

BOARD of SUPERVISORS



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## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Kate Hartley, Acting Director, Mayor's Office of Housing and Community Development  
Todd Rufo, Director, Office of Economic and Workforce Development  
Tom DeCaigny, Director of Cultural Affairs, Arts Commission  
Susan Pontious, Director of Public Art Program, Arts Commission  
Mohammed Nuru, Director, Public Works  
Sheryl Evans Davis, Director, Human Rights Commission

FROM: *AS* Alisa Somera, Legislative Deputy Director  
*AS* Rules Committee

DATE: November 3, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Ronen on October 24, 2017:

**File No. 171140**

**Ordinance amending the Administrative Code to create a process for the establishment of cultural districts in the City to acknowledge and preserve neighborhoods with unique cultural heritage, and to require City departments to report to the Board of Supervisors and the Mayor regarding existing cultural districts previously established by resolution; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
AnMarie Rodgers, Planning Department

Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department  
Eugene Flannery, Mayor's Office of Housing and Community Development  
Amy Chan, Mayor's Office of Housing and Community Development  
Ken Rich, Office of Economic and Workforce Development  
Lisa Pagan, Office of Economic and Workforce Development  
Rebekah Krell, Arts Commission  
Sharon Page Ritchie, Arts Commission  
David Steinberg, Public Works  
Jeremy Spitz, Public Works  
Jennifer Blot, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works

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1 [Administrative Code - Process for Establishment of Cultural Districts]

2  
3 **Ordinance amending the Administrative Code to create a process for the establishment**  
4 **of cultural districts in the City to acknowledge and preserve neighborhoods with**  
5 **unique cultural heritage, and to require City departments to report to the Board of**  
6 **Supervisors and the Mayor regarding existing cultural districts previously established**  
7 **by resolution; and affirming the Planning Department's determination under the**  
8 **California Environmental Quality Act.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

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

17 Section 1. The Planning Department has determined that the actions contemplated in  
18 this ordinance comply with the California Environmental Quality Act (California Public  
19 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
20 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board  
21 affirms this determination.

22 Section 2. The Administrative Code is hereby amended by adding Chapter 107,  
23 Sections 107.1 through 107.6, to read as follows:

24 **CHAPTER 107: CULTURAL DISTRICTS**

25 **SEC. 107.1. CULTURAL DISTRICT – DEFINITION.**

1           For the purpose of this Chapter 107, Cultural District shall mean a geographic area or location  
2 within the City and County of San Francisco that embodies a unique cultural heritage because it  
3 contains a concentration of cultural and historic assets or culturally significant enterprise, arts,  
4 services, or businesses, or because a significant portion of its residents or people who spend time in the  
5 area or location are members of a specific cultural, community, or ethnic group.

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7           **SEC. 107.2. FINDINGS, PURPOSE, AND GOALS OF CREATING CULTURAL**  
8 **DISTRICTS.**

9           (a) Findings.

10           San Francisco is a world-class city known for our patchwork of ethnically and culturally  
11 distinct neighborhoods, and we have deep pride in our diversity.

12           These distinctive neighborhoods are also the backbone of our economy. Tourists come to San  
13 Francisco to immerse themselves in the unique cultures, aesthetic, and artistic tradition of each  
14 neighborhood. Last year, more than 25.2 million visitors spent almost \$9 billion in our restaurants,  
15 shops, galleries and theaters.

16           Our culture is also a major contributor to our city's other economic sectors. Studies show that  
17 our strong cultural identity is what attracts our skilled and educated workforce, which in turn attracts  
18 innovative companies and firms. Even our manufacturing and light industrial sector benefits from our  
19 city's brand and its strong association with diversity, history, and innovation.

20           The individual character and culture of our neighborhoods have never been more at risk.  
21 President Trump is proposing to eliminate all federal funding for the art and culture in his budget, and  
22 has slashed funding for affordable housing and community development.

23           San Francisco's families are being displaced. The benefits of our booming economy are not  
24 being equally shared. We are losing our diversity as our decades-old ethnic communities are being  
25 forced to move away.

1 Our artists and arts organization are disappearing. As rents continue to rise artists and arts  
2 organizations can no longer afford rent in their neighborhoods and are leaving the City. Without these  
3 artists, the City is at risk of losing the murals, festivals, theater, and music that make our city a  
4 destination for inspiration.

5 Our historic small businesses are at risk. Commercial rents in most neighborhoods are  
6 doubling and tripling, and otherwise healthy businesses that act as anchors for our commercial  
7 corridors are being closed down for good. Business closures are up over 800% from 25 years ago.

8 Too much is on the line, and we must respond. San Francisco has the power and the obligation  
9 to create an effective strategy to protect, stabilize, and strengthen areas of the City that represent  
10 unique cultural heritages.

11 (b) Purpose. San Francisco's Cultural Districts program will bring resources and help to  
12 stabilize vulnerable communities, so that individuals, families, businesses that serve and employ them,  
13 nonprofit organizations, community arts, and educational institutions are able to live, work and  
14 prosper.

15 (c) Goals. The City creates Cultural Districts to advance the following goals:

16 (1) preserving, maintaining and developing unique cultural and historic assets:

17 (2) preserving significant assets such as buildings, business, organizations,  
18 traditions, practices, and works of art that either are associated with events that have contributed to the  
19 history or cultural heritage of San Francisco and its people or are associated with the lives of persons  
20 important to San Francisco history;

21 (3) stopping the displacement of residents of Cultural Districts who are members of  
22 ethnic or cultural communities that define those Districts, and promoting affordable housing  
23 opportunities and home ownership within the Districts;

24 (4) attracting artists, creative entrepreneurs, cultural enterprises and people of  
25 unique cultural heritage to the City;

1           (5) promoting tourism and providing the City with a sound and growing economic  
2 base;

3           (6) celebrating, strengthening, and sharing the unique cultural and ethnic identity of  
4 specific communities, and providing opportunities for community neighbors, supporters, and advocates  
5 to participate;

6           (7) creating appropriate zoning and land use controls to allow business and industry  
7 that advances the culture and history of Cultural Districts;

8           (8) promoting economic opportunity for residents of Cultural Districts;

9           (9) promoting cultural competency and education on the history of California's  
10 many diverse cultural and ethnic communities, with an emphasis on those who have been previously  
11 marginalized and misrepresented in dominant narratives;

12           (10) promoting culturally competent and culturally appropriate City services and  
13 policies that encourage the health and safety of the community, culture, or ethnic groups in Cultural  
14 Districts; and

15           (11) acknowledging that culture is fluid and ensuring that the community will have a  
16 framework in which to revisit its goals and priorities to respond to those changes.

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18           **SEC. 107.3. LIST OF ESTABLISHED CULTURAL DISTRICTS.**

19           The Cultural Districts of the City and County of San Francisco are:

20           (a) Japantown. The Cultural District shall include the area bound by Bush Street to the  
21 north, Fillmore Street to the west, Laguna Street to the east, and Geary Boulevard to the south.

22           (b) Calle 24 (Veinticuatro) Latino Cultural District. The Cultural District shall include the  
23 area bound by Mission Street to the west, Potrero Street to the east, 22nd Street to the north, and Cesar  
24 Chavez Street to the south, as well as the commercial corridor on 24th Street extending west from  
25 Bartlett Street to Potrero Avenue, and the Mission Cultural Center at 2868 Mission Street.

1           (c) SoMa Pilipinas - Filipino Cultural Heritage District. The Cultural District shall include  
2 the area bounded by 2nd Street to the east, 11th Street to the west, Market Street to the north, and  
3 Brannan Street to the south, as well as the International Hotel (also known as the I-Hotel, at 848  
4 Kearny Street), the Gran Oriente Filipino Masonic Temple (106 South Park Street), Rizal Apartments,  
5 the Iloilo Circle Building, Rizal Street, and Lapu Lapu Street.

6           (d) Compton's Transgender Cultural District. The Cultural District shall include the area  
7 defined as the north side of Market Street between Taylor Street and Jones Street, the south side of Ellis  
8 Street between Mason Street and Taylor Street, the north side of Ellis Street between Taylor Street and  
9 Jones Street, and 6th Street (on both sides) between Market Street and Howard Street.

10           (e) Lesbian, Gay, Bisexual, Transgender, Queer Leather Cultural District. The Cultural  
11 District shall include the area bounded by Howard Street to the northwest, 7th Street to the northeast,  
12 Highway 101 to the south between Howard Street and Bryant Street, Division Street to the south  
13 between Bryant Street and Interstate 80, and Interstate 80 to the east, as well as the south side of  
14 Harrison Street between 7th Street and Morris Street.

15  
16           **SEC. 107.4. PROCESS FOR ESTABLISHMENT OF CULTURAL DISTRICTS.**

17           The Board of Supervisors intends to follow the process described in this Section 107.4 when  
18 considering the future establishment of new Cultural Districts.

19           (a) Introduction of Ordinance Establishing Cultural District. Any Supervisor, the Mayor,  
20 or a City department may introduce an ordinance proposing to establish a Cultural District.

21           (b) Commission Review. Following the introduction of an ordinance proposing to establish  
22 a Cultural District, the Clerk of the Board of Supervisors shall transmit the ordinance to the Planning  
23 Commission, Historic Preservation Commission, and Small Business Commission for their review.  
24 Within 60 days following the transmittal of the ordinance, each commission shall hold a hearing  
25 regarding the proposed Cultural District and shall transmit to the Board its recommendations

1 regarding the creation of the proposed Cultural District. It is the intent of the Board that no committee  
2 of the Board will hold a hearing regarding the proposed ordinance until the 60-day period has ended,  
3 unless all three commissions have held hearings and transmitted recommendations to the Board before  
4 the end of the 60-day period.

5 (c) Content of Ordinance. It is the intent of the Board that each ordinance establishing a  
6 Cultural District shall:

7 (1) Name the Cultural District, and describe its geographic boundaries. The Board  
8 may adopt subsequent ordinances changing the geographic boundaries after considering the Cultural  
9 Heritage and Economic Sustainability Strategy (CHESS) Report described in subsection (c)(7).

10 (2) Describe the cultural values and contributions that the establishment of the  
11 Cultural District would help to preserve, and a description of how the establishment of a Cultural  
12 District would address the goals established in Section 107.2.

13 (3) Require the Mayor's Office of Housing and Community Development to engage  
14 in a competitive solicitation process to enter a contract or grant with a community-based organization  
15 to provide assistance with the preparation of the reports and documents described in subsection (c)(6).

16 (4) Establish a Category Four fund in Administrative Code Chapter 10, Article XIII,  
17 into which monies may be appropriated by ordinance or donated by members of the public to pay for  
18 City activities designed to support and preserve the Cultural District. The ordinance shall describe  
19 permitted uses of the monies in the fund and designate the Mayor's Office of Housing and Community  
20 Development to accept monies in the fund for those purposes and to expend those funds following  
21 appropriation by ordinance.

22 (5) In the Board's discretion depending on the needs of the Cultural District,  
23 possibly establish a five-member advisory body with members nominated by the Supervisor in whose  
24 Supervisory district the Cultural District is primarily located, and appointed by the Board of  
25 Supervisors to advise the Board, the Mayor, and the Mayor's Office of Housing and Community

1 Development regarding strategies to support and preserve the Cultural District. The ordinance shall  
2 set qualifications for each seat on the advisory body, and designate the Mayor's Office of Housing and  
3 Community Development to provide administrative support to the advisory body.

4 (6) Require that each of the following departments submit to the Board and the  
5 Mayor a written report containing the following information within six months following the effective  
6 date of the ordinance:

7 (A) The Historic Preservation Commission shall describe and evaluate any  
8 historic resources in the Cultural District and make recommendations regarding how the City may  
9 preserve these resources.

10 (B) The Office of Economic and Workforce Development shall (i) describe  
11 existing businesses that contribute to the culture of the district, including Legacy Businesses  
12 established under Administrative Code Section 2A.242, and nonprofit organizations that contribute to  
13 the Cultural District, and make recommendations regarding how the City may preserve and protect  
14 those businesses and organizations; (ii) describe tourist activity in the Cultural District, and make  
15 recommendations regarding how the City may sustain and increase such activity; and (iii) assess  
16 commercial sites in the Cultural District and propose appropriate locations for new businesses that  
17 contribute to the culture of the district, with an emphasis on making available spaces for nonprofit  
18 cultural and arts uses at below-market prices.

19 (C) The Arts Commission shall (i) describe all artistic and cultural assets in  
20 the Cultural District, including fine arts, performing arts, public art installations, and regular cultural  
21 events like festivals, and make recommendations about how the City may preserve and support those  
22 assets; and (ii) evaluate potential sites for new works of art that reflect the culture of the district and  
23 identify potential funding for these works.

24 (D) The Mayor's Office of Housing and Community Development shall (i)  
25 describe the communities that contribute to the culture of the Cultural District, and make

1 recommendations regarding steps the City may take to preserve, stabilize, and grow those  
2 communities; and (ii) evaluate available sites in the Cultural District appropriate for the development  
3 and/or preservation of affordable housing and opportunities to make available spaces within those  
4 affordable housing developments for nonprofit cultural and arts uses at below-market prices, and  
5 describe potential funding sources for that development. For any Cultural District located in a Project  
6 Area under the jurisdiction of the Office of Community Investment and Infrastructure (OCII), the  
7 Mayor's Office of Housing and Community Development shall coordinate with OCII in preparing the  
8 report.

9 \_\_\_\_\_ (E) The Department of Public Works shall (i) describe public amenities and  
10 infrastructure in the Cultural District, including but not limited to existing signage, street names, and  
11 light posts, that reflect the culture of the Cultural District; and (ii) evaluate available opportunities for  
12 adding to the public amenities and infrastructure that reflect and enhance the culture of the Cultural  
13 District, and make recommendations for potential funding sources to support these additions.

14 \_\_\_\_\_ (F) The Planning Department shall make recommendations regarding  
15 potential amendments to the Planning Code that could contribute to the preservation of the culture and  
16 character of the Cultural District.

17 \_\_\_\_\_ (G) The Human Rights Commission shall evaluate and describe the cultural  
18 competency of City services in the Cultural District, and propose policy changes to address deficits in  
19 those areas.

20 \_\_\_\_\_ (7) Require the Mayor's Office of Housing and Community Development to prepare  
21 a CHES Report for the Cultural District based on the reports required by subsection (c)(6), and to  
22 submit the Report to the Board of Supervisors for adoption by resolution. The Mayor's Office of  
23 Housing and Community Development shall submit the CHES Report to the Board within nine months  
24 of the effective date of the ordinance, unless the Board extends the deadline by resolution. The CHES  
25 Report shall include a demographic and economic profile of the Cultural District, including past.

1 current, and future trends; analyze and record the tangible and intangible elements of the Cultural  
2 District's cultural heritage; identify areas of concern that could inhibit the preservation of the Cultural  
3 District's unique culture; and propose legislative, economic and other solutions and strategies to  
4 support the Cultural District.

5 (8) Require the Mayor's Office of Housing and Community Development to update  
6 the CHESS Report at least once every three years based on input from community-based organizations  
7 and the departments listed in subsection (c)(6).

8 (d) Further Board Actions. After receiving the CHESS Report from the Mayor's Office of  
9 Housing and Community Development, the Board may hold additional hearings or take additional  
10 actions in its discretion as it deems appropriate.

11  
12 **SEC. 107.5. ADDITIONAL STEPS FOR CULTURAL DISTRICTS ESTABLISHED**  
13 **BEFORE JANUARY 1, 2018.**

14 (a) By no later than September 1, 2018, the departments listed in Section 107.4(c)(3) shall  
15 submit to the Board of Supervisors and the Mayor reports regarding Calle 24 (Veinticuatro) Latino  
16 Cultural District, SoMa Pilipinas - Filipino Cultural Heritage District, Compton's Transgender  
17 Cultural District, and the Lesbian, Gay, Bisexual, Transgender, Queer Leather Cultural District  
18 containing the information described in Section 107.4(c)(3). By no later than December 1, 2018, the  
19 Mayor's Office of Housing and Community Development shall prepare a CHESS Report for each of  
20 those Cultural District containing the information, analysis, and recommendations described in Section  
21 107.4(c)(4).

22 (b) It is the intent of the Board of Supervisors to enact ordinances establishing Category  
23 Four funds for all the Cultural Districts listed in subsection (a), and in the Board's discretion  
24 depending on the needs of the Cultural District, possibly establishing advisory bodies for those  
25 Districts, consistent with Section 107.4(c).

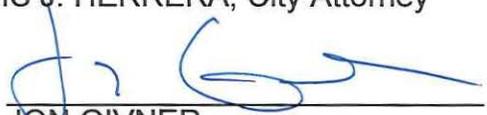
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**SEC. 107.6. RESPONSIBILITIES OF MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT.**

*In addition to the responsibilities set forth in Section 107.4 and 107.5, the Mayor's Office of Housing and Community Development shall provide information upon request to individuals or community organizations inquiring about the process of establishing a Cultural District.*

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

By:   
\_\_\_\_\_  
JON GIVNER  
Deputy City Attorney

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## LEGISLATIVE DIGEST

[Administrative Code - Process for Establishment of Cultural Districts]

**Ordinance amending the Administrative Code to create a process for the establishment of cultural districts in the City to acknowledge and preserve neighborhoods with unique cultural heritage, and to require City departments to report to the Board of Supervisors and the Mayor regarding existing cultural districts previously established by resolution; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

Current law does not include a definition of the term "Cultural District," and does not describe a process for the establishment of Cultural Districts. The Board of Supervisors has adopted resolutions establishing several districts in the city as "cultural districts" or "cultural heritage districts," including Calle 24 (Veinticuatro) Latino Cultural District (Resolution Nos. 168-14 and 201-14); SoMa Pilipinas - Filipino Cultural Heritage District (Resolution No. 119-16); and Compton's Transgender Cultural District (Resolution No. 239-17). In 2013, the Board adopted Resolution No. 352-13, endorsing the Japantown Cultural Heritage and Economic Sustainability Strategy. And the Board is currently considering a resolution to establish the Lesbian, Gay, Bisexual, Transgender, Queer Leather Cultural District (Board File No. 171019).

None of these resolutions impose reporting obligations on City departments, create special funds to support the districts, or provide for the creation of advisory bodies regarding the cultural districts.

### Amendments to Current Law

The proposed ordinance would adopt a definition of the term, "Cultural District": a geographic area or location in the City that embodies a unique cultural heritage because it contains a concentration of cultural and historic assets or culturally significant enterprise, arts, services, or businesses, or because a significant portion of its residents are members of a specific cultural, community, or ethnic group.

The ordinance would establish a process for the Board's creation of new Cultural Districts. Although the process would not be binding on the Board of Supervisors, it would set a policy that the Board intends to follow in the future. Under the process, any Supervisor could introduce an ordinance proposing to establish a Cultural District. That ordinance would have several elements:

- Name the proposed Cultural District.

- Define the District's boundaries.
- In the Board's discretion, possibly create a five-member advisory body to advise the Board and the Mayor's Office of Housing and Community Development ("MOHCD") on how to support the preservation and enhancement of the District.
- Establish an administrative fund into which the Board may appropriate money and into which foundations or members of the public may donate money to support the District.
- Require the following City departments to prepare reports within six months regarding the characteristics of the District and making recommendations regarding strategies to preserve and support the culture of the District: Historic Preservation Commission, Office of Economic and Workforce Development, Arts Commission, MOHCD, Public Works, Planning Department, and Human Rights Commission.
- Require MOHCD to prepare a Cultural Heritage and Economic Sustainability Strategy (CHESS) Report for the District within nine months for consideration and approval by Board. The CHESS Report would analyze and record the tangible and intangible elements of the District's cultural heritage, identify areas of concern that could inhibit the preservation of the District's unique culture, and propose legislative, economic and other solutions and strategies to support the District.
- Require MOHCD to initiate a competitive solicitation process to enter a contract or grant with an organization to provide support in preparing these reports.
- Require MOHCD to update the CHESS Report at least once every three years.

Under the non-binding process for adoption of an ordinance proposing to establish a Cultural District, the Clerk of the Board would transmit the ordinance to the Planning Commission, Historic Preservation Commission, and Small Business Commission for their review. Within 60 days following the transmittal of the ordinance, each commission would be required to hold a hearing regarding the proposed Cultural District and make recommendations regarding the creation of the proposed Cultural District. The Board would not hold a hearing on the proposed ordinance until the commissions hold their hearings or 60 days have passed.

Finally, the ordinance would require the City departments listed above to submit reports to the Board and the Mayor regarding Calle 24 (Veinticuatro) Latino Cultural District, SoMa Pilipinas - Filipino Cultural Heritage District, Compton's Transgender Cultural District, and the Lesbian, Gay, Bisexual, Transgender, Queer Leather Cultural District by September 1, 2018. And the ordinance would require MOHCD to prepare a CHESS Report for each of those Districts by December 1, 2018.

A Cultural District, as defined under the proposed ordinance, would be a separate designation from a Landmark or Historic District under Article 10 of the Planning Code or a Significant or Contributory Building or Conservation District under Article 11 of the Planning Code. But the Board could form Cultural Districts in areas that have been designated as Landmarks, Historic Districts, Significant or Contributory Buildings, or Conservation Districts.

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