

LEGISLATIVE DIGEST

[Planning Code - Interim Zoning Moratorium on Change of Nighttime Entertainment Use - One Maritime Plaza Area]

Urgency ordinance approving an interim zoning moratorium for 45 days on changes of nighttime entertainment use in the One Maritime Plaza area bounded by Jackson Street to the north, Sacramento Street to the south, Drumm Street to the west, and Sansome Street to the east, affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code Section 306.7 establishes procedures for adopting interim zoning controls to ensure that a legislative scheme that may be ultimately adopted is not undermined during the planning and legislative process for permanent controls. If the interim control takes the form of a moratorium, the legislation must also comply with Section 65858 of the California Government Code.

An interim moratorium takes the form of an urgency ordinance, has only one reading at the Board of Supervisors for approval, and is effective under the same terms as a Board of Supervisors resolution. The interim moratorium may initially last for only 45 days but may be further extended by the Board. Within 25 days of the interim moratorium's initial adoption, the Planning Department must submit to the Clerk of the Board of Supervisors a written report describing the measures taken to alleviate the conditions that led to its adoption and the Board must act to approve the report within 35 days after the ordinance is effective.

Amendments to Current Law

The proposed interim zoning control is an Urgency Ordinance that would impose for 45 days a moratorium in the One Maritime Plaza area bounded by Jackson Street to the north, Sacramento Street to the south, Drumm Street to the west and Sansome Street to the east. It would prohibit either the Planning Department or the Planning Commission from approving or authorizing any change of use from an existing Nighttime Entertainment Use to any other Principal Use, Conditional Use, or Accessory Use, including Non-Retail Sales & Service or Office Uses, authorized in the zoning district (as those terms as defined in Section 102 of the Planning Code) and any private clubs shall be prohibited.

Background Information

The One Maritime Plaza area is zoned C-3-O, which has a wide range of uses that are either principally permitted as of right or authorized as conditional uses. As the area becomes more residential in nature and has a greater diversity of uses and publicly-accessible open spaces, protecting existing uses that encourage and enhance street activity at night is imperative, particularly on the mezzanine and publicly-accessible upper levels of the area, which were constructed as part of the plaza build-out of the Alcoa Building in 1967. This public plaza and adjoining public pathways do not have existing street-level activation and rely mainly on the Nighttime Entertainment Uses at One Maritime Plaza to activate the upper level at night. The adjacent Embarcadero Center complex is currently undergoing renovations that make access to the top floor movie theater more difficult after hours, making the existing Nighttime Entertainment Uses at One Maritime Plaza even more critical to the public activation and overall safety and well-being of the surrounding area.

In addition to enlivening the area at night, Nighttime Entertainment Uses in the area of One Maritime Plaza are an important source of employment for City residents, providing at least 40 service-industry jobs, not including the individual talent bookings which number at least 300 paid gigs a year. In addition to generating nighttime foot traffic, the existing Nighttime Entertainment Uses in the One Maritime Plaza area attract an average of 180 people a night, who then patronize the limited number of restaurants and bars in the immediate downtown vicinity. Security guards for the nighttime venues augment the limited site staffing by One Maritime Plaza.

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