

1 [Planning Code - Landmark Designation - 1970 Ocean Avenue (aka El Rey Theater)]

2 **Ordinance amending the Planning Code to designate 1970 Ocean Avenue (aka El Rey**  
 3 **Theater), in Assessor's Parcel Block No. 3280, Lot 018, as a Landmark under Article 10**  
 4 **of the Planning Code; affirming the Planning Department's determination under the**  
 5 **California Environmental Quality Act; and making public necessity, convenience and**  
 6 **welfare findings under Planning Code, Section 302, and findings of consistency with**  
 7 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

14 Section 1. Findings.

15 (a) CEQA and Land Use Findings.

16 (1) The Planning Department has determined that the proposed Planning Code  
 17 amendment is subject to a Categorical Exemption from the California Environmental Quality  
 18 Act (California Public Resources Code section 21000 et seq., "CEQA") pursuant to Section  
 19 15308 of the Guidelines for Implementation of the statute for actions by regulatory agencies  
 20 for protection of the environment (in this case, landmark designation). Said determination is  
 21 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
 22 incorporated herein by reference.

23 (2) Pursuant to Planning Code Section 302, the Board of Supervisors finds that  
 24 the proposed landmark designation of 1970 Ocean Avenue (aka El Rey Theater), Lot 018, in  
 25 Assessor's Block 3280, will serve the public necessity, convenience and welfare for the

1 reasons set forth in Historic Preservation Commission Resolution No. \_\_\_\_\_,  
2 recommending approval of the proposed designation, which is incorporated herein by  
3 reference.

4 (3) The Board finds that the proposed landmark designation of 1970 Ocean  
5 Avenue (aka El Rey Theater), Lot 018, in Assessor's Block 3280 is consistent with the San  
6 Francisco General Plan and with Planning Code Section 101.1(b) for the reasons set forth in  
7 Historic Preservation Commission Resolution No. \_\_\_\_\_, recommending approval of  
8 the proposed designation, which is incorporated herein by reference.

9 (b) General Findings.

10 (1) Pursuant to Section 4.135 of the Charter of the City and County of San  
11 Francisco, the Historic Preservation Commission has authority "to recommend approval,  
12 disapproval, or modification of landmark designations and historic district designations under  
13 the Planning Code to the Board of Supervisors."

14 (2) On August 17, 2016, the Historic Preservation Commission added 1970  
15 Ocean Avenue (aka El Rey Theater), Lot 018 in Assessor's Block 3280, to the Landmark  
16 Designation Work Program.

17 (3) The Designation report was prepared by experts and reviewed by Planning  
18 Department Preservation staff. All preparers meet the Secretary of the Interior's Professional  
19 Qualification Standards and the report was reviewed for accuracy and conformance with the  
20 purposes and standards of Article 10.

21 (4) The Historic Preservation Commission, at its regular meeting of  
22 \_\_\_\_\_, reviewed Department staff's analysis of 1970 Ocean Avenue's historical  
23 significance per Article 10 as part of the Landmark Designation Case Report dated  
24 \_\_\_\_\_.

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1 (5) On \_\_\_\_\_, the Historic Preservation Commission passed Resolution  
2 No. \_\_\_\_\_, initiating designation of 1970 Ocean Avenue (aka El Rey Theater), Lot 018  
3 in Assessor’s Block 3280, as a San Francisco Landmark pursuant to Section 1004.1 of the  
4 San Francisco Planning Code. Such motion is on file with the Clerk of the Board in File  
5 \_\_\_\_\_ and incorporated herein by reference.

6 (6) On \_\_\_\_\_, after holding a public hearing on the proposed designation  
7 and having considered the specialized analyses prepared by Planning Department staff and  
8 the Landmark Designation Case Report, the Historic Preservation Commission recommended  
9 approval of the proposed landmark designation of 1970 Ocean Avenue (aka El Rey Theater),  
10 Lot 018, in Assessor’s Block 3280, in Resolution No. \_\_\_\_\_. Such resolution is on file  
11 with the Clerk of the Board in File No. \_\_\_\_\_.

12 (7) The Board of Supervisors hereby finds that 1970 Ocean Avenue (aka El Rey  
13 Theater), Lot 018, in Assessor’s Block 3280, has a special character and special historical,  
14 architectural, and aesthetic interest and value, and that its designation as a Landmark will  
15 further the purposes of and conform to the standards set forth in Article 10 of the San  
16 Francisco Planning Code.

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18 Section 2. Designation.

19 Pursuant to Section 1004 of the Planning Code, 1970 Ocean Avenue (aka El Rey  
20 Theater), Lot 018, in Assessor’s Block 3280, is hereby designated as a San Francisco  
21 Landmark under Article 10 of the Planning Code.

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1 Section 3. Required Data.

2 (a) The description, location, and boundary of the Landmark site consists of the City  
3 parcel located at 1970 Ocean Avenue, Lot 018, in Assessor's Block 3280, in San Francisco's  
4 Ingleside neighborhood.

5 (b) The characteristics of the Landmark that justify its designation are described and  
6 shown in the Landmark Designation Case Report and other supporting materials contained in  
7 Planning Department Case Docket No. 2016-011052DES. In brief, 1970 Ocean Avenue (aka  
8 El Rey Theater), Lot 018, in Assessor's Block 3280, is eligible for local designation under  
9 National Register of Historic Places Criterion C (as it embodies distinctive characteristics of a  
10 type, period, or method of construction and represents the work of a master architect).

11 Specifically, designation of the former El Rey Theater is proper given it is one of the only  
12 remaining movie theaters originally designed in the Art Deco style by master architect Timothy  
13 Pflueger.

14 (c) The particular features that shall be preserved, or replaced in-kind as determined  
15 necessary, are those generally shown in photographs and described in the Landmark  
16 Designation Case Report, which can be found in Planning Department Docket No. 2016-  
17 011052DES, and which are incorporated in this designation by reference as though fully set  
18 forth. Specifically, the following features shall be preserved or replaced in kind:

19 (1) All exterior elevations, form, massing, structure, roofline, architectural  
20 ornament and materials of 1970 Ocean Avenue, identified as:

21 (A) T-shaped footprint and four-part massing and volume consisting of  
22 the central gable-roofed theater, tower, and two flanking one-story retail wings;

23 (B) Primary façade facing Ocean Avenue, including its cement stucco  
24 finish, cast-concrete grille, chimney with incised zig zags, raised parapet with incised speed  
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1 line, any extant transom windows (retail wings only), gable outlined with red clay tile, and  
2 tower with incised speed lines and pylon;

3 (C) East and west (secondary) elevations of the theater, including the  
4 painted board-formed concrete walls and the deeply recessed “blind” openings;

5 (D) East and west (secondary) elevations of the retail wings, including  
6 the cement stucco finish and window openings filled with six light, wood sash awning windows  
7 and pilasters with incised capital between window openings;

8 (E) The tower, including its height, massing, and surviving cast cement  
9 ornament; and

10 (F) The building’s combination gable (theater) and flat (retail wings and  
11 stage area) roof with skylights.

12 (2) The character-defining interior features of the building are those associated  
13 with areas that have historically been accessible to the public, and are depicted in the floor  
14 plans or photos the Landmark Designation Report dated \_\_\_\_\_, including:

15 (A) Lobby, lobby stairs, mezzanine, auditorium, and balcony volumes;

16 (B) All extant sheet metal and cast-plaster Art Deco ornament in the  
17 lobby, auditorium, balcony, and mezzanine, including decorative sheet metal ventilation  
18 system at auditorium and balcony ceilings;

19 (C) All extant doors and hardware in the lobby, auditorium, balcony, and  
20 mezzanine;

21 (D) Metal aisle and restroom signs in the lobby; and

22 (E) Potentially extant murals at auditorium and balcony ceilings, and  
23 mezzanine walls as shown in historic photographs but currently overpainted.

1 Section 4. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

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

8 By: \_\_\_\_\_  
9 VICTORIA WONG  
Deputy City Attorney

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