

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

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

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

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

19 Section 1. Environmental and Land Use Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. ~~234006~~240260 and is incorporated herein by reference. The Board
24 affirms this determination.
25

1 (b) On ~~November 30~~May 2, 2023, the Planning Commission, in Resolution No. ~~21453~~
2 21553, adopted findings that the actions contemplated in this ordinance are consistent, on
3 balance, with the City's General Plan and eight priority policies of Planning Code Section
4 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with
5 the Clerk of the Board of Supervisors in File No. ~~231006~~240260, and is incorporated herein by
6 reference.

7 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
8 amendments will serve the public necessity, convenience, and welfare for the reasons set
9 forth in Planning Commission Resolution No. ~~21453~~21553, and the Board incorporates such
10 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
11 Supervisors in File No. ~~231006~~240260.

12
13 Section 2. General Findings.

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

19 (b) The 900 Kearny Street SUD will ~~would~~ facilitate the reuse of the ground and
20 basement floors of 900 Kearny Street and exempt the site from the non-residential use size
21 limits and use size maximums under Sections 121.4 and 810 of the Planning Code. All other
22 applicable Planning Code provisions would continue to apply to the SUD. In the face of the
23 COVID-19 pandemic, commercial vacancy rates have risen to over 28% throughout the City.
24 These high vacancy rates have persisted, particularly in the area where 900 Kearny Street is
25 located, in the blocks generally at the intersection of Chinatown, North Beach, Jackson

1 Square, and the Financial District. The current restrictions applicable to Non-Retail
2 Professional Services uses within the Chinatown Community Business District exacerbate the
3 difficulty of building owners to support existing businesses and tenants, and to attract new
4 business and tenants.

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

10
11 Section 3. Article 2 of the Planning Code is hereby amended by revising Section
12 249.95, to read as follows:

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

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

17 (b) **Location.** The 900 Kearny Street Special Use District consists of Assessor's Block
18 0176, Lot 011. Its boundaries are shown on Special Use District Map SU01 of the Zoning
19 Map, and consists of the area within a perimeter established by Columbus Street to the east,
20 Jackson Street to the south, and Kearny Street to the west, and adjacent to the Sentinel
21 Building/Columbus Tower to the north.

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

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

3 (2) The non-residential use size limits and use size maximums in Sections
4 121.4 and 810 shall not apply to Non-Retail Professional Services Uses.

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

6 ~~(4) A rooftop enclosed structure with a maximum floor area of 735 square~~
7 ~~feet and a maximum height of 11 feet above the finished roof is permitted, provided it is~~
8 ~~occupied exclusively by Arts Activities Uses. An enclosed building addition is permitted at the~~
9 ~~roof level provided it is 1) no more than 735 square feet, 2) no more than 11 feet above the~~
10 ~~finished roof, and 3) only occupied as an Arts Activities Use, subject to the following~~
11 ~~provisions. Such a building addition is permitted notwithstanding the bulk limits of Section 270,~~
12 ~~the sun access requirements of Section 132.3, the height limit exemptions for the features~~
13 ~~specified in Section 260(b), and the limit on the horizontal area for the features specified in~~
14 ~~Section 260(b)(1). However, such a building addition shall be included in the calculations of~~
15 ~~the horizontal area for any other proposed building additions or features to determine if other~~
16 ~~such additions or features meet applicable Code requirements.~~

17
18 Section 4. Article 8 of the Planning Code is hereby amended by revising Section 810
19 to read as follows:

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

21 * * * *

22 **Table 810**

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

24 * * * *

25

| 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) |
| * * * * | | |

* * * *

Section 5. Formatting of Ordinance; Explanation of Fonts.

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

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

1 (c) This ~~third~~fourth version of the ordinance also includes new short and long titles that
2 describe the ordinance, to reflect changes in existing law. These new titles replace the short
3 and long titles in the ~~previous~~first two versions of the ordinance, which had included
4 references to the amendments that became effective with the enactment of Ordinance No.
5 60-24.

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

11
12 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

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

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