market Public
2 Safety Zone]

3 **Resolution imposing interim zoning controls for 18 months to require a Conditional**
4 **Use authorization for the establishment of new Convenience Store uses in the**
5 **Tenderloin and South of Market Public Safety Zone, as both terms are herein defined;**
6 **affirming the Planning Department’s determination under the California Environmental**
7 **Quality Act; and making findings of consistency with the eight priority policies of**
8 **Planning Code, Section 101.1.**

9
10 WHEREAS, Planning Code, Section 306.7, authorizes the Board of Supervisors to
11 impose interim zoning controls to temporarily suspend the processing of certain land use
12 authorization applications that may conflict with a contemplated zoning proposal which the
13 Board is considering, studying, or intends to study within a reasonable time; and

14 WHEREAS, Interim zoning controls are necessary to ensure that the legislative
15 scheme which may ultimately be adopted is not undermined during the planning and
16 legislative process by the approval or issuance of permits authorizing uses that may conflict
17 with that scheme; and

18 WHEREAS, As set forth in recent legislation in Board File No. 251251, there is an
19 epidemic of opioid addiction and use in San Francisco, as in other major U.S. cities; this
20 epidemic is particularly serious in the Tenderloin and the South of Market neighborhoods,
21 which have some of the City’s highest rates of drug-related crime, including narcotics offenses
22 and gun-related crimes frequently connected with drug offenses; and

23 WHEREAS, The Tenderloin is also home to a high density of low- and middle-income
24 families, including many families with children; and

25 WHEREAS, The South of Market neighborhood, which contains a mix of residential,

1 commercial, hospitality, and entertainment uses that generate late-night pedestrian and
2 vehicle activity, features a Sixth Street corridor that is among the highest-profile vehicular
3 entry points to downtown San Francisco from Interstate 280; and

4 WHEREAS, The high rate of drug-related crime in the Tenderloin and South of Market
5 leads individuals and families that live, work, and attend school in the area to face health and
6 safety risks, including exposure to drugs, needles, human waste, uncontained refuse, and
7 other hazardous materials that are left on sidewalks and streets; and

8 WHEREAS, People who live, work, and attend school in the area have expressed fear
9 about exposure to drug sales and use, gunshots, physical assault, and intimidation by
10 individuals or groups engaged in illegal activity, and property crimes such as theft and
11 damage to storefronts and vehicles; and

12 WHEREAS, Outdoor, public drug sales and use in the Tenderloin and South of Market
13 are common and cause particularly acute public health and safety risks at night and in the
14 early hours of the morning, when large groups gather in lighted areas adjacent to open retail
15 food and tobacco businesses to engage in drug sales and use; and

16 WHEREAS, Large gatherings of people engaged in drug sales and use are particularly
17 prevalent in the area of the Tenderloin and South of Market that is bounded by the following
18 street segments, inclusive of properties abutting both sides of the streets: South Van Ness
19 Avenue between Market Street and Thirteenth Street, Thirteenth Street between South Van
20 Ness Avenue and Folsom Street, Folsom Street between Thirteenth Street and Third Street,
21 Third Street between Folsom Street and Market Street, Market Street between Third Street
22 and Powell Street, Powell Street between Market Street and Geary Street, Geary Street
23 between Powell Street and Polk Street, Polk Street between Geary Street and McAllister
24 Street, McAllister Street between Polk Street and Larkin Street, Larkin Street between
25 McAllister Street and Market Street, and Market Street between Ninth Street and Van Ness

1 Avenue (an area defined herein as the “Tenderloin and South of Market Public Safety Area”).
2 A diagram of the approximate boundaries of the Tenderloin and South of Market Public Safety
3 Area is provided in the Police Department report on file with the Clerk of the Board of
4 Supervisors in File Nos. 251251 and 260137, and is fully incorporated herein by reference;
5 and

6 WHEREAS, The Police Department has analyzed 2025 incident reports for narcotics
7 crimes and other crimes frequently connected with drug activity and determined that a
8 relatively high concentration of such crimes was reported in the Tenderloin and South of
9 Market Public Safety Area; and

10 WHEREAS, The Police Department has also observed that, compared with similar-
11 sized areas in the City, including other areas in the Tenderloin, the Tenderloin and South of
12 Market Public Safety Area has experienced the greatest concentration of large groups
13 engaged in drug sales and use in public, outdoor spaces; and

14 WHEREAS, Large groups of people engaged in drug sales and use in the Tenderloin
15 and South of Market Public Safety Area generally form and congregate in the vicinity of retail
16 businesses selling food and tobacco products, especially at night; and

17 WHEREAS, These retail food and tobacco establishments in effect facilitate the
18 nighttime drug market by providing a lighted gathering point for drug users and dealers, by
19 enabling drug users and dealers to take cover indoors to avoid police patrols, and, in some
20 cases, by selling tobacco, tobacco paraphernalia, and other retail goods used by people
21 engaged in drug use and sales; and

22 WHEREAS, The gatherings of large groups engaged in drug activity in the Tenderloin
23 and South of Market Public Safety Area present particular health and safety risks because
24 these large groups contribute to property crimes and violent crime in the area, leave large
25 amounts of debris on the streets and sidewalks and create unsanitary conditions, leading to

1 feelings of anxiety and fear among residents of the area, especially seniors and families with
2 children; and

3 WHEREAS, Large groups engaged in drug use and sales at night also present serious
4 challenges to effective law enforcement, as these large groups are difficult for the police to
5 control and pose safety risks for officers where the people engaged in illegal activity typically
6 outnumber police officers on patrol; and

7 WHEREAS, In August 2024, following adoption of the ordinances in Board File
8 Nos. 240407 and 240696, the City implemented a two-year pilot program restricting the
9 operating hours of retail food and tobacco establishments in a defined area of the Tenderloin,
10 referred to as the “Tenderloin Public Safety Area,” to address late-night conditions associated
11 with drug activity and related crime in a section of the Tenderloin; and

12 WHEREAS, Since implementing the pilot program, the Police Department has reported
13 improvements in public safety and neighborhood conditions within the Tenderloin Public
14 Safety Area, including a 14% reduction in violent crime and narcotics incidents within the
15 Tenderloin Public Safety Area specifically; and

16 WHEREAS, Based on those improvements, the City decided to broaden the pilot
17 program to the Tenderloin and South of Market Public Safety Area, in response to the similar
18 problems occurring there, and in early 2026, extended both the time and the geographical
19 scope of the pilot, in Board File No. 251251; and

20 WHEREAS, As part of that legislation, the Board of Supervisors urged the Office of the
21 Mayor, the Police Department, and other City departments, as applicable, to continue to
22 undertake enforcement efforts against businesses that are engaged in conduct that is already
23 illegal, including illegal onsite gambling, fraud, and health and safety violations; and

24 WHEREAS, These interim controls aim to do just that - to provide time for the City to
25 consider appropriate land use controls to help alleviate these problems; and

1 WHEREAS, There is a large number of retail establishments selling food items and
2 tobacco products in the South of Market and Tenderloin neighborhoods – more than 75
3 according to recent counts, eight of which are on the Sixth Street corridor alone; and

4 WHEREAS, Outside of these retail establishments large groups of people tend to
5 congregate, especially at night, contributing to numerous peace, health, safety, and general
6 welfare problems in the area, including excessive and dangerous loitering, littering, drug
7 trafficking, illegal gambling, public intoxication, vandalism, pedestrian obstructions, and traffic,
8 parking, and noise impacts on public streets, as detailed above; and

9 WHEREAS, These problems lead to the deterioration of the neighborhoods, the
10 devaluation of property, and the erosion of community values and quality of life; and

11 WHEREAS, The number and concentration of these establishments discourage more
12 desirable and needed commercial uses and limit opportunities for community-serving retail
13 and access to healthy food; and

14 WHEREAS, These conditions constitute an immediate threat to the public health,
15 safety, and welfare, warranting temporary zoning controls prohibiting new such uses while the
16 City studies permanent regulations; and

17 WHEREAS, The interim controls established by this Resolution will allow time for the
18 orderly completion of a planning study and for the adoption of appropriate legislation that
19 addresses these issues; and

20 WHEREAS, The Board has considered the impact on the public health, safety, and
21 peace, and general welfare if these interim controls are not imposed; and

22 WHEREAS, The Board has determined that the public interest will best be served by
23 the imposition of these interim controls to ensure that the legislative scheme which may be
24 ultimately adopted is not undermined during the planning and legislative process for
25 permanent controls; and

1 WHEREAS, The Board finds that these interim controls are consistent with the Priority
2 Policies set forth in Planning Code, Section 101.1, particularly Policies 1 and 2, because
3 these interim controls will preserve and enhance existing neighborhood character and protect
4 the cultural and economic vitality of these neighborhoods, and preserve and enhance
5 neighborhood-serving retail uses; and

6 WHEREAS, The Planning Department has determined that the actions contemplated in
7 this Resolution comply with the California Environmental Quality Act (California Public
8 Resources Code, Sections 21000 et seq.); said determination is on file with the Clerk of the
9 Board of Supervisors in File No. 260137 and is incorporated herein by reference; the Board
10 affirms this determination; now, therefore, be it

11 RESOLVED, That for purposes of these interim controls, the following definitions shall
12 apply:

13 “Convenience Store” shall mean a use that contains less than 5,000 square feet and is
14 located in the Tenderloin and South of Market Public Safety Area that is (a) a Food Product
15 and Marketing Establishment as defined in Health Code, Section 440(a) that devotes more
16 than 50% of its gross floor area for the sale of packaged goods; (b) an establishment that sells
17 any Tobacco Product as defined in Health Code, Section 19H.2; and/or (c) a Tobacco
18 Paraphernalia Establishment as that term is used in Sections 249.5, 719, 723, and 744 of the
19 Planning Code. Convenience Stores shall not include Specialty Grocery uses as defined in
20 Planning Code, Section 102.

21 “Tenderloin and South of Market Public Safety Area” shall have the same meaning as
22 that term has in Board of Supervisors File No. 251251, that is, the area of the City bounded by
23 the following street segments, inclusive of properties abutting both sides of the streets: South
24 Van Ness Avenue between Market Street and Thirteenth Street, Thirteenth Street between
25 South Van Ness Avenue and Folsom Street, Folsom Street between Thirteenth Street and

1 Third Street, Third Street between Folsom Street and Market Street, Market Street between
2 Third Street and Powell Street, Powell Street between Market Street and Geary Street, Geary
3 Street between Powell Street and Polk Street, Polk Street between Geary Street and
4 McAllister Street, McAllister Street between Polk Street and Larkin Street, Larkin Street
5 between McAllister Street and Market Street, and Market Street between Ninth Street and
6 Van Ness Avenue. A diagram depicting the approximate boundaries of the Tenderloin and
7 South of Market Public Safety Area is provided in the Police Department report on file with the
8 Clerk of the Board of Supervisors in File Nos. 251251, and No. 260137 and is incorporated
9 herein by reference; and, be it

10 FURTHER RESOLVED, That, in the Tenderloin and South of Market Public Safety
11 Area, a proposed Convenience Store shall require Conditional Use authorization pursuant to
12 Planning Code, Section 303, while these Interim Zoning Controls are in effect; and, be it

13 FURTHER RESOLVED, That in addition to the findings required by Planning Code,
14 Section 303, in granting the Conditional Use authorization, the Planning Commission shall
15 also consider:

16 (a) Whether the proposed use serves a demonstrated neighborhood need by
17 providing goods or services that support the daily needs of residents, such as access to fresh
18 food, healthy groceries, or other essential items, and whether it contributes to a balanced mix
19 of neighborhood-serving commercial uses;

20 (b) Whether the number, proximity, and concentration of similar uses in the
21 immediate area would be compatible with the surrounding neighborhood and would not
22 discourage the viability of more desirable, community-serving businesses;

23 (c) Whether the physical design of the establishment promotes visibility and positive
24 street activation, including maintaining clear, transparent windows, avoiding dark or obscured
25 storefronts, and providing adequate lighting that supports safety without attracting nuisance

1 activity;

2 (d) Whether the proposed hours of operation are clearly defined and appropriately
3 tailored to the surrounding context, including consideration of whether late-night or early
4 morning operations could contribute to adverse conditions in the area;

5 (e) Whether the proposed use aligns with the City's public safety and public health
6 goals for the Tenderloin and South of Market Public Safety Area, including efforts to reduce
7 open-air drug markets and improve neighborhood conditions.

8 FURTHER RESOLVED, That these interim zoning controls shall remain in effect for a
9 period of 18 months from the date of imposition, unless they are extended or otherwise
10 amended in accordance with the provisions of Planning Code, Section 306.7, or until the
11 adoption of permanent legislation regulating Convenience Stores in the Tenderloin and South
12 of Market Public Safety Area, whichever first occurs; and, be it

13 FURTHER RESOLVED, That while the planning study is underway, the Board urges
14 the Planning Department to evaluate what controls are best suited to ensure that
15 Convenience Stores in the Tenderloin and South of Market Public Safety Area serve
16 neighborhood needs and do not contribute to the crime, vandalism, and other public health
17 and safety issues identified in these interim controls; and, be it

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1 FURTHER RESOLVED, That these interim controls shall be subject to extension,
2 modification, or replacement by further action of the Board of Supervisors.

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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Andrea Ruiz-Esquide
7 ANDREA RUIZ-ESQUIDE
8 Deputy City Attorney

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