



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Department Report Urgency Ordinance: Interim Zoning Moratorium

*To:* Angela Calvillo, Clerk of the Board  
*From:* Diego R Sánchez, Senior Planner, Legislative Affairs  
*Date:* July 8, 2019  
*Regarding:* 25 Day Report for the Interim Zoning Moratorium on Change of  
Nighttime Entertainment Use – One Maritime Plaza Area  
*Case Number:* Board File No. 190567/ Enactment Number 106-19

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### STATEMENT OF PURPOSE

In accordance with the Section Three of the Urgency Ordinance the Planning Department is required to submit to the Clerk of the Board of Supervisors a written report describing the measures taken to alleviate the conditions that led to the adoption of the Urgency Ordinance. This report is intended to satisfy that requirement.

### BACKGROUND

On June 4, 2019, the Board of Supervisors adopted the Urgency Ordinance approving an interim moratorium on changes of use away from Nighttime Entertainment uses and a prohibition on new private clubs within the area bounded by Jackson Street, Sacramento Street, Drumm Street and Sansome Street (One Maritime Plaza Area; *see map, attached*). On June 14, 2019 the Mayor enacted the Urgency Ordinance (Enactment No. 106-19). The interim zoning moratorium will remain in effect 45 days from the effective date and may be extended by the Board of Supervisors or superseded by permanent controls.

According to the Urgency Ordinance, activation of the publicly accessible spaces in the One Maritime Plaza Area is increasingly important as the area becomes more residential in nature. Activation depends on open and viable retail and entertainment venues, including nightclubs, comedy clubs, movie theaters, restaurants, bars and cafes.

The majority of the One Maritime Plaza Area is within the C-3-O (Commercial- Downtown Office) zoning district. The C-3-O zoning district principally permits many uses, including Nighttime Entertainment uses and eating and drinking uses. There are no special land use restrictions on replacing Nighttime Entertainment uses or on introducing new private clubs. The balance of the One Maritime Plaza Area is within the C-2 (Commercial- Community Business), the RC-4 (Residential Commercial-High Density) and the P (Public Use) zoning districts. Land use controls on eating and drinking uses, Nighttime Entertainment uses, and private club uses in the C-2 zoning district are like those in the C-3-O. The RC-4 permits Nighttime Entertainment, is slightly more restrictive on upper story retail uses than the C-3-O and prohibits most office uses. The P districts are the least permissive of the four zoning districts.

Section Three of the Urgency Ordinance requires the Planning Department to describe measures taken to alleviate the conditions that led to the adoption of the Ordinance. The Planning Department is currently discussing with Supervisor Peskin's office, the principal sponsor of the Urgency Ordinance, the following measures:

1. Invite and assist long-standing businesses, including nighttime entertainment uses, within the One Maritime Plaza Area to register on the City's Legacy Business Registry;
2. Connect establishments of interest, including Nighttime Entertainment uses, in the One Maritime Plaza Area to OEWD's Nightlife SF initiative and its Small Business Assistance Center to provide lease negotiation resources and other technical assistance; and
3. Explore adding Conditional Use authorization requirements to projects proposing a change of use away from Nighttime Entertainment uses in tenant spaces that front or open onto publicly accessible open areas, including streets, alleys, or plazas in the C-3-O zoning district.

### **ENVIRONMENTAL REVIEW**

This report is not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because it will not result in a physical change in the environment.

### **REQUIRED BOARD ACTION**

This report is required to be considered in a public hearing duly noticed in accordance with the basic rules of the Board. The Board has the option of accepting or rejecting this report.

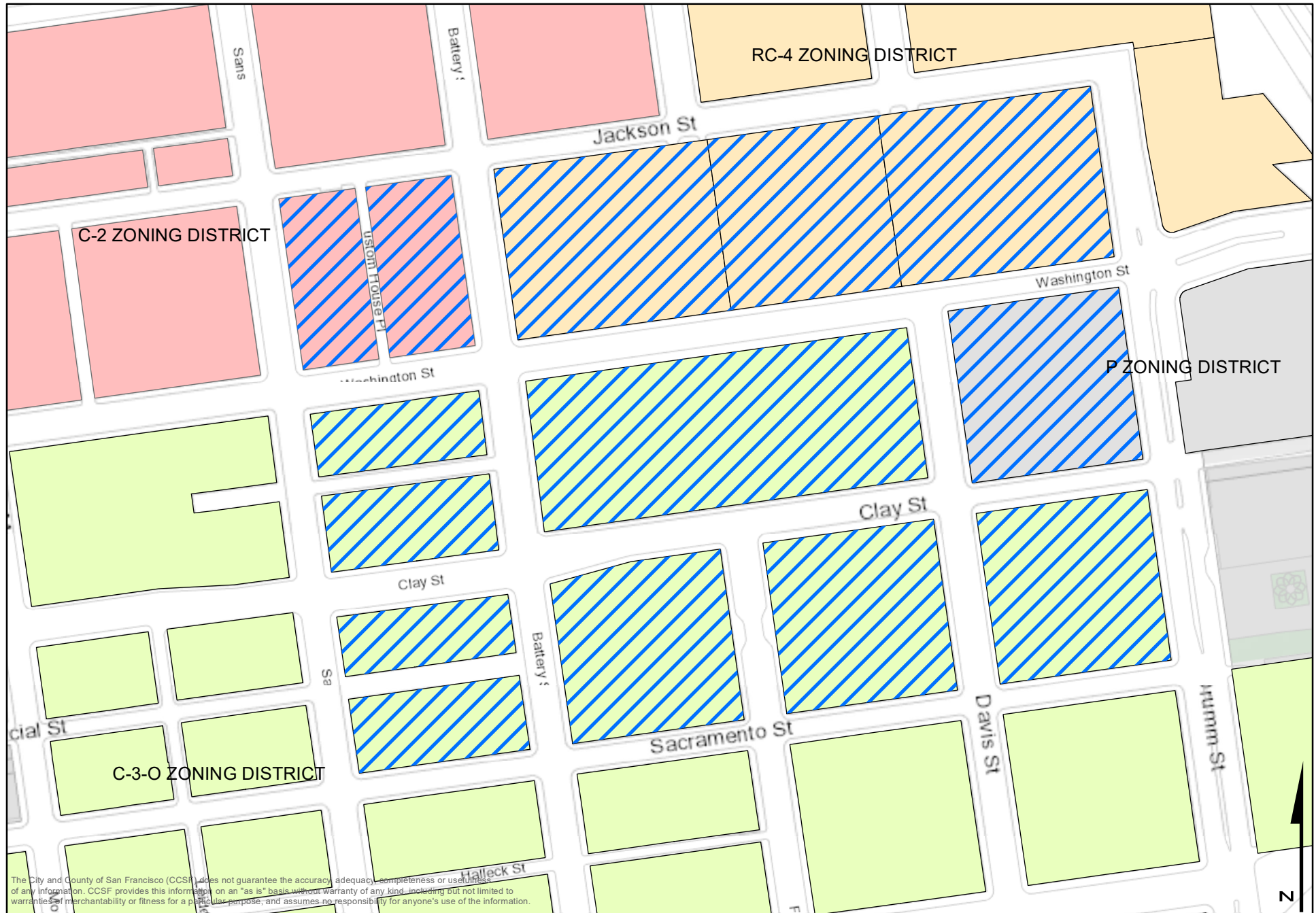
### **RECOMMENDATION**

The Department is recommending that the Board accept this report and to strongly consider the three measures above when taking actions to alleviate the conditions that led to the adoption of the Urgency Ordinance.

### **BASIS FOR RECOMMENDATION**

Maintaining the City's publicly accessible streets, alleys, and plazas active requires viable retail and entertainment uses. While land use controls are adept at allowing or prohibiting general types of establishments into an area, they cannot assure that specific retail or entertainment establishments remain open and viable. Operational grants, such as those available to the City's Legacy Businesses, and small business technical assistance can play a significant role in keeping retail and entertainment uses open and viable. In contrast, land use controls are often blunt measures that cannot precisely curate an area's retail or entertainment composition.

# ONE MARITIME PLAZA AREA INTERIM ZONING MORATORIUM (in blue hatch mark)



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