

1 [Agreement to Rent Units - Raintree 2051 Third Street, LLC - Eastern Neighborhoods Rental
2 Incentive Option - 2051 Third Street]

3 **Resolution approving an Agreement to Rent Units with Raintree 2051 Third Street, LLC,**
4 **and authorizing the Director of Planning to execute the Agreement on behalf of the City**
5 **and County of San Francisco, in order to implement the Eastern Neighborhoods Rental**
6 **Incentive Option under Planning Code, Section 419.5(b), for the residential**
7 **development proposed at 2051 Third Street (Assessor’s Block No. 3994, Lot Nos. 001B,**
8 **001C, and 006), for a period of 30 years, to commence following Board approval, as**
9 **defined within the agreement.**

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11 WHEREAS, San Francisco Planning Code, Section 419.5(b) provides procedures and
12 requirements for the City to enter into an agreement with a private developer to reduce a
13 project's inclusionary housing requirement by 3% and to provide a \$1.00 per gross square
14 foot fee waiver from the applicable Eastern Neighborhoods Public Benefit Fee in exchange for
15 the developer providing the project's dwelling units as rental units for 30 years; and

16 WHEREAS, City and Developer negotiated an agreement consistent with San
17 Francisco Planning Code, Section 419.5(b) (the "Agreement"); and

18 WHEREAS, A copy of the Agreement is on file with the Clerk of the Board of
19 Supervisors in File No. _____, which is hereby declared to be a part of this resolution as if
20 set forth fully herein; and

21 WHEREAS, The Planning Department has reviewed the Agreement and recommends
22 its approval consistent with Planning Commission Motion No. 19165 approved on June 5,
23 2014; and

24 WHEREAS, Raintree 2051 Third Street LLC, the developer of 2051 Third Street has
25 agreed to the terms and conditions of the Agreement in File No. _____ and to provide all

1 dwelling units at the 2051 Third Street residential development as rental units for not less than
2 30 years; and

3 WHEREAS, The Board of Supervisors has reviewed the Agreement and finds that it is
4 consistent with and furthers the purpose of the San Francisco Planning Code; and

5 WHEREAS, The Board of Supervisors finds that the City would not be willing to enter
6 into the Agreement, waive 3% of the on-site inclusionary housing requirement and \$1 per
7 gross square foot of the Eastern Neighborhoods Public Benefit Fee without the understanding
8 and agreement that the Ellis Act does not apply to the Units as a result of the exemption set
9 forth in Government Code, Section. 7060.1(a); and

10 WHEREAS, Pursuant to CEQA, the CEQA Guidelines, and Administrative Code,
11 Chapter 31, the significant environmental impacts associated with the Eastern Neighborhoods
12 Area Plan (on a program level) and with the Project in particular were described and
13 analyzed, and alternatives and mitigation measures that could avoid or reduce those impacts
14 were discussed in the Final Environmental Impact Report certified by the Planning
15 Commission on August 7, 2008, in Motion No. 17659 (the "FEIR"); and

16 WHEREAS, The Planning Commission adopted a statement of overriding
17 considerations for approval of the Eastern Neighborhoods Area Plan on August 7, 2008, in
18 Motion No. 17661, and the Planning Commission adopted additional CEQA findings specific
19 to the Project on June 5, 2014, in Motion No. 19165; and

20 WHEREAS, The information in the FEIR was considered by all entities with review and
21 approval authority over the Project prior to the approval of the Project, including by this Board
22 of Supervisors in approving this Agreement; and

23 WHEREAS The relevant CEQA documents, including the findings in Motions No.
24 17659 and 17661 can be found in Board of Supervisors File No. _____, and are
25 incorporated herein by reference; and

1 WHEREAS, The Planning Director has the authority to enforce and implement the
2 Planning Code, which includes but is not limited to Section 419, et seq. (Housing
3 Requirements for Residential Development Projects in the UMU Zoning Districts of the
4 Eastern Neighborhoods and the Land Dedication Alternative in the Mission NCT District);
5 now, therefore, be it

6 RESOLVED, That the Board of Supervisors hereby approves the Agreement for 2051
7 Third Street on file with the Clerk of the Board of Supervisors in File No. _____and
8 authorizes the Planning Director to execute the Agreement on behalf of the City and County of
9 San Francisco.

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