



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Administrative Code Text Amendment

HEARING DATE: JUNE 6, 2018

EXPIRATION DATE: N/A

Project Name: **Process for Establishing Cultural Districts**
Case Number: **2017-014684PCA [Board File No. 171140]**
Initiated by: Supervisor Ronen / Passed Second Read May 22, 2018
Staff Contact: Diego R Sánchez, Legislative Affairs
diego.sanchez@sfgov.org, 415-575-9082
Shelley Caltagirone, Historic Preservation
shelley.caltagirone@sfgov.org, 415-558-6625

Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Tim Frye, Historic Preservation Officer
tim.frye@sfgov.org, 415-575-6822

Recommendation: **Recommend Amending the Ordinance**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADMINISTRATIVE CODE AMENDMENT

The Ordinance amended 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 the Mayor's office of Housing and Community Development to report to the Board of Supervisors and the Mayor regarding existing cultural districts previously established by resolution.

Note on the Legislative Process

The Ordinance was introduced on October 24, 2017. Between then and the Board of Supervisor's second reading of the Ordinance on May 22, 2018, Planning Department staff met with Supervisor Ronen's office several times to provide input on the draft legislation. Staff's understanding is that San Francisco City and County Charter Section 4.135 requires the Historic Preservation Commission (HPC) to "advise the City on historic preservation matters (and) participate in processes that involve historic or cultural resources." Staff anticipated that a final draft would be presented to the HPC for written comment prior to review by the full Board of Supervisors (BoS). However, on May 9, 2018, the Rules Committee heard the draft legislation and unanimously moved to pass the Ordinance out of Committee and to the full Board for first reading on May 15. The HPC learned of the May 15th hearing at its May 16th hearing and issued a letter (see Exhibit B) to the BoS requesting a continuance of the second reading to allow for review and written comment at its next hearing. The Ordinance was then passed on May 22nd at the second reading.

The Way It Was:

1. There was no formalized or codified process for establishing a cultural district in the City. Typically, a member of the Board of Supervisors introduced a resolution to formally recognize a Cultural District.

2. When the Board of Supervisors adopted a resolution to establish a cultural district, there was no codified process directing City departments to provide an assessment a Cultural District's assets and needs, or provide recommendations on programs, policies and funding sources benefitting the Cultural District, as well as other recommendations to advance Cultural District goals.
3. There were no codified requirements that the Mayor's Office of Housing and Community Development (MOHCD) or any other City department prepare a report for a newly established Cultural District that provides a demographic and economic profile of the Cultural District; an analysis and record of the tangible and intangible elements of a Cultural District's heritage; an identification of areas of concern that could inhibit the preservation of Cultural District's culture; and a set of legislative, economic or other strategies to support the Cultural District.
4. There was no requirement that the Planning Department assist in preparing a report on the cultural, housing, or economic sustainability of any existing Cultural Districts.

The Way It Is Now:

1. The Ordinance amended the Administrative Code to state that any member of the Board of Supervisors, the Mayor or a City department may introduce an ordinance to establish a Cultural District.
2. The Ordinance allows the sponsor of an ordinance establishing a Cultural District to require at least three City departments, in addition to MOHCD, to provide an assessment a Cultural District's assets and needs, or provide recommendations on programs, policies and funding sources benefitting the Cultural District, as well as other recommendations to advance Cultural District goals. This should be provided within six months of the effective date of the ordinance establishing a new Cultural District.
3. The Ordinance requires MOHCD to work with other City departments to prepare a Cultural, History, Housing and Economic Sustainability Strategy (CHHESS) Report for newly established Cultural Districts. The CHHESS will include a demographic and economic profile of the Cultural District; an analysis and record of the tangible and intangible elements of a Cultural District's heritage; an identification of areas of concern that could inhibit the preservation of Cultural District's culture; and a set of legislative, economic or other strategies to support the Cultural District. MOHCD will be required to submit the CHHESS to the Board of Supervisors (BoS) within one year of the effective date of the Ordinance creating the newly established Cultural District. The BoS can extend this deadline by resolution.
4. MOHCD is required to prepare CHHESS reports for the Calle 24 Latino Cultural District, the SoMa Pilipinas-Filipino Cultural Heritage District, Compton's Transgender Cultural District, and the Leather and Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Cultural District. MOHCD is required to consult with the appropriate City Departments, including the Planning Department, when preparing the CHHESS reports. MOHCD is required to complete at least two CHHESS reports no later than July 1, 2019 and CHHESS reports for the other Cultural Districts no later than July 1, 2020.

BACKGROUND

A City of Diversity

San Francisco is a place where diverse peoples have come to settle and live. First inhabited by the Ohlone, over time a significant number of European, Asian, Latin American and African American immigrants have also made San Francisco home. The City is also an historic refuge and focal point for sexual and gender minorities. Each of these groups brought their own customs and lifestyles, subsequently enriching the San Francisco milieu. This cultural diversity is integral to the City fabric and is what helps make San Francisco a desirable location for living, working and recreating. The City's General Plan also recognizes that preserving this cultural mix is important its economic vibrancy.¹

Cultural Heritage Defined

Cultural heritage is the expression of a way of living. It is developed by a community through objects, beliefs, traditions, practices, artistic interpretation, and significant places. It manifests itself in tangible and intangible elements passed through generations. Examples of these elements include buildings, plazas, crafts, art, festivals, processions, protests, businesses, and other institutions. Losing any of these elements diminishes a community's cultural integrity. Preserving these elements poses preservation challenges requiring distinct strategies according to each community's needs. Often these involve collaboration with partners in local government. Safeguarding cultural heritage helps develop a shared bond and sense of belonging, increases understanding and awareness of our shared history, inspires community pride and awareness, and emboldens a sense of identity and responsibility to society at large.

Community and City Efforts to Preserve San Francisco's Ethnic and Cultural Heritage

For various reasons, the size and integrity of many of San Francisco's cultural communities have been diminished as their cultural assets are threatened or lost. The City's African American community, for example, has experienced steady population decline for decades.² Similarly, a recent City report notes a significant decrease in the Mission District's Latino population since 2000, with equally dismal trends for the next decade.³ The cultural assets that frame and root these communities are not exempt from this trend. For example, Marcus Books, the oldest African-American-themed bookstore in the country, was displaced in 2014.⁴ Similarly, the Lexington Club, a prominent lesbian bar, closed in 2015, and the Stud, a

¹ San Francisco General Plan, Commerce and Industry Element, Objective 2 Maintain and Enhance a Sound and Diverse Economic Base and Fiscal Structure for the City, Policy 2.3 Maintain a Favorable Social and Cultural Climate in the City in order to Enhance its Attractiveness as a Firm Location.

² Report of the San Francisco Mayor's Task Force on African-American Out-Migration. 2009.

http://sf-hrc.org/sites/default/files/Documents/Policy_Division/African_American_Leadership_Council/African_American_Out_Migration_2009.pdf

³Displacement in the Mission District. San Francisco Board of Supervisors Budget and Legislative Analyst Office. October 27, 2015.

<http://sfbos.org/sites/default/files/FileCenter/Documents/54068-BLA.MissionDisplacement.102715.Final.pdf>

⁴ Bay City News (2014, May 9) *Longtime Fillmore District Business Marcus Books Evicted*. Retrieved from: <https://www.nbcbayarea.com/news/local/Longtime-Fillmore-District-Business-Marcus-Books-Evicted--258567571.html>

longstanding drag and leather bar, was also recently at great risk of closing.⁵

In response, San Francisco's ethnic and cultural communities have organized and collaborated with City partners as a means to preserve their existence. In the Japanese American community formal efforts at preserving Japantown, the historic center of that community, began in the late 1990's.⁶ Through the first decade of the 2000's, continued community and government effort produced a conceptual community plan; passage of California State Senate Bill 307, which allowed for the creation of a California Japantown Preservation Pilot Project and provided grants to Los Angeles, San Jose, and San Francisco to promote the preservation of their Japantown neighborhoods; a Japantown Special Use District;⁷ and the draft Japantown Better Neighborhood Plan.⁸ These efforts laid the foundation for the creation and endorsement of the Japantown Cultural Heritage and Economic Sustainability Strategy (JCHESS).⁹ The JCHESS is a vision for Japantown focusing on economic development, preservation and enhancement of historic and cultural uses and buildings, and for planned physical improvements within the area.

In the Latino community preservation efforts with the City coalesced around the 24th Street neighborhood commercial corridor. Resolution 168-14, adopted in May 2014, established the Calle 24 Latino Cultural District (C24LCD).¹⁰ This Resolution resulted from collaboration between the San Francisco Latino Historical Society, San Francisco Heritage, the Calle 24 community organization, Mayor Edwin Lee, and Supervisor David Campos. Subsequently the Mayor's Office, Supervisor Campos' and Supervisor Ronen's Office engaged the Calle 24 community in a planning process to develop new land use controls and economic development strategies for the C24LCD.¹¹

⁵ Kost, Ryan (18 April 2015). Last Call for City's Last Lesbian Bar. *San Francisco Chronicle*. Retrieved on December 21, 2017 from <http://www.sfgate.com/education/article/Last-call-for-city-s-last-lesbian-bar-6209121.php>

⁶ <http://sf-planning.org/japantown-cultural-heritage-and-economic-sustainability-strategy-jchess>

⁷ Planning Code Section 249.31:

[http://library.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

⁸ Japantown Better Neighborhood Plan:

<http://sf-planning.org/japantown-better-neighborhood-plan>

⁹ JCHESS:

http://www.sf-planning.org/ftp/files/plans-and-programs/in-your-neighborhood/japantown/JCHESS_FinalDraft_07-10-13.pdf

Resolution No. 352-13:

http://208.121.200.84/ftp/files/plans-and-programs/in-your-neighborhood/japantown/JCHESS_SIGNED_BOS_Resolution.pdf

¹⁰ Resolution No. 168-14:

<https://sfgov.legistar.com/View.ashx?M=F&ID=3110129&GUID=655A1200-371D-4029-8C63-C1717F7741C6>

Resolution No. 201-14 amended the boundaries outlined in Resolution No. 168-14:

<https://sfgov.legistar.com/View.ashx?M=F&ID=3135747&GUID=92A7054D-11B4-44EA-8B6E-D116821CE079>

¹¹ Planning Code Section 249.59: Calle 24 Special Use District:

Similar efforts are underway in the Filipino community in the South of Market neighborhood. This community, with a presence in San Francisco spanning decades, began work on a cultural heritage district concept in 2013. In this planning process the community identified and mapped the cultural heritage assets that constitute SoMa Pilipinas.¹² The Board of Supervisors subsequently recognized this effort by passing a resolution to establish the SoMa Pilipinas - Filipino Cultural Heritage District.¹³ The Filipino community continues to work toward developing a master plan covering topics such as technology, urban design, land use, and workforce development.¹⁴

In 2016 the Board of Supervisors passed Resolution No. 446-16 recognizing San Francisco's storied Lesbian Gay Bisexual Transgender and Queer (LGBTQ) culture.¹⁵ This Resolution highlights the historic and ongoing importance of nightlife businesses as social spaces, venues for art and political organizing, and places for community building. The Resolution prompted efforts to document LGBTQ history, identify significant sites, and develop plans for safeguarding LGBTQ cultural heritage in San Francisco. The Compton's Transgender Cultural District can be considered a fruit of this effort.¹⁶ This Cultural District, chiefly located in the Tenderloin neighborhood, recognizes the significant nightlife businesses, sites of the Transgender, Intersex, Gender-variant, Intersex, Lesbian, Gay and Bi-sexual civil rights movement, and long history of LGBTQ communities in the neighborhood. The Leather and LGBTQ Cultural District, located in the South of Market neighborhood and established in May 2018,¹⁷ can be considered another fruit of Resolution No. 446-16.

ISSUES AND CONSIDERATIONS

Cultural Districts as Inclusive Places

It is unclear if the Ordinance would permit certain cultural groups to designate their traditional areas as "cultural districts" due to the narrow focus of the cultural district definition presented in Section 107.1.

<https://sfgov.legistar.com/View.ashx?M=F&ID=5090866&GUID=92490687-DF77-4284-9A13-04EE6CE31CA7>

¹² SoMa Pilipinas Progress Report: Filipino Cultural Heritage District Community Planning Process. October 2016.

¹³ Resolution No. 119-16:

<https://sfgov.legistar.com/View.ashx?M=F&ID=4408163&GUID=EB12DF3A-F060-405B-9B9A-D9D0A81E0D54>

¹⁴ <http://www.somapilipinas.org/>. Retrieved on November 27, 2017.

¹⁵ Resolution No. 446-16:

<https://sfgov.legistar.com/View.ashx?M=F&ID=4755337&GUID=0BFB6973-362B-4759-9703-548B84C6BFA0>

¹⁶ Resolution No. 239-17:

<https://sfgov.legistar.com/View.ashx?M=F&ID=5284247&GUID=D0D42975-8A1B-4C92-9579-95480756B2FC>

¹⁷ Resolution No. 129-18

<https://sfgov.legistar.com/View.ashx?M=F&ID=6249291&GUID=7831093D-0BF1-4DD9-905C-01899BEF8989>

Over the past decade the Planning Department and Historic Preservation Commission have grappled with the concept and definition of cultural districts. There is a shared concern that this tool should be inclusive, allowing for diverse cultural communities with a longstanding presence in San Francisco to identify themselves, define their boundaries, and manage their assets. The Ordinance defines a Cultural District as:

*“a geographic area or location ... that embodies a unique cultural heritage because it contains a concentration of cultural and historic assets and culturally significant enterprise, arts, services, or businesses, and because a significant portion of its residents or people who spend time in the area or location are members of a **specific cultural or ethnic group that has been historically discriminated against, displaced, and oppressed.**”* (emphasis added)

The Department recognizes the importance of prioritizing the stabilization of vulnerable communities that have suffered from discrimination in society and through government policy. However there is concern that this definition could exclude cultural groups defined by shared artistic expression, such as a Jazz Cultural District in the Fillmore, or through shared traditions, such as the Garden District in Portola. Further it is unclear whether a cultural group defined by a shared ethnicity that experienced varied degrees of historical discrimination, such as Italian Americans in North Beach, could establish a Cultural District under this Ordinance.

The Department is concerned that the Ordinance may deter two different Cultural Districts from having overlapping boundaries and, thereby, reduce the diversity of the program. Clearly, multiple cultural groups often share geographic areas, such as the transgender and Filipino communities in and around Market and Sixth streets. Compelling Cultural Districts to stake discrete, non-overlapping areas could result in boundaries that do not authentically represent their traditional homes, could exclude groups that do not have equitable political power to influence boundary decisions, and could feed territorial tension between cultural groups. The Japantown Cultural District boundaries are an example of this potential issue since the neighborhood has historically blended with the Fillmore district at its southwestern edge. It is preferable to have language in the Ordinance recognizing that San Francisco’s cultural groups have long shared geographic areas instead of language dissuading this.

It is also important to provide flexibility in the way cultural heritage areas are described. For example, the Ordinance uses the term “unique” through the document in reference to cultural heritage areas. This term implies that an area singularly represents a specific cultural group. Using the term “distinct” to qualify cultural heritage areas allows that the area is readily recognizable for its cultural association without indicating that it is the only such area with this association. There are certainly cultural groups that have traditionally utilized several areas throughout the City, including the Chinese American community. This community has cultural assets concentrated in Chinatown, the Inner Richmond and other locales.

Cultural Districts as Community-Driven Efforts

The Ordinance does not prescribe a process for developing a cultural district ordinance, but staff strongly encourages establishing an application process that supports and encourages a community-led process at this foundational stage. City staff, ideally organized interdepartmentally, should play an advisory and secondary role at this early stage. The commonality among the City’s existing cultural districts is an

organized and proactive community. This community group is often comprised of residents, community advocates and allies, artists, small businesses, and non-profits. Whatever its composition, this group, effectively a *cultural district working group*, plays an indispensable role as steward of the cultural district at every stage of its development. No other actor, including City staff or elected officials, has the institutional memory or legitimacy as does an organized group of community stakeholders.

In this context, cultural district working groups should assume leadership over how the cultural district will meet broad and aspirational goals that all the City's cultural districts strive to satisfy. Aspirational goals can focus on preserving and promoting cultural assets and retaining and attracting individuals embodying the heritage of the district. The cultural district working group should also define a number of specifics about the cultural district. These include defining the appropriate geographic boundaries of the cultural district, identifying existing cultural assets, and developing plans for broader community engagement and participation to inform preservation strategies. Notably, the Japantown boundaries were broadened in the final amended Ordinance, but still do not capture three significant Japanese American assets on the eastern edge, including the Sutter Apartments at 1480 Sutter Street, the former Japanese YMCA at 1409 Sutter Street, and the Western Addition Library - Japanese Collection at 1550 Scott Street.

City Reporting Requirements for Cultural Districts

To ensure success, the goals stemming from cultural district purposes should be memorialized and progress toward them monitored. The Ordinance requires preparation of a Cultural, History, Housing, and Economic Sustainability Strategy Report (CHHESS) to achieve this. A CHHESS is a multipurpose document sufficiently malleable to satisfy individual community needs. It may focus topics as diverse as economic development, preservation and enhancement of historic and cultural uses and buildings, or on planned physical improvements. Because of its interdisciplinary nature, the Ordinance requires that at least three City departments provide input to the Mayor's Office on Housing and Community Development (MOHCD) about their areas of expertise related to the cultural district within six months of the ordinance establishing the district. The Ordinance allows MOHCD an additional six months to prepare the CHHESS based on this input and community engagement.

Given the breadth of required information and interdepartmental coordination, it is the Department's experience that a CHHESS typically takes a minimum of 12 months to complete. While the Ordinance allows for deadline extensions by Board resolution, it is preferable that codified deadlines accurately represent actual timeframes to accomplish required tasks. Relying on subsequent legislative processes to extend unrealistic deadlines is unnecessary.

The requirements set forth in the ordinance will significantly impact how the Department's Historic Preservation program is managed, staffed and funded. While the Ordinance does not require that the Planning Department be one of the three departments to provide input to MOHCD, it does call for input that assesses relevant assets and recommends programs, policies, and funding sources that could benefit the district and advance its goals. Both the Planning Department's Historic Preservation team and Community Development team would almost certainly be asked to contribute to this work. The Department's Community Development team manages an anti-displacement program and is integrally involved in outreach to vulnerable communities in the City. The team is also a lead in the City's racial and social equity initiative.

The Historic Preservation team routinely assesses and inventories cultural resources and manages cultural heritage preservation programs such as the landmark designation work program, Transfer of Development Rights (TDR), the Mill's Act, the Legacy Business Registry (co-managed with OSB), and other zoning and land use benefits that support cultural heritage. For example, the Department has undertaken multiple Historic Context Statements (HCS) over the past decade focused on the histories of communities underrepresented in our historical narratives and historic resource registries, including the African American HCS, Japantown HCS, Filipino American HCS, Latino HCS, and LGBTQ HCS.

The Ordinance explicitly requires the CHHESS to:

- (1) analyze and record the tangible and intangible elements of the district's cultural heritage;
- (2) identify areas of concern that could inhibit the preservation of the district's culture; and,
- (3) propose legislative, economic and other solutions and strategies to support the district.

Analyzing and recording cultural heritage elements sits squarely within the Planning Department's historic preservation program duties. This work requires preparation of a Historic Context Statement related to the cultural group; survey of historic properties; and, community-led inventorying of cultural heritage assets. This process typically takes between nine (9) and eighteen (18) months to complete. For example, the City is currently undertaking a Chinese American Historic Context Statement. The budget for this project is approximately \$70,000 with a nine (9) month timeframe, and the project does not include survey work or safeguarding strategies. The identification of concerns is typically a time-intensive community outreach and research phase that can take six (6) months or more. Finally, preparing safeguarding strategies for cultural heritage assets would require interdepartmental coordination and another round of community outreach. As an example, the Department has been engaged with the LGBTQ community working group for 18 months to develop a list of concerns and draft cultural heritage sustainability strategy. This project is anticipated to conclude in January 2019.

The Ordinance also sets forth July 2019 and July 2020 deadlines for the preparation of CHHESS reports for four previously established Cultural Districts, or two per year. This work would presumably be in addition to the processing of newly introduced Cultural Districts. Therefore, departments may anticipate that resource allotment to manage and support the cultural district program for the first two years of the program will be greater than in subsequent years.

City Capacity and Resources

It would benefit the Cultural District Program to forgo creating individual advisory bodies for each cultural district and instead rely on the district working groups to directly advise the City on district support and funding. It is likely, given the diversity of communities in San Francisco and the rapid change fraying their integrity, that the City will see more requests to establish cultural districts. In a context of fixed public resources, this poses a problem for City departments involved in cultural district establishment. It behooves City departments to find ways to pool resources and efficiently allocate them as much as possible. One way to do this is to forgo creating individual advisory bodies, as allowed by the Ordinance, with members appointed by the Board of Supervisors for each cultural district. Establishing individual advisory bodies entails dedicating multiple staff for each cultural district. This potentially multiplies required staff time dedicated to procedural tasks required to manage official City advisory bodies such as noticing and minute keeping. Instead the City could create one interdepartmental

advisory group for cultural districts that works with the already established cultural district working groups. The established cultural district working group is, presumably, the broadest and most diverse representation of the community. Relying on the cultural district working group is likely to minimize any conflicts of interest that Board appointed members may have when funding is awarded. Further, the interdepartmental advisory group model ensures equity in City staffing and parallel structures for accountability across all cultural districts.

It would benefit the Cultural District Program to create guidelines limiting the number of applications to be processed within a single year. Limiting the number of Cultural Districts established to two per year is a realistic assessment of the City's resources. It takes approximately one year to guide and develop the necessary studies, analyses and community outreach to form an effective cultural district. If more than two cultural district working groups wish to establish a cultural district in one year, a lottery or another allocation method may be utilized to determine which cultural districts are formed. While this may entail a cultural district working group having to wait a year or more, it does ensure that those cultural districts that are formed are done so to the best of the City's ability. MOHCD should create program guidelines for the application process to this effect.

Use of the Cultural District Fund

It is unclear whether the Cultural District Fund can be used for projects or programs physically located outside of cultural district boundaries. The Ordinance establishes a Cultural District Fund to receive monies appropriated or donated to pay for City activities designed to support and preserve cultural districts. In some instances, activities that support and preserve the district may be physically located outside of its boundaries. For example, it would advantageous to use these funds to secure housing or commercial sites to enhance the cultural district or to fund related programs housed outside of the district boundaries but serving the cultural district. It is beneficial to explicitly allow flexibility in the management of the Cultural District Fund for these purposes. It is also worthwhile to explore the possibility of allocating monies to this fund as a cultural resource mitigation measure through the California Environmental Quality Act (CEQA) in order to reduce adverse impacts to cultural heritage resources resulting from project activity.

General Plan Compliance

Commerce and Industry Element

Objective 2: Maintain and Enhance a Sound and Diverse Economic Base and Fiscal Structure for the City

Policy 2.3: Maintain a Favorable Social and Cultural Climate in the City in order to Enhance its Attractiveness as a Firm Location

Creating a formal and codified process to establish Cultural Districts will help efforts to preserve and enhance the City's remaining ethnic and cultural enclaves. Their preservation and enhancement also serves the City's interest as an abundance of cultural and recreational activities lends San Francisco a comparative advantage over other municipalities.

Mission Area Plan

Objective 7.3: Reinforce the Importance of the Mission as the Center of Latino Life in San Francisco

Policy 7.3.1 Support efforts to preserve and enhance social and cultural institutions

Policy 7.3.2 Encourage the creation of new social and cultural facilities in the Mission area

Policy 7.3.3 Protect and support Latino and other culturally significant local business, structures, property and institutions in the Mission

The Ordinance will help track progress made in the Calle 24 Latino Cultural District toward preserving the contribution of Latinos to the San Francisco community fabric. The requirement for City departments, including the Planning Department, to report on efforts to identify and preserve cultural resources as well as amend regulations to preserve Cultural District character will be beneficial to this endeavor.

East SoMa Area Plan

Objective 7.3: Reinforce the Importance of the South of Market as the Center of Filipino-American Life in San Francisco

Policy 7.3.1: Support efforts to preserve and enhance social and cultural institutions

Policy 7.3.2: Encourage the creation of new social and cultural facilities in the East SoMa area

Policy 7.3.3: Protect and support Filipino and other culturally significant local business, structures, property and institutions in the East SoMa.

The reporting requirement for multiple City departments on the SoMa-Pilipinas – Filipino Cultural Heritage District will help track progress made toward preserving the institutions and festivals integral to the Filipino experience in San Francisco. It will also help uncover programmatic areas that City departments or community stakeholders can bolster.

Western SoMa Area Plan

Objective 6.1: Identify and Evaluate Historic and Cultural Resources

Policy 6.1.2 Recognize the contributions of Filipino and Lesbian, Gay, Bisexual, Transexual and Queer (LGBTQ) communities by creating Social Heritage Special Use Districts

The Ordinance may help City departments efficiently allocate resources or amend regulations to assist in the preservation and enhancement of the Leather and LGBTQ community's cultural assets.

Bayview Hunters Point Area Plan

Objective 15: Combine Social Revitalization with Physical and Economic Revitalization Efforts

Policy 15.3: Make maximum use of indigenous community resources to increase civic pride and support physical and economic revitalization

By codifying a formal process to establish a cultural district, the Ordinance may facilitate the Bayview Hunter Points community in utilizing existing community resources to develop and realize a district recognizing and preserving the cultural contributions and community institutions of African Americans in southeast San Francisco.

RECOMMENDATION

The Department recommends that the Commission recommend *amending* the Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Create a more inclusive definition of Cultural Districts by amending the Ordinance accordingly:

- a. Amend Ordinance to universally to replace “unique cultural heritage” with “distinct cultural heritage.”
 - b. Amend Section 107.1 Cultural District – Definition: Strike the clause “that historically has been discriminated against, displaced and oppressed.”
 - c. Amend Section 107.4 Process for Establishment of Cultural Districts: Prioritize the recognition and stabilization of vulnerable communities.
 - d. Amend Section 107.4 Process for Establishment of Cultural Districts: Strike the suggestion that district boundaries not overlap.
2. Amend Section 107.4 Process for Establishment of Cultural Districts: Utilize a Cultural District Working Group Model.
 3. Amend Section 107.4 Process for Establishment of Cultural Districts: Require the City to Establish an Interdepartmental Advisory Group, in lieu of a Board Appointed Advisory Committee, to Assist Cultural District Work Groups.
 4. Amend Section 107.5 Additional Steps for Cultural Districts Established Before June 1, 2018: Make flexible reporting requirements for existing and new cultural districts.
 5. Amend Section 10.100-52 Cultural District Fund: Clarify possible uses of resources in Cultural Districts Fund.

BASIS FOR RECOMMENDATION

The Planning Department wholeheartedly supports the Ordinance and its intentions to establish a formalized and codified process for establishing cultural districts throughout the City. During rapid change impacted ethnic and cultural communities need a clear process for establishing cultural districts that help preserve and enhance the indispensable elements of the City’s fabric. Having a codified process also sets expectations and roles for communities and City departments in this process.

The Planning Department is proposing the following amendments as a means to improve the process for establishing Cultural Districts:

Recommendation 1. Create a more inclusive definition of Cultural Districts:

- a. *Amend Ordinance to universally to replace “unique cultural heritage” with “distinct cultural heritage.”* This text change would remove the implication that an area serves as the singular representative home of a cultural group and reflect the fact that cultural groups can have multiple geographic homes throughout the City.
- b. *Amend Section 107.1 Cultural District – Definition: Strike the clause “that historically has been discriminated against, displaced and oppressed.”* Removing this clause would remove a barrier for certain cultural groups to the program and promote inclusive and diverse districts.
- c. *Amend Section 107.4 Process for Establishment of Cultural Districts: Prioritize the recognition and stabilization of vulnerable communities.* Inclusion of a prioritization process for communities that have historically experienced discrimination, displacement, and/or oppression would ensure a more rapid stabilization response for these vulnerable communities without excluding others from the program.
- d. *Amend Section 107.4 Process for Establishment of Cultural Districts: Strike the suggestion that district boundaries not overlap.* Removing the suggestion that district boundaries should not overlap would allow districts to reflect authentic historical boundaries and remove an opportunity for conflict between cultural groups.

Recommendation 2. Amend Section 107.4 Process for Establishment of Cultural Districts: *Utilize a Cultural District Working Group model.* Community stakeholders need to be at the forefront of any process to establish a cultural district. The Ordinance should explicitly create a requirement that interested communities organize into a cultural district working group. The cultural district working group would have the duty to assemble stakeholders, develop aims of the group and preliminarily determine the cultural assets that need preservation and enhancement. This ensures community consensus, understanding and support for the cultural district.

Recommendation 3: Amend Section 107.6 Responsibilities of Mayor's Office of Housing and Community Development: *Establish an Interdepartmental Advisory Group, in lieu of a Board Appointed Advisory Committee, to assist Cultural District Work Groups.* The cultural district working group model, where a single set of City staff advise and assist, has worked for the Calle 24 and SoMa-Pilipinas cultural districts. The antecedent effort in Japantown was comprised in a similar manner. Current and forthcoming efforts with Compton's and the Leather and LGBTQ districts are also using this model. The popularity of the model stems from it being rooted in the community and populated by numerous stakeholders with the freedom to participate as they see fit. The City should continue with this model and form an interdepartmental advisory group to assist this effort.

Recommendation 4: Amend Section 107.5 Additional Steps for Cultural Districts Established Before June 1, 2018: *Amend Reporting Requirements for existing and new cultural districts.* The CHHESS is a versatile and valuable reporting tool for cultural districts. However, given the depth of analyses involved, as well as the required interdepartmental coordination, to produce a CHHESS, it is reasonable to provide adequate time for successful completion. Past experience has indicated that a minimum of 12 months are required to complete a CHHESS. The Ordinance would require preparation of four (4) CHHESS reports in the first 2 years. Flexibility should be created in the Ordinance to allow for an extension of deadlines if necessary without further legislative action.

Recommendation 5: Amend Section 10.100-52 Cultural District Fund: *Clarify possible uses of resources in Cultural Districts Fund.* The fund will be a powerful tool for safeguarding the cultural districts and it is best to clarify its uses in the legislation to streamline its use in the future. The potential to use the fund for projects and programs outside of district boundaries is desirable when they can be shown to directly support the goals put forth in a CHHESS report. Furthermore, the ability to use the fund to receive monies and cultural resource mitigation per CEQA could create a new and substantial benefit to the City's cultural resources.

REQUIRED COMMISSION ACTION

The Ordinance is before the Commission so that it may recommend amendments to the Board of Supervisors.

IMPLEMENTATION

The Department has determined that this Ordinance will not impact our current implementation procedures for permit review or their costs as it does not amend the Planning Code. The Department has

determined that the Ordinance will require staff time for collaboration and drafting of the required CHHESS reports.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Amend the Ordinance

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: May 17, 2018 HPC Letter to the Board of Supervisors
- Exhibit C: Board of Supervisors File No. 171140



SAN FRANCISCO PLANNING DEPARTMENT

Historic Preservation Commission Draft Resolution

HEARING DATE: JUNE 6, 2018

Project Name: **Process for Establishing Cultural Districts**
Case Number: **2017-014684PCA [Board File No. 171140]**
Initiated by: **Supervisor Ronen / Introduced October 24, 2017**
Passed Second Read May 22, 2018
Staff Contact: **Diego R Sánchez, Legislative Affairs**
diego.sanchez@sfgov.org, 415-575-9082
Shelley Caltagirone, Historic Preservation
shelley.caltagirone@sfgov.org, 415-558-6625
Reviewed by: **Aaron Starr, Manager of Legislative Affairs**
aaron.starr@sfgov.org, 415-558-6362
Tim Frye, Historic Preservation Officer
tim.frye@sfgov.org, 415-575-6822

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND AN ORDINANCE THAT CREATES A PROCESS FOR THE ESTABLISHMENT OF CULTURAL DISTRICTS IN THE CITY TO ACKNOWLEDGE AND PRESERVE UNIQUE CULTURAL HERITAGE, AND TO REQUIRE THE MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT 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

WHEREAS, on October 24, 2017 Supervisor Ronen introduced an Ordinance under Board of Supervisors (hereinafter "Board") File Number 171140, which would create a process for the establishment of cultural districts in the City to acknowledge and preserve neighborhoods with unique cultural heritage, and to require the Mayor's Office of Housing and Community Development to report to the Board of Supervisors and the Mayor regarding existing cultural districts previously established resolution;

WHEREAS, The Board of Supervisors Rules Committee heard the draft legislation and unanimously moved to pass the Ordinance out of Committee and to the full Board for first reading on May 15, 2018; and,

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") learned of the May 15th Rules Committee hearing at its May 16th hearing and issued a letter to the Board of Supervisors requesting a continuance of the second reading to allow for review and written comment at its next hearing; and,

WHEREAS, the Ordinance passed on its second read at the Board of Supervisors May 22, 2018 hearing;
and

WHEREAS, The Historic Preservation Commission (hereinafter "Commission") conducted a duly
noticed public hearing at a regularly scheduled meeting to consider the Ordinance on June 6, 2018; and,

WHEREAS, the Ordinance has been determined to be categorically exempt from environmental review
under the California Environmental Quality Act Section 15060(c)(2) and 15378; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing
and has further considered written materials and oral testimony presented on behalf of Department staff
and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of
records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Historic Preservation Commission hereby recommends that the Board of Supervisors
amend the Ordinance.

The amendments include:

1. Create a more inclusive definition of Cultural Districts by amending the Ordinance accordingly:
 - a. Amend Ordinance to universally to replace "unique cultural heritage" with "distinct cultural heritage."
 - b. Amend Section 107.1 Cultural District – Definition: Strike the clause "that historically has been discriminated against, displaced and oppressed."
 - c. Amend Section 107.4 Process for Establishment of Cultural Districts: Prioritize the recognition and stabilization of vulnerable communities.
 - d. Amend Section 107.4 Process for Establishment of Cultural Districts: Strike the suggestion that district boundaries not overlap.
2. Amend Section 107.4 Process for Establishment of Cultural Districts: Utilize a Cultural District Working Group Model.
3. Amend Section 107.4 Process for Establishment of Cultural Districts: Require the City to Establish an Interdepartmental Advisory Group, in lieu of a Board Appointed Advisory Committee, to Assist Cultural District Work Groups.
4. Amend Section 107.5 Additional Steps for Cultural Districts Established Before June 1, 2018: Make flexible reporting requirements for existing and new cultural districts.
5. Amend Section 10.100-52 Cultural District Fund: Clarify possible uses of resources in Cultural Districts Fund.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. San Francisco is a place where diverse peoples have come to settle and live. This cultural diversity is integral to the City fabric and is what helps make San Francisco a desirable location for living, working and recreating.
2. Cultural heritage is the expression of a way of living. It is developed by a community through objects, beliefs, traditions, practices, artistic interpretation, and significant places. It manifests itself in tangible and intangible elements passed through generations. Examples of these elements include buildings, plazas, crafts, art, festivals, processions, protests, businesses, and other institutions. Losing any of these elements diminishes a community's cultural integrity. Preserving these elements pose preservation challenges requiring distinct strategies according to each community's needs. Often these involve collaboration with partners in local government.
3. There is wholehearted support for the Ordinance and the effort to establish a formalized and codified process for establishing cultural districts throughout the City. During rapid change impacted ethnic and cultural communities need a clear process for establishing cultural districts that help preserve and enhance the indispensable elements of the City's fabric. Having a codified process also sets expectations and roles for communities and City departments in this process.
4. Notwithstanding, the process to establish Cultural Districts as required by the Ordinance would benefit from amendment. In particular, broadening and clarifying the cultural groups allowed to establish a Cultural District under the Ordinance; allowing for and recognizing the importance of a more community-driven Cultural Districts establishment process; setting accurate expectations, in terms of time and resources, upon City departments when providing recommendations or reports; and clarifying allowed uses of resources in the dedicated Cultural District Fund are all amendments that would enhance the Cultural Districts effort.
5. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3

Maintain a Favorable Social and Cultural Climate in the City in order to Enhance its Attractiveness as a Firm Location

Creating a formal and codified process to establish Cultural Districts will help efforts to preserve and enhance the City's remaining ethnic and cultural enclaves. Their preservation and enhancement also

serves the City's interest as an abundance of cultural and recreational activities lends San Francisco a comparative advantage over other municipalities.

MISSION AREA PLAN

OBJECTIVE 7.3

REINFORCE THE IMPORTANCE OF THE MISSION AS THE CENTER OF LATINO LIFE IN SAN FRANCISCO.

Policy 7.3.1

Support efforts to preserve and enhance social and cultural institutions.

Policy 7.3.2

Encourage the creation of new social and cultural facilities in the Mission area

Policy 7.3.3

Protect and support Latino and other culturally significant local business, structures, property and institutions in the Mission

The Ordinance will help track progress made in the Calle 24 Latino Cultural District toward preserving the contribution of Latinos to the San Francisco community fabric. The requirement for City departments, including the Planning Department, to report on efforts to identify and preserve cultural resources as well as amend regulations to preserve Cultural District character will be beneficial to this endeavor

EAST SOMA AREA PLAN

OBJECTIVE 7.3

REINFORCE THE IMPORTANCE OF THE SOUTH OF MARKET AS THE CENTER OF FILIPINO-AMERICAN LIFE IN SAN FRANCISCO.

Policy 7.3.1:

Support efforts to preserve and enhance social and cultural institutions

Policy 7.3.2:

Encourage the creation of new social and cultural facilities in the East SoMa area

Policy 7.3.3:

Protect and support Filipino and other culturally significant local business, structures, property and institutions in the East SoMa

The reporting requirement for multiple City departments on the SoMa-Pilipinas – Filipino Cultural Heritage District will help track progress made toward preserving the institutions and festivals integral to the Filipino experience in San Francisco. It will also help uncover programmatic areas that City departments or community stakeholders can bolster.

WESTERN SOMA AREA PLAN

OBJECTIVE 6.1

IDENTIFY AND EVALUATE HISTORIC AND CULTURAL RESOURCES.

Policy 6.1.2

Recognize the contributions of Filipino and Lesbian, Gay, Bisexual, Transexual and Queer (LGBTQ) communities by creating Social Heritage Special Use Districts.

The Ordinance may help City departments efficiently allocate resources or amend regulations to assist in the preservation and enhancement of the Leather and LGBTQ community's cultural assets.

BAYVIEW HUNTERS POINT AREA PLAN

OBJECTIVE 15

COMBINE SOCIAL REVITALIZATION WITH PHYSICAL AND ECONOMIC REVITALIZATION EFFORTS.

Policy 15.3

Make maximum use of indigenous community resources to increase civic pride and support physical and economic revitalization.

By codifying a formal process to establish a cultural district, the Ordinance may facilitate the Bayview Hunter Points community in utilizing existing community resources to develop and realize a district recognizing and preserving the cultural contributions and community institutions of African Americans in southeast San Francisco.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board AMEND the Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 6, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 6, 2018



SAN FRANCISCO PLANNING DEPARTMENT

May 17, 2018

Honorable Supervisor Breed
Ms. Angela Calvillo
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RE: Opportunity for the Historic Preservation Commission to provide comment on the Process for Establishment of Cultural Districts Ordinance, Board File No. 171140

Dear Ms. Calvillo, President Breed, and Supervisors:

The Historic Preservation Commission (“HPC”) values its work with the Board and the people of San Francisco to promote and protect the City’s diverse cultural heritage. We are heartened by the momentum across San Francisco to formalize a process to develop tools and strategies that expand on conventional historic preservation practice. And we are eager to review the draft Ordinance introduced by Supervisor Ronen to establish a process for the creation of cultural districts.

As of today, the HPC has not had an opportunity to provide comment and engage the public on the draft legislation that amends the Administrative Code to create a process for establishment of cultural districts (Board File No. 171140). However, at our May 16, 2018 hearing we learned that the Rules Committee heard the draft legislation on May 9, 2018 and unanimously moved to pass the Ordinance out of Committee and to the full Board of Supervisors for first reading on May 15.

The HPC was created by a vote of the people of San Francisco in 2008, and is tasked with the responsibility to “advise the City on historic preservation matters (and) participate in processes that involve historic or cultural resources.” (Charter Section 4.135). To implement that obligation, the Charter provides, in pertinent part, that “[t]he following matters *shall*, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon *historic or cultural resources*: ordinances and resolutions concerning historic preservation issues and historic resources....” (Charter Section 4.135 [emphasis added].) Review of the draft Ordinance appears to fall squarely within the scope of the HPC’s duties under the Charter. For example, the ordinance would require the preparation of Cultural, History, Housing and Economic Sustainability Strategy Reports that would “*analyze and record the tangible and intangible elements of the Cultural District’s cultural heritage; identify areas of concern that could inhibit the preservation of the Cultural District’s unique culture; and propose legislative, economic and other solutions and strategies to support the Cultural District.*” (Draft Ordinance, Section 107.4(b)(7).) Thus, because the ordinance would affect “historic or cultural resources,” the HPC believes that the Charter requires that the HPC review and comment on the Ordinance prior to its adoption.

The HPC respectfully requests the Board of Supervisors continue the second reading of the Ordinance, which we understand is currently scheduled to occur on May 22, to allow the HPC an

May 17, 2018

opportunity to provide review and written comment, in accordance with the City Charter. We hope the Board is amenable to this continuance as our intent is to provide comments will only further enrich this important piece of legislation. The HPC will schedule its review at its next regularly scheduled hearing on June 6, 2018.

Both I and the other HPC Commissioners are excited to provide our comments on this important legislation to ensure inclusive and equitable representation of San Francisco's many cultures and people.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Wolfram". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Wolfram
President
Historic Preservation Commission

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 the Mayor’s Office of Housing**
6 **and Community Development to report to the Board of Supervisors and the Mayor**
7 **regarding existing cultural districts previously established by resolution; and affirming**
8 **the Planning Department’s determination under the California Environmental Quality**
9 **Act.**

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

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

18

19 Section 1. The Planning Department has determined that the actions contemplated in
20 this ordinance comply with the California Environmental Quality Act (California Public
21 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
22 Board of Supervisors in File No. 171140 and is incorporated herein by reference. The Board
23 affirms this determination.

24

25 Section 2. The Administrative Code is hereby amended by adding Section 10.100-52
and Chapter 107, Sections 107.1 through 107.6, to read as follows:

1 (a) Findings.

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

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

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

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

15 San Francisco's families are being displaced. The benefits of our booming economy are not
16 being equally shared. According to a study by the Brookings Institution, San Francisco has the
17 fastest-growing income inequality of any city in the nation. We are losing our diversity as our
18 decades-old ethnic communities are being forced to move away.

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

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

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

4 (b) Purpose. San Francisco's Cultural Districts program will seeks to formalize a
5 collaborative partnership between the City and communities and bring resources and help in
6 order to stabilize vulnerable communities facing or at risk of displacement or gentrification, and to
7 preserve, strengthen and promote our cultural assets and diverse communities, so that
8 individuals, families, businesses that serve and employ them, nonprofit organizations, community arts,
9 and educational institutions are able to live, work and prosper within the City.

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

11 (1) preserving, maintaining and developing unique cultural and historic assets;

12 (2) preserving and promoting significant assets such as buildings, business,
13 organizations, traditions, practices, events, including their venues or outdoor special events and
14 their geographic footprints, and works of art, and public facing physical elements or
15 characteristics that either are associated with events that have contributed to the history or
16 cultural heritage of San Francisco and its people or are associated with the lives of persons important
17 to San Francisco history;

18 (3) stopping the displacement of residents of Cultural Districts who are members of
19 ethnic or cultural other vulnerable communities that define those Districts, and promoting affordable
20 housing opportunities and home ownership within the Districts while also developing and
21 strengthening new tools to prevent displacement;

22 (4) attracting and supporting artists, creative entrepreneurs, cultural enterprises
23 and people that embody and promote the of unique cultural heritage of the District, especially
24 those that have been displaced to the City;

1 (5) promoting tourism to stabilize and strengthen the identity of the district
2 while contributing to the district's economy and providing the City with a sound and growing
3 economic base;

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

7 (7) creating appropriate City regulations, tools, and programs such as zoning
8 and land use controls to allow promote and protect businesses and industries that advances the
9 culture and history of Cultural Districts;

10 (8) promoting employment and economic opportunities for residents of Cultural
11 Districts;

12 (9) promoting cultural competency and education by diversifying our historic
13 narrative on the history of California's San Francisco's many diverse cultural and ethnic
14 communities, with an emphasis on those who have been previously marginalized and misrepresented in
15 dominant narratives;

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

19 (11) acknowledging that culture is fluid and ensuring that the community will
20 have a framework in which to revisit its goals and priorities to respond to those changes
21 slowing down gentrification and mitigating its effects on vulnerable, minority communities; and

22 (12) promoting and strengthening collaboration between the City and
23 communities to maximize cultural competency and pursue social equity within some of the
24 City's most vulnerable communities.

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

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

3 (a) Japantown. The Cultural District shall include the area bound by ~~Bush~~ California
4 Street to the north, ~~Fillmore~~ Steiner Street to the west, ~~Laguna~~ Gough Street to the east, and Geary
5 Boulevard, Ellis Street and O'Farrell Street to the south.

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

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

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

19 (e) Leather and Lesbian, Gay, Bisexual, Transgender, Queer ~~Leather~~ Cultural District.
20 The Cultural District shall include the area bounded by Howard Street to the northwest, 7th Street to
21 the northeast, Highway 101 to the south between Howard Street and Bryant Street, Division Street to
22 the south between Bryant Street and Interstate 80, and Interstate 80 to the east, as well as the south
23 side of Harrison Street between 7th Street and Morris Street.

24
25 **SEC. 107.4. PROCESS FOR ESTABLISHMENT OF CULTURAL DISTRICTS.**

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

3 (a) Introduction of Ordinance Establishing Cultural District. Any Supervisor, the Mayor,
4 or a City department may introduce an ordinance proposing to establish a Cultural District that
5 meets the goals and purpose that have been outlined in this ordinance.

6 ~~(b) Commission Review. Following the introduction of an ordinance proposing to~~
7 ~~establish a Cultural District, the Clerk of the Board of Supervisors shall transmit the ordinance~~
8 ~~to the Planning Commission, Historic Preservation Commission, and Small Business~~
9 ~~Commission for their review. Within 60 days following the transmittal of the ordinance, each~~
10 ~~commission shall hold a hearing regarding the proposed Cultural District and shall transmit to~~
11 ~~the Board its recommendations regarding the creation of the proposed Cultural District. It is~~
12 ~~the intent of the Board that no committee of the Board will hold a hearing regarding the~~
13 ~~proposed ordinance until the 60-day period has ended, unless all three commissions have~~
14 ~~held hearings and transmitted recommendations to the Board before the end of the 60-day~~
15 ~~period.~~

16 (eb) Content of Ordinance. It is the intent of the Board that each ordinance establishing a
17 Cultural District shall:

18 (1) Name the Cultural District, and describe its geographic boundaries. The
19 boundaries of newly established Cultural Districts should be contiguous and should not
20 overlap with other Cultural Districts. The Board may adopt subsequent ordinances changing the
21 geographic boundaries after considering the Cultural Heritage History, Housing and Economic
22 Sustainability Strategy (CHHESS) Report described in subsection (eb)(7).

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

1 (3) Require the Mayor’s Office of Housing and Community Development to engage
2 in a competitive solicitation process no later than one year after the effective date of the
3 ordinance to enter a contract or grant with a community-based organization to hire a district
4 manager or executive director to provide assistance with the preparation of the reports and
5 documents described in subsection (c)(6).

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

12 (54) In the Board’s discretion, depending on the needs of the Cultural District,
13 possibly establish a Cultural District Stabilization Fund Community Advisory Committee, a five-
14 member advisory body to monitor and provide advice on the distribution of funds, with members
15 nominated by the Supervisor in whose Supervisorial district the Cultural District is primarily located,
16 and appointed by the Board of Supervisors to advise the Board, the Mayor, and the Mayor’s Office of
17 Housing and Community Development regarding strategies to support and preserve the Cultural
18 District. The ordinance shall should set qualifications for each seat on the advisory body, and
19 designate the Mayor’s Office of Housing and Community Development to provide administrative
20 support to the advisory body.

21 (5) Require the Mayor’s Office of Housing and Community Development to
22 design and coordinate a community engagement process with the Cultural District residents,
23 small businesses, workers, and other individuals who regularly spend time in the proposed
24 District in order to develop the strategies and plans that will preserve and enhance the live
25 culture of the district.

1 (6) Require three or more specified City departments to provide input to the
2 Mayor’s Office of Housing and Community Development about their areas of expertise related
3 to the cultural district within six months following the effective date of the ordinance
4 establishing the Cultural District. The departments’ input to the Mayor’s Office of Housing and
5 Community Development should contain an assessment of relevant assets and needs,
6 recommendations on programs, policies, and funding sources that could benefit the Cultural
7 District, and other recommendations that could serve the Cultural District to advance its goals.
8 Each department should seek the input of the community engaged with the Cultural District
9 when compiling the information relevant for the reports and when deciding on
10 recommendations. The Mayor’s Office of Housing and Community Development should use
11 information received from departments in the CHHESS report it creates as specified in section
12 107.4(b)(7). The ordinance may require reports from any departments, including but not
13 limited to the Office of Economic and Workforce Development, Department of Public Works,
14 Arts Commission, Entertainment Commission, Planning Department, and Municipal
15 Transportation Agency. Require that each of the following departments submit to the Board
16 and the Mayor a written report containing the following information within six months following
17 the effective date of the ordinance:

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

21 (B) The Office of Economic and Workforce Development shall (i)
22 describe existing businesses that contribute to the culture of the district, including Legacy
23 Businesses established under Administrative Code Section 2A.242, and nonprofit
24 organizations that contribute to the Cultural District, and make recommendations regarding
25 how the City may preserve and protect these businesses and organizations; (ii) describe

1 tourist activity in the Cultural District, and make recommendations regarding how the City may
2 sustain and increase such activity; and (iii) assess commercial sites in the Cultural District and
3 propose appropriate locations for new businesses that contribute to the culture of the district,
4 with an emphasis on making available spaces for nonprofit cultural and arts uses at below-
5 market prices.

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

11 (D) The Mayor's Office of Housing and Community Development shall
12 (i) describe the communities that contribute to the culture of the Cultural District, and make
13 recommendations regarding steps the City may take to preserve, stabilize, and grow those
14 communities; and (ii) evaluate available sites in the Cultural District appropriate for the
15 development and/or preservation of affordable housing and opportunities to make available
16 spaces within those affordable housing developments for nonprofit cultural and arts uses at
17 below market prices, and describe potential funding sources for that development. For any
18 Cultural District located in a Project Area under the jurisdiction of the Office of Community
19 Investment and Infrastructure (OCII), the Mayor's Office of Housing and Community
20 Development shall coordinate with OCII in preparing the report.

21 (E) The Department of Public Works shall (i) describe public amenities
22 and infrastructure in the Cultural District, including but not limited to existing signage, street
23 names, and light posts, that reflect the culture of the Cultural District; and (ii) evaluate
24 available opportunities for adding to the public amenities and infrastructure that reflect and
25

1 enhance the culture of the Cultural District, and make recommendations for potential funding
2 sources to support these additions.

3 ~~————— (F) — The Planning Department shall make recommendations regarding~~
4 ~~potential amendments to the Planning Code that could contribute to the preservation of the~~
5 ~~culture and character of the Cultural District.~~

6 ~~————— (G) — The Human Rights Commission shall evaluate and describe the~~
7 ~~cultural competency of City services in the Cultural District, and propose policy changes to~~
8 ~~address deficits in those areas.~~

9 ————— (7) — Require the Mayor’s Office of Housing and Community Development to work
10 with other departments when appropriate to prepare a Cultural, History, Housing, and
11 Economic Sustainability Strategy Report or CHH~~E~~SS Report for the Cultural District based on the
12 reports required by subsection (e~~b~~)(6), and to submit the Report to the Board of Supervisors for
13 adoption by resolution. The Mayor’s Office of Housing and Community Development shall ~~shall~~ should
14 submit the CHH~~E~~SS Report to the Board within ~~nine months~~ one year of the effective date of the
15 ordinance, unless the Board extends the deadline by resolution. The CHH~~E~~SS Report shall~~shall~~ should
16 include a demographic and economic profile of the Cultural District, including past, current, and
17 future trends; analyze and record the tangible and intangible elements of the Cultural District’s
18 cultural heritage; identify areas of concern that could inhibit the preservation of the Cultural District’s
19 unique culture; and propose legislative, economic and other solutions and strategies to support the
20 Cultural District.

21 ————— (8) — Require the Mayor’s Office of Housing and Community Development to provide
22 a progress report on the strategies outlined in the CHH~~E~~SS once every three years and to
23 work with the Cultural District to re-assess and update the CHH~~E~~SS Report at least once every
24 three ~~six~~ years based on input from community-based organizations and the departments consulted in
25 the initial preparation of the CHH~~E~~SS report listed in subsection (c)(6).

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

4
5 **SEC. 107.5. ADDITIONAL STEPS FOR CULTURAL DISTRICTS ESTABLISHED**
6 **BEFORE JANUARY JUNE 1, 2018.**

7 (a) By no later than September 1, 2018, the departments listed in Section
8 107.4(c)(3) shall submit to the Board of Supervisors and the Mayor reports The Mayor's Office
9 of Housing and Community Development shall prepare CHHESS reports following the
10 process set forth in Section 107.4(b)(5)-(7) regarding Calle 24 (Veinticuatro) Latino Cultural
11 District, SoMa Pilipinas - Filipino Cultural Heritage District, Compton's Transgender Cultural
12 District, and the ~~Leather~~ Leather Lesbian, Gay, Bisexual, Transgender, Queer ~~Leather~~ Cultural District
13 containing the information described in Section 107.4(c)(3). The Mayor's Office of Housing
14 and Community Development shall produce CHHESS reports regarding at least two of these
15 four Districts by no later than July 1, 2019, and shall produce CHHESS reports regarding the
16 other two Districts by no later than July 1, 2020. In preparing the CHHESS reports, the
17 Mayor's Office of Housing and Community Development shall consult with appropriate
18 departments in its discretion and coordinate with people and organizations in the Districts. By
19 no later than ~~December 1, 2018~~ January 15, 2019 the Mayor's Office of Housing and Community
20 Development shall submit to the Board of Supervisors and the Mayor a written report describing
21 the Office's plan for preparation of these reports. ~~prepare a CHHESS Report for each of these~~
22 Cultural District containing the information, analysis, and recommendations described in
23 Section 107.4(c)(4).

24 (b) It is the intent of the Board of Supervisors to enact ordinances establishing
25 Category Four funds for all the Cultural Districts listed in subsection (a), and in the Board's

1 ~~discretion depending on the needs of the Cultural District, possibly establishing advisory~~
2 ~~bodies for those Districts, consistent with Section 107.4(e).~~

3
4 **SEC. 107.6. RESPONSIBILITIES OF MAYOR'S OFFICE OF HOUSING AND**
5 **COMMUNITY DEVELOPMENT.**

6 *In addition to the responsibilities set forth in Section 107.4 and 107.5, the Mayor's Office of*
7 *Housing and Community Development shall:*

8 (a) Provide information upon request to individuals or community organizations inquiring
9 about the process of establishing a Cultural District; and

10 (b) Develop any necessary rules or regulations to implement this Chapter 107. Any
11 rules and regulations shall be subject to disapproval of the Board of Supervisors by resolution.

12
13 Section 3. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 JON GIVNER
22 Deputy City Attorney

23
24
25
n:\legana\as2017\1700571\01274002.docx