

1 [Zoning - Interim Moratorium on Demolition of Single-screen Movie Theaters.]

2

3 **Urgency Ordinance approving an interim zoning moratorium on demolition of single-**  
4 **screen movie theaters for 45 days and making required findings, including findings of**  
5 **consistency with the priority policies of Planning Code Section 101.1 and**  
6 **environmental findings.**

7 Note: Additions are *single-underline italics Times New Roman*;  
8 deletions are ~~*strikethrough italics Times New Roman*~~.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. Findings.

12 Section (a). General Findings.

13 (1) San Francisco has a proud tradition of neighborhoods and thriving commercial  
14 districts that reflect the diverse character of the city.

15 (2) Movie theaters serve as important anchors in many of these neighborhood  
16 commercial districts, helping generate pedestrian traffic critical for the economic vitality of  
17 surrounding retail stores, restaurants and other small businesses.

18 (3) Movie theaters, in particular single-screen theaters, contribute to the unique  
19 character of our neighborhoods and significantly enhance the quality of life of the City's  
20 residents.

21 (4) Over the last twenty years, San Francisco has lost more than thirty-five movie  
22 theaters, including such neighborhood institutions as the Alhambra Theater (Russian Hill), the  
23 Avenue Theater (Silver Terrace), the Haight Theater (Haight-Ashbury), the Apollo Theater  
24 (Excelsior), the New Mission Theater (Mission), the Coliseum Theater (Richmond), the  
25 Parkside Theater (Taraval), the Pagoda Palace (North Beach), the Noe Theater (Noe Valley),

1 the Surf Theater (Outer Sunset), the El Capitan Theater (Mission) and the El Rey Theater  
2 (Ingleside).

3 (5) Many of the remaining neighborhood theaters are threatened with potential  
4 closures, conversion or demolition in the near future, including such theaters as the Cinema  
5 21 (Marina), the Roxie (Mission), the Coronet (Richmond), the Metro (Pacific Heights), the  
6 Presidio (Marina), the Balboa (Richmond), the Vogue (Presidio Heights), and the Empire  
7 (West Portal).

8 Section (b). Findings related to imposition of an interim moratorium.

9 (1) Planning Code Section 306.7 provides for the imposition of interim zoning controls  
10 to accomplish several objectives, including preservation of historic and architecturally  
11 significant buildings and areas; preservation of residential neighborhoods; preservation of  
12 neighborhoods and areas of mixed residential and commercial uses in order to preserve the  
13 existing character of such neighborhoods and areas; and development and conservation of  
14 the City's commerce and industry to maintain the City's economic vitality, provide its citizens  
15 with adequate jobs and business opportunities, and maintain adequate services for its  
16 residents, visitors, businesses and institutions.

17 (2) These controls are intended and designed to deal with and ameliorate the  
18 problems and conditions associated with the location of a large retail use in certain  
19 commercial, industrial, and specified mixed-use zones by requiring conditional use  
20 authorization for specified retail uses during the next year.

21 (3) This Board has considered the impact on the public health, safety, peace, and  
22 general welfare if the interim controls proposed herein were not imposed.

23 (4) This Board has determined that the public interest will be best served by imposition  
24 of these interim controls at this time in order to ensure that the legislative scheme which may  
25

1 be ultimately adopted is not undermined during the planning and legislative process for  
2 permanent controls, which process shall be conducted within a reasonable time.

3 Section (c). Planning Code Section 101.1 Findings.

4 This interim zoning moratorium advances and is consistent with Priority Policies 1, 2  
5 and 5 of the Planning Code section 101.1 in that they attempt to conserve a diverse economic  
6 base and existing neighborhood-serving retail and neighborhood character. This program  
7 also supports Policy 7 to the extent it preserve single-screen movie theaters that are  
8 landmarks or historic buildings. With respect to Priority Policies 3, 4, 6, and 8, the Board finds  
9 that the interim zoning moratorium does not, at this time, have an effect upon these policies,  
10 and thus, will not conflict with said policies.

11 Section (d). Environmental Findings.

12 The Planning Department has determined that the actions contemplated in this  
13 Ordinance are in compliance with the California Environmental Quality Act (California Public  
14 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the  
15 Board of Supervisors in File No. and is incorporated herein by reference.

16 Section 2. The following interim zoning moratorium shall be adopted as an Urgency  
17 Ordinance:

18 (a) No permit shall be issued for the demolition of a single-screen movie theater.

19 (b) For purposes of this Ordinance, single-screen movie theater shall be a theater, as  
20 set forth in Planning Code sections 221(d), 790.64, and 890.64, that displays motion pictures,  
21 slides, or closed-circuit television pictures and contains only a single screen for such  
22 purposes.

23 (c) This interim moratorium shall remain in effect for 45 days unless extended in  
24 accordance with California Government Code section 65858 or permanent controls are  
25 adopted to address the demolition of single-screen movie theaters, whichever first occurs.

1           Section 3. Within 25 days of the Board’s approval of this Ordinance, the Planning  
2 Department shall submit to the Clerk of the Board a written report describing the measures  
3 taken to alleviate the conditions that led to the adoption of the Ordinance. Upon receipt of the  
4 report, the Clerk shall calendar a motion for the full Board to consider and approve said report.  
5 Said hearing and the action taken thereon shall be no later than 35 days after this Ordinance  
6 is finally adopted.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10  
11 By: \_\_\_\_\_  
12       John D. Malamut  
13       Deputy City Attorney