

Celebrating Mom and Pop Shops: The Importance of Legacy Business Programs for Conserving Living Heritage

By Erin Swicegood



Figure 1: Clockwise from left- Current legacy businesses Yasukochi's Sweet Shop in San Francisco, Stylesville Barbershop and Beauty Salon in Los Angeles, and La Monita Tortilleria in San Antonio. Images from NewFillmore.com, Los Angeles Conservancy, and LaPrensaTexas.com.

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RESEARCH STATEMENT

Longstanding local businesses are vital to a community's sense of place and can be preserved and celebrated through a legacy business program that implements equitable practices and historic preservation methods to offer financial and community support in service of the continued longevity of these businesses

ABSTRACT

Historic small businesses, referred to as “legacy” businesses based on their important and enduring presence in their neighborhoods, are community gathering places that have played an integral role in making a city what it is today. While legacy businesses bring an irreplaceable sense of community to their respective neighborhoods, they have largely been overlooked by previous historic preservation efforts in the United States. This project will explore how legacy businesses can be conserved as diverse, living cultural resources by implementing legacy business programs that are grounded in equitable practices and use historic preservation methods to effectively conserve these resources. This project also examines how legacy business programs can help the field of historic preservation become more diverse and equitable. Four case studies (San Francisco's Legacy Business Program, San Antonio's Legacy Business Program, Los Angeles' Legacy Business Initiative, and Seattle's Legacy Business Program) are analyzed to demonstrate the types of impact that legacy business programs bring to the historic preservation of a city. The analysis of case studies results in a proposed action plan for the implementation of a legacy business program in cities that do not currently have a program. The action plan supports the integration of historic preservation practice with equitable framework to support the protection and conservation of these living historic resources.

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CHAPTER 1

INTRODUCTION

INTRODUCTION

Everyone knows one. Everyone has a favorite one. Everyone has mourned the loss of one. Legacy businesses play a meaningful role in establishing and maintaining the unique character of cities, communities, and neighborhoods. Legacy businesses are small businesses that have a longtime presence in their neighborhood and are culturally significant to a community.

With the growth of big box stores, online retail, and rising rent prices, historic¹ small businesses have faced increasing challenges to maintain a presence in their respective communities. The COVID-19 pandemic has also caused a significant number of small businesses to close; although just how many and for how long is still uncertain. For example, even before the pandemic, closures of small businesses increased in San Francisco from 693 businesses lost in 1994 up to almost 4,000 closures in 2014², an increase of more than 400%. The U.S. Small Business Administration recorded 400,000 small business closures throughout the United States in 2019.³ The Portland, Oregon, metropolitan area saw 4,648 small businesses close between 2015 to 2016.⁴ Historic small businesses continue to be lost at an alarming rate around the country, and an immediate response is crucial to reduce the loss of these businesses that serve as the cornerstones of many communities.

Inspired to take action against the increasing closure of these businesses, city governments and nonprofits around the world have created legacy business programs to celebrate and protect their communities' most beloved mom and pop shops. These programs administer a variety of forms of aid, including funding opportunities, technical assistance, protective measures against

¹ The term *historic* is used throughout this project intentionally, with the author acknowledging that historic is a broad term that harbors a wide range of definitions. The definition of the term historic, as it is used in relation to small businesses, can vary from city to city or even community to community. This is seen in the discrepancies between different legacy business programs and the differing age range they use to quantify *legacy*. *Historic* offers the flexibility needed to accommodate a vast array of businesses and age ranges and is used in this project to intentionally support ambiguity.

² *Legacy Business Registry and Preservation Fund*. San Francisco Heritage. (2019).

Retrieved from <https://www.sfheritage.org/legacy/legacy-business-registry-preservation-fund/>.

³ U.S. Small Business Administration, Office of Advocacy. "2019 Small Business Profiles for The States And Territories" <https://advocacy.sba.gov/2019/04/24/2019-small-business-profiles-for-the-states-and-territories/>

⁴ Statistics of U.S. Businesses (SUSB) Census Bureau

Retrieved from: <https://www.census.gov/data/tables/2016/econ/susb/2016-susb-employment.html>

displacement, and preservation incentives - all aimed at helping support the continued operation of historic small businesses.

The purpose of this project is to analyze existing preservation practices and provide an action plan for those interested in implementing a program⁵ to support legacy businesses in their city. Intended primary audience members are city planners, preservation nonprofit workers, and community leaders, due to their positionality, access to resources needed to start a legacy business program, and their ability to advocate and have their voices heard. Secondary audience members are all historic preservation professionals, students, and small business owners, due to the need for these audience members to be aware of these types of programs and use findings from this project to better understand the potential of legacy business programs.

This terminal project will:

- Explore what constitutes a legacy business
- Explain how legacy business programs relate to the field of historic preservation
- Examine four existing legacy business programs in the United States
- Prescribe an action plan for implementing a local legacy business program; and
- Identify areas for future scholarship

This project evaluates why legacy business programs came to exist and how preservation practices in the United States support or inhibit the protection of intangible⁶ resources. The analysis of current programs focuses on legacy business programs in the western United States.⁷ This project results in a recommended action plan for the expansion or creation of new legacy business programs, created from conclusions based upon research findings and program analysis.

⁵ The term *program* is used throughout this project to reference legacy business programs, legacy business registries, and legacy business initiatives. Although there are key distinctions between the three, the term *program* is used for ease of understanding. A description of distinctions between these three types is available at the beginning of Chapter 2.

⁶ *Intangible* is a term that describes resources beyond objects. Examples of intangible resources include cultural activities and events. The terminology section in Chapter 2 provides greater definitions of this term and other terminology.

⁷ Western United States programs were selected due to the initial scope of this project to include recommendations for how Portland, Oregon, could implement a legacy business program. Interviews of potential Portland legacy businesses were planned to support this place-specific approach. However, closure of many of these businesses due to the COVID-19 pandemic forced these interviews to be deferred and the terminal project no longer centered around Portland specifically.

The action plan does not prescribe the “backend” governmental process of implementing a program at the local level, nor does it delve into the laws or regulations unique to different communities, cities, and states. Although this project identifies and examines the need to protect culturally significant historic small businesses, many resources currently exist for long-time business owners and small businesses and should be consulted when creating a program. Examples of existing resources include small business toolkits, neighborhood community groups, and city offices that provide funding and incentives to support small businesses, all of which should be incorporated to a legacy business program.

METHODOLOGY

To create an action plan for implementing new legacy business programs, this project utilizes a methodology focused on the review of existing preservation practices and a qualitative analysis of program documents from case studies to determine the effectiveness of current programs.

After an initial overview of legacy business programs, key themes were identified that connect these programs to preservation. These themes include how the history of the preservation movement influences legacy business programs, the importance of defining terminology and integrity standards in preservation, evaluating how diversity and equity have or have not played a role in historic preservation, and how the field is changing to include the preservation of living history. These themes are evaluated in Chapter 2 and contribute to the measurement of success for current and future legacy business programs.

The evaluation of current programs in Chapter 3 focuses on five components; the background of the program and timeline of events that led to its creation, the application process, program details and parameters including who can be considered a legacy business, the types of assistance offered, and future program goals. A review of four case studies provides an understanding of successful and unsuccessful traits in programs, which are used to develop the framework for an action plan to initiate new local legacy business programs or update existing programs.

Understanding what makes a successful legacy business program is determined based on the

evaluation and discussion of current preservation practices seen in Chapter 2, in addition to the review and analysis of case studies present in Chapter 3.

EXISTING LITERATURE

Legacy business programs are relatively new in the United States, with San Francisco being the first city to implement a program in 2015.⁸ Because legacy businesses are a new concept, the literature on this subject primarily consists of articles and previous studies of legacy business-type programs conducted by other city planning or economic development departments. To better understand how these emergent programs are influenced by the field of historic preservation, specific areas of existing historic preservation concepts and programs were researched and analyzed. These areas include preservation terminology and integrity standards, diversity and equity in the field of preservation and as a general concept, the history of preservation policy, and current efforts to preserve living history.

1. Terminology and Integrity

Primary sources like the Burra Charter, an Australian federal policy document that establishes conservation guidelines for heritage resources, and several National Parks Service documents, including the Secretary of the Interior's Standards and Guidelines, were consulted to establish definitions of key terminology used in the field of historic preservation, like the difference between *preservation* and *conservation*. The China ICOMOS document "Principles for the Conservation of Heritage Sites in China" (2004) is also useful for its description of conservation techniques for intangible aspects of culture. More recent documents like legacy business trailblazer San Francisco Heritage's "Sustaining San Francisco's Living Heritage; Strategies for Conserving Cultural Heritage" (2014) were consulted to establish definitions and differences between terminology like *intangible* and *tangible heritage*. Understanding and defining these terms was crucial for examining how legacy business programs fit into the existing field of historic preservation, and for determining areas where a program might fill in gaps in the field.

⁸ Although the San Francisco Legacy Business Program was launched officially in 2015, San Francisco Heritage launched a "Legacy Bars and Restaurants Initiative" in 2013. This initiative is what sparked to creation of a program. Details regarding the history of San Francisco's program are in the case study section in Chapter 3.

2. Diversity and Equity

An important topic and point of research for this project was understanding how diversity and equity relate to historic preservation. Multiple types of sources, from scholarly works to government acts, were consulted to better understand these complex and extremely timely topics, and the works of experts like Brent Leggs, Erica Avrami, and Kimberlé Crenshaw aided in the understanding of diversity and equity. In addition to scholarly works, historic sources like the United States Department of Housing and Urban Development's "Housing Act of 1950" and B.T. McGraw's "The Housing Act of 1954 and Implications for Minorities" (1955) were consulted to further comprehend the impact that federal acts had and still have on minority communities.

Previous scholarship on the topic of diversity in historic preservation and cultural heritage includes Vince Michael's, "Diversity in Preservation: Rethinking Standards and Practices" (2014) which dissects the application of the term integrity as it relates to the eligibility of historic resources for historic designation. J. K. Summers and L. M. Smith distinguish between the terms *equity* and *equality*, and also provide definitions for *social* and *intergenerational equity* in "The Role of Social and Intergenerational Equity in Making Changes in Human Well-Being Sustainable" (2014), terms that are crucial to understand in order to implement an equitable legacy business program. Erica Avrami discusses inclusion, diversity, and social sustainability in her piece "Making Historic Preservation Sustainable" (2016). Kimberlé Crenshaw's influential work "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color" (1991) is imperative when describing the intersectionality between race and gender as it relates to business longevity and business economics. Two of Brent Leggs' pieces, "The Growth of Historic Sites: Teaching Public Historians to Advance Preservation Practice" (2018) and "Preserving African American Historic Places" (2012) (written in collaboration with Kerri Rubman, and Byrd Wood) provide ideas about the current state of equity and diversity in the field of historic preservation.

3. Living History and Reevaluating Preservation Practice

An initial area of research regarding the re-evaluation of preservation practice consisted of examining scholars who examine preservation policy. This includes Brian Turner's "Promoting

the Legacy Businesses of San Francisco: An Incentive-Based Approach to the Protection of Intangible Heritage,” (2019) in which Turner discusses the shift of policy tools from solely guarding physical assets to broadening those tools to encompass cultural heritage. James Buckley and Donna Graves also examine the protection of intangible cultural resources from a policy perspective in “Tangible Benefits from Intangible Resources: Using Social and Cultural History to Plan Neighborhood Futures,” (2016) which evaluates the implementation and expansion of nonstandard preservation measures. Patrice Frey advocates for a reevaluation of preservation practices in “Why Preservation Needs a New Approach” (2019), where Frey offers statistics on the lack of diversity in current National Register sites. Max Page and Marla R. Miller’s “Bending the Future: Fifty Ideas for the Next Fifty Years of Historic Preservation” (2016) is a compendium of articles from preservation professionals and experts who discuss the future of preservation practice. One such article is “Preserving Social Character and Navigating Preservation Divides” by Japonica Brown-Saracino, in which Brown-Saracino advocates for updated research on how gentrification relates to preservation practice.

4. Current Legacy Business Studies, Articles, and Statistics

Desiree Smith and Mike Buhler wrote “Mobilizing to Sustain San Francisco’s Living Heritage” (2014), as a call to action to protect San Francisco’s legacy businesses. Many articles were published in response to the creation of San Francisco’s legacy business program, offering lists and new methods for community members to assist legacy businesses. An example is Geoff Montes, who offers a toolkit for how patrons of historic food establishments can help keep their favorite food establishments in business in “How to Save Historic Food Establishments” (2014). David Weible also compiles a list of suggestions for how to save businesses in his article “Seven Tips for Protecting Legacy Businesses” (2015). After San Francisco created its legacy business program in 2015, Ryan McCauley evaluates the program in “San Francisco is Trying to Preserve Spaces, Not Buildings” (2016). Johann Zerbe explores the impact of small businesses on neighborhood character in his Master’s Thesis entitled “Making Care of Business: Preserving Independent Small Businesses in Vancouver” (2019). Zerbe examines the effect of rising rents on small businesses and explore how businesses contribute to neighborhood character. Data regarding business closures and equitable financing patterns is examined by Alicia Robb in her

study “Financing Patterns and Credit Market Experiences: A Comparison by Race and Ethnicity for U.S. Employer Firms” (2018).

Multiple city studies are consulted in this project, including the City of Seattle’s 2017 Legacy Business Study, which produced statistics and charts detailing issues faced by legacy businesses and an evaluation of the effectiveness of legacy business programs. Sources are consulted from other countries and similar programs around the world, include the “Bares Notables” program from Buenos Aires and the “More Than a Pub” program in England, both of which San Francisco identified and used in the creation of their legacy business program. In addition to San Francisco, documents from Los Angeles, Seattle, and San Antonio’s legacy business programs are evaluated, as seen in Chapter 3.

5. Gaps in Existing Literature

Noticeable gaps in existing literature about legacy business programs include a lack of solid data regarding the success of legacy business programs for preventing the displacement of small businesses. As the oldest legacy business program in the United States is only five years old, there has been no long-term study or follow up as to the continued effectiveness of these programs. The 2017 study completed in Seattle evaluates the types of the assistance provided by legacy business programs, but a further study is needed to establish definitive conclusions regarding measurements of success for legacy business programs. There is also a lack of literature that disputes or challenges the effectiveness of legacy business programs. Again, being such a new type of program, any negative effects of a legacy business program are not widely known or written about. Several articles were published in San Francisco that mentioned opposition to tax money being used to fund the legacy business program, seen as “political handouts”, but there was a lack of strong opposition to the program itself.⁹As legacy business programs continue to age, counterarguments to their effectiveness will surely be published.

⁹ Leuty, Ron. “New fund for ‘legacy businesses’ wins voter approval.” San Francisco Business Times. 3 Nov. 2015. Web. 20 May. 2020. <https://www.bizjournals.com/sanfrancisco/blog/2015/11/legacy-business-fund-prop-j-sf-election.html>. Dineen, J. K. “Prop J: Measure to help save longtime ‘legacy’ businesses passes.” SF Chronicle. 4 Nov. 2015. Web. 20 May. 2020. <https://www.sfchronicle.com/bayarea/article/Prop-J-Initiative-to-preserve-longtime-6609193.php>

CHAPTER 2

LEGACY BUSINESSES AND PRESERVATION

INTRODUCTION

After an initial overview of legacy business programs, key themes were identified that connect these programs to the field of historic preservation. This chapter begins with an overview of what resources have historically been preserved in the United States. Terminology that is used in the field of historic preservation is examined, including a discussion of integrity standards and how those standards create obstacles for the preservation of historic resources that are not physical places from the past. Diversity and equitable practices in the field of historic preservation as they relate to cultural resources are discussed and terminology is defined to offer greater understanding of these concepts, including the difference between equity and equality and the idea of intergenerational equity. The chapter concludes with a review of obstacles faced when preserving living heritage resources and how the field is changing to support the preservation of living history, feeding into an analysis of existing programs in Chapter 3.

AN OVERVIEW OF HISTORIC PRESERVATION IN THE UNITED STATES

The term *historic preservation* has long been associated with imagery of saving old buildings. Harkening back to the Mount Vernon Ladies' Association, the roots of preservation in the United States are inherently intertwined with saving grand architecture, particularly homes built by or for important people. Before the development of government regulations, preservation was achieved largely by private interest groups who rallied support to save homes associated with founding fathers and other important men. Not until 1906, with the passing of the Antiquities Act, was the need for preservation federally recognized in the United States. Subsequent measures, including the Historic Sites Act of 1935 and the creation of the National Trust for Historic Preservation in 1949, increased protection for historic resources. The most important federal action, which established a framework for historic preservation in the United States, was the passage of the 1966 National Historic Preservation Act. The 1966 Act ushered in a new wave of protection for buildings by establishing federal policy regarding historic protection and stewardship. Although impactful and important, these new laws largely focused on *architectural* preservation. The new federal programs did not establish specific protection for the people occupying those buildings and did not offer protection to neighborhoods and resources that did not meet the traditional standards for designation that were established by the 1966 Act.

The urban renewal movement of the mid-twentieth century perpetuated the continued preservation of a limited type of historic resource. Preservation, especially during the mid-twentieth century in the United States, was “far too often... used as a tool for enshrining the inequality between rich and poor.”¹⁰ The implementation of the Housing Act of 1949 and later the Urban Renewal Act of 1954 aimed to “provide Federal aid to assist slum-clearance projects” and prevent the “spread or recurrence...of slums and blighted areas.” The term *slum* was frequently used to unfairly describe neighborhoods that consisted of low income and/or minority residents. These federal actions initiated decades of obliteration of low income and minority communities¹¹, highlighting the types of communities that those in power throughout the United States deemed important; white, predominantly wealthy, neighborhoods. The federal urban renewal policies displaced over one million people from their homes, decimated communities, and continued the narrative of preserving a narrow scope of historic resources.¹²

TERMINOLOGY

Although many words and phrases in the field of historic preservation are used interchangeably, it is imperative to understand the specific terminology relating to legacy businesses before reviewing existing programs and recommending best practices. The term ***historic preservation***, when used throughout this paper, will refer to the protection and stewardship of both tangible and intangible resources. ***Tangible resources*** include cultural objects like murals, buildings, and land, while ***intangible resources*** include organizations, businesses, and cultural activities and events.¹³

In the United States, ***historic preservation*** primarily means the conservation of tangible resources, like buildings. In other countries, like Australia and China, the term ***cultural heritage***

¹⁰ Max Page and Randall Mason. *Giving Preservation a History Histories of Historic Preservation in the United States*. New York : Routledge, 2004.

¹¹ Robert E. Lang & Rebecca R. Sohmer. *Legacy of the Housing Act of 1949: The Past, Present, and Future of Federal Housing and Urban Policy*.” *Housing Policy Debate*, 11:2. 2000. 291-298, DOI: 10.1080/10511482.2000.9521369

¹² Schwab, Katharine. “The Racist Roots of ‘Urban Renewal’ And How It Made Cities Less Equal.” *FastCompany*. FastCompany. n.d. Web. 1 Jan. 2018. <https://www.fastcompany.com/90155955/the-racist-roots-of-urban-renewal-and-how-it-made-cities-less-equal>

¹³ *Sustaining San Francisco’s Living History: Strategies for Conserving Cultural Heritage Assets*. San Francisco Heritage. Web. Sept 2014.

is used instead, and refers to the conservation of more than just architecture, including intangible aspects of cultures like oral traditions, festivals, and other resources. However, cultural heritage is occasionally used interchangeably with historic preservation in the United States. The National Parks Service (NPS) defines *cultural heritage* as “a fairly broad term that can apply to both the tangible—physical places and objects we can touch—and the intangible—stories, songs, and celebrations we experience in the moment.”¹⁴

Conservation and preservation are also two terms in the field of historic preservation that have overlapping but distinct definitions. The Australia ICOMOS Burra Charter, initially written in 1979 and revised in 2013, helps distinguish between these two similar terms. The charter defines *preservation* as the act of “maintaining a place in its existing state and retarding deterioration”, whereas *conservation* is “looking after a place so as to regain its cultural significance.” Conservation is based on valuing the “existing fabric, use, associations and meanings.” Conservation, in the Burra Charter sense, allows for a flexible understanding of living history, like legacy businesses, and provides the possibility for resources to change over time. Although the switch from using the term preservation to the term conservation will likely not happen anytime soon in the United States, conservation fully encompasses the goals of legacy business programs. Although varying definitions exist for the terms cultural heritage and historic preservation, all definitions revolve around the concept of protecting cultural spaces and practices that are important and significant to communities.

The term *legacy business* also has varying definitions. Legacy is a term that means different things for different people. As described in Chapter 3, the age range for a business to be considered “legacy” varies from 10 to 30 years between different United States legacy business programs. The Cambridge Dictionary describes legacy as “something that is a part of your history or that remains from an earlier time.” The four legacy business programs examined in Chapter 3 all require that in order to be a legacy business, the business must prove how it is culturally significant to their community. This definition is also paired with the requirement that legacy businesses must have either a small number of staff members or have fewer than 15

¹⁴ “*Tangible and Intangible Cultural Heritage*” National Parks Service. 29 Feb. 2016. Web. <https://www.nps.gov/articles/tangible-cultural-heritage.htm>

locations, ensuring that the business is a small business. Essentially, a *legacy business* is a long-term, small business that is culturally significant to a community.

PROGRAM VS REGISTRY VS INITIATIVE

An important distinction within the realm of legacy businesses is the difference between a program, a registry, and an initiative.

- A **program** is the most robust form of legacy business assistance and is frequently administered by a city office because of greater access to funds and staff time.
- A **registry** implies a list of some sort, similar to the National Register, and celebrates participants in a way that is mostly honorific.
- An **initiative** is an educational program designed to raise awareness of legacy businesses.

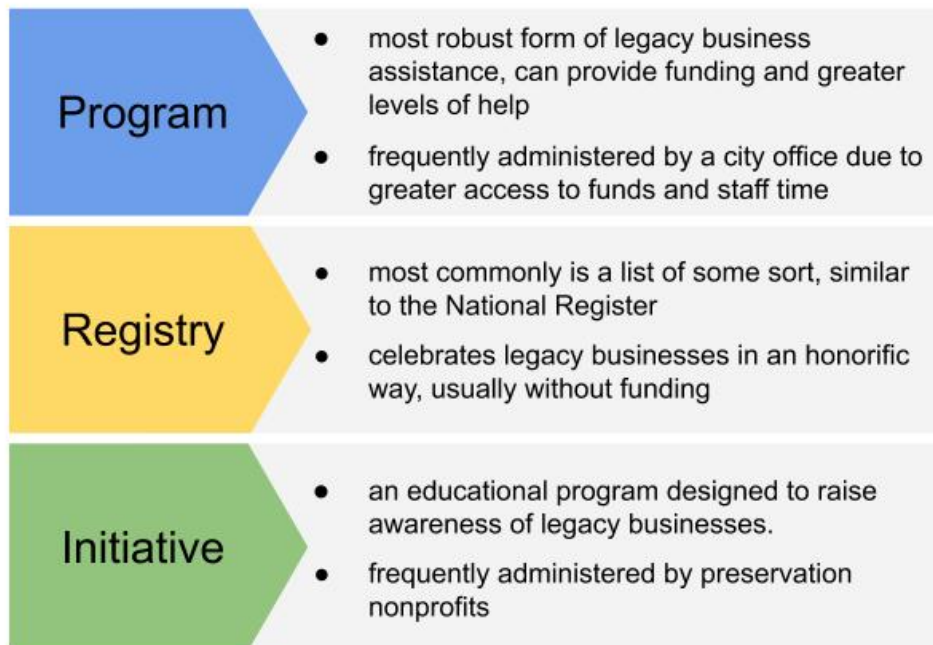


Figure 2: Program v. Registry v. Initiative chart, created by the author

All three are vital in assisting legacy businesses, and although the variety of time, assistance, and resources vary between registry to initiative to program, all are great options and are equally important. Selecting the appropriate method to use is best decided upon based on the staff time and funding available, but most importantly the type of assistance needed by legacy businesses in a city.

THE PROBLEM WITH INTEGRITY

Another important term to define is integrity. In Vince Michael's article titled "Diversity in Preservation: Rethinking Standards and Practices", Michael argues that there are three problems with how we judge integrity. First, there is a problem with the word itself. **Integrity** is usually used to describe the physical *architectural* features that convey a building's significance. The second issue that Michael discusses is that integrity is seen "as an 'on-off switch'", when in reality it should "be a gradient or continuum", so that resources can fall on a spectrum of integrity, not just a status of yes or no. Michael's third and final argument is that "integrity is defined *architecturally* even if the significance of the property is not architectural." This is exemplified in the fact that places that have significant cultural importance, but little architectural integrity, are historically underrepresented in the National Register and other preservation programs. San Francisco Heritage states "experience shows that non-architectural cultural resources are especially susceptible to alteration, neglect, and demolition", and that the concept of integrity being tied to physical fabric can disqualify properties that would otherwise be eligible for protection.

Many resources that are culturally important to communities, like legacy businesses, do not reside in traditionally historic buildings created by famous architects. Important and historic community resources, particularly underrepresented and minority communities, are often determined to not meet the perceived integrity requirements for preservation.¹⁵ Instead of integrity, a better suited word is **authenticity**, which allows for "a broader analysis of significance beyond simply the visual and architectural."¹⁶ This concept would allow for more case-by-case evaluations of historic resources like legacy businesses, rather than the use of strict and inhibiting rules that focus on one type of resource.

DIVERSIFYING WHAT WE PRESERVE

The field of historic preservation in the United States has historically neglected to represent all Americans in the types of resources it has preserved. From lengthy regulatory processes that

¹⁵ Michael, Vince. "Diversity in Preservation: Rethinking Standards and Practices."
National Trust for Historic Preservation. Preservation Leadership Forum. Forum Journal. Spring 2014 Vol. 28 No 3. P 5.

¹⁶ Ibid

have overlooked vernacular resources, to the failure to prevent the demolition of buildings and community spaces affiliated with minority populations, preservation has not equitably served everyone. Preservation is also struggling to tell the full American story. Dr. Franklin Odo, Director of the Asian Pacific American Program at the Smithsonian Institution, speaks on the topic of diversity and representation in the United States, stating “when peoples of color... are not reasonably represented, the historical narrative of the nation itself becomes skewed and biased.”¹⁷ Recent outreach projects have worked to diversify preservation efforts on a national level, however there is still more work to be done. Everett L. Fly, landscape architect and 2014 National Humanities Medalist, writes that “black historic resources and black practitioners have been systemically and institutionally undervalued and disrespected in the field of historic preservation”¹⁸, indicating that the field of historic preservation has much work to do regarding diversifying and increasing equitable practices. Another author who analyzes diversity in preservation practice is Brent Leggs, Executive Director of the African American Cultural Heritage Action Fund. Leggs discusses how the American preservationist movement has associated preservation with a “Eurocentric vision of great Americans and events in history”, which has resulted in the lack of preservation of crucial resources in minority communities “where ordinary people made extraordinary contributions.”¹⁹ Although much work has already been done by preservation leaders, historic preservation professionals must continue to alter this narrative of exclusion by diversifying our preservation efforts. Dr. Andrew Hurley, Professor of Urban History at University of Missouri - St. Louis, writes that “the next generation of preservationists would do well to consider a more flexible, holistic approach, responsive to the redevelopment needs and historical sensibilities of local communities.” Preservationists should focus on how to better support and integrate preservation efforts with community leaders, ensuring that all communities have the ability to save their historic resources.²⁰

¹⁷ Odo, Franklin. “Asian Americans and Pacific Islander Americans Revisited: An Introduction to the National Historic Landmarks Theme Study.” *Finding a Path Forward: Asian American Pacific Islander National Historic Landmarks Theme Study*. Ed. Franklin Odo. National Parks Service, 2018. 5-21. Web. <https://www.nps.gov/subjects/tellingallamericansstories/upload/AAPI-Booklet-508-compliant.pdf>

¹⁸ Fly, Everett L. “Diversity in Practice and Stewardship.” *Bending the Future: Fifty Ideas for the Next Fifty Years of Historic Preservation in the United States*. Max Page and Marla R. Miller. University of Massachusetts Press, 2016. 83-87. Print.

¹⁹ Leggs, Brent. “Growth of Historic Sites: Teaching Public Historians to Advance Preservation Practice.” *The Public Historian* 1 August 2018; 40 (3): 90–106. doi: <https://doi.org/10.1525/tph.2018.40.3.90>

²⁰ Michael, Vince. “Diversity in Preservation: Rethinking Standards and Practices.” *National Trust for Historic Preservation*. Preservation Leadership Forum. Forum Journal. Spring 2014 Vol. 28 No 3. P 5.

EQUITY IN PRESERVATION

A crucial component needed in the field of historic preservation and in legacy business programs is the implementation of equitable practices. Historically centering around architecture built by and for well-off white men, the field of historic preservation is now changing to reflect a more inclusive range of resources, like legacy businesses. However, the influence of residential segregation laws, 1950s “slum” clearance, and the negative effects of urban renewal have resulted in racial and economic inequities in American cities that continue to this day to affect minority communities and the preservation of historic resources.²¹ For preservation professionals, that means that it is imperative to be cognizant of how resources are preserved in an equitable manner, as “decisions about what to keep, and how, echo for generations.”²² In order to support equitable preservation practices, understanding the difference between equity and equality is paramount. The word *equity* is an ethical term that represents fairness, whereas *equality* is a measure of sameness.²³ Figure 3 offers a visual representation of the differences between equity and equality. This is an important distinction to highlight, as different communities do not require the same types of resources to achieve preservation.

Human sustainability is inherently tied to equity, as described by J. K. Summers, Associate National Program Director for EPA’s Sustainable and Healthy Communities Research Program, and L. M. Smith, research biologist at the Gulf Ecology Division of USEPA’s Office of Research and Development. Summers and Smith state that human well-being consists of two concepts; social equity and intergenerational equity. *Social equity* “distributes well-being over space, ensuring the fair treatment of all members of society promoting spatial sustainability of a well-

²¹ Schiszik, Lauren. “Equity in Preservation Planning in Baltimore.” *National Trust for Historic Preservation Leadership Forum*. 23 Feb. 2017. <https://forum.savingplaces.org/blogs/special-contributor/2017/02/23/equity-in-historic-preservation-planning-in-baltimore>

²² Frey, Patrice. “Why Preservation Needs a New Approach.” *CityLab*. 9 Feb. 2019.

²³ Summers, J K, and L M Smith. “The role of social and intergenerational equity in making changes in human well-being sustainable.” *Ambio* vol. 43,6 (2014): 718-28. doi:10.1007/s13280-013-0483-6

being decision”, whereas *intergenerational equity* “distributes well-being through time, ensuring the wellbeing of present and future generations of a population or nation.”

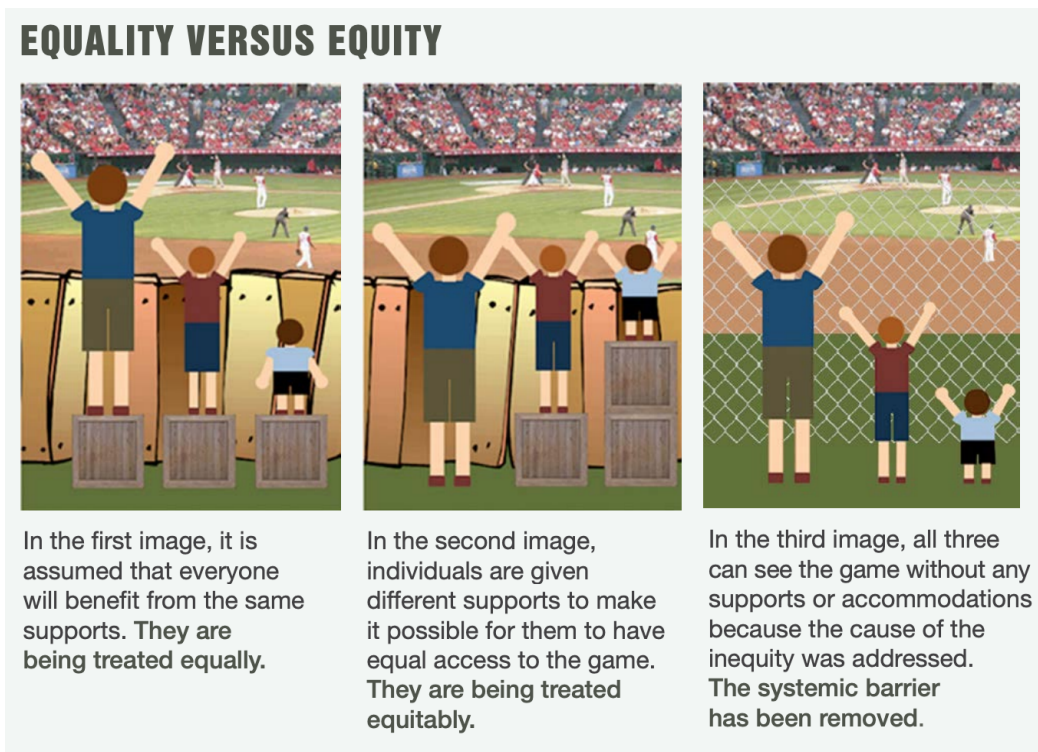


Figure 3: Equality versus Equity - Image from *Advancing Equity and Inclusion: A Guide for Municipalities*, By City for All Women Initiative (CAWI), Ottawa

Equity cannot be discussed without mentioning the intersectionality of race and gender. The *intersectionality of race and gender* is a concept developed by Kimberlé Williams Crenshaw in her work titled “Mapping the Margins”. Intersectionality is the idea that one’s “identity as ‘woman’ or ‘person of color’ as an either/or proposition...(relegates) the identity of women of color to a location that resists telling”, and because of duality of identifying as both women and people of color, the experiences of women of color are frequently marginalized within both identities.²⁴ This is shown in statistics provided by the U.S. Small Business Administration that indicate that women, particularly non-white women, have greater difficulty receiving a loan for a

²⁴ Crenshaw, Kimberlé. “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.” *Stanford Law Review*, vol. 43, no. 6, 1991, pp. 1241–1299. *JSTOR*, www.jstor.org/stable/1229039.

business.²⁵ The intersectionality of race and gender and its relevancy to equity and legacy businesses is further proven in a 2017 study on legacy businesses in Seattle (Figure 4), which found that women-owned and minority-owned businesses faced a greater risk of closure due to lack of personal or business loans and credit.

The duality of being both a woman and a person of color means that these business owners can face greater hurdles in order to have their small businesses survive. The implementation of “women-owned” and “minority-owned” small business programs at the federal, state, and local level help acknowledge the inequities faced by some business owners, but legacy business programs can add an additional layer of support and protection. Brent Leggs advocates that "to keep our cities equitable, accessible, and prosperous, with opportunities for all, we must work to reuse older buildings to create more jobs and walkable neighborhoods, supporting more minority- and women-owned businesses, and addressing urban issues of affordability and displacement..."²⁶, highlighting the intersection of businesses, preservation, and equity. By focusing on resources and community groups who have been historically underrepresented in preservation, legacy business programs can improve equitable practices within our cities while also preserving them.

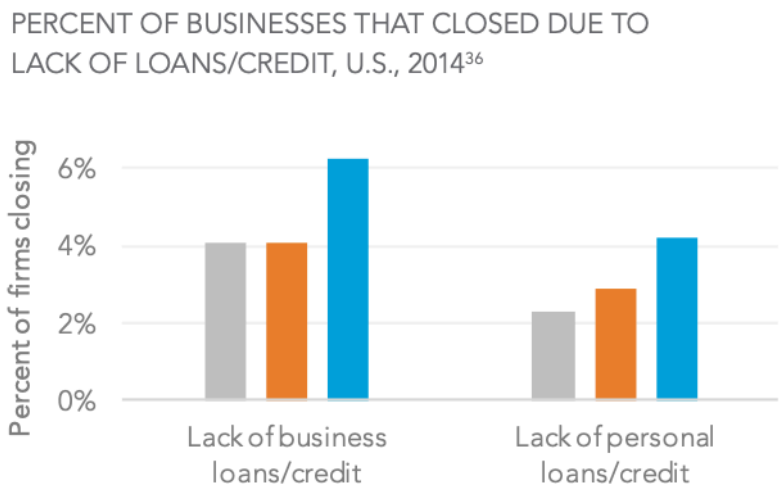


Figure 4: Percentage of businesses that closed due to lack of loans/credit. From Seattle 2017 Legacy Business Study

²⁵ “Executive Summary – Disparities in Capital Access Between Minority and Non-Minority Businesses” Minority Business Development Agency. *U.S. Department of Commerce*. Web <https://www.mbda.gov/page/executive-summary-disparities-capital-access-between-minority-and-non-minority-businesses>

²⁶ Leggs, Brent. “Growth of Historic Sites: Teaching Public Historians to Advance Preservation Practice.” *The Public Historian* 1 August 2018; 40 (3): 90–106. doi: <https://doi.org/10.1525/tph.2018.40.3.90>

PRESERVING LIVING HISTORY

Living history does not face the same factors that a historic building does in order to achieve preservation that. If the owner of a historic building dies, the building will continue being a building. When the owner of a legacy business dies, that business and its entire impact on a community can change overnight. The fluid aspects of living history, partnered with the historic oversight of the preservation of these resources, makes it difficult to create “edges” or boundaries for how to preserve it. Living history is harder to document or place regulations around; factors and situations are much more fluid. Thus, legacy business programs need to allow for flexibility to accommodate a vast variety of historic small businesses, which is no easy feat. As Desiree Smith and Mike Buhler write in “Mobilizing to Sustain San Francisco's Living History”, “traditional historic preservation protections...have proven ill-suited to address the unique challenges facing many intangible cultural heritage assets.” Designation is not always a possibility and does not protect against eviction, rent increases, or other factors faced by legacy businesses.²⁷

It is no surprise that preservation efforts in America have struggled until recently to include living history. Anthony Veerkamp, director of policy at the Preservation Green Lab, writes “we preservationists - and especially we American preservationists - are fundamentally materialists; while we have no problem with the physical piece, we struggle a bit with resources that embody both tangible and intangible heritage.”²⁸ How can cities ‘preserve’ something that community members can’t see, but that they can feel or experience? Challenging the traditionally architectural lens of preservation, Marty Perry, National Register coordinator for the Kentucky Heritage Council, argues that we should not focus on materiality as the only facet or reasoning to preserve, but rather “how does this neighborhood, in its current physical conditions, transmit the messages that are valuable in knowing this neighborhood, and its people, and what’s important about their lives, and the lessons we want to recall about them for our own lives?” This thought is reflected in the concept of legacy business programs, where there are tools in place that support communities telling preservation professionals what they should be preserving and what

²⁷ Smith, Desiree and Mike Buhler. “Mobilizing to Sustain San Francisco’s Living Heritage.” *National Trust for Historic Preservation*. Preservation Leadership Forum. 9 Dec. 2014.

²⁸ Veerkamp, Anthony. “Raising the Bar on Preservation.” *National Trust for Historic Preservation*. 17 Dec. 2013.

is important to their community. This process allows for the fluidity needed to accommodate living heritage, like a legacy business, and lets “a community determine what elements of its past it wants to bring into the future.”²⁹ Legacy business programs can also combine both intangible resources (cultural meaning, social importance) with tangible, architectural features that can be preserved, such as a historic sign. Echoing the need to broaden preservation efforts beyond only architectural resources, Japonica Brown-Saracino, Associate Professor of Sociology at Boston University, states that preservationists need to expand “efforts to preserve the social fabric of neighborhoods”, and advocate for longtime residents’ businesses and institutions over solely architectural preservation.

THE ROLE OF LEGACY BUSINESSES IN DIVERSIFYING PRESERVATION EFFORTS

Legacy business programs have the ability to create non-regulatory relationships between city governments and minority communities. Historically, many culturally significant places and neighborhoods important to minority communities have been demolished, resulting in the displacement and forced removal of these communities. Government application processes have largely favored those who have the privilege of understanding them, either based on understanding of English, education level, or access to resources. Patrice Frey, president of Main Street America, says that “the preservation movement is...struggling to tell the full American story”, and offers the statistic that “only eight percent of National Register Sites and three percent of our National Historic Landmarks represent people of color, women, or members of the LGBTQ community”³⁰ (Figure 5), highlighting the pressing need to diversify preservation efforts. On the business side, minorities make up 40 percent of the U.S. population, but own only 20 percent of employer businesses, or businesses who employ others.³¹ This lack of representation should be alarming, but should not mean that preservationists flood into these communities for the sake of increasing diversity in the field. Preservationists need to acknowledge their own positionality in relation to communities they may work with and

²⁹ Michael, Vince. “Diversity in Preservation: Rethinking Standards and Practices.” *National Trust for Historic Preservation*. Preservation Leadership Forum. Forum Journal. Spring 2014 Vol. 28 No 3. P 5.

³⁰ Frey, Patrice. “Why Preservation Needs a New Approach.” *CityLab*. 9 Feb. 2019.

³¹ Robb, Alicia. “Financing Patterns and Credit Market Experiences: A Comparison by Race and Ethnicity for U.S. Employer Firms.” *U.S. Small Business Administration*. Office of Advocacy. 1 Feb. 2018.

understand that more regulatory processes, outside involvement, or government interference are potentially harmful to minority communities. Dr. Shayla Nunnally, in her book “Trust in Black America: Race, Discrimination and Politics”, found that historic injustices performed by local governments, like the over-policing of minority communities and residential segregation laws, has led to a greater distrust of government involvement within communities of color versus that of white communities³², indicating the need for a change in the types of programs administered by city governments.

National Register Sites representing people of color, women, or LGBTQ community

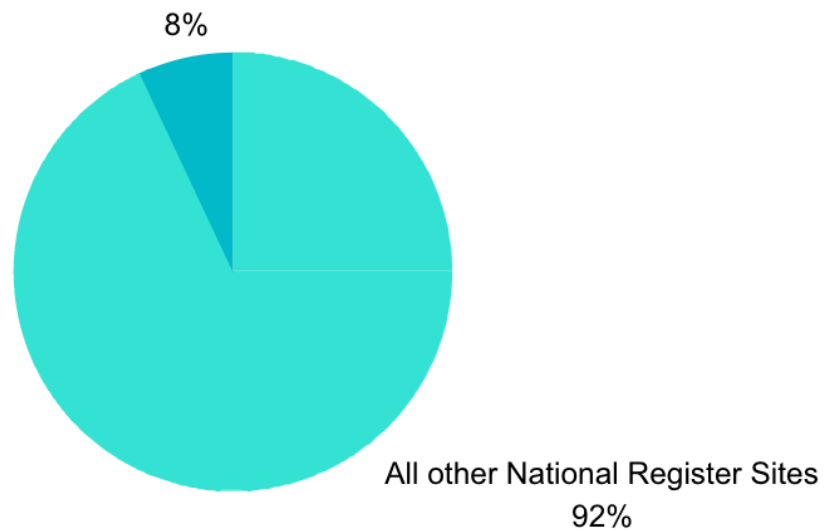


Figure 5: Diversity of National Register Sites, per Patrice Frey's statistic

Altering the typical narrative of the historic preservation movement, legacy business programs can challenge previously limiting aspects of preservation, like arguments of integrity and period of significance, and can help broaden the field to honor other forms of cultural resources. Integrity can extend to non-architectural physical aspects of a business, like menu items or a cultural tradition, as seen in San Francisco’s Legacy Business Program. A legacy business program is also a method in which to broaden preservation tools and policies to encompass more equitable practices. In her piece titled “Making Historic Preservation Sustainable”, Erica Avrami states that many preservation “incentives or assistance programs...can only be accessed if a property [or resource] is deemed eligible for listing in the National Register”. This process of evaluating integrity will not always work for conserving living history in communities that are

³² Nunnally, Shayla C. *Trust in Black America: Race, Discrimination, and Politics*. NYU Press, 2012. *JSTOR*, www.jstor.org/stable/j.ctt16gzpvg.

facing imminent issues like displacement, and traditional methods of designation, like National Register Nominations, are not always appropriate or feasible.³³ Incorporating legacy business programs into preservation policy would broaden and modernize the traditional methods of preservation, while also making the process more equitable.

Referencing equitable practices, Summers and Smith state that “each generation has the right to inherit the same diversity in natural and cultural resources enjoyed by previous generations and to equitable access to the use and benefits of these resources”, and a legacy business is indeed a cultural resource. That is not to say that a cultural resource like a legacy business needs to remain perfectly preserved. Cultural significance may change over time. A legacy business program can provide a community or business further support to decide for themselves when that change takes place. A community should have the power to slow or prevent changes like displacement or the closure of legacy businesses based on their *own* timeline, not a timeline being forced upon them by outside sources.

Potential pushback against the need to protect legacy businesses could come from the well-known phrase “pulling yourself up by the bootstraps”, meaning that one should be able to be self-sufficient in times of struggle and, for example, weather the storms of owning a small business. However, as Donna Langston, Professor of Ethnic Studies at University of Colorado, Denver, states “what the old bootstrap’s theory overlooks is that some were born with silver shoehorns”, meaning that certain groups are born with greater privileges. This disproves the “bootstrap” theory because some people may not have “bootstraps” to begin with. Another counterargument to the “bootstraps” concept is the idea of “equal life changes”, which means that “life outcomes should be determined by individual choices and not conditions beyond an individual's control.”³⁴ The argument that if a small business cannot survive on its own and that that is the fault of the business owner, comes from a place of privilege. Many factors that historic small businesses experience are not by choice at all, nor are the factors entirely preventable. Generational wealth and historic and current planning policies are all factors that can hurt legacy

³³ Smith, Desiree and Mike Buhler. “Mobilizing to Sustain San Francisco’s Living Heritage.” *National Trust for Historic Preservation*. Preservation Leadership Forum. 9 Dec. 2014. Web.

³⁴ Summers, J K, and L M Smith. “The role of social and intergenerational equity in making changes in human well-being sustainable.” *Ambio* vol. 43,6 (2014): 718-28. doi:10.1007/s13280-013-0483-6

businesses, particularly minority and women-owned historic businesses. Incorporating the idea of intergenerational equity into a legacy business program ensures that potentially vulnerable communities have the option to preserve their legacy so that future generations may also enjoy the same resources. Communities who are losing their unique cultural significance and sense of place, like the loss of legacy businesses, can utilize a legacy business program to maintain cultural significance for future generations to experience.

Legacy business programs can help solve a variety of important issues, most importantly being: displacement, inequity in historic preservation, succession planning and the longevity of businesses, and challenging traditional preservation concepts like the aspect of integrity. A legacy business program can provide tools to prevent changes due to outside factors that are detrimental to these businesses, like rising rent costs, displacement, and lack of succession planning. Legacy business programs can be used to increase equity in the types of resources city governments and advocates preserve in on-the-ground preservation work, and the preservation of legacy businesses can help ensure the intergenerational equity of our cities. Legacy business programs are a new method in which to diversify the types of communities that preservation serves. As seen in the following case studies, the creation of a legacy business program does not have a one-size-fits-all formula. Instead, these programs must address individual needs of a city and its residents. There are key factors of programs that are successful and others that are less successful, which will be discussed in the following chapter and will result in an action plan in Chapter 4, which is based upon the research and findings from this chapter.

CHAPTER 3

ANALYSIS OF SELECT LEGACY BUSINESS PROGRAMS, REGISTRIES, AND INITIATIVES

INTRODUCTION

This chapter consists of an analysis of four legacy business programs and initiatives, followed by an evaluation of successful and unsuccessful traits of current legacy business programs. The four current programs were chosen to be examined based on this project's initial goal of recommending a legacy business program for Portland, Oregon, and also due to the fact that the four legacy business programs are in the western United States and may have similar characteristics, like age ranges of businesses, to compare. Each legacy business program is categorized and analyzed based on the following categories:

- Who administers the program?
- How many businesses the program has designated a legacy business?
- The year the program was created
- The background of the program, including the catalyst behind the creation of the program and how it came to exist (timeline charts are provided for ease of understanding)
- The application process to be designated a legacy business, including what questions are asked and who determines or provides input during the process
- Program details and parameters, including what businesses can be considered a legacy business and if there are any city-specific or unique aspects to the program
- Types of assistance offered by the program or initiative, whether that be funding, marketing, or other types of support; and
- Future goals of the program, including current COVID-19 efforts.

After reviewing each program or initiative based on these parameters, all current practices are analyzed and result in a list of findings of best practices and areas for improvement for legacy business programs. This analysis assisted in the creation of the action plan found in Chapter 4.

ANALYSIS OF FOUR WESTERN UNITED STATES PROGRAMS

SAN FRANCISCO

SAN FRANCISCO LEGACY BUSINESS PROGRAM

Administered by: San Francisco Office of Small Business

Number of businesses designated: 280+

Year started: 2015

Timeline of San Francisco Legacy Business Program Implementation

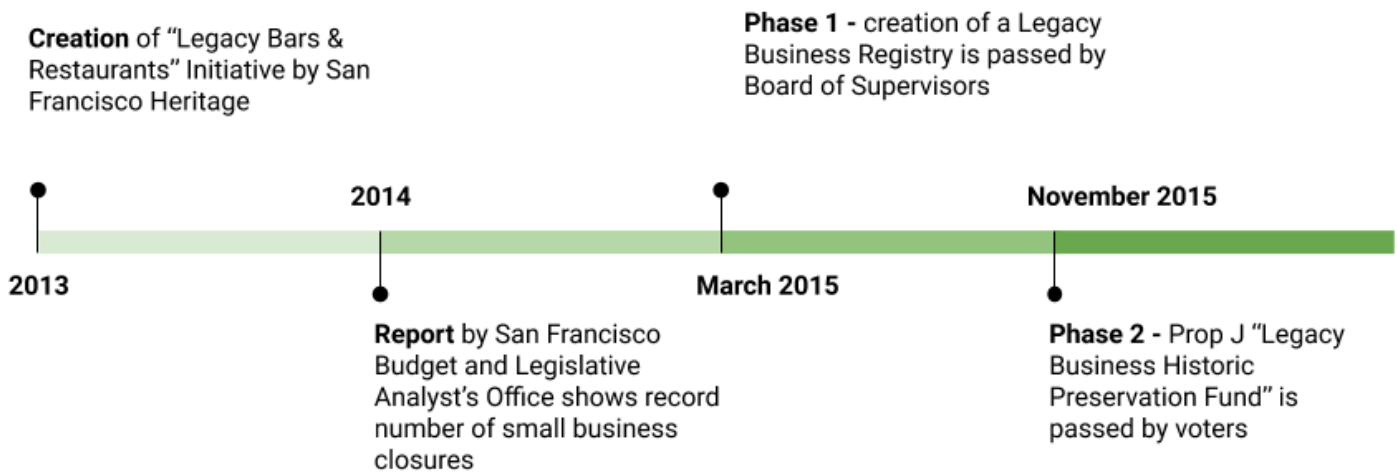


Figure 6: Timeline of San Francisco Legacy Business Program Implementation, created by the author.

BACKGROUND

Often referenced as the trailblazer for legacy business programs in the United States by other city programs, San Francisco's program was inspired by a 2013 initiative created by preservation nonprofit San Francisco Heritage, called the "Legacy Bars & Restaurants" initiative. Concerned by the closure of local eating establishments, San Francisco Heritage conducted a study of legacy business programs to evaluate if a similar program could be utilized in San Francisco. Inspired by programs that offered both protection and promotion of historic eating establishments, like *Bares Notables* (notable bars) in Buenos Aires, San Francisco Heritage launched "Legacy Bars and Restaurants Initiative", an online guide that celebrated "iconic establishments that contribute

to the culture, character and lore of San Francisco.” This trail-blazing initiative sparked a movement to document San Francisco’s commercial heritage and was influential in shifting the focus from traditional preservation protections to preserving businesses that would not usually qualify for formal historic designation.

San Francisco Heritage’s 2013 initiative is what inspired the City of San Francisco’s current program. A 2014 report by the City’s Budget and Legislative Analyst’s Office indicated that small business closures had reached record numbers, predominantly due to significant increase in commercial rents and evictions. Following the lead of San Francisco Heritage’s 2013 initiative, a legislation and ballot proposition were introduced by Supervisor David Campos and city officials in two phases, ultimately establishing the current Legacy Business Program.

Phase one was the creation of the San Francisco Legacy Business Registry, passed by the Board of Supervisors in March 2015. Phase two was the creation of the Legacy Business Historic Preservation Fund, called Proposition J,³⁵ passed by voters in November 2015. This legislation provides business owners, as well as property owners, access to two funding opportunities. Prop J was “the first legislation in the nation to recognize notable small businesses as historic assets and incentivize their preservation.”³⁶

APPLICATION PROCESS

The application process for San Francisco’s Legacy Business Program begins with potential legacy business owners reaching out to their District Supervisor or the Mayor to receive a nomination to be recognized as an official Legacy Business. The business then fills out an application³⁷ detailing the history of the business, how their business contributes to their community, how the business is “committed to maintaining the physical features or traditions that define the business, including craft, culinary, or art forms”, a description of essential features

³⁵ *Legacy Business Registry and Preservation Fund*. San Francisco Heritage. (2019). Retrieved from <https://www.sfheritage.org/legacy/legacy-business-registry-preservation-fund/>

³⁶ Legacy Business Registry Application, San Francisco Office of Small Business. <https://sfosb.org/sites/default/files/Legacy%20Business/Legacy%20Business%20Registry%20Application%202019.10.pdf>

³⁷ See Appendix A for how the application looks once it reaches the San Francisco Planning Department and is being prepared for the Historic Preservation Commission

(including both tangible and intangible features) that describe its character, and historic photographs and articles about the business. The application is sent to the Office of Small Business, where staff review submissions, answer questions, and provide direct support during the application process. After the application moves through the Office of Small Business, it is sent over to the San Francisco Planning Department. Once there, the application is reviewed by staff members, scheduled for review by the Historical Preservation Commission and, if passed, returns back to the Office of Small Business for a final hearing by the Small Business Commission.³⁸ The business is listed on the Legacy Business Registry and is also eligible to receive funding from the Legacy Business Historic Preservation Fund.

Application Process for San Francisco Legacy Business Program

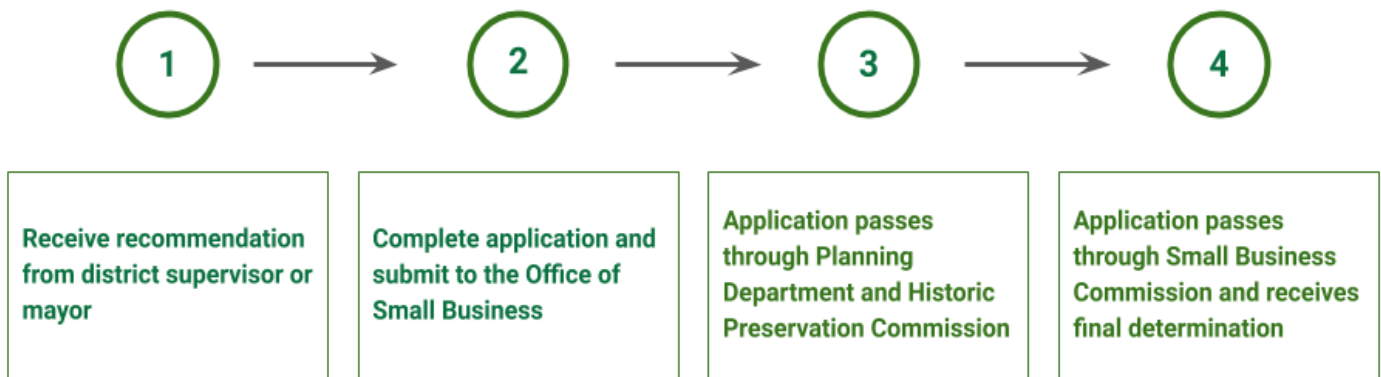


Figure 7: Application Process for San Francisco Legacy Business Programs, created by the author.

PROGRAM DETAILS AND WHO CAN QUALIFY

The program currently hosts over 280 businesses, including nonprofits. A maximum of 300 businesses can be nominated per year, and applicants must maintain their historical name, business operations, and physical features, crafts, and traditions of their business. Businesses are not restricted to staying in their original location.

The San Francisco Legacy Business Registry lists the qualifications businesses need to meet in order to be considered a “legacy business”. This includes;

³⁸ Office of Small Business Application for Legacy Business Program: <https://sfosb.org/legacy-business/apply>

- Businesses must be 30 years or older, unless the business is facing eminent displacement, in which the business can be 20+ years old.
- The business must be nominated by a member of the Board of Supervisors or Mayor.
- The businesses must be able to prove significant impact on the history or culture of their neighborhood.

There is no specific language that excludes any businesses from applying; the program hosts businesses ranging from bars and bakeries, to night clubs and adult shops. The only requirement is that the business demonstrate cultural significance to their community.

TYPES OF ASSISTANCE

Current benefits of the program include funding from Prop J, which provides all eligible legacy businesses with an annual grant of \$500 per full-time employee and offers \$4.50/square foot to property owners who extend 10-year leases to legacy businesses. Grants max out at \$50,000 for legacy businesses and \$22,500 for property owners. To qualify for the stipend per full-time employee, business owners must submit annual documentation showing how many full-time employees the business employs.

Besides Prop J funding, assistance includes a listing in the online Legacy Business map developed by the Office of Small Business. This tool is hosted on Google Maps and shows the location of all legacy businesses throughout the city. The map has over 35,000 views. Other benefits include permit and planning streamlining with the City, in addition to the opportunity to have a legacy business plaque to display.

FUTURE OF THE PROGRAM

San Francisco's Legacy Business Program has quite a few plans for the future, including trying to secure more designated funding sources and reevaluating grants. The total amount allocated per full time employee dropped from the initial \$500 rewarded down to roughly \$125 due to decreased funds. The program may also reevaluate the funding given to landlords for renewing 10-year leases with legacy businesses. This money does not go directly to the business for rent subsidy, and rent could still increase significantly for the legacy business, leading to their ultimate displacement. Other future goals include reaching out to targeted neighborhoods to

promote applications and increasing the accessibility of the program. Some businesses have a harder time applying to the program due to language barriers or time it takes to write the narrative, in addition to other accessibility issues, and these are areas the program hopes to address. City officials previously tried to physically document the most at risk businesses by recording interviews and videos, but encountered issues regarding storage, time, and legal barriers, so this may be an area to explore in the future. Finally, the program plans to implement more marketing and promotion for the legacy businesses, including creating mini ads for weekly promotions of businesses. These efforts have temporarily been halted due to COVID-19 and staff are pivoting their support to assist as many businesses as possible to stay open during these times. It is not yet known how many businesses will remain permanently closed due to this pandemic, or what long term effect this will have on the Legacy Business Program.

SAN ANTONIO

SAN ANTONIO LEGACY BUSINESS PROGRAM

Administered by: San Antonio Office of Historic Preservation

Number of businesses designated: 30+

Year started: 2018

Timeline of San Antonio Legacy Business Program Implementation

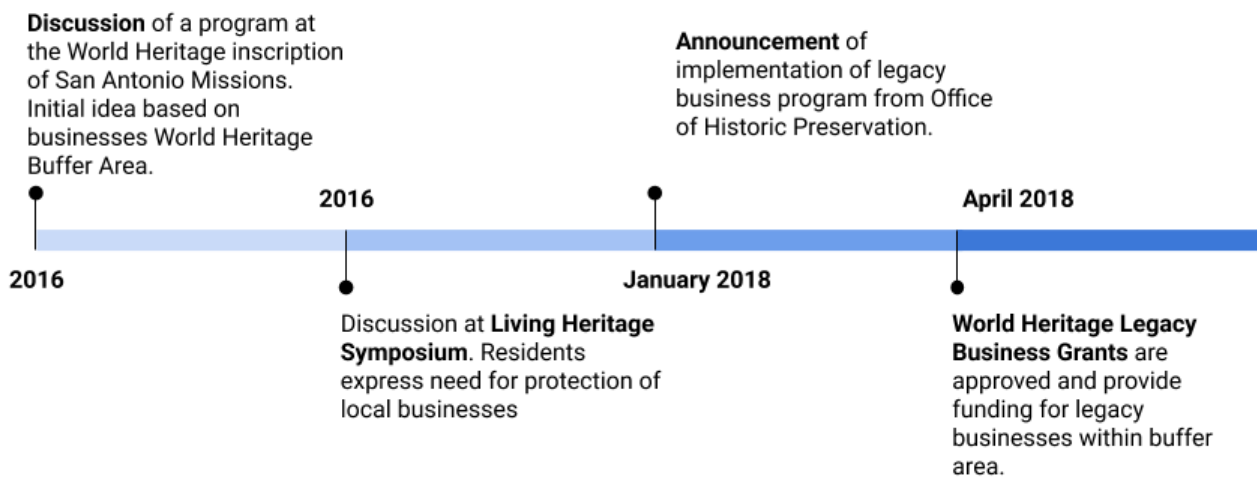


Figure 8: Timeline of San Antonio Legacy Business Program Implementation, created by the author.

BACKGROUND

San Antonio's Legacy Business Program is housed in the City of San Antonio's Office of Historic Preservation (OHP). Discussions of a legacy business program first occurred in 2016 during a series of symposia held after the World Heritage inscription of five missions in San Antonio. Later discussions at the Living Heritage Symposium in 2016, spearheaded by residents and community feedback, highlighted the need for protecting local businesses as a form of intangible heritage. This offered the opportunity for the OHP to bridge a relationship with communities whose only interaction with the office had largely been regulatory. The creation of a legacy business program was a way for the OHP to build these relationships in a way that was celebratory. In January of 2018, the implementation of the Legacy Business Program was

announced. Since its implementation, more than 30 businesses have been accepted into the program.

APPLICATION PROCESS

To apply to the San Antonio Legacy Business Program, the application process consists of completing an online one-page form and submitting to the OHP for review. Anyone can nominate a legacy business on behalf of that business. The application form is a checkbox-answer question of what criteria the business meets, in addition to a short historical narrative of 250-750 words. The form is purposefully kept simple and unofficial looking, with the purpose of encouraging more people to apply and also supports the program's goals of being less regulatory and more celebratory.

PROGRAM DETAILS AND WHO CAN QUALIFY

In regard to who qualifies to be a legacy business, the OHP form states that applicants must have been open for 20 years or more and meet one of the following qualifications:

- Owned by generations of the same family
- Provides authentic goods or services
- Cultivates tradition and culture
- Located in a landmark or historic district; or
- Eligible and willing to be a landmark

The initial age requirement to be considered a legacy business was that the business had to be 20 years old or older. However, businesses as young as 2 to 3 years old have been considered a legacy business. The 20-year threshold was established as a somewhat-arbitrary number to have a baseline to reference, taking note from other programs' age requirements and the median age of a generational business. The San Antonio OHP has stated that this number is more flexible, and that the focus is less on age and more on if the business is perpetuating a tradition that contributes to San Antonio's culture and economy.

A unique aspect of San Antonio's Legacy Business Program is its connection to the UNESCO World Heritage Area. The World Heritage Area in San Antonio is a series of five missions, established in the 18th century, and today is the largest concentration of Spanish colonial missions in North America. These missions led to the creation of an "ethnically diverse society

that continues to influence [San Antonio] to this day.”³⁹ The missions are the first World Heritage site in Texas and one of only 24 total sites in the United States. Legacy businesses that fall within a 2-mile buffer of this area are eligible for special assistance, explained in detail later in this chapter.

There are no businesses explicitly excluded on the OHP website from becoming legacy businesses, but the World Heritage Office, who administers the grant program for legacy businesses within the 2-mile buffer around the missions, does list businesses that are non-eligible for their grants. This includes:

- “Businesses that do not benefit the local economy or the city tourism plan of encouraging visitation within the program area by both residents and out of town visitors.”
- Businesses with 15 or more locations by the same or similar name
- Pawn shops, gun shops, liquor stores, tattoo parlors, tanning salons, tobacco/tobacco-like related establishments, specified financial institutions, non-permanent structures, kiosks, and sexually oriented businesses.
- A business whose primary use is automotive or tire related including, but not limited to auto dealerships, automotive repair shops, tire shops, and auto parts supply shops; regardless of any secondary trade or business practiced on the same premises.

The OHP tries not to turn away businesses or exclude anyone, but instead asks what the business contributes to city culture. The OHP does partner with nonprofits that could potentially be legacy businesses.

TYPES OF ASSISTANCE

San Antonio offers a unique perspective into legacy business programs due to its connection to the World Heritage Area. Although the legacy business program applies to businesses throughout San Antonio, there is a special benefit for legacy businesses that fall within a 2-mile buffer of the missions. These businesses can qualify for the “World Heritage Area Legacy Business Grant Pilot Program”, which provides matching grants of up to \$10,000 to “encourage the stability and preservation of registered Legacy businesses that sustain local traditions and

³⁹ San Antonio World Heritage Website: <https://www.sanantonio.gov/WorldHeritage>

identity”.⁴⁰ There are four available matching grants and incentives for legacy businesses within the two-mile buffer: Façade Improvement; Signage, Parking Lot, and Landscape Improvement; Interior Improvement Low Interest Loans; and the Legacy Business Capacity Building. The Façade Improvement Matching Grants provide up to \$10,000 to “make improvements to the façade, or exterior, of commercial buildings owned by or leased and operated by qualifying businesses”. The Signage, Parking Lot, and Landscape Improvement Matching Grants offer \$10,000 in grant funds to make improvements to the signage, parking lot, and/or landscaping of commercial buildings owned by or leased and operated by legacy businesses. The Interior

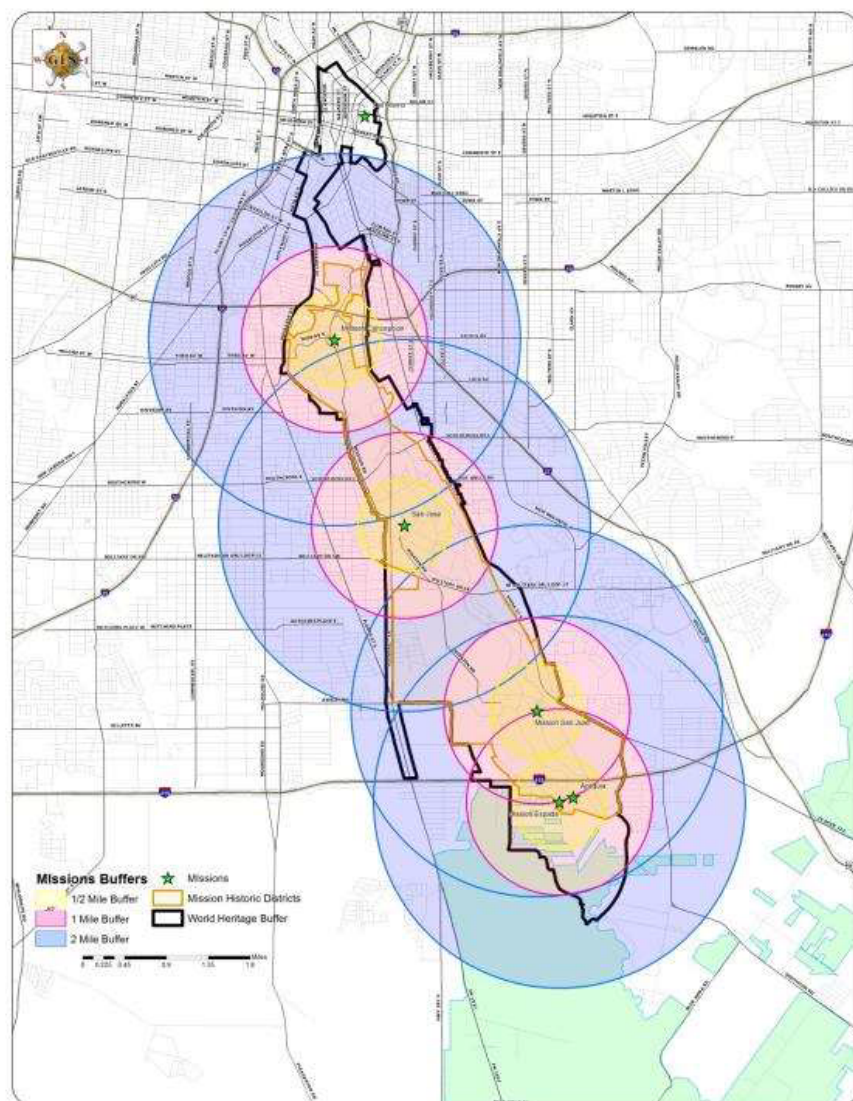


Figure 9: Buffer area around San Antonio Missions, sourced from presentation on Legacy Business Registry Program by Shanon Miller and Colleen Swain, 2018.

⁴⁰ World Heritage Area Legacy Business Grant Pilot Program, 2018.

Improvement Low Interest Loan means that the City will work with the applicant to obtain a low interest loan from LISC or Liftfund to make improvements to the interior of commercial buildings owned or leased by the qualifying business. Finally, the Legacy Business Capacity Building is a program that provides technical assistance and capacity building opportunities for all qualifying legacy businesses, in addition to opportunities to network with fellow business owners and participate in workshops geared towards sustaining and growing their businesses. All of the funding opportunities from these grants are solely for legacy businesses within the UNESCO World Heritage buffer area.

Unlike San Francisco's Legacy Business Program, San Antonio's Legacy Business Program for legacy businesses not within the UNESCO area does not offer financial incentives like a yearly stipend per full-time employee. However, there are currently more non-monetary benefits in San Antonio's program. The San Antonio OHP considers legacy businesses to be the equivalent of community stakeholders, and they frequently request input from legacy business owners on initiatives and community issues. Legacy businesses also receive marketing and promotional opportunities and are highlighted on the OHP's social media page using the hashtag #legacybizSA, which is used to promote legacy business events. Legacy businesses are provided a decal to display in their window and are also provided with educational opportunities, such as finance education classes. Legacy businesses receive access to architectural design advice, and businesses over 30 years old may qualify for development fee and/or water and sewer impact fee waivers. Legacy businesses are placed on a map, visible on the San Antonio OHP website, and are invited to participate in local events hosted by the OHP. All of these benefits allow the OHP to achieve their goal of being more celebratory and not focusing solely on regulatory aspects of preservation.

FUTURE OF THE PROGRAM

In the future, the OHP plans to consider altering the legacy business program to accept businesses to include businesses as young as 2 or 3 years, so long as they meet the requirement of being culturally significant. The OHP also hopes to grow their outreach for the program and expand their list of businesses, which currently stands at 30 legacy businesses. Issues that the San Antonio OHP has encountered include communication techniques with the program. The

OHP is trying to use vocabulary in a different way than usual city government communications require. This includes using less regulatory language, using celebratory terminology, and making the nomination process and wording less formal. Another factor that the OHP encounters is the comfortability of communities to allow the OHP into their culture or history. Some OHP members do carry a badge, and this can understandably be uncomfortable for people at community meetings. A final obstacle that the OHP has encountered is identifying businesses in communities that the OHP might not have a lot of contact with already. The San Antonio Office of Historic Preservation hopes to initiate more outreach to communities to solicit input as to what businesses are potential legacy businesses.⁴¹

In response to the pandemic, the San Antonio Office of Historic Preservation has created an online Legacy Business Toolkit⁴² for business owners. In this toolkit, they announce a list of virtual events being offered to assist with COVID-19 issues businesses may be facing. This includes an event on marketing advice, and another for restaurants providing curbside service. The toolkit also includes links to state and national resources like the SBA Paycheck Protection Program.

⁴¹ Biediger, Shari. "City to Recognize Legacy Businesses, Pilot World Heritage Grant Program." Rivard Report. 17 Jan. 2018.

⁴² Legacy Business Toolkit. San Antonio Office of Historic Preservation. 3 Apr. 2020. <https://storymaps.arcgis.com/stories/ee445043c4144720b6295d605906166d>

LOS ANGELES

LOS ANGELES LEGACY BUSINESS INITIATIVE

Administered by: Los Angeles Conservancy

Number of businesses designated: 30+

Year started: 2019

Timeline of Los Angeles Conservancy Legacy Business Initiative



Figure 10: Timeline of Los Angeles Conservancy Legacy Business Initiative, created by the author.

BACKGROUND

After assisting in the rehabilitation of the Formosa Café in 2017, the Los Angeles Conservancy learned of the many challenges facing legacy businesses and also how important these businesses were to their communities. Inspired by other cities' actions to advance policy protection and education regarding legacy businesses, the Los Angeles Conservancy launched a Legacy Business Initiative in 2019, designed to garner support and broaden education about historic small businesses in Los Angeles. While the Los Angeles Office of Economic and Workforce Development commissioned a study in September of 2019 to look into implementing a Legacy Business Program, the results of which have not yet been released, the Los Angeles (LA) Conservancy has been busy building a platform to promote these businesses.

APPLICATION PROCESS

To apply for recognition, historic small businesses submit information online and are invited to tell their story. The LA Conservancy regularly updates a map on their website, highlighting businesses and sharing a bit about their past. The LA Conservancy also manages an internal database of these businesses as well as a microsite and promotes a social media hashtag, #ISupportLegacyBusinesses, that provides another way for community members to highlight and support businesses that are important to them.

PROGRAM DETAILS AND WHO CAN QUALIFY

The initiative requires businesses to be at least 25 years old, a number which the LA Conservancy says was created due to the average age of generational businesses. On their website, the LA Conservancy states that a “legacy business [is] a longtime business that typically has been around for over twenty-five years and serves as a mainstay of a neighborhood.” There are over 30 businesses currently recognized by the LA Conservancy on their website map. The LA Conservancy has not denied any business based on the type of business.

TYPES OF ASSISTANCE

The initiative currently has no funding and is honorific. It is used to increase awareness of these businesses and spark conversation about policy for legacy businesses. The LA Conservancy’s website also discusses issues that legacy businesses face, stating “legacy businesses vary widely and there is no one-size-fits-all solution to meeting their needs”⁴³. The website goes on to discuss how some businesses housed in historic buildings could receive landmark status, but that this is a difficult task due to the businesses being primarily culturally significant. Many landmark designations help the owner of the building the most, rather than the tenants that reside inside, an issue that was also seen in San Francisco. The website concludes by stating that legacy businesses would benefit from the creation of specific city and county-wide rules and regulations.

⁴³ Los Angeles Conservancy Legacy Business Micro-site: <https://www.laconservancy.org/issues/celebrating-legacy-businesses>

FUTURE OF THE PROGRAM

Future plans for the Legacy Business Initiative include hosting meetups where legacy businesses can convene. The largest goal, however, depends on the outcome of the Los Angeles Office of Economic and Workforce Development study. If a city-wide program is initiated, this will increase the amount of support that legacy businesses will have access to.

In light of the current COVID-19 pandemic, the LA Conservancy has created an online form for community members to fill out, which is aimed at understanding specific issues legacy businesses are encountering during this pandemic.⁴⁴ The online legacy business page also directs business owners to a variety of pandemic-related relief options, like the Small Business Recovery Loan Program.

⁴⁴ Los Angeles Conservancy Legacy Business Initiative Support Form:
<https://laconservancy.actonsoftware.com/acton/media/5093/support-legacy-businesses>

SEATTLE

SEATTLE LEGACY BUSINESS PROGRAM

Administered by: Seattle Office of Economic Development

Number of businesses designated: Program is delayed due to COVID-19

Year started: 2019

Timeline of Seattle Legacy Business Program Implementation

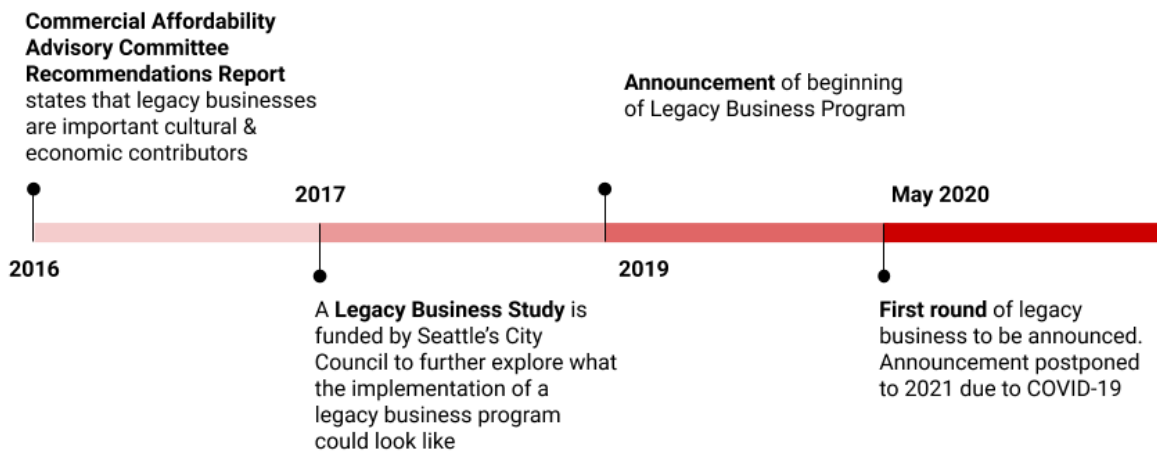


Figure 11: Timeline of Seattle Legacy Business Program Implementation, created by the author.

BACKGROUND

In 2016, the “Mayor's Commercial Affordability Advisory Committee Recommendations Report”⁴⁵ compiled a “list of recommendations intended to support small businesses in a climate of rapidly changing market forces.” This report acknowledged that legacy businesses are important cultural and economic contributors and that there should be further study on how to support such businesses.

A 2017 study, funded by Seattle’s City Council in light of the 2016 report, used case studies, interviews, and focus groups to determine what the term legacy business meant for Seattle. The definition of a legacy business was determined to be “a type of small business that supports community identity and stability through its long tenure.” Other questions asked during this study

⁴⁵ Seattle Office of Economic Development Legacy Business Study Website: <https://www.seattle.gov/office-of-economic-development/about-us/our-work/legacy-business-study>

included challenges faced by small businesses, how public policy strategies could better support legacy businesses, and what attributes define a legacy business.

This 2017 “Legacy Business Study” is the foundational material Seattle used to set parameters on legacy business qualifications. The study states that a legacy business is a type of established business that:

- Has been in operation for a minimum of 10 years
- Is small (typically less than 10 employees)
- Is accessible and contributes to the ground-level streetscape
- Is retail or food service sector oriented; and
- Is independently owned

The most important attribute, however, is that the legacy business serves their community in a way that goes above and beyond the sale of goods or services. The study discusses the importance of legacy businesses as “community gathering spots, hubs of social capital and cohesion, and valuable ‘third spaces’ apart from home and work that support local culture and stability.” An estimated 1,160 businesses, or 5%, would be considered a legacy business in Seattle under the criteria of this study.

The study also noted key challenges faced by legacy businesses. These challenges include rent increases, changing labor costs, narrow profit margins, and a changing marketplace. The study continues to explore the definition of a legacy business, stating that when research initially began, “many recent discussions of legacy businesses in the media use a gut-level ‘you know it when you see it’ approach to identifying legacy businesses. Typically, it is a beloved business that, were it to close, would leave a hole in the neighborhood that would be hard to fill.”

Findings were inconclusive on the best way to support legacy businesses, with the “Legacy Business Study” describing three key takeaways from their research;

1. Legacy businesses are a new concept in the United States and research on these programs is scarce
2. Responses to small business displacement usually consist of financial and technical assistance, land-use regulations to maintain current uses, and business promotion.

3. Programs in the United States primarily target small, local businesses in general, as opposed to legacy businesses in particular.

While completing case studies of other programs, researchers discovered four general categories for how programs were assisting legacy businesses:

1. *Promotion Activities* such marketing and social media posts, which were determined to be insufficient in the large-scale preservation of legacy businesses.
2. *Technical Assistance* like design review, which requires more resources than promotional activities. The effectiveness of technical assistance is determined by the quality and type of assistance.
3. *Protections & Covenants* like the implementation of local regulations increased impact due to mandated protections but requires legislative changes and possible navigation of legal issues.
4. *Financial Assistance* had a higher impact, but legal restrictions on providing financial assistance to for-profit businesses in Washington.

These findings and evaluations highlighted the lack of ability to implement a program that was both easy to initiate and also impactful in its outcome.

The *Legacy Business Study* also produced important data and graphs regarding business closures. Findings indicate that most older businesses (10+ years old or older) close due to owner preferences, meaning that the businesses close “due to an owner/operator’s sale of the business, retirement, illness, or death. Nationally, over 58% of businesses more than ten years old close for these reasons.” Another graph details just how important location and neighborhood are when it comes to issues that legacy businesses might face. Yet another infographic elaborates the extra challenges women or minority-owned firms face, which are more likely to close due to lack of access to loans or credit.

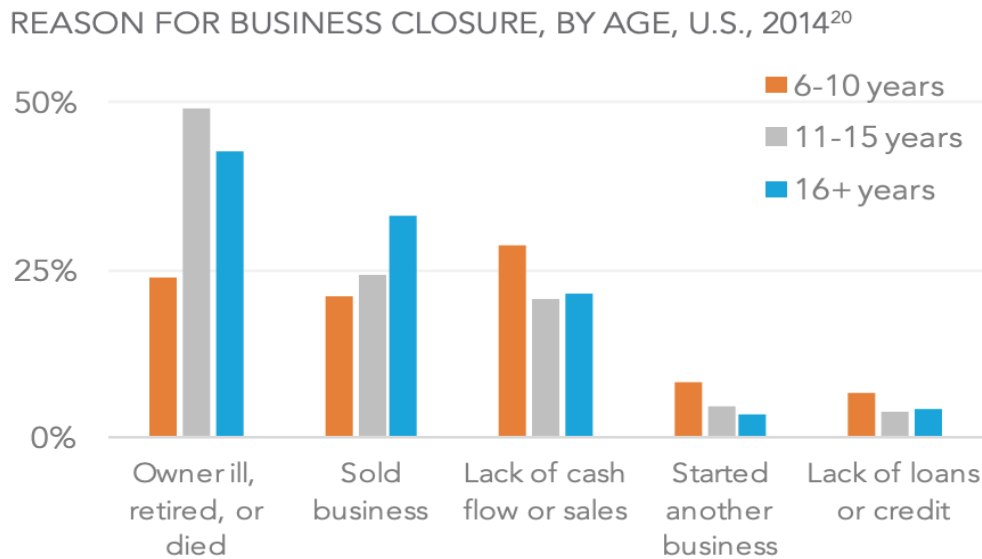


Figure 12: Reason for Business Closure – Seattle 2017 Legacy Business Study

After the 2017 study was conducted and the program began to form, Seattle’s Office of Economic Development announced in late 2019 that they would begin taking legacy business applicants into the program, implementing both the Legacy Business Program and the Legacy Business Awards, where one legacy business being selected from each of the seven council districts. Applications closed in February 2020 for the Legacy Business Awards, with winners being announced in May 2020. In light of COVID-19, winners will be announced in 2021 and the program will suspend operations until this time.

In order to spread public awareness about the 2020 applications, the Office of Economic Development collaborated with the Department of Neighborhoods to complete extensive on-the-ground outreach. Representatives from different neighborhoods and ethnic groups went door to door promoting the program, and also published postings in local community newspapers. This was instrumental in ensuring an equitable outreach plan, as the representatives promoting the legacy business program were already members of their communities, meaning that they had the ability gain trust and understanding more easily. For example, these representatives had the ability to speak to applicants in their own respective languages. This task of utilizing neighborhood representatives was instrumental in reaching diverse types of legacy businesses and legacy business owners. Another way in which the legacy business program is equitable is when considering their required age range. Many businesses did not have the ability to reach 30

years of operation, an age requirement set by similar programs, due to the fact that the ability to secure credit and loans for this amount of time usually was only possible if the owner was a white male. The 30-year age range could exclude many culturally significant businesses, so officials decided upon the 10-year age requirement.

APPLICATION PROCESS

Nominations for legacy businesses are taken from members of the public, the businesses themselves, or elected officials. The application process requires applicants to demonstrate how the business is culturally important to the community they serve. Questions that are asked include whether the business is at risk of displacement, how the business contributes to ground level streetscape and neighborhood identity, and what function the business serves beyond the sale of goods and services.⁴⁶ Nominations are screened by a variety of people including preservation nonprofit workers and Department of Neighborhoods community leaders, which are representatives from neighborhoods around Seattle. This ensures that applicants are being reviewed by a committee of people from their own neighborhood.

PROGRAM DETAILS AND WHO CAN QUALIFY

The Office of Economic Development website states that businesses need to be an independently owned, for-profit business, have operated continuously in Seattle for at least 10 years, and employ fewer than 50 people. The goal of the program is to “address commercial displacement and preserve the neighborhoods that Seattle residents cherish.”

There are two components to the current legacy business program in Seattle. The first being the Legacy Business Award, which is awarded to 7 businesses, one from each district. The second component is the legacy business program, to which all businesses who apply for the award and who qualify will be admitted. To be selected for their Legacy Business Award, businesses need to play an active role in the ground-level streetscape and/or their respective neighborhood’s identity, providing a level of contribution greater than just the sale of goods or services. The business must also be facing a significant risk of displacement.

⁴⁶ Seattle Office of Economic Development, Legacy Business Packet. 2020.

TYPES OF ASSISTANCE

The businesses who win the Legacy Business Award will “receive public recognition at an awards ceremony in May, in recognition of National Small Business Month.” The winners will also receive small business support services through the Office of Economic Development, in addition to marketing and legal consultation and being highlighted on social media. The 2019 application process has mostly the same requirements as the 2017 study, with businesses having to have been around for at least 10 years and be “independently owned, for-profit” businesses. After the nomination process closes in February and the winners are announced in May (now 2021), all of the nominees that qualify will be offered to apply to the program.

Under Washington State law, cities are prohibited from giving tax dollars to commercial businesses. Although funding was the primary source of funding requested by businesses and the most effective type of aid found in the 2017 study, officials had to pivot to different types of aid due to this limitation. The Office of Economic Development partnered with nonprofit Community Rise to create a Commercial Lease Tool Kit, which is offered to legacy businesses to better help owners negotiate and understand their legal rights regarding leases. This toolkit has also helped businesses during the COVID-19 pandemic. The Office of Economic Development also created a Succession Planning Toolkit for businesses, which addresses the findings in their 2017 report that state that the retirement, death, or illness of an owner is a leading cause of closure.

FUTURE OF THE PROGRAM





Applications for the first round of legacy businesses were due on February 2020, but analysis of applications has halted due to the pandemic. City officials have moved all funding and staff time away from this program in order to better support small businesses during the pandemic.

Officials hope to restart the program in 2021 and evaluate applications and choose winners next year.

ANALYSIS

SUMMARY

Comparison of the previous four legacy business programs and initiatives demonstrates best practices for this type of program and highlights less effective components. Common areas of success among these programs include the variety of assistance types provided, as well as the incorporation of existing small business programs and support services into the program. Informal application processes are also more successful than rigorous application processes, because the informality of the application process can mean greater accessibility and in turn support applications from a more diverse range of businesses and communities. Specific areas that were less successful among legacy business programs include the lack of long-term data available, meaning that the true success of these programs will not be known for some time. Small staffing is also an area for improvement, as the limited number of staff hours is usually spent on the more pressing components of the legacy business program, like supporting business owners and processing new applications, leaving little time for other important tasks like data analysis and reviewing the success of the program. The areas for improvement and areas of success are detailed below. The matrix provided (Figure 13) shows a comparison between key aspects of the programs, including application process, types of assistance provided, age to qualify, and if there are equitable practices specifically woven into the facilitation of the program.

PROGRAM	 INFORMAL APPLICATION PROCESS	 TYPES OF ASSISTANCE*	 AGE TO QUALIFY	 NOTED EQUITABLE PRACTICES
San Francisco		F, M, T, P	25 or 30	
San Antonio	✓	M, T, P	20	✓
Los Angeles	✓	M	25	
Seattle	✓	M, T	10	✓

*Types of assistance categorized into financial (F), promotional and marketing (M), technical (T), and protections & covenants (P)

Figure 13: Legacy Business Program Comparison Matrix, created by the author.

WHAT'S WORKING

TYPES OF ASSISTANCE

A key trend seen throughout all of the evaluated programs is that funding, partnered with a robust marketing and support program, is the most efficient form of assistance for legacy businesses. Figure 14, created by Seattle's 2017 study, showcases the feasibility and impact of different types of assistance. Important findings from this chart are:

1. Financial assistance creates the most impact but is also the hardest to implement.
2. Promotional activities are the easiest to implement but also are the least effective in supporting legacy businesses.

QUALITATIVE ASSESSMENT OF PROGRAM TYPES
BY FEASIBILITY AND IMPACT

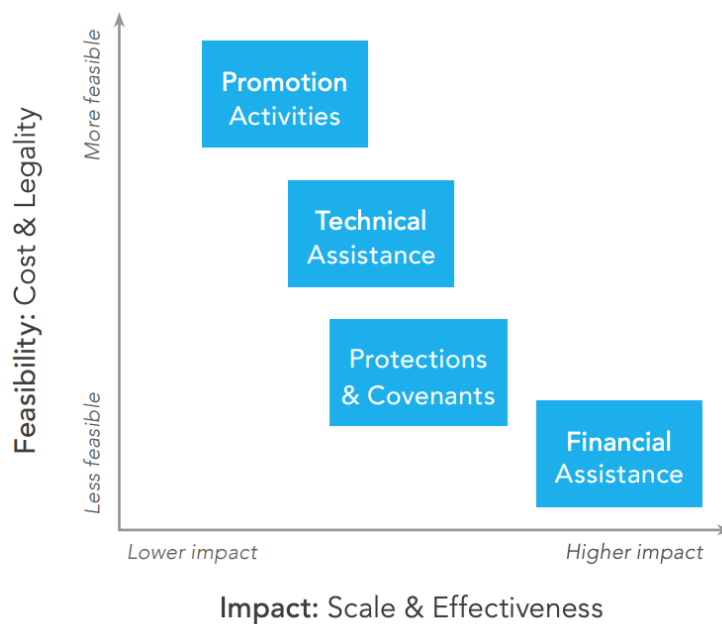


Figure 14: *Qualitative Assessment of Program Types by Feasibility and Impact from Seattle 2017 Legacy Business Study*

In addition to these four types of support, the creation of toolkits is also a key area of success. Seattle in particular has created a Succession Planning Toolkit and a Commercial Lease Toolkit, both of which have aided other business owners outside of Legacy Business Program. Both of these toolkits have been used by businesses during the current COVID-19 pandemic, proving that these are adaptable and necessary tools.

INFORMAL APPLICATION PROCESS AND LANGUAGE USED

Another component that is important for legacy business programs is the application process. A longer application process with complicated terminology deters businesses from applying. Changing terminology to reflect a more informal and less regulatory approach can make the application process seem a lot less daunting for business owners, like the Legacy Business Program in San Antonio has done. Focusing on ways to make the application process less regulatory and more celebratory creates a more comfortable environment for people and communities who may not always feel comfortable with governmental programs or who may not have the privilege of understanding them.

LINKING PUBLIC EDUCATION WITH BUSINESS PROTECTION

As the Los Angeles Conservancy's Legacy Business Initiative demonstrates, linking public education and business protection is vital for a successful program. Increasing public awareness of legacy businesses boosts public support and also increases customers for legacy businesses. These types of educational programs also elevate community support for the business from a variety of different communities, not solely the community the business serves. Public education can also be linked to tourism, and there are many marketing opportunities for promoting events like a legacy business walking tour or incorporating legacy business programming into already existing historic tours of a city.

INCORPORATING OTHER LOCAL SUPPORT SERVICES

Programs like San Francisco's Legacy Business Program are doing a great job in connecting legacy businesses with other programs to provide educational opportunities and other services. For example, legacy businesses in San Francisco can access online toolkits for transitioning their business to employee ownership. Select legacy businesses can also be considered compliant suppliers, meaning that the City of San Francisco prioritizes purchasing from these businesses for any City needs. In San Antonio, legacy businesses are considered to be stakeholders and are called upon to comment on various city projects. The San Antonio Office of Historic Preservation also provide these businesses with signage and design review, in addition to educational opportunities like a small business resource fair. Creating this web of interconnected support services helps legacy businesses continue to thrive.

CONSIDERATION OF AGE RANGE

Many cities offer flexibility in the age range for businesses to be considered a legacy business. San Francisco changes the age from 30 to 20 if the business is facing imminent displacement. The City of Seattle chose a lower age range of 10 years to support a more diverse range of businesses and business owners. Supporting a flexible definition of the term legacy can increase the types of businesses and communities that a legacy business program can support.

WHAT'S NOT WORKING

LENGTHY APPLICATION PROCESS

Although some legacy business programs are promoting simplistic applications, other programs have more challenging application processes or requirements. Crucial factors for programs to consider are the application process and also the terminology and perceived goals of the legacy business program. For example, San Francisco has one of the oldest legacy business programs in the United States, but the application process is one of the most complicated. Applicants must receive a recommendation from a supervisor, then have the application circulate through the Office of Small Business, the Planning Department, and then have their application be approved at both the Historic Preservation Commission and Small Business Commission. This entire process may be lengthy because of tax-payer-approved funding for the businesses or the fact that increased rent in San Francisco is an important concern for legacy businesses, but one must ask if this process is worth the roughly \$500 that the legacy business receives, or if it would be more beneficial to reduce the process time and increase programs and non-financial support options. Some applicants may not feel comfortable nor be able to communicate with their district supervisor, leading to the possible oversight of potential legacy businesses.

UNDERUTILIZED OPPORTUNITIES FOR PROMOTION OF BUSINESSES

There are always more opportunities for programs, registries, or initiatives to promote legacy businesses. For example, many programs do not have a publicly available map of legacy businesses that is regularly updated. Legacy business focused events are just recently starting to take place in cities, with Los Angeles having plans of hosting meetups for legacy business owners and San Antonio hosting a movie night gathering for businesses and community members. Events and other promotional opportunities should be incorporated into planning at the

beginning of the program initiation, as these events create more support for legacy businesses and strengthen continued business involvement within the legacy business program.

SMALL NUMBERS OF STAFF

Frequently only a small number of staff are allocated to work on legacy business programs. Staff often have a backlog of applications to go through, meaning that they have limited time to spend per each business. A limited number of staff members can also mean that there are language barriers between business owners and staff. In San Francisco, a business owner can download the legacy business application in 4 different languages, but once they are officially a legacy business, finding a staff member who is able to speak with them and answer their questions can be difficult. This issue could be solved by partnering with existing neighborhood programs who may have translators or multilingual representatives.

LACK OF LONG-TERM DATA

Legacy business programs being relatively new in the United States means that there is no long-term data available regarding the success of these programs. This means it is difficult to assess their effectiveness over time and if they are adequately preventing the closure and displacement of legacy businesses. There are also no long-term data available from programs regarding legacy business closures. Once businesses are on a list or in the program, it is hard to continuously track the business. Having yearly check-ins with businesses is a way to collect more data and track the program better, but this also requires staff time, and many legacy business programs have only a limited number of staff members.

CONCLUSION

To best achieve the goal of legacy business programs, which is to protect and support long-term businesses, program administrators should understand what type of support can be provided to these businesses, whether that be financial, promotional, technical, or protections. Another marker of a successful program is the use of informal language and an informal application process. Incorporating public education and other local support services builds a larger safety net for these businesses, providing greater access to assistance beyond that of a legacy business program. Areas that are less successful in legacy business programs include lengthy application processes, which fail to increase program accessibility to those who may already be wary of

current programs with similarly rigorous application processes, like the National Register. The lack of long-term data regarding legacy business programs is also a cause for concern, making it difficult to draw conclusive findings about the long-term effectiveness of these programs.

Another area to address is the lack of staff time designated for these programs. Being newer programs, legacy business programs often have small numbers of staff members who are frequently focused on supporting these businesses and processing new applications. This lack of adequate staff support means that analysis of the program, in addition to implementing new program ideas, will always be lower prioritized tasks due to higher priorities taking precedent. These findings from this evaluation of four current programs form the basis for the action plan for implementing a new legacy business program, seen in the following chapter.

CHAPTER 4

ACTION PLAN FOR ESTABLISHING A LEGACY BUSINESS PROGRAM

This chapter presents an action plan and framework for the implementation of a legacy business program based on findings from literature reviews and evaluation of four existing programs. The action plan aims to address the key areas of success and concern identified in this research and previous chapter, including the importance of an equity framework, differences in types of assistance, and best practices during the application process.

The literature review, found in Chapter 2, informed the creation of this action plan by establishing foundational knowledge of gaps in the practice of historic preservation, including the protection of intangible and non-architectural resources. A review of traditional integrity standards also aided in the evidence supporting legacy business programs as vessels to challenge these limiting parameters. Additionally, Chapter 2 shed light on the importance of communities having control over the preservation of their own historic resources. Analysis of four current programs yielded information about successful and less successful practices and provided opportunities to compare and contrast program requirements and types of assistance provided.

The following action plan is proposed to be used for the implementation of a legacy business program or to update an existing program. The targeted audience for this action plan is people who currently have the position and ability to implement a program. This includes planners, nonprofit workers, and community leaders, both within and outside of historic preservation. These audience members are specifically targeted due to their positionality and access to resources needed to start a legacy business program and their ability to advocate and have their voices heard. The goals of this action plan are to provide a simple and concise method for understanding legacy business programs, to inspire a call to action, and to allow for the flexibility and interpretation needed for the individual needs of different cities and communities.

A specific yet preliminary action plan for establishing a legacy business program in Portland, Oregon is included as Appendix B to this report.

ACTION PLAN SUMMARY

1. Evaluate your city and what support it needs the most

- a. Identify if there is a need for a legacy business program and what businesses and resources are most at-risk
- b. Perform interviews with or solicit feedback from potential legacy businesses
- c. Ask the question: What type of support would help the most?
- d. Identify who could implement a legacy business program in your city

2. Establish an equity framework

- a. Areas to target – Who should be the first businesses?
- b. Incorporate community leaders into discussions, outreach efforts, and meetings
- c. Identify the multiple languages needed for applications and other tools/resources to assist non-English speakers
- d. Create the most simplistic application process as possible - being celebratory and not overly regulatory
- e. Determine the age range and significance of the term “legacy” as it correlates to your city

3. Think outside the traditional preservation box in regard to types of assistance and support

- a. Expand the types of resources preserved and celebrated within your city by providing communities the ability to choose these resources
- b. Discover new ways for businesses to tell their story in their own words
- c. Increase awareness and support these businesses in unique ways

4. Prioritize protection and support

- a. Incorporate legacy businesses into planning department review processes
- b. Treat legacy businesses as stakeholders
- c. Continue to reevaluate the program

DETAILED ACTION PLAN

1. Evaluate your city and what support it needs most

This step is placed as the first step in this process because of the need for a legacy business program to be crafted to fit a city's individual and unique needs. Legacy business programs are often created as a result of the closure and loss of beloved businesses, but the cause of those losses can vary. Development patterns and rent increases vary in impact from city to city, so identifying what is causing the loss of legacy businesses is the first step in the creation of a program.

Steps for evaluating your city are:

a. Identify if there is a need for a legacy business program and what businesses and resources are at-risk

Are there specific neighborhoods or types of businesses that are being disproportionately affected? Are there areas that have historically experienced urban renewal? Are there community sensitivities that the program should be aware and mindful of? Do other issues need to be addressed? Consult the U.S. Small Business Administration and U.S. Census Bureau for statistics on business closures, business ownership breakdown by race and geographic area, and other important data.

b. Perform interviews with or solicit feedback from potential legacy businesses

Conduct interviews with potential legacy businesses and ask questions regarding their needs, experiences, and areas of hesitation. These potential legacy businesses can be identified through a community poll (like on social media), outreach to community groups, or from previously identified geographic or cultural district studies conducted by a city, nonprofit, or university. Interviews can be conducted in person or by using survey software. Interview questions need to be open ended and not make any assumptions. Clear, non-governmental language should be used if possible, and the interview questions need to be made available in multiple languages. If there are community connections already established, as with Seattle's Department of Neighborhoods, business owners may feel more comfortable being interviewed by someone from their own community or who speaks their native language.

c. Ask the question: What type of support would help the most?

Ideally all programs would provide funding opportunities for legacy businesses, but this takes more resources and time to implement and state laws, as with Seattle's Legacy Business Program, may prevent tax money being used to aid for-profit businesses. Evaluate the four types of assistance identified in the 2017 Seattle study: funding, promotion activities, technical assistance, and protections/covenants. Would *promotional activities* like a legacy business farmers market or a legacy business week help increase public awareness of these businesses? Or do businesses need more *technical assistance*, like help with design review or technical preservation advice? Businesses could need more help regarding *protections and covenants*, making it harder for those businesses to be displaced by implementing stricter rules at the city level or within the planning department. The best way to discover what type of support is needed is to consult community leaders and host open public forums to solicit feedback and input. Businesses themselves need to express what help would be of most assistance.

d. Identify who could implement a legacy business program in your city

Depending on if a registry, initiative, or program is decided upon, it's important to think where this type of program should be housed and who it should be administered by within your city. Nonprofits appear to be more successful at implementing an initiative, due to this type of program aligning with their educational goals. City departments such as an Economic Development Office, Planning Department, or an Office Small Business have greater access to resources and staff time and are better choices for implementing programs or registries, particularly if funding is involved.

2. Establish an equity framework

As discussed in Chapter 2, equity needs to be incorporated into any legacy business program due to the inherent fact that a one-size-fits-all plan will not include all businesses and business owners. An equitable framework helps increase intergenerational equity and prosperity in communities that have been negatively affected in the past by government intervention. While remembering one's own positionality, think about:

a. Areas to target - Who should be the first businesses?

As mentioned in 1.A, care should be taken to ensure that businesses who have had to overcome greater struggles are the ones who are assisted first by a legacy business program. City programs might already be in place that have helped to identify specific geographic areas to target for outreach efforts, like Prosper Portland’s “Neighborhood Economic Development Strategy”, which combines statistical data about income, race, and development patterns to create maps identifying potentially vulnerable areas in Portland. A similar program is San Francisco’s Cultural Heritage Districts (Figure 15). These districts are geographic areas which the Planning Department and Mayor’s Office of Economic Development have identified as areas to prioritize the protection of living heritage and cultural tradition. Similar studies or maps can be used for specific legacy business outreach efforts.

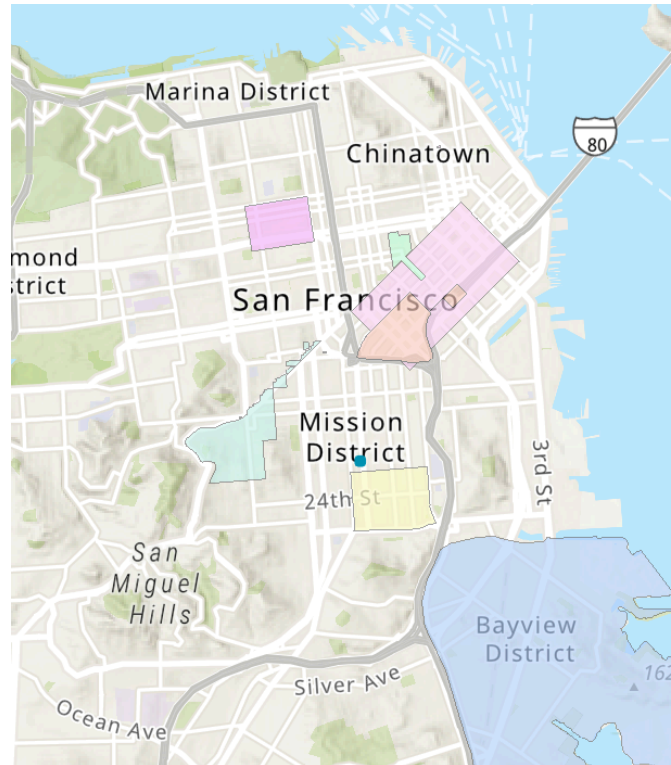


Figure 15: Map showing San Francisco Cultural Heritage Districts

b. Incorporate community leaders into discussions, outreach efforts, and meetings

As discussed in Chapter 2, community leaders need to be incorporated and consulted to ensure that their community's voice is present when supporting legacy businesses and establishing a program. This ensures that a legacy business program does not overstep current community efforts and that the program is sensitive to needs that administrators or outside members might be unaware of. Incorporating community leaders into the discussion of a legacy business program can allow the program to reach communities it might not have otherwise. Community leaders will be able to use their position, understanding of that community's language and customs, and pre-established community knowledge in order to best assist legacy businesses with the application process or with understanding the goals of the program. Seattle's Legacy Business Program collaborated with the Department of Neighborhoods to complete on-the-street canvassing of neighborhoods to solicit applications and community feedback. Community leaders were also incorporated into the screening and application process after canvassing, resulting in legacy businesses being reviewed by members of their own community.

c. Identify the multiple languages needed for applications and other tools/resources to assist non-English speakers

A crucial point to consider when discussing equity is language. Not all communities can complete applications in English, so the need for interpreters and multiple language versions of an application is imperative. Resources that other programs have used to support non-English speaking legacy business owners include outsourcing application help to local nonprofits, connecting business owners with their local office of the U.S. Small Business Administration, and soliciting the help of local community and neighborhood groups to assist businesses during the application process.

d. Create the most simplistic application process possible – being celebratory and not overly regulatory

Complex and lengthy application processes exclude business owners and community groups who do not have the privilege of being able to easily navigate governmental processes. As seen in San Antonio’s Legacy Business Program, emphasizing celebratory and simple language enforces a legacy business program’s goal of being supportive and less regulatory. Use language that is inviting and easy to understand and take into account the business owner’s comfort level, time commitment, accessibility requirements and other factors to ensure the easiest process.

e. Determine the age range and significance of the term “legacy” and how it correlates to your city

Ranging from 10 to 30 years, legacy business programs define legacy through a variety of methods. Some consider the generational quality of “legacy” is considered, landing around the 20 to 30-year mark. In cities with large scale displacement issues, like San Francisco, the age range is flexible if a business is in immediate danger of displacement from the city, the requirement shifts from their usual 30+ years to 20+ years old. In San Antonio, some legacy businesses could be as young as 2 to 3 years old if they are considered vital to the culture of an area. In Seattle, the “legacy” requirement is set at 10 years to acknowledge that many businesses owned by minorities and/or women historically had less access to loans and capital, making for 10 years to be considered the most inclusive and equitable age range.

3. Think outside the traditional preservation toolbox in regard to types of assistance and support offered

Traditional historic preservation methods do not meet the requirements needed to preserve and support legacy businesses. To support legacy businesses, new and creative methods need to be implemented. This can be achieved by looking beyond the usual tools seen in historic preservation and utilizing methods more suitable for cultural conservation and intangible heritage protection, as defined in Chapter 2.

a. Expand the types of resources preserved and celebrated within your city by ensuring communities have the ability to choose these resources

While some of the mentioned programs list businesses that are excluded from being considered a legacy business, excluding any businesses should not be done unless funding restricts business type. When discussing cultural significance, it is also important to evaluate what businesses provides to a community, other than just goods and services, as in Seattle's program. Participation in parades and events, businesses serving as a gathering place, and other aspects not related to sales can all make a business a legacy business. San Francisco's legacy business application (Appendix A) can serve as a valuable resource when considering examples of cultural significance of a business. Community input should be incorporated every step of the way in a legacy business program, with community members deciding what businesses are important to their neighborhoods. In addition to providing input, community members should be incorporated into the application review process, ensuring that legacy businesses are reviewed by members of their own community.

b. Discover new ways for businesses to tell their story in their own words

San Francisco initially attempted to complete audio and video recordings of legacy businesses and archive them. This effort was halted due to issues regarding storage, time restraints, and legal barriers. Another technology that could be used for documenting legacy businesses is 360 video recording. Having been utilized mostly on architecturally significant spaces⁴⁷, a few 360° users have utilized the technology to

⁴⁷ Example of Matterport 360 Video Technology: <https://matterport.com/industries/gallery/palace-fine-arts>

document culturally significant spaces and events. An interview with Darcelle, the world's oldest living performing drag queen, was captured in 360° video⁴⁸ by Portland-based 360 Labs. This type of technology has the ability to record an interview, a cultural event, and also be archived for future use, a great way to capture the intangible qualities of a legacy business.

c. Increase awareness and support these businesses in unique ways

From movie nights to farmers markets to galas and social media posts, the list of ways to celebrate legacy businesses is endless. In developing the regulatory processes, ask these businesses in what ways they would like to be celebrated. Events that honor legacy businesses are ways to educate the public and foster stronger bonds between community members and public officials. One idea could be to implement a legacy business date night or 'night out', like similar dining events put on by Main Street programs, where citizens could be provided a list of legacy businesses categorized in a way that leads to an exploration of multiple legacy businesses.

4. Prioritize protection and support

Just as important as documentation and increasing business sales, protection and support need to be prioritized in any legacy business program. Increasing the number of customers for a business is fantastic, but not if that business is displaced or closes a year later. Creating a multi-layered protection web integrated into a legacy business program is a must.

a. Incorporate legacy businesses into planning department review processes

As seen in San Francisco, legacy businesses can be given the same importance in planning departments as any historic resource would. Acknowledging the presence of a legacy business during the planning process can allow planners to step in and work to prevent negative impacts from occurring to that business. Having this extra layer of protection by being considered a historic resource by planning departments can further

⁴⁸ 360 interview of Darcelle conducted by 360 Labs <https://360labs.net/DarcelleXV>

protect legacy businesses from disruptive actions. This does require legacy business programs to be more intertwined with government processes, which may not work for every city or program.

b. Treat legacy businesses as stakeholders

Treating legacy businesses as stakeholders in a city, as in San Antonio's Legacy Business Program, is a fantastic way to ensure any future city plans will uphold and meet the needs of legacy businesses. Soliciting input from these business owners and then honoring that input in city decision making can create positive, nonregulatory relationships between city officials and legacy business owners and their communities. This process can also save time in the future by having a readily available list of stakeholders to consult on city projects.

c. Continue to reevaluate the program

As with any living heritage resource, needs change and evolve over time. As legacy businesses continue to experience different types of challenges, most currently due to the COVID-19 pandemic, legacy business programs need to evolve with the needs of the businesses they serve. A yearly check in and evaluation should be done to ensure the timeliness and effectiveness of the program. Stakeholders and community groups should be consulted yearly, and a check should be done to include any new or overlooked community groups and businesses. If the legacy business program finds that the number of applications has slowed down, targeted outreach should be performed on the areas identified in section 2.A. Other legacy business programs around the country should continue to consult amongst themselves and seek out new information, as this document and other resources will eventually grow to be outdated.

CHAPTER 5

CONCLUSION AND AREAS FOR FUTURE RESEARCH

AREAS FOR FUTURE RESEARCH

PORTLAND IMPLEMENTATION OF A LEGACY BUSINESS PLAN

The initial goal of this terminal project was to provide framework for how Portland, Oregon, could implement a legacy business program. After the start of the pandemic, this proved to be a challenge and the project had to pivot from a Portland focus to a larger overall analysis of legacy business programs. Analysis of Portland's need for a registry was to be informed from the data collected from potential legacy business interviews. However, the COVID-19 pandemic occurred precisely when interviews were to be conducted. As a result, many of the small businesses that were scheduled to be interviewed were forced to close, and it is uncertain when and if they will reopen again. It is unknown what effect COVID-19 will have on legacy businesses in Portland, but if Portland decides to implement a legacy business program, business interviews must be the first step.

BRINGING BACK LOST LEGACY BUSINESSES

Another area for future research that is not evaluated in this project is the concept of resurrecting lost businesses and bringing back previously displaced businesses. How would a city find and provide these businesses an opportunity to reestablish themselves in an area they were previously displaced from? This would make for a productive research topic in the future and is extremely timely, as there will unfortunately be an increase in the number of businesses who are unable to reopen due to the pandemic.

DEEPER ANALYSIS OF STATISTICS

Another area for future research is the effectiveness of legacy business programs in the long term. Analyzing statistics and data is further down on the list of priorities for legacy business programs due to limited staff time. A deeper analysis of these programs in five to ten years would yield valuable information about the longevity of these programs and if they play an impact at preventing the displacement of legacy businesses. San Francisco's legacy business program will reach the ten-year mark in the year 2025. A study of the number of legacy businesses who have survived during those ten years, in addition to soliciting feedback from

businesses about what's working and not working in the program would be essential for understanding how to pivot the program to best serve legacy businesses.

CREATION OF COMPLETE LIST OF LEGACY BUSINESS PROGRAMS

A final area for future research is in researching and compiling a comprehensive list of all current legacy business programs in the United States. A basic but incomplete list was created for this project but was not used due to lack of analysis of the programs. Making a master list that notes similar components of the program, as discussed in this project, could be helpful for people looking to begin a legacy business program in their city. Recommended qualities to look at if completing this list are: who the program is administered by, the number of businesses it has assisted, the year it was started, how it was started, the application process, program details and who can apply, and finally the types of assistance offered by the program.

IMPACTS OF COVID-19 ON LEGACY BUSINESSES AND LEGACY BUSINESS PROGRAMS

The current COVID-19 pandemic will vastly change small businesses and legacy business programs. Although the full extent of impact from this pandemic is unknown, the lasting effects of COVID-19 on legacy businesses will be a vital topic for future research. Legacy business programs have pivoted to accommodate the altered needs of these businesses, and these changes will be important to study for what they may tell us about the resiliency of legacy businesses in future global economic challenges.

CONCLUSION

Legacy businesses are an invaluable part of our cities and economies because they contribute irreplaceable character to communities and are important beyond the products and services they sell. Legacy business programs have the ability to combine historic preservation methods and equitable framework in a way that protects the living culture of a city. Historic preservation in the United States has changed considerably over the past one hundred years. From the Antiquities Act of 1906, to the establishment of the National Trust in 1949, to the arguably most important National Historic Preservation Act of 1966, preservation has come a long way in the types of resources protected and the types of programs protecting them. Preservation practice has expanded, evolving from architecturally centered preservation to conservation, which incorporates more intangible aspects of cultural heritage into the definition. San Francisco's 2013 initiative was the catalyst for the creation of many legacy business programs, registries, and initiatives throughout the United States. Legacy business programs have provided the opportunity for preservationists to diversify the types of resources preserved in our cities and decrease inequity in historic preservation.

Legacy business programs can be a tool to help prevent displacement, support succession planning for businesses, and promote intergenerational equity. The three types of legacy business programs (program, registry, and initiative) can fit a variety of needs and can be implemented in any city. Legacy business programs also have the ability to create non-regulatory relationships between city governments and communities by establishing a celebratory program that allows communities to nominate their cultural resources at their own pace. Finally, legacy business programs challenge previously restrictive aspects of preservation, such as the concepts of integrity and the period of significance, and are critical programs for broadening the field of preservation to honor and include other forms of historic resources. These programs offer an invaluable opportunity to protect the local mom and pop shops that have played an integral part in establishing the soul of our cities. You know one. I know one. Let's both advocate to save our beloved legacy businesses.



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APPENDIX A: SAN FRANCISCO PLANNING LEGACY BUSINESS CASE
REPORT



**SAN FRANCISCO
PLANNING DEPARTMENT**

**Legacy Business Registry
Case Report**

HEARING DATE: JULY 17, 2019

**THIS REPORT PROVIDES RECOMMENDATIONS FOR THE FOLLOWING NUMBER (#) LEGACY
BUSINESS REGISTRY APPLICATIONS.**

- **Case No:** 1790 Sutter Street, "Yasukochi's Sweet Shop"

**The associated Legacy Business Registry Applications are not printed for distribution due to
their size, but are available online at: <https://sfplanning.org/hearings-hpc>**

Filing Date: June 20, 2019
Case No.: LBR -
Business Name: Yasukochi's Sweet Shop
Business Address: 1790 Sutter Street
Zoning: Japantown Neighborhood NCD (Neighborhood Commercial District)
Zoning District
50-X Height and Bulk District
Block/Lot: 0675/039
Applicant: Hatsuye Yasukochi, Owner
1790 Sutter Street
San Francisco, CA 94115
Nominated By: Supervisor Vallie Brown
Located In: District 5
Staff Contact:
Reviewed By:

BUSINESS DESCRIPTION

The business is located at 1790 Sutter Street. Yasukochi's Sweet Shop is within the Japantown Neighborhood NCD Zoning District and a 50-X Height and Bulk District. Opened by husband and wife Hisao Thomas "Moses" Yasukochi and Hatsuye "Hatsy" Yasukochi on December 18, 1974, Yasukochi's Sweet Shop has remained in the same location for all of its 45 years of operation. Located within the Super Mira grocery store, Yasukochi's is a third-generation family owned business.

STAFF ANALYSIS

Review Criteria

1. *When was business founded?*

The business was founded on December 18, 1974.

2. *Does the business qualify for listing on the Legacy Business Registry? If so, how?*

Yes. Yasukochi's Sweet Shop qualifies for listing on the Legacy Business Registry because it meets all of the eligibility Criteria:

- i. Yasukochi's Sweet Shop has operated continuously in San Francisco for 45 years.
- ii. Yasukochi's Sweet Shop has contributed to the history and identity of the Japantown neighborhood and San Francisco.
- iii. Yasukochi's Sweet Shop is committed to maintaining the physical features and traditions that define the organization.

3. *Is the business associated with a culturally significant art/craft/cuisine/tradition?*

Yes. Yasukochi's Sweet Shop is one of the few remaining Japanese-owned businesses in Japantown and their most famous cake, the Coffee Crunch Cake, is a staple for many locals and tourists alike visiting Japantown.

4. *Is the business or its building associated with significant events, persons, and/or architecture?*

No.

5. *Is the property associated with the business listed on a local, state, or federal historic resource registry?*

No.

6. *Is the business mentioned in a local historic context statement?*

No.

7. *Has the business been cited in published literature, newspapers, journals, etc.?*

Yes. Yasukochi's Sweet Shop has been published in numerous newspaper articles, Japantown tours, and other literature:

- **Square's Legacy Project**, Featuring Yasukochi's Sweet Stop, 2019

The Square Insights team was tasked with bringing a wide range of legacy business stories to the offices of Square. This project included a film and office installations in

San Francisco, St. Louis, Atlanta and New York City featuring businesses with unique legacy stories to share.

- **San Francisco dessert experiences you need to try at least once** (SF Chronicle, May 3, 2018)

<https://www.sfchronicle.com/food/article/San-Francisco-sweets-cruffin-ice-creamdonuts-boba-12882643.php>

- **Lost San Francisco dishes you thought you might never taste again** (SF Chronicle, Feb 27, 2018)

<https://www.sfchronicle.com/food/article/Lost-San-Francisco-dishes-you-thought-youmight-12619994.php>

- **A Brief History of the Coffee Crunch Cake** (Nob Hill Gazette, Oct 1, 2017)

<https://nobhillgazette.com/a-brief-history-of-the-coffee-crunch-cake/>

- **A Classic Cake Lives On** (The New Fillmore, June 4, 2017)

<http://newfillmore.com/2017/06/04/a-classic-cake-lives-on/>

- A May 12, 2016 Nichi Bei Weekly article in which Yasukochi Sweet Stop was honored with an award from the National Japanese American Historical Society as a longtime Japantown business.

- **50 Things You Need to Eat in San Francisco Before You Die** (Thrillist, June 18, 2015)

<https://www.thrillist.com/eat/san-francisco/best-things-to-eat-in-sf-iconic-foodsbucket-list>

- **San Francisco's 7 Best Cakes, Ranked** (7x7, September 4, 2014)

<https://www.7x7.com/san-franciscos-7-best-cakes-ranked-1786921418.html>

- **This Japantown Coffee Cake has Sold Out for Decades** (Zagat, Feb 26, 2014)

<https://www.zagat.com/b/sweet-sensation-yasukochis-coffee-crunch-cake>

- **Tom Yasukochi perfects coffee crunch cake** (SF Gate, Nov 6, 2011)

<https://www.sfgate.com/magazine/article/Tom-Yasukochi-perfects-coffee-crunch-cake2324036.php>

- **Best Cake | Yasukochi's Sweet Stop | Food & Drink | San Francisco** (SF Weekly, May 28, 2008)

<https://archives.sfweekly.com/sanfrancisco/best-cake/BestOf?oid=2203927>

- **Yasukochi's Sweet Stop** - Food Network

<https://www.foodnetwork.com/restaurants/ca/san-francisco/yasukochis-sweet-stoprestaurant>

Physical Features or Traditions that Define the Business

Location(s) associated with the business:

- 1790 Sutter Street

Recommended by Applicant

- *Coffee Crunch Cake*
- *Donation of the "Welcome Royalty" cake annually at the Cherry Blossom Festival*
- *Weekly support of community via pastry donation to Buddhist Church of San Francisco and Kimochi Senior Nutrition Program*
- *Location within Japantown*

Additional Recommended by Staff

None

APPENDIX B: MEMORANDUM

MEMORANDUM

DATE: June 12, 2020

TO: Portland City Council Members

FROM: Erin Swicegood
eswicego@uoregon.edu

RE: Importance of a Legacy Business Program for Supporting Portland's Historic Small Businesses

I recently completed a study of legacy business programs as part of my Master's degree program at the University of Oregon's Historic Preservation Program. As you know, the COVID-19 crisis has underscored the urgency to support the historic small businesses that are the economic backbone of our city. I am writing to share my research and support for creating a legacy business program in Portland.

Opportunity

Legacy businesses play a meaningful role in establishing and maintaining the unique character of cities, communities, and neighborhoods. Legacy businesses are defined as small businesses that have a historic presence in their neighborhood and are culturally significant to a community. With the growth of big box stores, online retail, and rising rent prices, historic small businesses have faced increasing challenges to maintain a presence in their respective communities, with the Portland metropolitan area seeing 4,648 small businesses close between 2015 to 2016. The increasing closure of these historic small businesses, including the severe impacts of COVID-19, indicates that now is the time to implement a program to protect the most vulnerable of these historic resources.

Background

Standard preservation practice has historically overlooked non-architectural and living historic resources like historic small businesses. The 1966 National Historic Preservation Act largely focused on architectural preservation and did not establish adequate protection for the people occupying those buildings or offer protection to historic resources that did not meet the typical standards for designation. The concept of integrity has also been an obstacle in the preservation of some historic

QUALITATIVE ASSESSMENT OF PROGRAM TYPES BY FEASIBILITY AND IMPACT

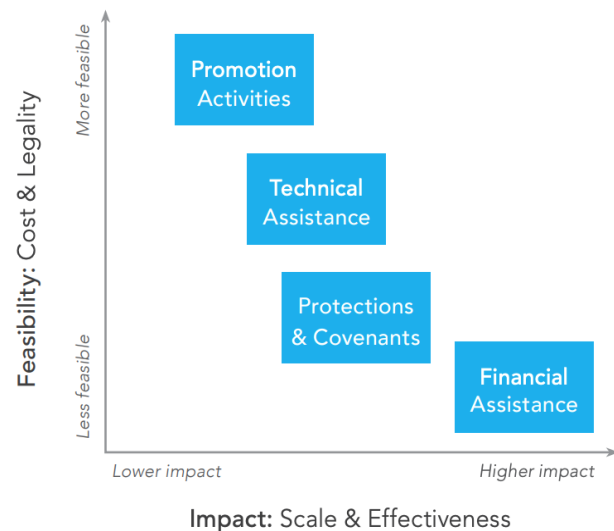


Chart from 2017 City of Seattle Legacy Business Study

resources. Integrity is defined architecturally, even if the significance of the historic resource is not architectural, making it easy for cultural resources to be overlooked. The field of historic preservation has also historically neglected to represent all Americans in the types of resources preserved. Preservation needs new tools to increase the diversity of the types of resources preserved, and to do so in an equitable manner. Legacy business programs can help.

How Legacy Business Programs Can Help

Legacy business programs celebrate living historic resources in a city and help achieve the preservation of more non-architectural resources. These programs can also increase the diversity in types of resources preserved by establishing equitable practices. These programs can be a celebratory, rather than regulatory, type of historic preservation program. Legacy business programs can operate in different ways depending on local needs. They can offer a financial assistance, technical assistance, protective measures against displacement, preservation incentives, and marketing assistance and promotion. Legacy business programs can be created in any city and can fit in to already existing support services, whether that be a preservation nonprofit, an office of small business, or an economic development office.





Existing Legacy Business Programs:

There are three types of legacy business assistance: A program, a registry, and an initiative.

- A **program** is the most robust form of legacy business assistance and is often administered by a city office due to greater access to funds and staff time.
- A **registry** implies a list of some sort, similar to the National Register, and celebrates participants in a way that is mostly honorific.
- An **initiative** is an educational program designed to raise awareness of legacy businesses, frequently administered by preservation nonprofits.

This matrix shows a comparison between key aspects of the programs, including the accessibility of the application process, types of assistance provided, age to qualify as legacy, and if there are equitable practices specifically woven into the facilitation of the program. San Francisco’s disadvantages include a formal application process and lack of noted equitable practices, but they offer the most robust form of assistance. San Antonio has equitable practices in place in addition to an informal application process. Los Angeles has the least amount of assistance, but is also an

Legacy Business Program Comparison

	 INFORMAL APPLICATION PROCESS	 TYPES OF ASSISTANCE*	 AGE TO QUALIFY	 NOTED EQUITABLE PRACTICES
PROGRAM				
San Francisco		F, M, T, P	25 or 30	
San Antonio	✓	M, T, P	20	✓
Los Angeles	✓	M	25	
Seattle	✓	M, T	10	✓

*Types of assistance categorized into financial (F), promotional and marketing (M), technical (T), and protections & covenants (P)

initiative, not a program. Seattle’s program offers less assistance types but excels regarding equitable practices and an informal application process.

Action Plan:

The need for a legacy business program in Portland is apparent now more than ever. Historic small businesses have closed throughout the city, and a legacy business program would offer assistance and support to these businesses that contribute so much to the culture and communities of Portland.

Successful legacy business programs have:

- **An equity framework in place.** Equity needs to be incorporated into any legacy business program because a one-size-fits-all plan will not include all businesses and business owners. Equitable framework helps increase intergenerational prosperity in communities.
- **An informal application process.** Focusing on ways to make the application process less regulatory and more celebratory creates a more inviting environment for people and communities who may not always feel comfortable with governmental programs or who may not have the privilege of understanding them.
- **Multiple types of assistance.** Pairing financial assistance with a robust marketing and support program is the most efficient form of assistance. The creation of toolkits, like succession planning toolkits, are also a key area of success.
- **An inclusive age range for determining “legacy” status.** Many cities offer flexibility in the age range for businesses to be considered legacy. San Francisco changes the age from 30 to 20 if the business is facing imminent displacement. The City of Seattle chose a lower age range of 10 years to support a more diverse range of businesses and business owners. Supporting a flexible definition of the term legacy can increase the types of businesses and communities that a legacy business program can support.

More information on legacy business programs can be found in my graduate terminal project, titled “Celebrating Mom and Pop Shops: The Importance of Legacy Business Programs for Conserving Living Heritage.” I urge you to consider establishing such a program for Portland in the near future.