
Legislative Review:	BOS File #240909 Interim Zoning Controls – Legacy Businesses in Neighborhood Commercial Districts
Sponsor:	Peskin
Date Introduced:	9/17/2024
Scheduled for BOS Committee:	Land Use and Transportation Commission

Legislative Overview: This legislation requires a Conditional Use Authorization in order to replace a space formerly occupied by a Legacy Business in most neighborhood commercial districts citywide. A Conditional Use Authorization requires public noticing and a public hearing at the Planning Commission, along with higher permit fees.

Amendments to Current Law

Currently, zoning uses vary neighborhood by neighborhood. In most neighborhood commercial districts, some specific uses require Conditional Use Authorizations, but there has been an ongoing effort to ease the zoning and permitting requirements for new businesses throughout the City.

This Resolution mirrors existing controls in five commercial districts: the North Beach Special Use District, Mission Street Neighborhood Commercial District, Calle 24 Special Use District, Polk Street Neighborhood Commercial District, Pacific Avenue Neighborhood Commercial District which require a Conditional Use Authorization to replace a space formerly occupied by a Legacy Business.

Exceptions are made when the Legacy Business removes itself from the Registry or the subject non-residential space has had no occupant and has not been open to the public for three or more years from the date the application for the new use is filed.

Background, Issues, and Considerations

- Who benefits from or will be burdened by your proposal (geographically, ethnically, linguistically)? What are your strategies for advancing racial equity or mitigating unintended consequences?

This legislation aims to protect and preserve Legacy Businesses by creating a more challenging process for filling a vacancy for a space occupied by a Legacy Business.

- What was the development process of this proposal? Whose input have you sought out? What feedback did you hear and did you incorporate it into this proposal? If not, why not?

The Sponsor's office can discuss.

- Is this proposal punitive or enforcement based? What are the other alternatives for proactive compliance?

This proposal is punitive in that it creates a more restrictive zoning process for spaces that were Legacy Businesses. Prospective businesses will have to go through a lengthier and more expensive permitting process in order to open while not necessarily ensuring the Legacy Business remains.

- Given the diversity of San Francisco, how would this policy play out in different cultural settings? How does it accommodate cultural norms?

The goal of this legislation is to preserve Legacy Businesses which hold cultural significance.