

FILE NO. 041137

ORDINANCE NO. 248-04

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

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

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

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

Section 1. Findings.

Section (a). General Findings.

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

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

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

(4) Over the last twenty years, San Francisco has lost more than thirty-five movie theaters, including such neighborhood institutions as the Alhambra Theater (Russian Hill), the Avenue Theater (Silver Terrace), the Haight Theater (Haight-Ashbury), the Apollo Theater (Excelsior), the New Mission Theater (Mission), the Coliseum Theater (Richmond), the 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 loss of single- and dual-screen movie theaters
19 on neighborhoods and areas mixed residential and commercial uses by imposing a temporary
20 moratorium on demolition of such theaters.

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 that may be
25

1 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 preserves single- and dual-screen movie theaters that
8 are landmarks or historic buildings. With respect to Priority Policies 3, 4, 6, and 8, the Board
9 finds that the interim zoning moratorium does not, at this time, have an effect upon these
10 policies, 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- or dual-screen movie
19 theater.

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

1 (c) For purposes of this Ordinance, a dual-screen movie theater shall be a theater, as
2 set forth in Planning Code sections 221(d), 790.64, and 890.64, that displays motion pictures,
3 slides, or closed-circuit television pictures and contains two screens for such purposes.

4 (d) This interim moratorium shall remain in effect for 45 days unless extended in
5 accordance with California Government Code section 65858 or permanent controls are
6 adopted to address the demolition of single- and dual-screen movie theaters, whichever first
7 occurs.

8 (e) If application of this Ordinance would have the effect of denying approvals needed
9 for the development of a project with a significant component of multifamily housing, as such
10 terms are defined in California Government Code Section 65858, this moratorium shall not
11 apply to demolition of that movie theater.

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

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

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22 By:


John D. Malamut
Deputy City Attorney

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25
Supervisor McGoldrick
BOARD OF SUPERVISORS

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9/27/2004



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 041137

Date Passed:

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

September 14, 2004 Board of Supervisors — SUBSTITUTED

October 5, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Gonzalez, Maxwell,
McGoldrick, Peskin, Sandoval

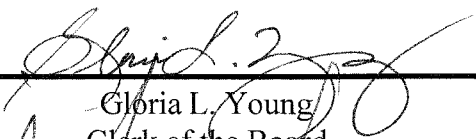
Noes: 1 - Ma

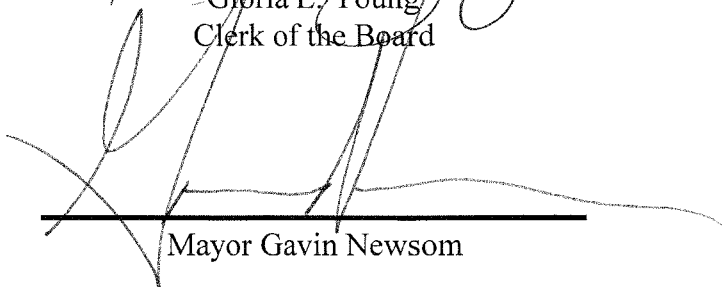
File No. 041137

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on **October 5, 2004**
by the Board of Supervisors of the City and
County of San Francisco.

October 14, 2004

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom