

[Planning Code - 900 Kearny Street Special Use District]

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2 **Ordinance amending the Planning Code to modify the 900 Kearny Street Special Use**
3 **District to allow an enclosed rooftop building addition with a restricted arts activities**
4 **use; affirming the Planning Department’s determination under the California**
5 **Environmental Quality Act; making findings of consistency with the General Plan, and**
6 **the eight priority policies of Planning Code, Section 101.1; and making findings of**
7 **public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

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.

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

16 Section 1. Environmental and Land Use Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
18 ordinance comply with the California Environmental Quality Act (California Public Resources
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
20 Supervisors in File No. ~~234006~~240260 and is incorporated herein by reference. The Board
21 affirms this determination.

22 (b) On ~~November 30~~May 2, 2023, the Planning Commission, in Resolution
23 No. ~~24453~~ 21553, adopted findings that the actions contemplated in this ordinance are
24 consistent, on balance, with the City’s General Plan and eight priority policies of Planning
25 Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution

1 is on file with the Clerk of the Board of Supervisors in File No. ~~234006~~240260, and is
2 incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. ~~21453~~ 21553, and the Board incorporates such
6 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
7 Supervisors in File No. ~~234006~~240260.

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9 Section 2. General Findings.

10 (a) The 900 Kearny Street Special Use District (SUD) is intended to facilitate reuse of
11 the property located at 900 Kearny Street. The property is located within the Chinatown
12 Community Business District, established in Planning Code Section 810, which prohibits
13 Non-Retail Professional Services uses on the first story and in the basement of buildings,
14 while allowing such uses on the second story and higher.

15 (b) The 900 Kearny Street SUD will ~~would~~ facilitate the reuse of the ground and
16 basement floors of 900 Kearny Street and exempt the site from the non-residential use size
17 limits and use size maximums under Sections 121.4 and 810 of the Planning Code. All other
18 applicable Planning Code provisions would continue to apply to the SUD. In the face of the
19 COVID-19 pandemic, commercial vacancy rates have risen to over 28% throughout the City.
20 These high vacancy rates have persisted, particularly in the area where 900 Kearny Street is
21 located, in the blocks generally at the intersection of Chinatown, North Beach, Jackson
22 Square, and the Financial District. The current restrictions applicable to Non-Retail
23 Professional Services uses within the Chinatown Community Business District exacerbate the
24 difficulty of building owners to support existing businesses and tenants, and to attract new
25 business and tenants.

1 (c) The 900 Kearny Street SUD will facilitate increasing the presence of arts in the
2 area by permitting Arts Activities Uses on all existing six floors of the building. In addition, the
3 SUD would allow a new rooftop structure to be occupied by an artist studio or other Arts
4 Activities Uses. The property owner and a well-known artist have agreed to install a large
5 mural on the building’s exterior, further identifying the building as a potential space for artists.
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7 Section 3. Article 2 of the Planning Code is hereby amended by revising Section
8 249.95, to read as follows:

9 **SEC. 249.95. 900 KEARNY STREET SPECIAL USE DISTRICT.**

10 (a) **Purpose.** The 900 Kearny Street Special Use District is intended to facilitate the
11 reuse of the ground and basement floors of 900 Kearny Street, which were previously
12 occupied by a Formula Retail Financial Services Use that vacated the space in 2021.

13 (b) **Location.** The 900 Kearny Street Special Use District consists of Assessor’s Block
14 0176, Lot 011. Its boundaries are shown on Special Use District Map SU01 of the Zoning
15 Map, and consists of the area within a perimeter established by Columbus Street to the east,
16 Jackson Street to the south, and Kearny Street to the west, and adjacent to the Sentinel
17 Building/Columbus Tower to the north.

18 (c) **Controls.** Applicable provisions of the Planning Code shall apply to the 900 Kearny
19 Street Special Use District except as otherwise provided in this Section 249.95. In the event of
20 a conflict between other provisions of the Planning Code and this Section, this Section shall
21 control.

22 (1) Non-Retail Professional Services Uses shall be permitted on all floors,
23 including the First Story and Basement.

24 (2) The non-residential use size limits and use size maximums in Sections
25 121.4 and 810 shall not apply to Non-Retail Professional Services Uses.

1 (3) Arts Activities Uses shall be permitted on all floors.

2 (4) A rooftop enclosed structure with a maximum floor area of 735 square
3 feet and a maximum height of 11 feet above the finished roof is permitted, provided it is
4 occupied exclusively by Arts Activities Uses.

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6 Section 4. Article 8 of the Planning Code is hereby amended by revising Section 810
7 to read as follows:

8 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

9 * * * *

10 **Table 810**

11 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

12 * * * *

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS		
Development Standards		
* * * *		
Use Size	§ 121.4	P up to 5,000 <u>2,500</u> sq. ft.; C 5,000 sq. ft. & above <u>2,501 to 5,000 sq. ft.</u> (1)
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23 Section 5. Formatting of Ordinance; Explanation of Fonts.

1 (a) On March 18, 2024, the Land Use and Transportation Committee of the Board of
2 Supervisors duplicated Board File No. 231006 to create Board File No. 240260. The
3 ordinance in File No. 231006 proceeded through the legislative process, was enacted as
4 Ordinance No. 60-24, and became effective in April 2024. The ordinance in File No. 240260 –
5 this ordinance – remained at the Land Use and Transportation Committee. This is the third
6 version of that ordinance.

7 (b) To clearly understand the proposed amendments to existing law contained in this
8 third version of this ordinance, the ordinance shows in “existing text” font (plain Arial) the law
9 currently in effect, as amended by Ordinance No. 60-24. This ordinance shows in “Board
10 amendment” font (double-underlined Arial for additions, and strikethrough Arial for deletions)
11 amendments to existing law. This ordinance also shows in “Board amendment” font all
12 amendments to this ordinance made after the file was duplicated, including amendments
13 approved to earlier versions of this ordinance in the Board File 240260. This ordinance omits
14 sections of the law currently in effect that are not being amended by this ordinance and were
15 not proposed for amendments in earlier versions of this ordinance in the Board File 240260.

16 (c) This third version of the ordinance also includes new short and long titles that
17 describe the ordinance, to reflect changes in existing law. These new titles replace the short
18 and long titles in the previous two versions of the ordinance, which had included references to
19 the amendments that became effective with the enactment of Ordinance No. 60-24.

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21 Section 6. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor’s veto of the ordinance.

1 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

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8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

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10 By: /s/ HEATHER GOODMAN
11 HEATHER GOODMAN
12 Deputy City Attorney

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