

1 [Planning Code - 1500 Page Street Affordable Housing Special Use District]

2
3 **Ordinance amending the Planning Code, to establish the 1500 Page Street Affordable**
4 **Housing Special Use District (SUD) for the property located at 1500 Page Street**
5 **(Assessor’s Block No. 1223, Lot No. 004); amend the Zoning Map to add the Affordable**
6 **Housing SUD and modify the height and bulk limits for the lot, and repeal the**
7 **provisions establishing the 1500 Page Street Residential Care SUD and the permitted**
8 **building height for the Residential Care SUD; affirming the Planning Department’s**
9 **California Environmental Quality Act findings; and making findings of consistency with**
10 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

11
12 Note: Additions are *single-underline italics Times New Roman*;
13 deletions are *strikethrough italics Times New Roman*.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough normal~~.
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. Findings.

20 A. On June 25, 2013, Mercy Housing California (“Applicant”) filed entitlement
21 applications with the Planning Department for the conversion of a vacant SRO building
22 adjacent to St. Agnes Catholic Church at the northwest corner of Page Street and Masonic
23 Avenue (Block 1223, Lot 004) to an affordable housing development containing up to sixteen
24 dwellings for low-income households and one manager’s unit (“Project”). In order for the
25 Project to proceed and be developed as contemplated by the Applicant, amendments to
certain provisions of the Planning Code are required.

1 B. At a duly noticed public hearing held on December 19, 2013, the Planning
2 Commission found that the public necessity, convenience, and general welfare required the
3 approval of the proposed Planning Code and Zoning Map amendments, and by Resolution
4 No. 19054 recommended them for approval. The Planning Commission found that the
5 proposed Planning Code and Zoning Map amendments were, on balance, consistent with the
6 City's General Plan, and with Planning Code Section 101.1(b). A copy of said Resolution is on
7 file with the Clerk of the Board of Supervisors in File No. 131086 and is incorporated herein by
8 reference.

9 C. Pursuant to Planning Code Section 302, the Board of Supervisors finds that
10 these Planning Code and Zoning Map amendments will serve the public necessity,
11 convenience, and welfare for the reasons set forth in Planning Commission Resolution No.
12 19054.

13 D. The Board of Supervisors finds that this ordinance is in conformity with the
14 General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set
15 forth in Planning Commission Resolution No. 19054, and hereby incorporates those reasons
16 by reference.

17 E. The Planning Department issued a Certificate of Determination of categorical
18 exemption/exclusion from environmental review, finding that the Project is exempt from
19 environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA
20 Guidelines). The Board of Supervisors hereby affirms this determination. Said determination is
21 on file with the Clerk of the Board of Supervisors in File No. 131086 and is incorporated herein
22 by reference.

23 F. Since the Planning Department issued the Certificate of Exemption and
24 approved a Conditional Use authorization for the Project (contingent on this ordinance being
25 enacted), the Board finds that there have been no substantial changes to the Project that

1 would require major revisions to the Certificate of Determination or result in new significant
2 environmental impacts; no substantial changes in circumstances have occurred that would
3 require major revisions to the Certificate of Determination or result in new significant
4 environmental impacts that were not evaluated in the Certificate of Determination; no new
5 information has become available that was not known and could not have been known at the
6 time the Certificate of Determination was issued and that would result in new significant
7 environmental effects.

8
9 Section 2. The Planning Code is hereby amended by adding Section 249.47, to read
10 as follows:

11 **SEC. 249.47. 1500 PAGE STREET AFFORDABLE HOUSING SPECIAL USE DISTRICT.**

12 (a) **General.** A special use district entitled the “1500 Page Street Affordable Housing Special
13 Use District,” consisting of Assessor’s Block 1223, Lot 004, is hereby established for the purposes set
14 forth below. The boundaries of the 1500 Page Street Affordable Housing Special Use District are
15 designated on Sectional Map No. SU06 of the Zoning Map.

16 (b) **Purpose.** The purpose of the special use district is to facilitate the rehabilitation of a vacant
17 residential care facility to be used for up to 16 residential dwelling units for persons who qualify as
18 “lower income households” or “very low income households,” as defined by this Section 249.47, and
19 one manager’s unit.

20 (c) **Definitions.** For purposes of this Section, the following definitions shall apply:

21 (1) “Lower income households” shall be as defined in Section 50079.5 of the California
22 Health and Safety Code.

23 (2) “Very low income households” shall be as defined in Section 50105 of the
24 California Health and Safety Code.

1 (d) Use Controls. In this special use district, all applicable provisions of the Planning Code
2 shall continue to apply, except as otherwise provided in this Section 249.47. A conditional use
3 approval shall be required for any development subject to this Section 249.47 and such conditional use
4 may modify or grant the following exceptions from or modifications to the requirements of this Code if
5 the facts presented establish that the exception or modification satisfies the criteria of subsections
6 303(c)(1) through 303(c)(3) of this Code. In determining whether to allow exceptions under this Section
7 249.47, the Planning Commission shall, in addition to the criteria set forth in Section 303(c) of this
8 Code, consider the extent to which the project seeking the exception would be available to persons who
9 qualify as “lower income households” or “very low income households.

10 The following exceptions to or modifications from the requirements of this Code are
11 appropriate in order to further the goal of preserving and enhancing a residential use for persons who
12 qualify as “lower income households” or “very low income households.

13 (1) Dwelling Unit Density. Dwellings for lower income households and very low
14 income households plus one manager’s unit at a density ratio of up to one dwelling unit for each
15 approximately 295 square feet of lot area are permitted.

16 (2) Usable Open Space. There shall be a minimum of approximately 69 square feet of
17 usable common space for each dwelling unit with a minimum horizontal dimension of 11 feet.

18 (3) Dimensions of Usable Open Space. One dimension in each of the proposed open
19 spaces may be a minimum horizontal of 11 feet.

20 (4) Obstructions in Required Rear Yard. One fence/gate system no more than 11 feet in
21 height may be permitted as an obstruction in the required rear yard.

22 (5) Obstructions in Required Front Setback. One fence/gate system no more than 11
23 feet in height may be permitted as an obstruction in the required front setback.

24 (6) Unit Exposure. The dwelling unit exposure requirement shall not apply to up to five
25 units that face the north property line.

1 (7) **Removal of Existing Off-Street Parking.** The removal of two existing off-street
2 parking spaces shall be permitted.

3 (e) **Sunset Provision.** This Section 249.47 shall expire five years after its initial effective date
4 unless the development authorized by this Section has received a building permit or, in the case of a
5 site permit, an addendum that authorizes construction of the development, or the Board of Supervisors
6 extends or re-enacts this Section 249.47 before its expiration date. Upon expiration of this Section
7 249.47, the City Attorney shall cause it to be removed from the Planning Code.

8
9 Section 3. The Zoning Map of the City and County of San Francisco is hereby
10 amended by amending Sectional Map SU06, as follows:

<u>Description of Property</u>	<u>Special Use District Hereby Superseded</u>	<u>Special Use District Hereby Approved</u>
Assessor's Block 1223, Lot 004	1500 Page Street Residential Care SUD	1500 Page Street Affordable Housing SUD

15 Section 4. The Zoning Map of the City and County of San Francisco is hereby
16 amended by amending Sectional Map HT06, as follows:

<u>Description of Property</u>	<u>Height and Bulk District Hereby Superseded</u>	<u>Height and Bulk District Hereby Approved</u>
Assessor's Block 1223, Lot 004	55-X	40-X

21 Section 5. The Planning Code is hereby amended by deleting Sections 249.41A and
22 263.22A, as follows:

23 ~~**SEC. 249.41A. 1500 PAGE STREET RESIDENTIAL CARE SPECIAL USE DISTRICT.**~~

24 ~~*In order to facilitate the rehabilitation, expansion and continued use of the building at 1500*~~
25 ~~*Page Street for residential care, there shall be established the 1500 Page Street Residential Care*~~

1 ~~Special Use District, located at 1500 Page Street at the northwest corner of Page Street and Masonic~~
2 ~~Avenue, applicable to Assessor's Block 1223, Lot 004, as designated on Sectional Map 6SU of the~~
3 ~~Zoning Maps of the City and County of San Francisco. The following provisions shall apply within the~~
4 ~~Special Use District:~~

5 ~~(a) Purposes. To provide for the rehabilitation and expansion of a building used for residential~~
6 ~~care to provide permanent and supportive housing up to 55 formerly homeless people between the ages~~
7 ~~of 18 and 88 on a 24-hour basis who meet the definition of "Lower income households" and/or "Very~~
8 ~~low income households" as defined by this section.~~

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

10 ~~(1) "Lower income households" is defined in Section 50079.5 of the Health and Safety~~
11 ~~Code.~~

12 ~~(2) "Very low income households" is defined in Section 50105 of the Health and Safety~~
13 ~~Code.~~

14 ~~(c) In this special use district, all applicable provisions of the Planning Code shall continue to~~
15 ~~apply, except as otherwise provided in this section 249.41.~~

16 ~~(d) In this special use district, a modification to or exception from otherwise applicable~~
17 ~~requirements of this Code may be appropriate in order to further the goal of maintaining and creating~~
18 ~~new permanent supportive housing for lower and very low income households and residents with~~
19 ~~special needs. A conditional use approval shall be required for any development subject to this Section~~
20 ~~249.41 and such conditional use may modify or grant the following exceptions from or modifications to~~
21 ~~the requirements of this Code, if the facts presented establish that the modification or exception~~
22 ~~satisfies the criteria of Subsections 303(e)(1) through 303(e)(3) of this Code. The following~~
23 ~~modifications to or exceptions from the requirements of this Code are appropriate in order to further~~
24 ~~the goal of preserving and enhancing a residential care use for lower and very low income households,~~
25 ~~and those with special needs.~~

1 (1) ~~A modification of or exception to Section 209.3(c) to permit the expansion of a use~~
2 ~~which is permitted only through conditional use authorization;~~

3 (2) ~~A modification or exception to Section 124 to allow the maximum floor area ratio to~~
4 ~~be 2.89:1;~~

5 (3) ~~A modification or exception to the provisions of Sections 188 and 134 to allow the~~
6 ~~construction of a required exterior stairway located within the rear yard setback parallel to the west~~
7 ~~property line;~~

8 (e) ~~In evaluating a conditional use application to grant the exceptions or modifications to the~~
9 ~~Planning Code pursuant to this section, the Planning Commission shall consider the extent to which~~
10 ~~occupying the residential care use would be affordable to the facility occupants and program~~
11 ~~participants, in addition to the considerations and findings required by Planning Code Section 303.~~

12 (f) ~~In the event that the residential care facility described in subsection (a) has not received a~~
13 ~~certificate of final completion or certificate of final occupancy by December 31, 2011, the authorization~~
14 ~~and right vested by this ordinance shall be deemed void and cancelled, and this section 249.37 shall~~
15 ~~expire on January 1, 2012.~~

16 ~~**SEC. 263.22A. HEIGHT LIMITS: PERMITTED BUILDING HEIGHT IN THE 1500 PAGE**~~
17 ~~**STREET RESIDENTIAL CARE SPECIAL USE DISTRICT.**~~

18 (a) ~~**General.** In the 1500 Page Street Residential Care Special Use District, located on Lot 004~~
19 ~~in Assessor's Block 1223, as designated on Section Map 6H of the Zoning Map, located within the~~
20 ~~boundaries of the 40-X Height and Bulk District, exception to the 40-X limit up to a maximum of 55-X~~
21 ~~limit may be approved in accordance with the conditional use procedures and criteria provided in~~
22 ~~Section 303 of this Code, and the criteria and conditions set forth below.~~

1 ~~(b) **Homeless Use and Affordability.** In determining whether to allow exceptions under this~~
2 ~~Section, the Planning Commission shall, in addition to the criteria set forth in Section 303(e) of this~~
3 ~~Code, consider the extent to which the project seeking the exception would be available to the homeless~~
4 ~~and low and very low income levels, as defined in Sections 50079.5 and 50105 of the Health and Safety~~
5 ~~Code.~~

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 DENNIS J. HERRERA, City Attorney

21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney

24 n:\legana\as2013\1400180\00895375.doc