



Legislative Background

BOS File No. 170028 [Planning Code - Zoning Calle 24 SUD]

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Name: Planning Code - Zoning Calle 24 SUD

Legislation Overview:

Ordinance amending the Planning Code to create the Calle 24 Special Use District, and revising the Zoning Map to reflect the Calle 24 Special Use District generally bounded by 22nd Street, Potrero Avenue, Cesar Chavez Street, and Capp Street, as well as 24th Street to Bartlett Street, and as more specifically defined in this Ordinance; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Sponsor(s): Mayor, Ronen
Date Introduced: 1/10/2017
Date Referred: 1/17/2017
Scheduled for BOS Committee: TBD (possibly late February)

Background

The Mayor's Office of Economic and Workforce Development is a strong neighborhood partner in supporting local efforts. Through the Mayor's Invest In Neighborhoods (IIN) initiative, one of the principles is to build on the unique strengths of each of San Francisco's commercial districts. Since 2012, Invest In Neighborhoods' efforts along Calle 24 have focused on preserving and strengthening the corridor's existing businesses and cultural vitality.

On May 19th, 2014, the Calle 24 Latino Cultural District Resolution was passed by the Board of Supervisors as a collaborative effort between the Calle 24 Merchants and Neighbors Association (now called the Calle 24 Latino Cultural District Council), Mayor Ed Lee, and former District 9 Supervisor David Campos. The recognition of the district, a symbolic and non-binding effort without regulatory implications, prompted the assessment of zoning regulations to support the vision of the district. Since May 2014, a series of community meetings, discussions, interviews, and assessments have occurred around the Latino Cultural District concept as well as economic development; these have been documented in two related reports. The combined series of meetings and direct interactions with businesses, institutions, and community members was used to develop the Calle 24 Special Use District (SUD) Regulations. The Calle 24 SUD is a collaborative effort between the community, district Supervisor, and Mayor's office. It is one tool and intervention in addition to the on-the-ground business support services and marketing that OEWD supports for the area.

Existing Law

The geographic area encompassed by the proposed Calle 24 Special Use District (Calle 24 SUD)¹ is currently a mix of residential and neighborhood commercial zoning districts. Although commercial uses are generally prohibited in the areas zoned residential, the existing neighborhood commercial districts—which include, among others, the 24th Street-Mission Neighborhood Commercial Transit District and the Mission Street Neighborhood Commercial Transit District—allow commercial uses, and mergers of commercial storefronts, as of right up to the zoned use size limit and then through the conditional use permit process for larger commercial uses and mergers.

Although there are currently no “concentration controls” for restaurant or bar uses in this area, new bar uses are generally prohibited² along the 24th Street corridor and the Mission Alcoholic Beverage Special Use District limits certain alcohol-related uses within part of the proposed Calle 24 SUD.

Medical Service Uses are generally permitted on the ground floor and require conditional use authorization on the second floor along the 24th Street corridor.

Administrative Code Section 2A.242 creates a Legacy Business Registry.

Amendments to Current Law

The proposed legislation would create a new Calle 24 Special Use District (Calle 24 SUD).

The Calle 24 SUD would be established for the following purposes:

1. Preserve and enhance the unique character of and recognize Latino cultural heritage through architectural design, storefront size, signage, streetscape enhancements, artwork, and other elements of the built environment.
2. Support local or Latino artwork, arts activities, and crafts.
3. Preserve the Legacy Businesses.
4. Provide services and products that are available/accessible to residents, including immigrant and low-income and moderate-income households.
5. Develop partnerships amongst existing and new local businesses, institutions, vendors, and micro entrepreneurs and coordinate with the Office of Economic and Workforce Development.
6. Enhance economic and workforce opportunities for local residents by coordinating with the Office of Economic and Workforce Development to engage with the City’s workforce system to provide employment opportunities, career trainings, and formal partnerships to identify and address both business and community workforce needs.

The proposed legislation would do the following:

1. Impose concentration controls on new restaurant and bar use, and on the physical expansion of existing restaurant and bar uses, to limit such uses to less than 35% of commercial storefronts in any given 300-foot area.
2. Require conditional use authorization under Planning Code Section 303 (Conditional Uses) in the following situations:
 - a. Mergers of ground floor commercial uses where the new commercial space would be greater than 799 gross square feet.

¹ See Calle 24 Latino Cultural District map below.

² Clarification regarding “new bar uses are generally prohibited” language: The 24th Street Corridor includes all of the 24th St. Mission NCT; along that stretch, new bars are prohibited. Within the Mission Street NCT, bars are principally permitted. A small portion of the Mission Street NCT is within the Calle 24 SUD. See Planning Code Sections 727.41 and 736.41. The Mission Alcoholic Beverage SUD restricts the issuance of new alcohol licenses, but does allow for the sale or transfer of licenses within the SUD under certain conditions. See Planning Code Section 249.60.

Background Information

On July 28, 2015, this Board adopted Ordinance No. 133-15 to place a temporary prohibition within the proposed Calle 24 SUD on any merger of groundfloor commercial use space where the merger would result in groundfloor commercial use space greater than 799 gross square feet, subject to specified exemptions. On November 3, 2015, the Board of Supervisors adopted Ordinance No. 199-15, which retroactively extended the prohibition for an additional 10 months and 15 days from the date the original 45-day prohibition expired. Finally, on September 13, 2016, the Board of Supervisors adopted Ordinance No. 182-16, which again retroactively extended the prohibition for an additional 12 months from August 2, 2016 to August 1, 2017.

- b. Whenever a new non-residential use would replace a Legacy Business within the SUD.

Administrative Code, Section 2A.242. (“Legacy Business” Definition)

"Legacy Business" means a business that has been nominated by a member of the Board of Supervisors or the Mayor in accordance with subsection (c) below, and that the Small Business Commission, after a noticed hearing, determines meets each of the following criteria:

(1) The business has operated in San Francisco for 30 or more years, with no break in San Francisco operations exceeding two years. The business may have operated in more than one location. If the business has operated in San Francisco for more than 20 years but less than 30 years it may still satisfy this subsection (b)(1) if the Small Business Commission finds that the business has significantly contributed to the history or identity of a particular neighborhood or community and, if not included in the Registry, the business would face a significant risk of displacement.

(2) The business has contributed to the neighborhood's history and/or the identity of a particular neighborhood or community. Prior to the hearing, the Small Business Commission, or the Executive Director of the Office of Small Business on its behalf, shall request an advisory recommendation from the Historic Preservation Commission as to whether the business meets the requirement in this subsection (b)(2). If the Historic Preservation Commission does not provide an advisory recommendation within 30 days of receipt of the request, the Small Business Commission shall treat such nonresponse as an advisory recommendation that the business meets the requirement in this subsection (b)(2).

(3) The business is committed to maintaining the physical features or traditions that define the business, including craft, culinary, or art forms.

- c. For any new Medical Service Use, as defined in Planning Code Section 790.114.

Planning Code Section 790.114 (“Medical Service” Definition)

A retail use which provides medical and allied health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically oriented services. It includes a clinic, primarily providing outpatient care in medical, psychiatric or other health services, and not part of a hospital or medical center, as defined in Section 790.44 of this Code.

- Whenever a conditional use authorization is required for any use in the Calle 24 SUD, either under existing law or this proposed legislation, the Planning Commission would be required to find that any physical improvements associated with the proposed use are, on balance, in conformity with any adopted Calle 24 Design Guidelines and support at

least 4 of the 6 purposes of the Calle 24 SUD.

Calle 24 Latino Cultural District

1999: Calle 24 began as a grassroots organization in the Mission District. Calle 24 is “an all-volunteer organization with diverse community council members representing merchants, residents, landlords, service non-profits, arts organizations, youth, renters, homeowners, families and artists.”³

2014: San Francisco Board of Supervisors and the Mayor officially established the Latino Cultural District in May 2014. (Resolution, [BOS File No. 140421](#))

For more information, see [Calle 24 Latino Cultural District Report on the Community Planning Process](#), (December 2014).

The cultural district is slightly larger than the proposed SUD area. The map below shows the cultural district (shaded in blue) the proposed SUD boundary (bold red line), and commercial areas (shaded in red). The legislation affects commercial zoning districts only. The bold blue circle illustrates the 300-foot radius.

³ See <http://www.calle24sf.org/en/about/history/>

Calle 24 Special Use District Map

