



May 3, 2024

Ms. Angela Calvillo, Clerk
Honorable Supervisor Peskin
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2024-002495PCA:
900 Kearny Street Special Use District
Board File No. 240260

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Peskin,

On May 2, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Peskin that would amend the 900 Kearny Street Special Use District by adding a new height exemption and amend the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Technical clarification on the proposed rooftop enclosed structure as described under "Anticipated Amendments" of the Planning Department staff report.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Flores', with a long horizontal stroke extending to the right.

Veronica Flores for Aaron D. Starr
Manager of Legislative Affairs

cc: Heather Goodman, Deputy City Attorney
Sunny Angulo, Aide to Supervisor Peskin
John Carroll, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21553

HEARING DATE: May 2, 2024

Project Name: 900 Kearny Street Special Use District, Use Sizes in Chinatown Community Business District
Case Number: 2024-002495PCA [Board File No. 240260]
Initiated by: Supervisor Chan / Introduced March 4, 2024
Staff Contact: Veronica Flores, Legislative Affairs
veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, (628) 652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE 900 KEARNY STREET SPECIAL USE DISTRICT BY ADDING A NEW HEIGHT EXEMPTION; AMEND THE PLANNING CODE TO CLARIFY THE USE SIZE MAXIMUMS APPLICABLE IN THE CHINATOWN COMMUNITY BUSINESS DISTRICT; AND AFFIRM 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.

WHEREAS, on March 18, 2024 Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 240260, which would amend the 900 Kearny Street Special Use District by adding a new height exemption and amend the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 2, 2024; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15060(c)(2) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation are as follows:

1. Technical clarification on the proposed rooftop enclosed structure as described under "Anticipated Amendments" of the staff report.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance will allow for an Artist in Residence program within the 900 Kearny Street SUD.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

ARTS ELEMENT

OBJECTIVE I-1

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

Policy I-1.3

Increase public awareness of the arts in San Francisco by greater promotion of existing art programs and services in the community and schools.

OBJECTIVE IV-1

ADVOCATE AND ASSIST IN PROVIDING ARTS EDUCATION PROGRAMMING AT ALL LEVELS.

Policy IV-1.1

Advocate for arts education opportunities for all residents of San Francisco.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

CHINATOWN AREA PLAN

OBJECTIVE 6

RETAIN CHINATOWN'S ROLE AS A CAPITAL CITY.

Policy 6.2

Provide for modest expansion of community business offices related to Capital City role.

The proposed Ordinance would allow an arts studio or other Arts Activity Uses on rooftop. This new opportunity supports the Arts Element goals of recognizing arts as necessary to the quality of life for all San Franciscans. Additionally, the proposed Ordinance provides more flexibility to attract new businesses to the neighborhood as outlined in the Commerce and Industry Element. Further, the proposed Ordinance supports Chinatown Area Plan Policy 6.2 by providing a modest relaxation of existing controls to allow for compatible uses along Kearny Street.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their

access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 2, 2024.



Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2024.05.02 15:43:20 -07'00'

Jonas P. Ionin
Commission Secretary

AYES: Williams, Braun, Imperial, Koppel, Moore, Diamond

NOES: None

ABSENT: None

ADOPTED: May 2, 2024

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EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: May 2, 2024

90-Day Deadline: June 17, 2024

Project Name: 900 Kearny Street Special Use District, Use Sizes in Chinatown Community Business District
Case Number: 2024-002495PCA [Board File No. 240260]
Initiated by: Supervisor Peskin / Introduced March 18, 2024
Staff Contact: Veronica Flores, Legislative Affairs
 veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, (628) 652-7533
Environmental Review: Not a Project Under CEQA

Recommendation: Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the 900 Kearny Street Special Use District (SUD) by adding a new height exemption and amending the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District.

The Way It Is Now:

900 Kearny Street has a 65-N Height/Bulk district. Buildings may not exceed 65 feet in height, except for certain permitted height exemptions.

The Way It Would Be:

The 900 Kearny Street SUD would be amended to allow a rooftop enclosed structure with a maximum floor area of 735 square feet and a maximum height of 11 feet above the finished roof, provided it is occupied exclusively by Arts Activities Uses.

Anticipated Amendments

The Department reached out to Supervisor Peskin's office with one minor clarifying amendment to refine the proposed Ordinance. The amendment is technical in nature and still meets the intent of the Ordinance.

The full Ordinance is included as Exhibit B. An excerpt from proposed Ordinance (page 4, lines 16-18) is included below for quick reference:

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

Proposed language:

An enclosed building addition is permitted at the roof level provided it is 1) no more than 735 square feet, 2) no more than 11 feet above the finished roof, and 3) only occupied as an Arts Activities Use, subject to the following provisions. Such a building addition is permitted notwithstanding the bulk limits of Section 270, the sun access requirements of Section 132.3, the height limit exemptions for the features specified in Section 260(b), and the limit on the horizontal area for the features specified in Section 260(b)(1). However, such a building addition shall be included in the calculations of the horizontal area for any other proposed building additions or features to determine if other such additions or features meet applicable Code requirements.

Supervisor Peskin intends to introduce this amendment when this is scheduled for the Land Use and Transportation Committee (LUTC) hearing after the Planning Commission. It is a refinement of the proposed language to make it abundantly clear the proposed rooftop arts studio is not subject to the other Code requirements such as bulk or sun place access.

Background

The property owner of 900 Kearny Street approached Supervisor Peskin with concerns about the challenges they were facing filling the ground floor vacancy. This commercial space was formerly occupied by a Formula Retail Financial Services Use (d.b.a EastWest Bank) that vacated the space in 2021. Supervisor Peskin introduced the 900 Kearny Street SUD Ordinance to provide more flexibility in terms of permitted Uses and allowable Use Size limits to assist the property owner in finding a new tenant(s).¹ This item was heard at the Planning Commission's November 30, 2023, regularly scheduled meeting. At the hearing, the Commission commended the proposal for being clear and supported the Ordinance unanimously. The Commission recommended approval with one technical amendment as follows:

Revise Section 810 (Chinatown-Community Business District) to make it consistent with the Use Size limitations in Section 121.4.

The Ordinance appeared before the LUTC on March 18, 2024. During the hearing, the Ordinance was duplicated and amended to allow for an enclosed roof structure dedicated to an Arts Activity. The original Ordinance

¹ [Ordinance No. 60-24](#).

establishing the SUD was then forwarded to the Board of Supervisors (BOS) with a positive recommendation. This duplicate Ordinance also incorporates Planning Commission's recommended modification from November 30, 2023 to make the Use Size limits consistent.

Issues and Considerations

Supporting the Arts

The 900 Kearny Street SUD supports arts by allowing Arts Activity Uses all on floors. The intent of the SUD is to provide a space that allows more opportunities for artists to hone their skills in mediums such as painting, small-scale glassworks, and photography. Additionally, the SUD supports live performances or artist exhibitions. This proposed Ordinance expands on this goal by allowing an enclosed rooftop structure dedicated to Arts Activity Uses. The project sponsor intends to use the new rooftop structure for an artist in residence program. In addition to art activities happening on the inside of the building, the developer also has plans to feature a mural by local artist, Jeremy Fisher, on the exterior of the building. This further supports the arts by showcasing a local artist and increasing an arts presence at the property.

Permitted Height Exemptions

Section 260(b) includes exemptions to the permitted height limit. Some examples include mechanical equipment, stair penthouses for emergency stairs, parapets, and chimneys. Section 260(b) also limits the combination of these height exemptions to 30% of the roof area. The proposed Ordinance seeks to add a height exemption that is currently not allowed under Section 260(b) to the SUD. Additionally, the draft language in "Anticipated Amendments" would allow the proposed rooftop enclosure to exceed the maximum 30% of rooftop coverage; however, the draft language ensures that the rooftop enclosure is included in the 30% calculation if any additional additions or features are proposed in the future.

Nonconforming Massing

The existing building at 900 Kearny Street is a legal-noncomplying structure because it does not have setbacks required for taller buildings in this district. The property has a Height/Bulk District of 65-N. This means that building massing above 40 feet in height is limited to a maximum length of 50 feet and a maximum diagonal of 100 feet. The existing building's massing may remain in perpetuity if it is not intensified or enlarged. As the building is legal non-complying, the proposed Ordinance seeks an exemption from the Height/Bulk requirements to allow the proposed rooftop appurtenance.

Shadow Analysis

Chinatown zoning districts have specific requirements intended to preserve as much sunlight as possible on public sidewalks with high pedestrian use. These requirements are outlined in Section 132.3. This proposed Ordinance would waive these requirements as the proposed rooftop structure is minimal in nature; however, the proposed Ordinance cannot waive the Section 295 Shadow Analysis because it was passed as a voter initiative under 1984's Proposition K (Prop. K). Prop. K was in response to growing concern about shadow impacts of buildings taller than 40-foot on the city's open spaces. This includes properties under the jurisdiction of, or designated to be acquired by, the Recreation and Parks Department. Section 295 requires the Planning

Commission to make a finding that any shadow cast on Recreation and Park Department property is insignificant. As this was passed under a ballot initiative, the Board of Supervisors cannot waive the requirement.

The 900 Kearny Street SUD is located within one-quarter of a mile of Portsmouth Square and would thus require a shadow analysis under Prop. K; however, due to the topography and taller buildings in the vicinity, staff does not believe that the proposed enclosed rooftop structure will have a shadow impact on the park.

General Plan Compliance

The proposed Ordinance would allow an arts studio or other Arts Activity Uses on rooftop. This new opportunity supports the Arts Element goals of recognizing arts as necessary to the quality of life for all San Franciscans. Additionally, the proposed Ordinance provides more flexibility to attract new businesses to the neighborhood as outlined in the Commerce and Industry Element. Further, the proposed Ordinance supports Chinatown Area Plan Policy 6.2 by providing a modest relaxation of existing controls to allow for compatible uses along Kearny Street.

Racial and Social Equity Analysis

The proposed amendments cannot be directly tied to a negative or positive impact in advancing the City's racial and social equity. There is not enough data to support the claim for the small number of businesses that it will affect.

Implementation

The Department has determined that this Ordinance will not impact our current implementation procedures.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendation is as follows:

1. Technical clarification on the proposed rooftop enclosed structure as described under "Anticipated Amendments."

Basis for Recommendation

The Department endorses the proposed Ordinance because it supports arts activity and will facilitate a local artist in residence program in the SUD. Additionally, the developer has identified a well-known artist to install a large mural on the building's exterior, further embracing this building as an arts activity hub. To further clarify the allowances and limits intended in the Ordinance, the sponsor is proposing amendments that are detailed above in under "Anticipated Amendments." These amendments were drafted by the Planning Department in collaboration with the City Attorney's Office. They do not substantively impact the sponsor's original intent. Therefore, the Department recommends the Planning Commission approve the proposed Ordinance with modification as described under "Anticipated Amendments".

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Sections 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 240260
- Exhibit C: Preliminary Plans

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PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: May 2, 2024

Project Name: 900 Kearny Street Special Use District, Use Sizes in Chinatown Community Business District
Case Number: 2024-002495PCA [Board File No. 240260]
Initiated by: Supervisor Chan / Introduced March 4, 2024
Staff Contact: Veronica Flores, Legislative Affairs
veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
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RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE 900 KEARNY STREET SPECIAL USE DISTRICT BY ADDING A NEW HEIGHT EXEMPTION; AMEND THE PLANNING CODE TO CLARIFY THE USE SIZE MAXIMUMS APPLICABLE IN THE CHINATOWN COMMUNITY BUSINESS DISTRICT; AND AFFIRM 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.

WHEREAS, on March 18, 2024 Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 240260, which would amend the 900 Kearny Street Special Use District by adding a new height exemption and amend the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 2, 2024; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15060(c)(2) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendation are as follows:

1. Technical clarification on the proposed rooftop enclosed structure as described under "Anticipated Amendments."

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance will allow for an Artist in Residence program within the 900 Kearny Street SUD.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

ARTS ELEMENT

OBJECTIVE I-1

RECOGNIZE THE ARTS AS NECESSARY TO THE QUALITY OF LIFE FOR ALL SEGMENTS OF SAN FRANCISCO.

Policy I-1.3

Increase public awareness of the arts in San Francisco by greater promotion of existing art programs and services in the community and schools.

OBJECTIVE IV-1

ADVOCATE AND ASSIST IN PROVIDING ARTS EDUCATION PROGRAMMING AT ALL LEVELS.

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Advocate for arts education opportunities for all residents of San Francisco.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

CHINATOWN AREA PLAN

OBJECTIVE 6

RETAIN CHINATOWN'S ROLE AS A CAPITAL CITY.

Policy 6.2

Provide for modest expansion of community business offices related to Capital City role.

The proposed Ordinance would allow an arts studio or other Arts Activity Uses on rooftop. This new opportunity supports the Arts Element goals of recognizing arts as necessary to the quality of life for all San Franciscans. Additionally, the proposed Ordinance provides more flexibility to attract new businesses to the neighborhood as outlined in the Commerce and Industry Element. Further, the proposed Ordinance supports Chinatown Area Plan Policy 6.2 by providing a modest relaxation of existing controls to allow for compatible uses along Kearny Street.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic

buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 2, 2024

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: May 2, 2024

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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. 240260 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

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
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. (1)</u>
* * * *		

14 * * * *

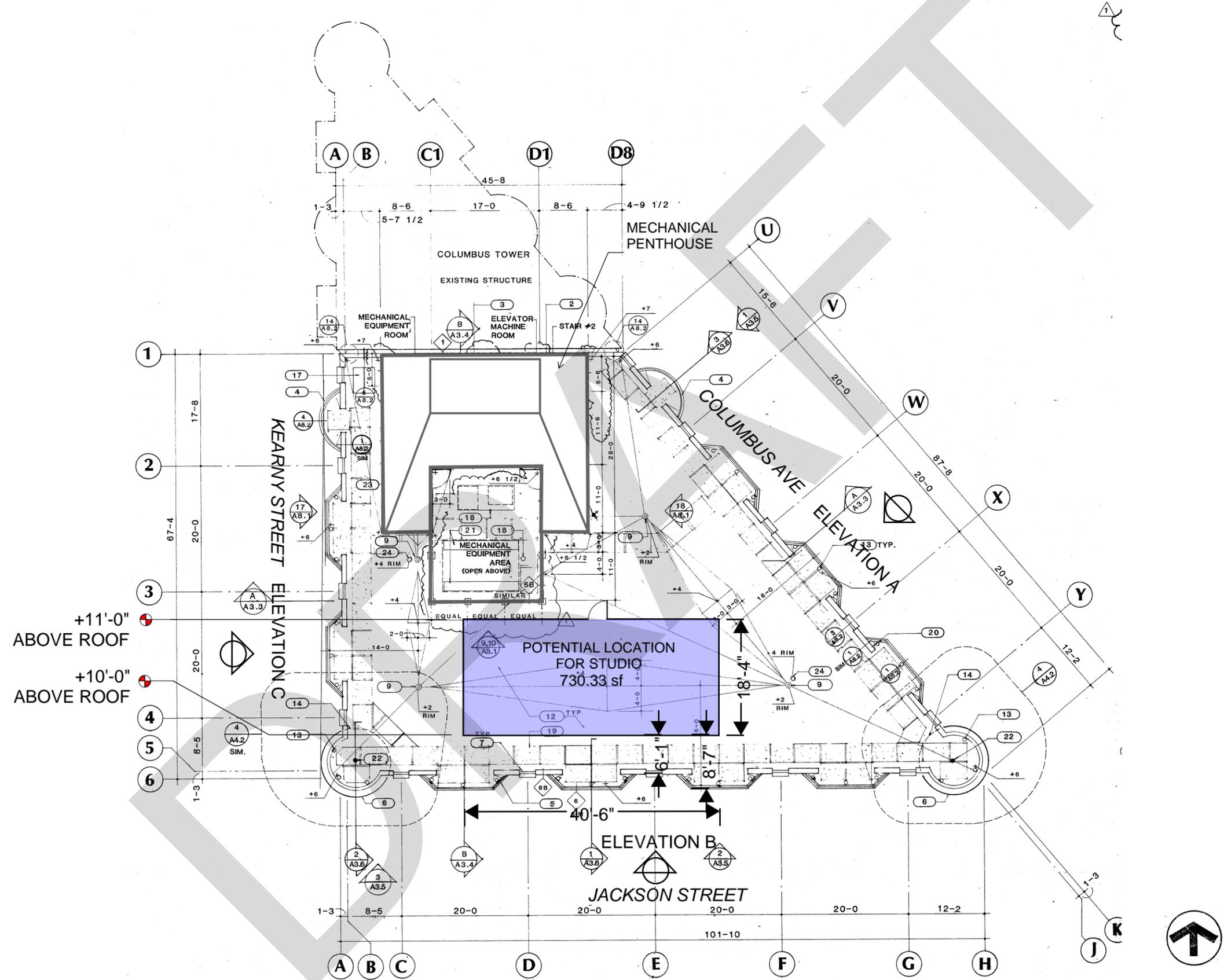
15 Section 6. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the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

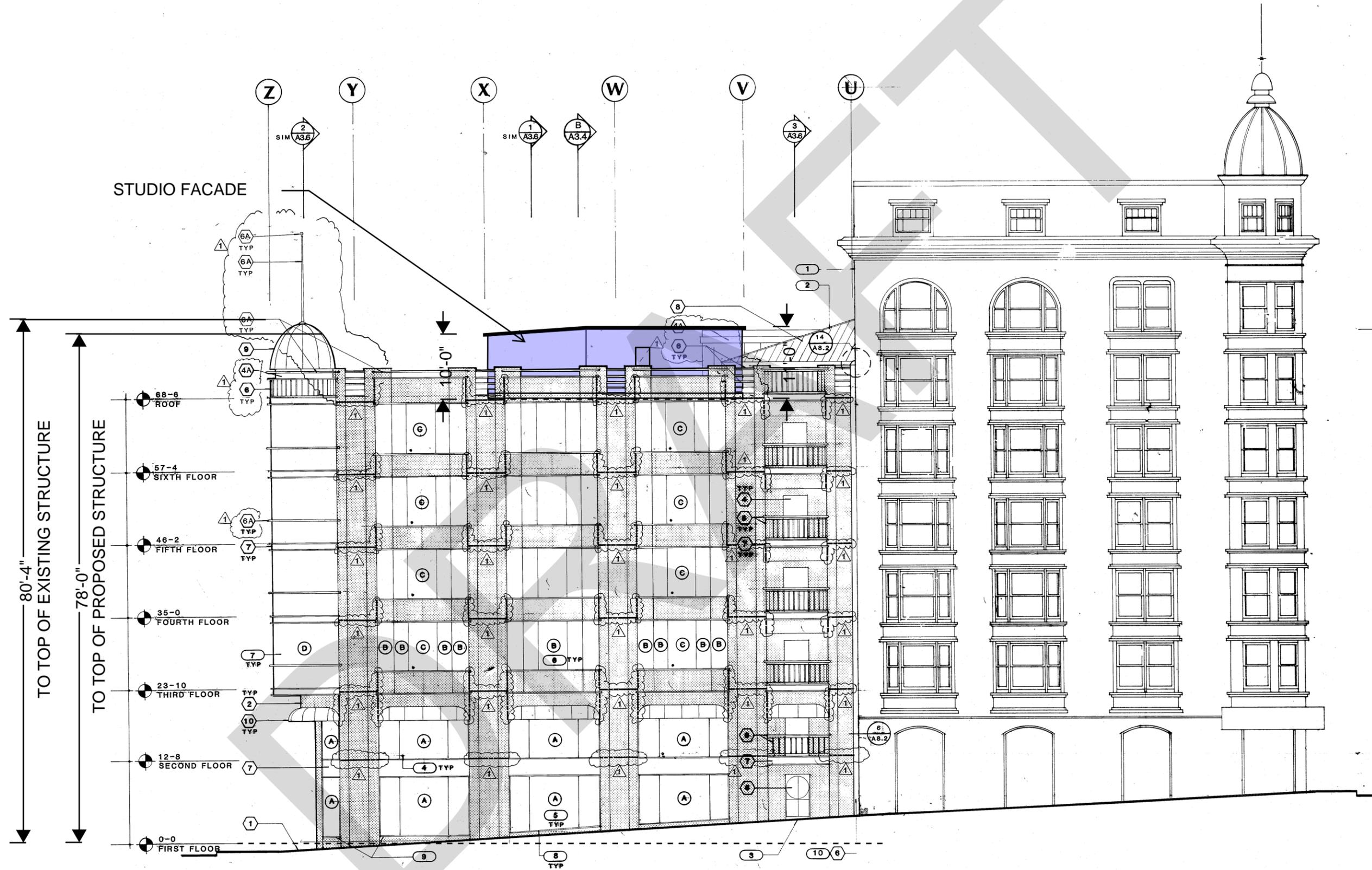
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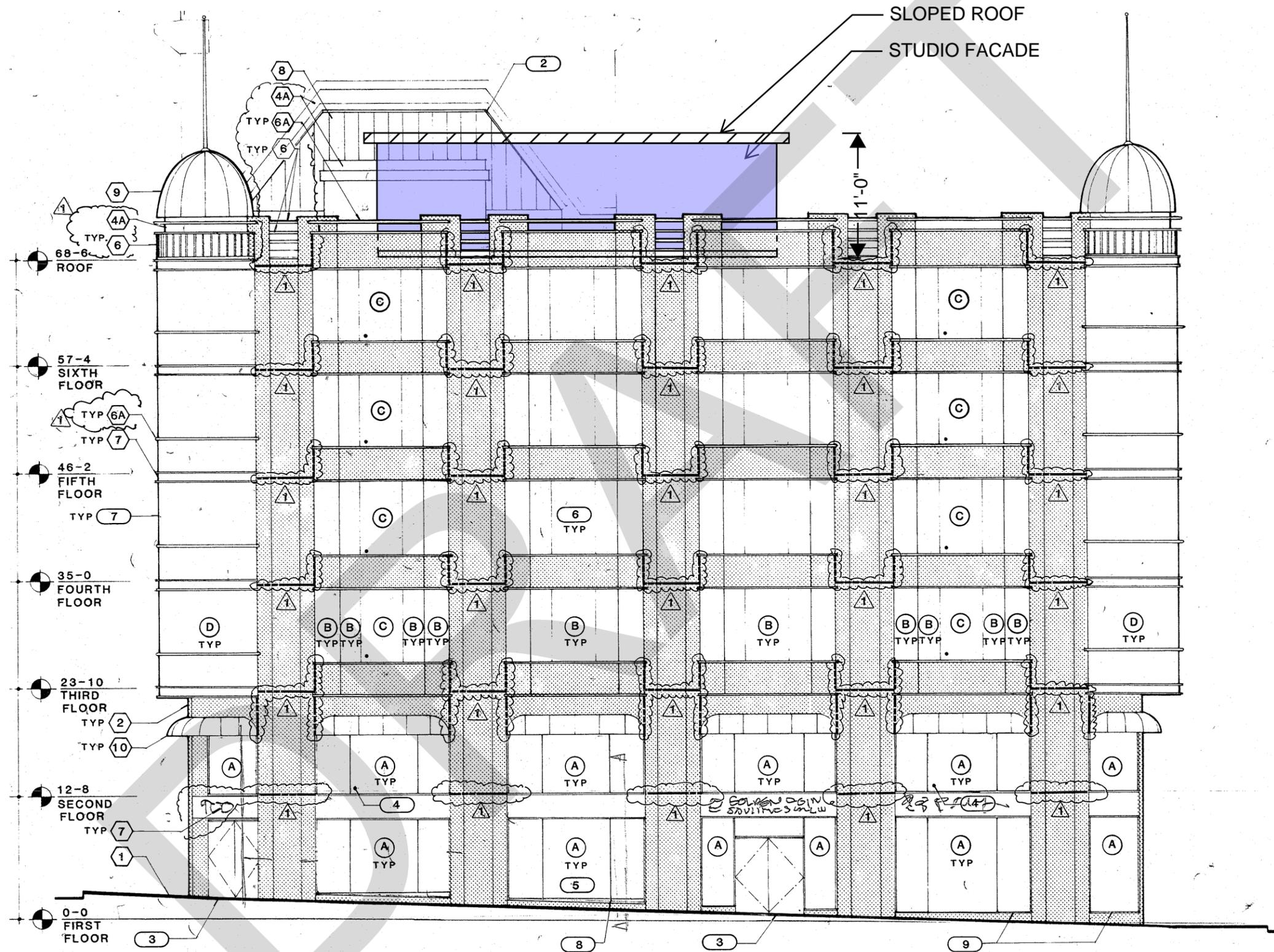


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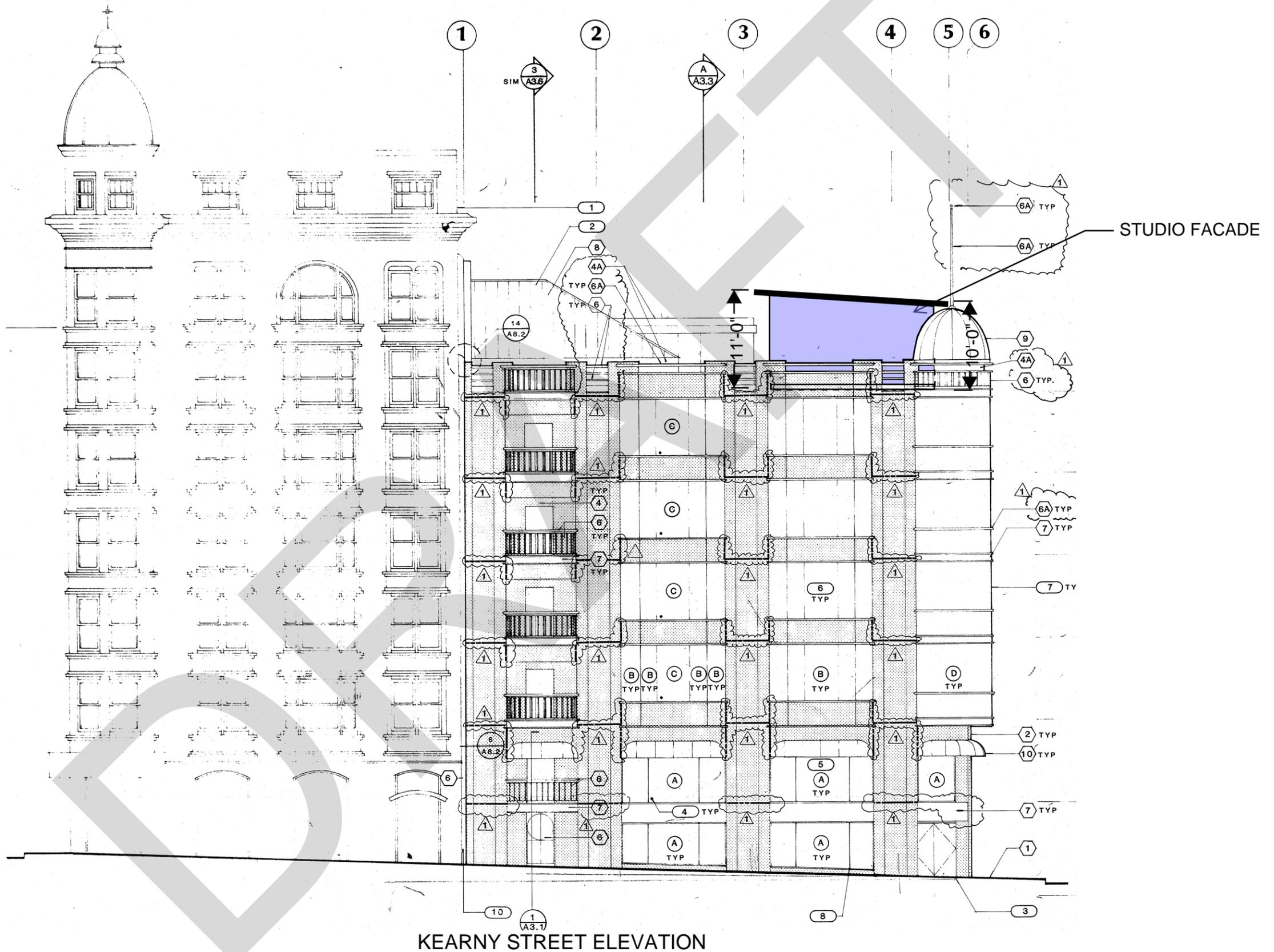
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COLUMBUS AVENUE ELEVATION



JACKSON STREET ELEVATION



KEARNY STREET ELEVATION