

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: March 18, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Re-Referral - File No. 240260 – Version 2  
Planning Code, Zoning Map - 900 Kearny Street Special Use District, Use Sizes in  
Chinatown Community Business District

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure
  
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - General Plan     Planning Code, Section 101.1     Planning Code, Section 302
  
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
  
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
  
- Historic Preservation Commission
  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

1 [Planning Code, Zoning Map - 900 Kearny Street Special Use District, Use Sizes in  
2 Chinatown Community Business District]

3 **Ordinance amending the Planning Code and Zoning Map to create the 900 Kearny**  
4 **Street Special Use District; amending the Planning Code to clarify the Use Size**  
5 **maximums applicable in the Chinatown Community Business District; and affirming**  
6 **the Planning Department’s determination under the California Environmental Quality**  
7 **Act, making findings of consistency with the General Plan and the eight priority**  
8 **policies of Planning Code, Section 101.1, and making findings of public necessity,**  
9 **convenience, and welfare pursuant to Planning Code, Section 302.**

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

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

18 Section 1. Environmental and Land Use Findings.

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

24 (b) On \_\_\_\_\_, 2024, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
3 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference. In addition,  
4 the Board finds that the 900 Kearny Street SUD is consistent with the General Plan because  
5 the Chinatown Area Plan, in which it is located, identifies Kearny Street as an area for  
6 potential office development, in furtherance of plan objectives and policies. Objective 6 of the  
7 plan ("Retain Chinatown's Role as a Capital City") provides that "Chinatown functions as a  
8 capital city and center of civic, religious and political organization, as well as a specialized  
9 shopping area for the larger Chinese population of the Bay Area." Policy 6.2 of the plan  
10 ("Provide for modest expansion of community business offices related to Capital City role")  
11 specifically states that, "Kearny Street and vicinity have more potential for added office  
12 development than other parts of Chinatown." The 900 Kearny Street SUD will ~~would~~ allow  
13 Non-Retail Professional Services uses to utilize vacant space and provide for the modest  
14 expansion of community business uses consistent with planning goals, while expanding the  
15 scope of tenants that may occupy the site. In addition, the 900 Kearny Street SUD will further  
16 the City's goal of facilitating economic diversification and revitalization by expanding the scope  
17 of uses permitted at 900 Kearny Street.

18 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
19 amendments will serve the public necessity, convenience, and welfare for the reasons set  
20 forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such  
21 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of  
22 Supervisors in File No. \_\_\_\_\_.

23

24 Section 2. General Findings.

25

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

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

17 (c) The 900 Kearny Street SUD will facilitate increasing the presence of arts in the  
18 area by permitting Arts Activities Uses on all existing six floors of the building. In addition, the  
19 SUD would allow a new rooftop structure to be occupied by an artist studio or other Arts  
20 Activities Uses. The property owner and a well-known artist have agreed to install a large  
21 mural on the building's exterior, further identifying the building as a potential space for artists.

22  
23 Section 3. Article 2 of the Planning Code is hereby amended by adding Section  
24 249.95, to read as follows:

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

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

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

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

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

13            (2) The non-residential use size limits and use size maximums in Sections 121.4 and  
14 810 shall not apply to Non-Retail Professional Services Uses.

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

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

19  
20            Section 4. Zoning Map. The Planning Code is hereby amended by revising Special  
21 Use District Map SU01 of the Zoning Map of the City and County of San Francisco, as follows:

22

| Description of Property        | Special Use District Hereby Approved |
|--------------------------------|--------------------------------------|
| Assessor’s Block 0176, Lot 011 | 900 Kearny Street                    |

23  
24  
25

1 Section 5. Article 8 of the Planning Code is hereby amended by revising Section 810  
2 to read as follows:

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

4 \* \* \* \*

5 **Table 810**

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

7 \* \* \* \*

| Zoning Category                  | § References | Controls  |
|----------------------------------|--------------|---|
| <b>NON-RESIDENTIAL STANDARDS</b> |              |   |
| <b>Development Standards</b>     |              |   |
| * * * *                          |              |   |
| Use Size                         | § 121.4      | P up to <del>5,000</del> <u>2,500</u> sq. ft.; C <del>5,000</del> sq. ft. & above <u>2,501 to 5,000</u> sq. ft. (1) |
| * * * *                          |              |   |

14 \* \* \* \*

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

20 APPROVED AS TO FORM:  
21 DAVID CHIU, City Attorney

22 By: /s/ HEATHER GOODMAN  
23 HEATHER GOODMAN  
24 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**  
*(Amended in Committee – March 18, 2024)*

[Planning Code, Zoning Map - 900 Kearny Street Special Use District, Use Sizes in Chinatown Community Business District]

**Ordinance amending the Planning Code and Zoning Map to create the 900 Kearny Street Special Use District; amending the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District; and affirming the Planning Department’s determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302**

Existing Law

The existing commercial building located at 900 Kearny Street is subject to the land use regulations applicable to the Chinatown Community Business District, including Planning Code Sections 121.4 and 810. In the Chinatown Community Business District, Non-Retail Professional Services Uses are not permitted on the ground floor or basement levels, and Arts Activities Uses are not permitted on any floor. Additionally, use sizes for individual commercial spaces are limited. Planning Code Section 121.4 provides that use sizes up to 2,500 square feet are permitted, use sizes above 2,500 square feet and up to 5,000 square feet require conditional use authorization, and use sizes above 5,000 square feet are not permitted. Planning Code Section 810 provides that use sizes up to 5,000 square feet are permitted and use sizes above 5,000 square feet require conditional use authorization.

Amendments to Current Law

This ordinance would create the 900 Kearny Street Special Use District (SUD) to provide land use regulations for the parcel located at 900 Kearny Street that differ from the regulations that would otherwise apply. The SUD would permit Non-Retail Professional Services Uses on the ground floor and basement levels, and Arts Activities Uses on all floors. The SUD would also allow larger individual use sizes by providing that the use size limits and maximums otherwise applicable in the Chinatown Community Business District do not apply for Non-Retail Professional Services Uses. The SUD would also allow a rooftop enclosed structure of up to 735 square feet in floor area and up to 11 feet high for Arts Activities Uses. All other ordinances applicable to the 900 Kearny Street property, including other requirements of the Chinatown Community Business District, would continue to apply. In addition, this ordinance would revise Planning Code Section 810 to align the use size maximums with those provided in Section 121.4. At the March 18, 2024 Land Use and Transportation Committee meeting, this ordinance was duplicated from Board File No. 231006 and amended to add the rooftop structure provision and the amendments to Section 810 discussed above.

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