

REVISED LEGISLATIVE DIGEST
(Substituted by City Attorney – May 1, 2024)

[Planning Code - 900 Kearny Street Special Use District]

Ordinance amending the Planning Code to modify the 900 Kearny Street Special Use District to allow an enclosed rooftop building addition with a restricted arts activities use; 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 Board of Supervisors created the 900 Kearny Street Special Use District (SUD) via Ordinance No. 60-24, in Board File No. 231006, which became effective in April 2024. The SUD provides land use regulations for the parcel located at 900 Kearny Street that differ from the regulations that would otherwise apply. The SUD permits Non-Retail Professional Services Uses on the ground floor and basement levels, and Arts Activities Uses on all floors. The SUD also allows 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. All other ordinances applicable to the 900 Kearny Street property, including other requirements of the Chinatown Community Business District, would continue to apply.

There are no specific provisions in the SUD regarding rooftop structures. Other existing provisions of the Planning Code limit rooftop structures by restricting their bulk, height, and impact on sun access.

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 amend the SUD to allow an enclosed building addition at the roof level up to 735 square feet in floor area and 11 feet in height that is restricted to Arts Activities Uses.

In addition, this ordinance would revise Planning Code Section 810 to align the use size maximums with those provided in Section 121.4.

Background

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. The ordinance in File No. 231006 proceeded through the legislative process, was enacted as Ordinance No. 60-24, and became effective in April 2024.

Because the ordinance creating the SUD in Board File No. 231006 is now effective, this ordinance was updated to reflect that new law. Accordingly, this ordinance omits sections of the law currently in effect that are not being amended by this ordinance. Of note, the Zoning Map amendment adopted via the Ordinance No. 60-24 is omitted from this ordinance, as it is existing law not being modified by this ordinance. An detailed explanatory note is included in the ordinance in this Board File No. 240260 as a new Section 5.

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