

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing and Community Development

FROM: *ll* Alisa Somera, Legislative Deputy Director  
*for* Land Use and Transportation Committee

DATE: October 13, 2016

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Kim on October 4, 2016:

**File No. 161067**

**Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Eugene Flannery, Mayor's Office of Housing and Community Development  
Sophie Hayward, Mayor's Office of Housing and Community Development

1 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]

2  
3 **Ordinance amending the Planning Code to add Section 249.15 to create the Mission**  
4 **and 9th Street Special Use District in the area generally bounded by Mission Street on**  
5 **the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23,**  
6 **and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north;**  
7 **amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use**  
8 **District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's**  
9 **Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning**  
10 **Department's determination under the California Environmental Quality Act; and**  
11 **making findings of consistency with the General Plan, and the eight priority policies of**  
12 **Planning Code, Section 101.1.**

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

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

21 Section 1.

22 (a) On August 24, 2016, the Planning Department's Environmental Review Officer  
23 finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Street Project,  
24 including a General Plan Amendment, and these Planning Code and Zoning Map  
25 Amendments, and determined that the MND was adequate, accurate and complete and  
reflected the independent judgment of the Planning Department. A copy of the MND and this  
Determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is

1 incorporated herein by reference. At the same hearing, the Planning Commission adopted  
2 the MND and a Mitigation Monitoring and Reporting Program in its Resolution No \_\_\_\_\_ on  
3 \_\_\_\_\_. In accordance with the actions contemplated herein, this Board has reviewed  
4 the MND and the record as a whole, and adopts and incorporates by reference, as though  
5 fully set forth herein, the findings, including the Mitigation Monitoring and Reporting Program,  
6 pursuant to the California Environmental Quality Act (California Public Resources Code  
7 Section 21000 et seq.), adopted by the Planning Commission on \_\_\_\_\_, in Resolution  
8 No. \_\_\_\_\_. A copy of said Resolution No. \_\_\_\_\_ is on file with the Clerk of the Board  
9 of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Planning  
10 Department, Jonas Ionin, is the custodian of records, located in File No.2014.0926ENV, at  
11 1650 Mission Street, Fourth Floor, San Francisco, California.

12 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
13 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
14 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
15 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
16 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

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

23 Section 2. The Planning Code is hereby amended by adding Section 249.15 to read as  
24 follows:

25 **Sec. 249.15 Mission and 9th Street Special Use District**

1           (a) In order to provide for a mixed use development project on the Mission Street transit  
2 corridor with ground floor retail, and an increased amount and unique combination of very-low, low,  
3 moderate, and market rate rental housing than what would otherwise be allowed in a C-3-G zoning  
4 district with a 120-X height limit, there shall be a Mission and 9th Street Special Use District at 1270  
5 Mission Street located at Lots 20 and 21 of Assessor's Block 3701, as designated on Sectional Map  
6 SU07 of the Zoning Map. The exceptions to the applicable open space and floor area ratio  
7 requirements set forth below, the rezoning of the applicable height district set forth in this ordinance  
8 number \_\_\_\_\_, and the resulting increased number of Dwelling Units allowed by the SUD, shall be  
9 considered forms of assistance specified in Chapter 4.3 of the California Government Code.

10           (b) Controls. All provisions of the Planning Code applicable to a C-3-G District shall apply  
11 except as otherwise provided in this Section.

12           (1) Inclusionary Housing Requirements For Buildings Taller than 120 Feet. In  
13 order to allow for the increased amount of Dwelling Units and other exceptions to the Code provided  
14 by this Special Use District, on-site inclusionary Dwelling Units pursuant to Planning Code Section  
15 415.6 shall be required. Notwithstanding the provisions of Section 415.6(a)(1) and (2), the number of  
16 inclusionary Dwelling Units constructed shall be 21.5% of all units constructed, with a minimum of  
17 13.5% affordable to households whose total household income does not exceed 55% of Area Median  
18 Income for purposes of renting an affordable unit; and 4% of the units affordable to low income  
19 households, defined in this subsection as households whose total household income does not exceed  
20 70% of Area Median Income for purposes of renting an affordable unit; and 4% of the units affordable  
21 to households earning 90% of Area Median Income for purposes of renting an affordable unit. If  
22 provided as rental units, the requirements of Section 415.5(g)(ii) shall apply. Except as expressly  
23 provided in this subsection, all other provisions of Section 415 shall apply.

24           (2) Inclusionary Housing Requirements For Buildings Less Than or Equal to 120  
25 Feet. Section 415 shall apply in its entirety.

1                   (3) Open Space for Dwelling Units. Up to 40 percent of the usable open space  
2 required by Section 135 may be provided off-site, but shall be located within the SUD or within 900 feet  
3 of the boundaries of the SUD. Open space must be of one or more of the following types:

4                   (A) An unenclosed plaza at street grade, with seating areas and landscaping:

5                   (B) A terrace or roof garden with landscaping:

6                   (C) Streetscape improvements with landscaping and pedestrian amenities  
7 that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or  
8 building setbacks; or

9                   (D) Streetscape improvements with landscaping and pedestrian amenities on  
10 alleyways from building face to building face, beyond basic street tree planting or street lighting as  
11 otherwise required by this or other Municipal Codes.

12                   (4) Floor Area Ratio. For projects that meet subsection (b)(1), the floor area ratio limits set  
13 forth in Sections 123 and 124 of this Code for C-3-G Districts shall not apply to Residential Uses as  
14 defined in Section 102. For all other projects, applicable floor area ratio limits shall apply.

15  
16                   Section 3. The Planning Code is hereby amended by revising Sheet SU07 of the  
17 Zoning Map as follows:

18

Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	C-3-G	Mission and 9th Street SUD

23  
24                   Section 4. The Planning Code is hereby amended by revising Sheet HT07 of the  
25 Zoning Map as follows:

Description of Property	Height/Bulk District to be Superseded	Height/Bulk District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	120-X	200-X

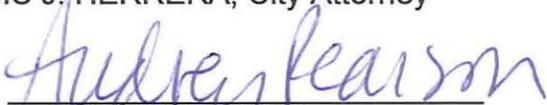
Section 5. Effective and Operative Date.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative upon its effective date or upon the effective date of the related General Plan Amendment contained in Board of Supervisors File No. \_\_\_\_\_, whichever occurs later. If the effective date of the related General Plan Amendment does not occur within 90 days of the effective date of this ordinance, this ordinance shall expire by operation of law.

Section 6. Sunset Provision. This ordinance shall expire by operation of law five years after its initial effective date unless the project described in Section 2 has received a first construction document on or before that date, or the Board of Supervisors, on or before that date, extends or re-enacts it. Upon expiration of this ordinance, the City Attorney shall cause the ordinance to be removed from the Planning Code.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
AUDREY PEARSON  
Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Mission and 9th Street Special Use District]

**Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23 and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

Currently, Assessor's Block 3701, Lots 20 and 21 are zoned C-3-G, with a height limit of 120 feet.

### Amendments to Current Law

This ordinance would create the Mission and Ninth Street Special Use District, which would impose special controls in the district. Under this ordinance, Planning Code controls applicable to the C-3-G would apply to the SUD, with certain exceptions related to open space and FAR requirements. For projects over 120 feet, the SUD would require the provision of on-site affordable rental housing for very low, low, and moderate income households in varying amounts. Projects 120 feet and under would be subject to current Planning Code affordable housing requirements. The parcels also would be rezoned from 120-X height and bulk district to a 200-X height and bulk district.

### Background Information

The Mission and Ninth SUD would allow the redevelopment of Assessor's Block 3701, lots 20 and 21, at the corner of Mission Street and Laskie Street, near Ninth Street. The SUD and height rezoning would allow an additional number of units than would otherwise be allowed in an C-3-G, 120-X zoning district.