

1 [Third Street and Oakdale Avenue Affordable Housing Special Use District.]

2

3 **Ordinance establishing the Third Street and Oakdale Avenue Affordable Housing**
4 **Special Use District for property at 4800 Third Street (Lot 45, Assessor’s Block 5322),**
5 **located at the southwest corner of the block bounded by Oakdale Avenue, Third Street,**
6 **Palou Avenue, and Newhall Street, by adding Planning Code Section 249.27, and**
7 **making findings including findings under the California Environmental Quality Act.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. FINDINGS. The Board of Supervisors of the City and County of San
13 Francisco hereby finds and declares as follows:

14 1. The Proposal will affect property located at 4800 Third Street (Lot 45,
15 Assessor’s Block 5322), located at the southwest corner of the block bounded by Oakdale
16 Avenue, Third Street, Palou Avenue, and Newhall Street (the “Property”).

17 2. The Planning Department has determined that the actions contemplated in this
18 ordinance and related actions including the Third Street and Oakdale Avenue Affordable
19 Housing Special Use District, the companion amendment to Map 10, and related actions,
20 (collectively, the “Project”) are in compliance with the California Environmental Quality Act
21 (California Public Resources Code sections 21000 et seq.). Said determination is on file with
22 the Clerk of the Board of Supervisors in File No. _____ and is
23 incorporated herein by reference. The Board adopts the findings and conclusion of Planning
24 Commission Motion No. _____, a copy of which is on file with the Clerk of the Board of
25 Supervisors in File No. _____, and that Motion is incorporated by reference herein.

1 3. The proposal is to build a 4 story building with 18 units of affordable housing for
2 low and moderate-income families/individuals over a ground floor retail space of 2000 square
3 feet and 10 off-street parking spaces. The proposal to increase density without providing the
4 required number of off-street parking spaces aims to capitalize on the project's prime location
5 along a mass transit corridor that is currently under construction along Third Street.

6 4. In addition to the Special Use District legislation, the project sponsor is also
7 seeking a zoning map amendment to increase the height limit for the Property from 40 feet to
8 50 feet on zoning map Section 10.

9 Section 2. The San Francisco Planning Code is hereby amended by adding Section
10 249.27, to read as follows:

11 **Sec. 249.27. Third Street and Oakdale Avenue Affordable Housing Special Use**
12 **District.**

13 In order to provide for affordable rental and or ownership opportunities for very low,
14 lower, and/or moderate income households, there shall be a Third Street and Oakdale
15 Avenue Affordable Housing Special Use District at 4800 Third Street located at the southwest
16 corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall
17 Street, consisting of Lot 45 of Assessor's Block 5322, as designated on Sectional Map 10SU
18 of the Zoning Map. The following provisions shall apply within such special use district:

19 (a) Any developer of housing who agrees to construct at least 1) 20% of the total
20 units of a housing development for lower income households; or 2) 10% of the total units of a
21 housing development for very low income households; or 3) 20% of the total units in a
22 condominium project for persons and families of moderate income shall be entitled to a
23 density bonus to permit the construction of residential units in excess of the number otherwise
24 permitted for the subject property.

25 (b) For purposes of this Section, the following definitions shall apply:

1 (1) “Density bonus” shall mean a density increase of at least 29% over the
2 otherwise maximum allowable residential density under the applicable zoning ordinance (one
3 unit per 600 square feet of lot area), which is equivalent to an additional 4 units over the
4 currently permitted 14 units.

5 (2) “Designated unit” shall mean a housing unit identified and reported by the
6 developer of a housing development as a unit that is affordable to households of very low,
7 low, or moderate income.

8 (3) “Housing development” shall mean five or more dwelling units.

9 (4) “Lower income households” is defined in Section 50079.5 of the Health and
10 Safety Code.

11 (5) “Very low income households” is defined in Health and Safety Code Section
12 50105.

13 (6) “Persons and families of moderate income” is defined in Section 1351 of the
14 Civil Code.

15 (c) In this special use district all of the provisions of this Code applicable to
16 residential development in an NC-3 Zoning District shall continue to apply, except as
17 specifically provided in Subsection (d).

18 (d) In this special use district a modification to, exception from, or variance from
19 otherwise applicable requirements of this Code may be appropriate in order to further the
20 critical goal of creating affordable housing. A conditional use approval and a zoning variance
21 for a housing development subject to this Section may modify or grant the following
22 modifications, exceptions, or variances to the requirements of this Code if the facts presented
23 are such as to establish that the modification or exception satisfies the criteria of Subsections
24 303(c)(1) through 303(c)(3) of this Code or that the variance satisfies the criteria of Section
25

1 305 of this Code. The following modifications to or exceptions from the requirements of this
2 Code are appropriate in order to further the goal of creating affordable housing.

3 (1) A modification of or exception to the off-street parking requirements of Section
4 151 of this Code to allow a reduction in the number of required parking spaces to 10 spaces;
5 and;

6 (2) A rear yard variance pursuant to Section 134 of the Planning Code.

7 (e) In evaluating a conditional use application to grant a density bonus or
8 exceptions to the Planning Code under this Section, the Planning Commission shall consider
9 the extent to which the dwelling units of a proposed housing development would be
10 affordable.

11 (f) In the event that the units as described in Subsection (a) are not constructed as
12 specified by December 31, 2008 the controls of this Section 249.27 shall expire on January 1,
13 2009.

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

16 By: SUSAN CLEVELAND-KNOWLES
17 Deputy City Attorney
18

19
20
21
22
23
24
25