

BOARD of SUPERVISORS



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MEMORANDUM

Date: November 8, 2024
To: Rich Hillis, Director, Planning Department
From: *ACC* Angela Calvillo, Clerk of the Board, Board of Supervisors
Subject: Interim Zoning Controls - Legacy Businesses in Neighborhood
Commercial Districts (File No. 240909)

On October 22, 2024, the Board of Supervisors adopted Resolution No. 532-24, sponsored by President Aaron Peskin (File No. 240909, Interim Zoning Controls - Legacy Businesses in Neighborhood Commercial Districts). The Resolution was enacted on November 1, 2024.

Please find the attached courtesy copy of Resolution No. 532-24, presented for the purpose of completing the Planning Study and future permanent legislation as required pursuant to Planning Code, Section 306.7(i).

If you have any questions or concerns, please contact the Office of the Clerk of the Board at (415) 554-5184.

c: President Aaron Peskin, Board of Supervisors
Dan Sider, Planning Department
Tina Tam, Planning Department
Corey Teague, Planning Department
Lisa Gibson, Planning Department
Josh Switzky, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Elizabeth Watty, Planning Department
Debra Dwyer, Planning Department

1 [Interim Zoning Controls - Legacy Businesses in Neighborhood Commercial Districts]

2
3 **Resolution imposing interim zoning controls for an 18-month period to require**
4 **conditional use authorization prior to replacing a Legacy Business in Neighborhood**
5 **Commercial Districts and Neighborhood Commercial Transit Districts, and the**
6 **Chinatown Community Business, Chinatown Visitor Retail, and Chinatown Residential**
7 **Neighborhood Commercial Districts; affirming the Planning Department's**
8 **determination under the California Environmental Quality Act; and making findings of**
9 **consistency with the eight priority policies of Planning Code, Section 101.1.**
10

11 WHEREAS, Planning Code, Section 306.7, authorizes the Board of Supervisors to
12 impose interim zoning controls to allow time for the orderly completion of a planning study and
13 for the adoption of appropriate legislation, which are necessary to ensure that the legislative
14 scheme that may be ultimately adopted is not undermined during the planning and legislative
15 process by the approval or issuance of permits authorizing changes of use that could conflict
16 with that scheme; and

17 WHEREAS, The City of San Francisco created the Legacy Business Registry to
18 preserve, and support longstanding, community-serving businesses that so often serve as
19 valuable cultural assets; and

20 WHEREAS, A "Legacy Business" is a business than has been nominated by the Board
21 of Supervisors or the Mayor and publicly evaluated by the Small Business Commission and
22 the Historic Preservation Commission, to ensure that it has operated in the City for 30 years
23 or more, has contributed to the neighborhood's history and/or the identity of a particular
24 neighborhood or community, and is committed to maintaining the physical features or
25

1 traditions that define the business, including craft, culinary, or art forms; businesses operating
2 for 20 years or more may qualify if they are at risk of displacement; and

3 WHEREAS, Legacy Businesses, by virtue of their long-term presence in their
4 communities, contribute to the unique character, history, identity, and vibrancy of San
5 Francisco neighborhoods; acknowledging their long-term success helps to stabilize and
6 preserve the economic viability of these neighborhood commercial corridors; and

7 WHEREAS, Legacy Businesses serve as valuable cultural assets, are often the
8 bedrock of local neighborhoods, and in some cases draw tourists from around the world; and

9 WHEREAS, Numerous recent changes to state law granting planning waivers,
10 streamlining approvals, and creating rezoning mandates may encourage the redevelopment
11 of structures in neighborhood commercial districts, thereby putting the long-term economic
12 viability of all neighborhood serving businesses, and especially Legacy Businesses, at risk;
13 and

14 WHEREAS, The interim controls established by this Resolution will allow time for the
15 orderly completion of a planning study and for the adoption of appropriate legislation that
16 supports the cultural and economic diversity in San Francisco's neighborhood commercial
17 districts, particularly by supporting Legacy Businesses; and

18 WHEREAS, The Board of Supervisors (Board) has considered the impact on the public
19 health, safety, peace, and general welfare if these interim controls are not imposed; and

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

24 WHEREAS, The Board finds that these interim controls are consistent with the Priority
25 Policies set forth in Planning Code, Section 101.1, because by requiring conditional use

1 authorization prior to a change in use or demolition of a Legacy Business in San Francisco's
2 Neighborhood Commercial Districts, these interim controls will preserve and enhance existing
3 neighborhood-serving uses and will conserve and protect the cultural and economic diversity
4 of those neighborhoods; and

5 WHEREAS, The Planning Department has determined that the actions contemplated in
6 this Resolution comply with the California Environmental Quality Act (California Public
7 Resources Code, Sections 21000 et seq.); Said determination is on file with the Clerk of the
8 Board of Supervisors in File No. 240909 and is incorporated herein by reference; the Board
9 affirms this determination; now, therefore, be it

10 RESOLVED, That notwithstanding any provision of Article 7 or Article 8 of the Planning
11 Code, where an immediately prior use was a Legacy Business, as defined under
12 Administrative Code, Section 2A.242, any new Non-Residential Use shall require a conditional
13 use authorization; this requirement shall not apply where: (A) the subject non-residential
14 space has had no occupant and has not been open to the public for three or more years from
15 the date the application for the new use is filed, or (B) the Legacy Business has removed itself
16 or has been otherwise removed from the Legacy Business Registry; and, be it

17 FURTHER RESOLVED, That these interim controls shall apply in the following
18 Neighborhood Commercial Districts, Named Neighborhood Commercial Districts,
19 Neighborhood Commercial Transit Districts and Named Neighborhood Commercial Transit
20 Districts, as well as the Chinatown Community Business, Chinatown Visitor Retail, and
21 Chinatown Residential Neighborhood Commercial Districts:

22 Sec. 710 NC-1 – Neighborhood Commercial Cluster District;

23 Sec. 711. NC-2 – Small-Scale Neighborhood Commercial District.

24 Sec. 712. NC-3 – Moderate-Scale Neighborhood Commercial District.

25 Sec. 714. Broadway Neighborhood Commercial District.

1 Sec. 715. Castro Street Neighborhood Commercial District.
2 Sec. 716. Inner Clement Street Neighborhood Commercial District.
3 Sec. 717. Outer Clement Street Neighborhood Commercial District.
4 Sec. 718. Upper Fillmore Street Neighborhood Commercial District.
5 Sec. 719. Haight Street Neighborhood Commercial District.
6 Sec. 720. Excelsior Outer Mission Neighborhood Commercial District.
7 Sec. 721. Japantown Neighborhood Commercial District.
8 Sec. 722. North Beach Neighborhood Commercial District.
9 Sec. 724. Sacramento Street Neighborhood Commercial District.
10 Sec. 725. Union Street Neighborhood Commercial District.
11 Sec. 727. Lakeside Village Neighborhood Commercial District.
12 Sec. 728. 24th Street – Noe Valley Neighborhood Commercial District.
13 Sec. 729. West Portal Avenue Neighborhood Commercial District.
14 Sec. 730. Inner Sunset Neighborhood Commercial District.
15 Sec. 731. Noriega Street Neighborhood Commercial District.
16 Sec. 732. Irving Street Neighborhood Commercial District.
17 Sec. 733. Taraval Street Neighborhood Commercial District.
18 Sec. 734. Judah Street Neighborhood Commercial District.
19 Sec. 735. Inner Balboa Street Neighborhood Commercial District.
20 Sec. 736. Outer Balboa Street Neighborhood Commercial District.
21 Sec. 737. Bayview Neighborhood Commercial District.
22 Sec. 738. Cortland Avenue Neighborhood Commercial District.
23 Sec. 739. Geary Boulevard Neighborhood Commercial District.
24 Sec. 740. Mission Bernal Neighborhood Commercial District.
25 Sec. 741. San Bruno Avenue Neighborhood Commercial District.

1 Sec. 742. Cole Valley Neighborhood Commercial District.
2 Sec. 743. Lower Haight Street Neighborhood Commercial District.
3 Sec. 744. Lower Polk Street Neighborhood Commercial District.
4 Sec. 745. Inner Taraval Street Neighborhood Commercial District.
5 Sec. 750. NCT-1 – Neighborhood Commercial Transit Cluster District.
6 Sec. 751. NCT-2 – Small-Scale Neighborhood Commercial Transit District.
7 Sec. 752. NCT-3 – Moderate-Scale Neighborhood Commercial Transit District.
8 Sec. 753. SoMa Neighborhood Commercial Transit District.
9 Sec. 755. Ocean Avenue Neighborhood Commercial Transit District.
10 Sec. 756. Glen Park Neighborhood Commercial Transit District.
11 Sec. 757. Folsom Street Neighborhood Commercial Transit District.
12 Sec. 759. Divisadero Street Neighborhood Commercial Transit District.
13 Sec. 760. Fillmore Street Neighborhood Commercial Transit District.
14 Sec. 761. Hayes-Gough Neighborhood Commercial Transit District.
15 Sec. 762. Valencia Street Neighborhood Commercial Transit District.
16 Sec. 763. 24th Street – Mission Neighborhood Commercial Transit District.
17 Sec. 764. Upper Market Street Neighborhood Commercial Transit District.
18 Sec. 810. Chinatown Community Business District.
19 Sec. 811. Chinatown Visitor Retail District.
20 Sec. 812. Chinatown Residential Neighborhood Commercial District; and, be it

21 FURTHER RESOLVED, That these interim controls shall remain in effect for 18
22 months from the effective date of this Resolution, or until the adoption of permanent legislation
23 that addresses and protects the cultural impacts of Legacy Businesses in San Francisco's
24 neighborhoods, and their importance to the City's history, whichever first occurs; and, be it
25

1 FURTHER RESOLVED, That the Planning Department shall provide reports to the
2 Board pursuant to Planning Code, Section 306.7(i).

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

5 By: /s/
6 AUDREY PEARSON
7 Deputy City Attorney

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City and County of San Francisco
Tails
Resolution

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

File Number: 240909

Date Passed: October 22, 2024

Resolution imposing interim zoning controls for an 18-month period to require conditional use authorization prior to replacing a Legacy Business in Neighborhood Commercial Districts and Neighborhood Commercial Transit Districts, and the Chinatown Community Business, Chinatown Visitor Retail, and Chinatown Residential Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

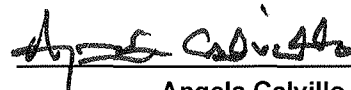
October 21, 2024 Land Use and Transportation Committee - RECOMMENDED AS
COMMITTEE REPORT


October 22, 2024 Board of Supervisors - ADOPTED

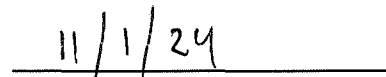
Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen,
Safai, Stefani and Walton

File No. 240909

I hereby certify that the foregoing
Resolution was ADOPTED on 10/22/2024 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor


Date Approved