

File No. 091036

Committee Item No. 3

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee Land Use & Economic Development Date November 23, 2009

Board of Supervisors Meeting Date December 8, 2009

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Use back side if additional space is needed)

| | | |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Linda Laws

Date November 20, 2009

Completed by: Alisa Somera

Date December 2, 2009

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

82

(

(

(

1 [Zoning – Third Street and Le Conte Avenue Affordable Housing Special Use District.]

2
3 Ordinance amending the San Francisco Planning Code by adding Section 249.432 to
4 establish the Third Street and Le Conte Avenue Affordable Housing Special Use
5 District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the
6 northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith
7 Street; amending Sheet SU10 of the Zoning Map of the City and County of San
8 Francisco, to reflect this new Special Use District, and adopting findings, including
9 environmental findings and findings of consistency with the General Plan and priority
10 policies of Planning Code Section 101.1.

11 NOTE: Additions are single-underline italics Times New Roman;
12 deletions are ~~strike through italics Times New Roman~~.
13 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
16 hereby finds and declares as follows:

17 (a) The legislation will affect property located at 6600 Third Street (Lot 9, Assessor's
18 Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third
19 Street and Keith Street (the "Property").

20 (b) The Planning Department has completed environmental review of this ordinance
21 pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and
22 Chapter 31 of the San Francisco Administrative Code. Documentation of that review, which
23 includes a Final Mitigated Negative Declaration dated February 13, 2009, is on file with the
24 Clerk of the Board of Supervisors in File No. 09 1036 and is incorporated herein by reference.
25 The Board adopts, as though fully set forth herein, the environmental findings and affirms the

Supervisor Maxwell
BOARD OF SUPERVISORS

1 conclusion of the Planning Commission in its Motion No. 17823, adopted after a duly noticed
2 public hearing on February 12, 2009. A copy of said Planning Commission Motion is on file
3 with the Clerk of the Board of Supervisors in File No. 091036 and that Resolution is
4 incorporated by reference herein.

5 (c) The proposal is to build a 3- to 5-story building with 73 units of affordable
6 housing for low income households/individuals with on-site residential service space and 21
7 off-street parking spaces. The proposal to increase density without providing the required
8 number of off-street parking spaces aims to capitalize on the project's prime location along the
9 T-line light rail corridor along Third Street.

10 (d) On November 19, 2009, the Planning Commission in Resolution No. 17986
11 approved and recommended for adoption by the Board, the Third Street and Le Conte
12 Avenue Affordable Housing Special Use District and the Zoning Map amendment to establish
13 a Special Use District. Planning Commission Resolution No. 17986, a copy of which is on file
14 with the Clerk of the Board of Supervisors in File No. 091036, and is incorporated by
15 reference herein.

16 (e) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
17 Special Use District will serve the public necessity, convenience and welfare for the reasons
18 set forth in Planning Commission Resolution No. 17986, approving and recommending the
19 Special Use District for adoption by the Board, and incorporates said findings by reference
20 herein.

21
22 Section 2. The San Francisco Planning Code is hereby amended by adding Section
23 249.432, to read as follows:

24 SEC. 249.432. THIRD STREET AND LE CONTE AVENUE AFFORDABLE HOUSING
25 SPECIAL USE DISTRICT.

Supervisor Maxwell
BOARD OF SUPERVISORS

Page 2
12/1/2009

n:\land\as2009\0900673\00596620.doc

1 In order to provide for affordable rental opportunities for very low and lower income
2 households, there shall be a Third Street and Le Conte Avenue Affordable Housing Special Use District
3 at 6600 Third Street located at the northeast corner of the block bounded by Le Conte Avenue, Third
4 Street and Keith Street, consisting of Lot 9 of Assessor's Block 5476, as designated on Sectional Map
5 SU10 of the Zoning Map. The following provisions shall apply within such special use district:

6 (a) Any developer of housing who agrees to construct all of the units of a housing development
7 for very low income or lower income households shall be entitled to a density bonus to permit the
8 construction of residential units in excess of the number otherwise permitted for the subject property.

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

10 (1) "Density bonus" shall mean a density increase of at least 2.3 times the otherwise maximum
11 allowable residential density under the applicable RM-1 zoning ordinance (one unit per 800 square
12 feet of lot area), which is equivalent to an additional 40 units over the currently permitted 33 units.

13 (2) "Designated unit" shall mean a housing unit identified and reported by the developer of a
14 housing development as a unit that is affordable to households of very low or lower income.

15 (3) "Housing development" shall mean five or more dwelling units.

16 (4) "Lower income households" shall mean a household composed of one or more persons with
17 a combined annual net income for all adult members which does not exceed the qualifying limit for a
18 lower income family of a size equivalent to the number of persons residing in such household, as set
19 forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

20 (5) "Very low income households" shall mean a household composed of one or more persons
21 with a combined annual net income for all adult members which does not exceed the qualifying limit for
22 a very low income family of a size equivalent to the number of persons residing in such household, as
23 set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.
24

1 set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section
2 6932.

3 (c) In this special use district all of the provisions of this Code applicable to residential
4 development in an RM-1 Zoning District shall continue to apply, except as specifically provided in
5 Subsection (d).

6 (d) In this special use district a modification to, or exception from, otherwise applicable
7 requirements of this Code may be appropriate in order to further the critical goal of creating
8 affordable housing. A planned unit development approval for a housing development subject to this
9 Section may grant the density bonus and the following modifications and exceptions to the
10 requirements of this Code if the facts presented are such as to establish that the modification or
11 exception satisfies the criteria of Section 304(d) of this Code. The following modifications to or
12 exceptions from the requirements of this Code are appropriate in order to further the goal of creating
13 affordable housing.

14 (1) A modification of or exception to the off-street parking requirements of Section 151 of this
15 Code to allow a reduction in the number of required parking spaces to 21 spaces; and;

16 (2) A modification of or exception to the rear yard requirements of Section 134 of this Code;
17 and

18 (3) A modification of the height measurement point to allow the building height to be measured
19 from the mid-point of the Third Street frontage.

20 (e) In evaluating a planned unit development use application to grant the density bonus and
21 modifications to or exceptions from the Planning Code under this Section, the Planning Commission
22 shall consider the extent to which the dwelling units of a proposed housing development would be
23 affordable.
24
25

1 (f) In the event that a building or site permit for the units as described in Subsection (a) has
2 not been issued by December 31, 2014, the controls of this Section 249.432 shall expire on January 1,
3 2015.

4 Section 3. In accordance with Planning Code Sections 106 and 302, the Zoning Map
5 of the City and County of San Francisco, Map SU10 is hereby amended to designate the
6 following as the Third Street and Le Conte Avenue Affordable Housing Special Use District:

7 Assessor's Block 5476, Lot 009, 6600 Third Street, located at the northeast corner of
8 the block bounded by Le Conte Avenue, Third Street and Keith Street.

9
10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By:

14 
15 _____
16 ANDREA RUIZ-ESQUIDE
17 Deputy City Attorney

18
19
20
21
22
23
24
25

Supervisor Maxwell
BOARD OF SUPERVISORS

Page 5
12/1/2009

n:\land\as2009\0900673\00596620.doc

LEGISLATIVE DIGEST

[Zoning – Third Street and Le Conte Avenue Affordable Housing Special Use District.]

Ordinance amending the San Francisco Planning Code by adding Section 249.43 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Existing Law

The Planning Code includes several Special Use Districts that allow developments to be built at higher density than would otherwise be allowed under the applicable zoning, if the developers agree to provide a higher than required affordable housing component. (See, for example, Planning Code Sections 249.24, 249.27 and 249.30.)

Amendments to Current Law

This Ordinance creates the Third Street and Le Conte Avenue Affordable Housing Special Use District (SUD) for the property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street. The property is currently zoned RM-1 (Residential, Mixed, with one unit allowed per 800 sf.)

The Ordinance provides that all provisions applicable to residential development in an RM-1 Zoning District shall continue to apply to the SUD, except that, through a planned unit development approval, the following can be allowed: a) Increased density of 2.3 times the otherwise maximum allowable residential density, which is equivalent to an additional 40 units over the currently permitted 33 units; b) An exception to the off-street parking requirements, to allow a reduction in the number of required parking spaces to 21 spaces; c) A modification of or exception to the rear yard requirements; and d) A modification of the height measurement point to allow the building height to be measured from the mid-point of the Third Street frontage.

The Ordinance also amends the Zoning Map of the City and County of San Francisco, Map SU10, to designate the Third Street and Le Conte Avenue Affordable Housing Special Use District.

FILE NO.

Background Information

This Ordinance seeks to promote construction of affordable housing in the City by granting a density bonus to a developer who agrees to build all of the units of a housing development for very low income or lower income households.

BOARD of SUPERVISORS



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

August 27, 2009

File No. 091036

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On August 18, 2009, Supervisor Maxwell introduced the following proposed legislation:

File No. 091036 Ordinance amending the San Francisco Planning Code by adding Section 249.42 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Linda Laws".

By: Linda Laws, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

*No physical impact Not a
project per CEQA Guidelines
Section 15060(c)(2).
Nannie T. Turrell
9/1/09*

Environmental Review Referral

7/23/09



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion 17823

HEARING DATE: February 12, 2009

Hearing Date: February 12, 2009
Case No.: 2008.1110E
Project Address: 6600 Third Street
Zoning: RM-1 (Residential, Mixed: Low Density)
40-X Height and Bulk District
Block/Lot: 5476/009
Project Sponsor: Providence Foundation of San Francisco, Citizens Housing Corporation,
Michael Simmons Property Development, Inc.
Contact: Michael Simmons — (415) 845-5527
2370 Market Street, Unit 458
San Francisco, CA 94114
Staff Contact: Andrea Contreras – (415) 575-9044
Andrea.Contreras@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO THE APPEAL OF THE PRELIMINARY MITIGATED NEGATIVE DECLARATION, FILE NUMBER 2008.1110E FOR THE PROPOSED DEVELOPMENT ("PROJECT") AT 6600 Third Street.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby AFFIRMS the decision to issue a Mitigated Negative Declaration, based on the following findings:

1. On September 5, 2008, pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Planning Department ("Department") received an Environmental Evaluation Application form for the Project, in order that it might conduct an initial evaluation to determine whether the Project might have a significant impact on the environment.
2. On December 24, 2008, the Department determined that the Project, as proposed, could not have a significant effect on the environment.
3. On December 24, 2008, a notice of determination that a Mitigated Negative Declaration would be issued for the Project was duly published in a newspaper of general circulation in the City, and the Mitigated Negative Declaration posted in the Department offices, and distributed all in accordance with law.
4. On January 13, 2009, an appeal of the decision to issue a Mitigated Negative Declaration was timely filed by Mr. Abel Herrera, a resident of 1084 Le Conte Avenue.

5. A staff memorandum, dated February 5, 2009, addresses and responds to all points raised by appellant in the appeal letter. That memorandum is attached as Exhibit A and staff's findings as to those points are incorporated by reference herein as the Commission's own findings. Copies of that memorandum have been delivered to the City Planning Commission, and a copy of that memorandum is on file and available for public review at the San Francisco Planning Department, 1660 Mission Street, Suite 500.
6. On February 12, 2009, the Commission held a duly noticed and advertised public hearing on the appeal of the Preliminary Mitigated Negative Declaration, at which testimony on the merits of the appeal, both in favor of and in opposition to, was received.
7. All points raised in the appeal of the Preliminary Mitigated Negative Declaration at the February 12, 2009 City Planning Commission hearing have been responded to either in the Memorandum or orally at the public hearing.
8. After consideration of the points raised by appellant, both in writing and at the February 12, 2009 hearing, the San Francisco Planning Department reaffirms its conclusion that the proposed project could not have a significant effect upon the environment.
9. In reviewing the Preliminary Mitigated Negative Declaration issued for the Project, the Planning Commission has had available for its review and consideration all information pertaining to the Project in the Planning Department's case file.
10. The Planning Commission finds that Planning Department's determination on the Mitigated Negative Declaration reflects the Department's independent judgment and analysis.

The City Planning Commission **HEREBY DOES FIND** that the proposed Project, could not have a significant effect on the environment, as shown in the analysis of the Mitigated Negative Declaration, and **HEREBY DOES AFFIRM** the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

I hereby certify that the foregoing Motion was **ADOPTED** by the City Planning Commission on February 12, 2009.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Olague, and Sugaya
NOES: None
ABSENT: Commissioner Moore
ADOPTED: February 12, 2009



SAN FRANCISCO PLANNING DEPARTMENT

November 20, 2009

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

**Re: Transmittal of Planning Department Case Number 2008.1110TZ:
Third Street and Le Conte Avenue Affordable Housing Special Use District
BOS File No. 09-1036
Planning Commission Recommendation: Approval**

Dear Ms. Calvillo,

On November 19, 2009, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and Reclassification;

The proposed Ordinance introduced by Supervisor Maxwell would amend Planning Code doing the following:

1. Add Section 249.46 to establish the "Third Street and Le Conte Avenue Affordable Housing Special Use District;

The proposed Ordinance introduced by Supervisor Maxwell would amend Zoning Map Sheet 11 of the Planning Code doing the following:

1. Overlaying the entirety of Lot 009 of Block 5476 (6600 3rd Street) with the newly created "Third Street and Le Conte Avenue Affordable Housing Special Use District."

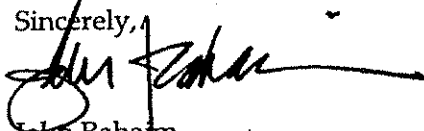
The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

1. At the November 19th hearing, the Commission voted to recommend approval of the proposed Ordinance.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

www.sfplanning.org

Sincerely,



John Rahaim
Director of Planning

cc: Supervisor Maxwell

Attachments (one copy of the following):

Planning Commission Resolution No. 17986

Planning Commission Executive Summary for Case No. 2008.1110TZ



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17986

HEARING DATE: NOVEMBER 19, 2009

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: November 12, 2009
Case No.: 2008.1110TZ
Project Address: 6600 Third Street
Zoning: RM-1 (Residential, Mixed: Low Density)
Proposed Zoning: Third Street and Le Conte Avenue Affordable Housing Special Use District
Height/Bulk: 40-X
Block/Lot: 5476/009
Project Sponsor: Michael Simmons
 Third and Le Conte Associates LP
 2370 Market Street #458
 San Francisco, CA 94114

Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org

RESOLUTION OF THE PLANNING COMMISSION ADOPTING FINDINGS RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE ADDING PLANNING CODE SECTION 249.42 TO ESTABLISH THE THIRD STREET AND LE CONTE AVENUE AFFORDABLE HOUSING SPECIAL USE DISTRICT AND TO AMEND SHEET SU10 OF THE ZONING MAP TO REFLECT THIS NEW SPECIAL USE DISTRICT FOR PROPERTY AT 6600 THIRD STREET (LOT 009 IN ASSESSOR'S BLOCK 5476) LOCATED AT THE NORTHEAST CORNER OF THE BLOCK BOUNDED BY LE CONTE AVENUE, THIRD STREET AND KEITH STREET, TO FACILITATE THE DEVELOPMENT OF A RESIDENTIAL PROJECT INCLUDING AFFORDABLE DWELLING UNITS, RESIDENTIAL SERVICES AND COMMON AREA, OPEN SPACE AND OFF-STREET PARKING; AND MAKING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, On August 18, 2009, Supervisor Sophie Maxwell introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 091036, attached as EXHIBIT A, which would amend the San Francisco Planning Code by adding Section 249.42 to create the Third Street and Le Conte Avenue Affordable Housing Special Use District ("SUD") and to amend Sheet SU10 of the Zoning Map the City and County of San Francisco to reflect this new SUD to permit a density bonus and certain PUD modifications for construction of an affordable housing development at 6600 Third Street, an approximately 26,234 square-foot site located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street (Lot 009 in Assessor's Block 5476).

Third and Le Conte Associates LP, comprised of Providence Foundation of San Francisco, Mercy Housing California and Michael Simmons Property Development Inc., (hereinafter "Project Sponsor") propose to construct on the Subject Property a moderate density residential building providing

approximately 73 affordable dwelling units, approximately 1,600 square feet of residential services on the ground floor, approximately 7,000 square feet of residential common area on the ground floor, and a 21-space basement level parking garage. The Project will result in the beneficial reuse of a site currently occupied by an underused 43-room residential motel with a 32-space surface parking lot.

The Planning Department (hereinafter, "Department") published a Preliminary Mitigated Negative Declaration (hereinafter "MND") on December 24, 2008, analyzing the Proposed SUD and other actions related to the project (Case No. 2008.1110E). On February 12, 2009, by Motion No. 17823, the Planning Commission (hereinafter "Commission") held a public hearing, made findings and adopted a Final MND (the "FMND") for the Project in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq., CEQA), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code (Chapter 31). The Commission finds that since approval and publication of the FMND on February 12, 2009, no substantial changes are proposed in the project which will require major revisions of the FMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the FMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FMND was adopted shows that the project will have one or more significant effects not discussed in the FMND or that effects previously examined will be substantially more severe than shown in the FMND. Accordingly, the FMND's analysis and conclusions remain valid and no subsequent or supplement environmental review is required.

The Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed SUD on November 19, 2009.

The goal of this legislation is to increase residential density for affordable housing so as to provide affordable rental opportunities for very low and lower income households consistent with the goals of the General Plan and the Bayview Hunters Point Redevelopment Plan.

The SUD and the Project will affirmatively promote the objectives and policies of the General Plan for the reasons set forth in Section 10 of Planning Commission Motion No. _____, approving Conditional Use and Planned Unit Development Authorization for the Project.

The Department has not received any letters or phone calls in support or in opposition to the proposed Ordinance.

The proposal will promote the following relevant objectives and policies of the General Plan:

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The SUD will support in-fill development on an appropriately zoned site in the established Bayview Hill residential neighborhood.

OBJECTIVE 4

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.4

Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

The SUD will permit a density bonus to permit up to 73 affordable dwelling units, which is 30 more units than would be allowed were the Project a market-rate development.

OBJECTIVE 5

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

The SUD will support a 100% affordable housing project in conjunction with a local non-profit, community-based organization dedicated to the provision of affordable housing and community services.

**TRANSPORTATION ELEMENT:
Objectives and Policies**

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

OBJECTIVE 34

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The SUD will serve the City's "Transit First" policy by permitting greater density adjacent to transit infrastructure and permitting modification to the minimum parking requirements of the Planning Code.

AIR QUALITY ELEMENT:

Objectives and Policies

OBJECTIVE 3

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

Policy 3.2:

Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

The SUD will permit greater density adjacent to transit infrastructure and permit modification to the minimum parking requirements of the Planning Code, thus reducing potential air quality impacts.

ENVIRONMENTAL PROTECTION ELEMENT:

Objectives and Policies

OBJECTIVE 15

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

Policy 15.3:

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The SUD will permit greater density adjacent to transit infrastructure and permit modification to the minimum parking requirements of the Planning Code, thus encouraging less energy-intensive transit use.

BAYVIEW HUNTERS POINT AREA PLAN:

Objectives and Policies

OBJECTIVE 6

ENCOURAGE THE CONSTRUCTION OF NEW AFFORDABLE AND MARKET RATE HOUSING AT LOCATIONS AND DENSITY LEVELS THAT ENHANCE THE OVERALL RESIDENTIAL QUALITY OF BAYVIEW HUNTERS POINT.

Policy 6.5

In the vicinity of Bayview Hill, encourage well-sited housing development that complements the natural areas and open space, as well as provides for local economic development.

The SUD will support a Project that will provide moderate density affordable housing in the Bayview Hill subarea that enhances the overall quality of Bayview Hunters Point.

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed amendment would not impact any existing neighborhood-serving retail uses on the site. While there are few such uses in the immediate area, the proposed amendment will permit greater density on the site, which in turn will provide additional potential customer base and demand for such uses.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed amendment would substantially augment affordable housing in the neighborhood by permitting the replacement of the existing 43 unit residential hotel with a 100 percent affordable housing project consisting of up to 73 dwelling units. The proposed amendment would not alter the already permitted height, bulk, or other physical controls for the site that help ensure any future development is in character with its surroundings.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendment would significantly enhance the City's supply of affordable housing by permitting the replacement of the existing 43 unit residential hotel with a 100 percent affordable housing project consisting of up to 73 dwelling units in a varied, family-friendly unit mix.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed amendment would support a moderate density directly adjacent to transit, and will permit modifications to the minimum parking requirements of the Planning Code. The permitted density will not

overburden MUNI, and the reduced auto trips will benefit surrounding streets.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed amendment would not impact existing industrial or service uses.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed amendment would not change the fact that any project for this site be designed and constructed to conform to the structural and seismic safety requirements of the City Building Code.

7. That the landmarks and historic buildings be preserved;

The proposed amendment would not impact any existing landmark or historic buildings, as none exist on or adjacent to the site.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed amendment would not impact any existing public parks or open spaces.

Further, for the foregoing reasons and based on the facts presented, the Commission finds, pursuant to Section 302, that the public necessity, convenience, and general welfare require the adoption of this legislation.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board of Supervisors ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on November 19, 2009.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Olague, and Sugaya
NAYS:
ABSENT:
ADOPTED: November 19, 2009
Attachments: EXHIBIT A (Proposed Ordinance introduced by Sup. Maxwell)



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: NOVEMBER 19, 2009

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: November 12, 2009
Case No.: 2008.1110CTZ
Project Address: 6600 Third Street
Zoning: RM-1 (Residential, Mixed: Low Density)
Proposed Zoning: Third St and Le Conte Avenue Affordable Housing Special Use District
Height/Bulk: 40-X
Block/Lot: 5476/009
Project Sponsor: Michael Simmons
 Third and Le Conte Associates LP
 2370 Market Street #458
 San Francisco, CA 94114
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org
Recommendation: Approval with Conditions

PROJECT DESCRIPTION

The Project proposes to demolish the existing 2-story, 43-room residential motel (the "Franciscan Motel") and the 32-space surface parking lot and construct a new 100 percent affordable, residential housing development in a 4-story over basement building containing approximately 73 affordable dwelling units, approximately 1,600 square feet of ground-floor residential services space, approximately 7,000 square feet of ground floor common area and a 21-space basement-level parking garage. The mix of dwelling units includes approximately 32 studio units, 33 two-bedroom units (including one Manager's Unit), and 8 three-bedroom units.

SITE DESCRIPTION AND PRESENT USE

The project site is located within the Bayview-Hunters Point Redevelopment Area. It is an irregularly-shaped corner lot that measures 26,234 square feet, and is currently used as a 2-story, 43-room residential motel with a 32-space surface parking lot.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site is residential in character and mostly zoned RM-1 and RH-1. The site is located within the Bayview-Hunters Point Redevelopment Area, in an area characterized by moderate-density urban residential development, including single-family homes and several multi-family residential buildings. To the south of the project site are several 3-story multi-family residential buildings, and across Le Conte Avenue from the project site are several 2-story single family homes.

Similar structures can be found to the north and east of the project site. Bayshore Boulevard and Highway 101 lie to the west of the project site, and the T Third Street MUNI line is immediately adjacent to the east. Nearby parks include Bayview Hill Park to the east of the project site, and Le Conte Mini-Park, an unimproved site two blocks east of the project site.

ENVIRONMENTAL REVIEW

On December 24, 2008, the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review. The Draft IS/MND was available for public comment until January 13, 2009. On January 13, 2009, an appeal of the Mitigated Negative Declaration was filed with the Department. The Planning Commission certified the Final Mitigated Negative Declaration (FMND) for this project on February 12, 2009.

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|-----------------|----------------------|--------------------|---------------|
| Classified News Ad | 20 days | October 30, 2009 | October 30, 2009 | 20 days |
| Posted Notice | 20 days | October 30, 2009 | October 30, 2009 | 20 days |
| Mailed Notice | 10 days | November 6, 2009 | October 30, 2009 | 20 days |

PUBLIC COMMENT

- The Department received one letter of opposition to this project.

ISSUES AND OTHER CONSIDERATIONS

- Supervisor Sophie Maxwell introduced legislation to create the "Third Street and Le Conte Ave Affordable Housing Special Use District."
- The SUD permits a density bonus of 2.3 times the density permitted in the underlying RM-1 Zoning District. This results in a total of 73 units permitted on the site, compared to the currently permitted 33 units.
- The SUD also includes permitted modifications for Planned Unit Developments (PUDs) to rear yard, off-street parking, and height measurement requirements. These modifications are already listed under Planning Code Section 304.
- The SUD is designed to expire on January 1, 2015, if no building or site permit has been issued for a 100 percent affordable housing development.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization for the Planned Unit Development per Planning Code Sections 303 and 304. Additionally, the Commission may make a recommendation of approval or denial to the Board of Supervisors for the proposed Planning Code Amendment and Reclassification.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 303 of the Planning Code for the following reasons:

- The 100 percent affordable development with residential services will provide much needed benefits to the City and neighborhood.
- The Project will create 41 "family-sized" affordable units of 2 bedrooms or more.
- The Project forwards the City's "Transit First" policy by appropriately increasing density near transit and permitting modifications to the required minimum parking.
- The density bonus permitted in the SUD only applies to 100 percent affordable housing.
- The proposed Project meets all applicable requirements of the Planning Code, Bayview Hunters Point Area Plan, and General Plan.

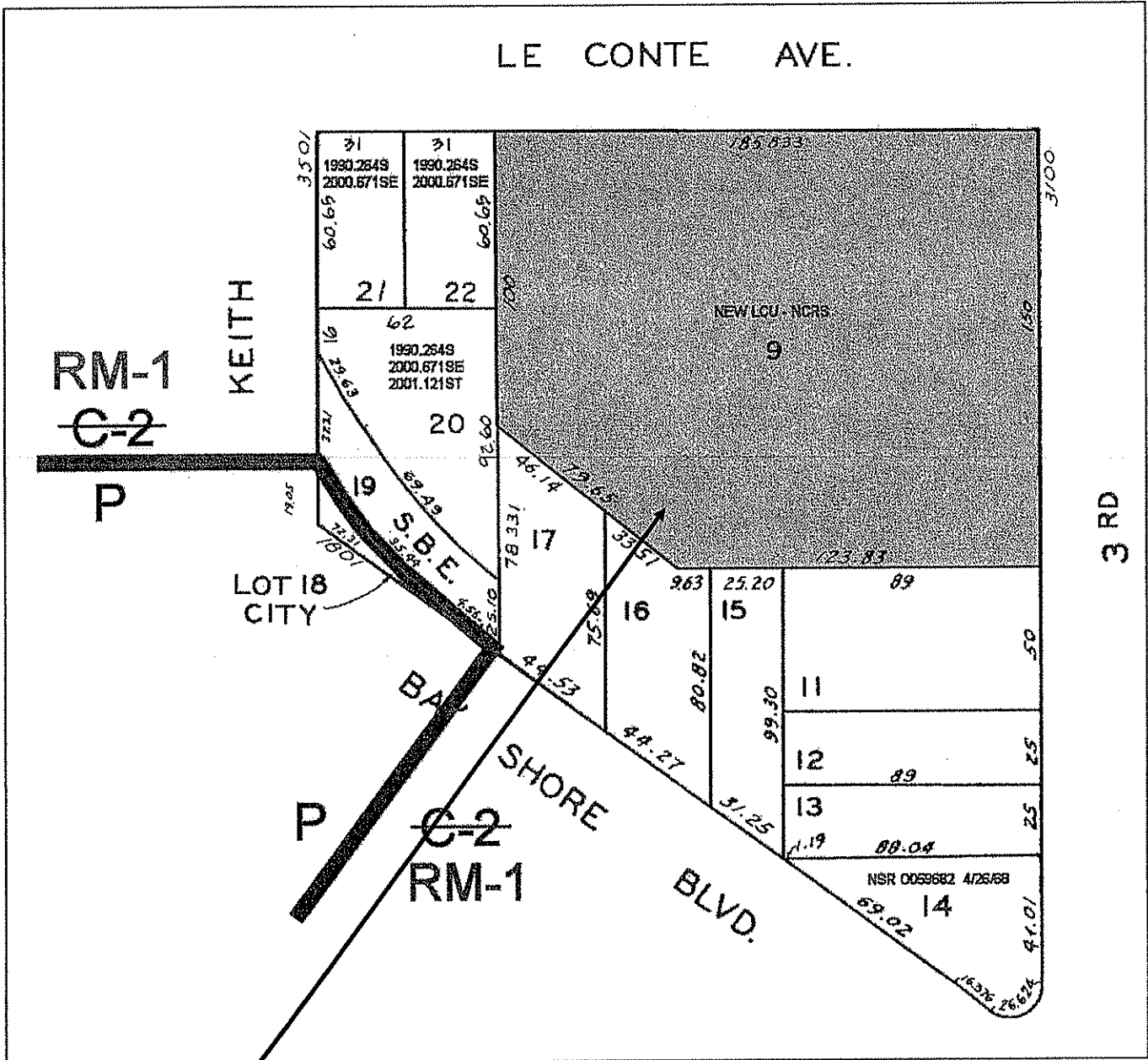
| |
|--|
| RECOMMENDATION: Approval with Conditions |
|--|

Attachments:

Draft Motion
Draft Resolution
Draft Ordinance
Block Book Map
Sanborn Map
Aerial Photographs
Zoning Map
Letter of Opposition
Reduced Plans

CT: C:\documents\C\2008\6600 3rd St\Executive Summary.doc

Block Book Map

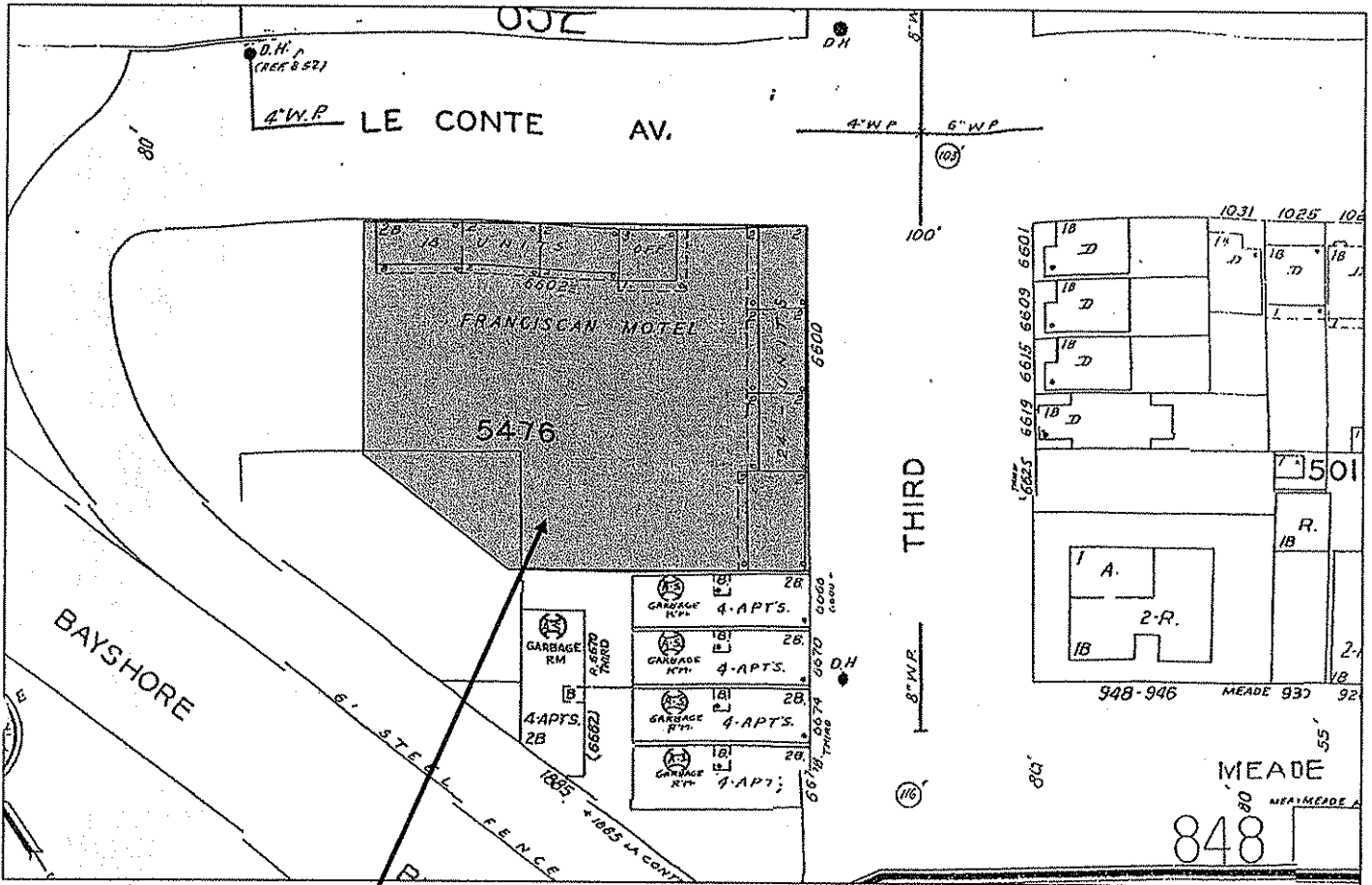


SUBJECT PROPERTY



Conditional Use Authorization
 Reclassification and Planning Code Amendment
 Case Number 2008.1110CTZ
 6600 3rd Street

Sanborn Map*



SUBJECT PROPERTY

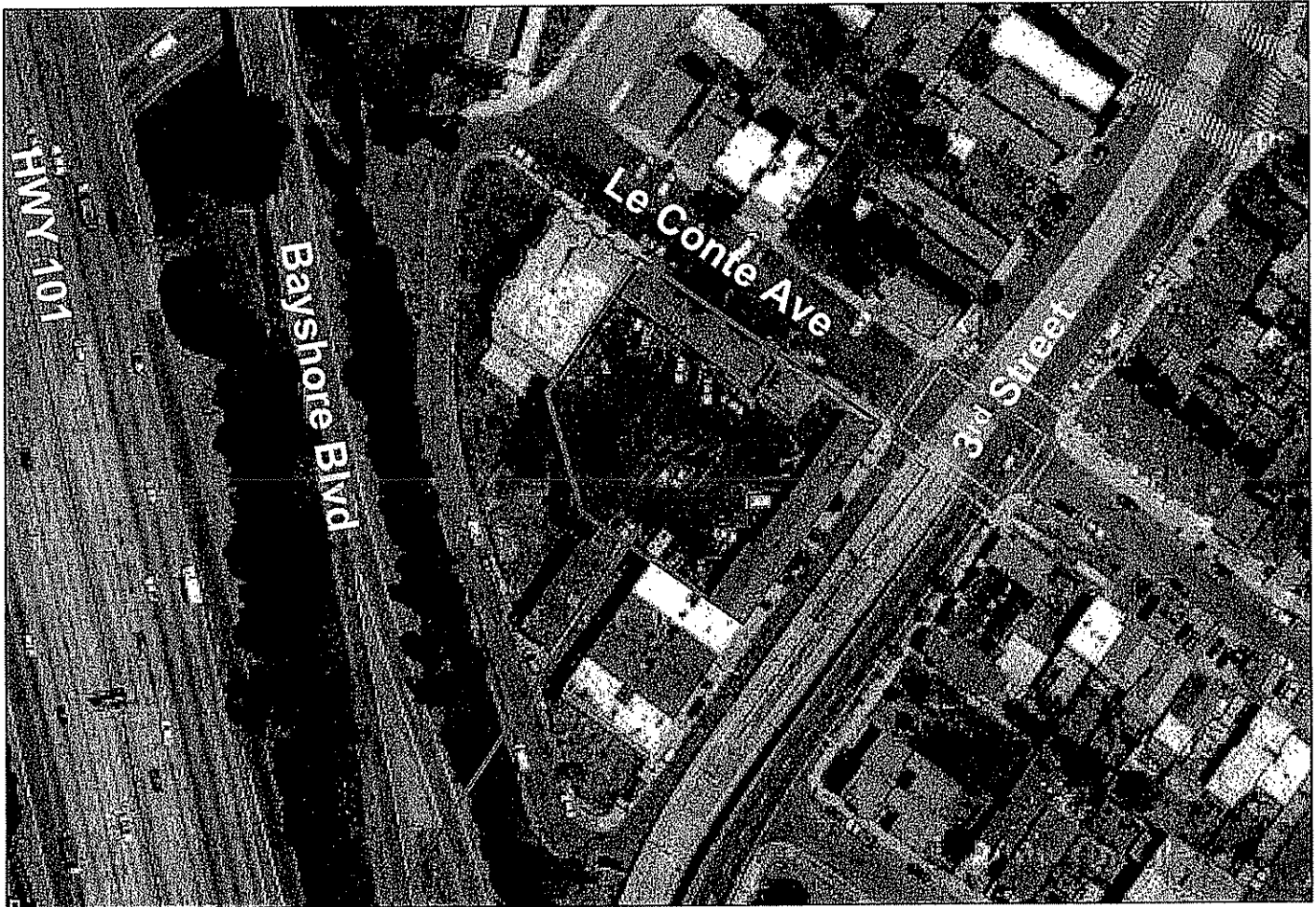
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
 Reclassification and Planning Code Amendment
 Case Number 2008.1110CTZ
 6600 3rd Street

SAN FRANCISCO
 PLANNING DEPARTMENT

Aerial Photo



SUBJECT PROPERTY



SAN FRANCISCO
PLANNING DEPARTMENT

Conditional Use Authorization
Reclassification and Planning Code Amendment
Case Number 2008.1110CTZ
6600 3rd Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Authorization
Reclassification and Planning Code Amendment
Case Number 2008.1110CTZ
6600 3rd Street

Aerial Photo

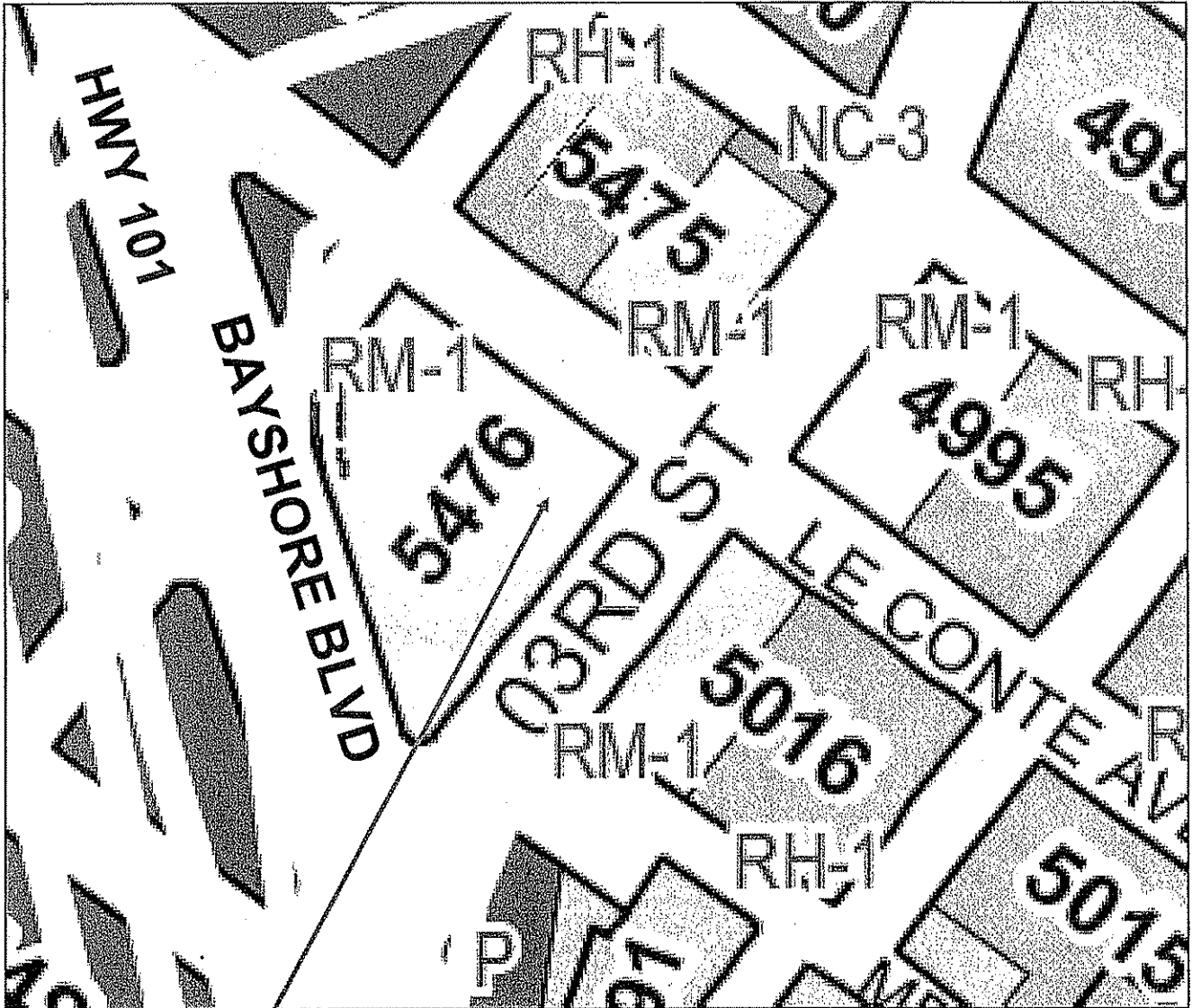


SUBJECT PROPERTY



Conditional Use Authorization
Reclassification and Planning Code Amendment
Case Number 2008.1110CTZ
6600 3rd Street

Zoning Map



SUBJECT PROPERTY



Conditional Use Authorization
Reclassification and Planning Code Amendment
Case Number 2008.1110CTZ
6600 3rd Street



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 17985

HEARING DATE: NOVEMBER 19, 2009

Date: November 12, 2009
Case No.: 2008.1110CTZ
Project Address: 6600 Third Street
Zoning: RM-1 (Residential, Mixed: Low Density)
Proposed Zoning: Third St and Le Conte Avenue Affordable Housing Special Use District
Height/Bulk: 40-X
Block/Lot: 5476/009
Project Sponsor: Michael Simmons
 Third and Le Conte Associates LP
 2370 Market Street #458
 San Francisco, CA 94114
Staff Contact: Corey Teague – (415) 575-9081
 corey.teague@sfgov.org
Recommendation: Approval with Conditions

ADOPTING FINDINGS RELATED TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT FOR REPLACEMENT OF RESIDENTIAL HOTEL ROOMS WITH AFFORDABLE APARTMENT UNITS, PURSUANT TO ADMINISTRATIVE CODE SECTION 41.13, AND PLANNING CODE SECTIONS 303 AND 304, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO HEIGHT MEASUREMENT, REAR YARD CONFIGURATION AND GROUND FLOOR RESIDENTIAL SERVICES, WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW 4-STORY RESIDENTIAL BUILDING CONTAINING APPROXIMATELY 73 AFFORDABLE DWELLING UNITS, APPROXIMATELY 1,600 SQUARE FEET OF RESIDENTIAL SERVICES ON THE GROUND FLOOR, 7,000 SQUARE FEET OF RESIDENTIAL COMMON AREA, AND A 21-SPACE BASEMENT-LEVEL PARKING GARAGE, LOCATED AT 6600 THIRD STREET, LOT 009 IN ASSESSOR'S BLOCK 5476, WITHIN THE RM-1 (RESIDENTIAL, MIXED: LOW DENSITY) DISTRICT, THE BAYVIEW-HUNTERS POINT REDEVELOPMENT AREA, THE PROPOSED THIRD STREET AND LE CONTE AVENUE AFFORDABLE HOUSING SPECIAL USE DISTRICT, AND THE 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

1. On September 5, 2008, Michael Simmons of Third and Le Conte Associates L.P. (hereinafter "Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), Case No. 2008.1110E. A Notification of Project Receiving Environmental Review was sent on November 21, 2008 to owners of properties within 300 feet, adjacent occupants of the project site, and interested parties. On December 24, 2008, the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review. The Draft IS/MND was available for public comment until January 13, 2009. On January 13, 2009, an appeal of the Mitigated Negative Declaration was filed with the Department.

On February 12, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the Draft IS/PND, 2008.1110E. The Commission found in its Motion No. 17823 that the Draft IS/PND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Planning Department in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31. of the San Francisco Administrative Code ("Chapter 31"). The Commission concluded that, as shown in the analysis of the FMND and with incorporation of mitigation measures recommended in the FMND, the Project could have no significant effect on the environment.

The Commission finds that since approval and publication of the FMND on February 12, 2009, no substantial changes are proposed in the project which will require major revisions of the FMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the FMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FMND was adopted shows that the project will have one or more significant effects not discussed in the FMND or that effects previously examined will be substantially more severe than shown in the FMND. Accordingly, the FMND's analysis and conclusions remain valid and no subsequent or supplement environmental review is required.

The Planning Department, Linda Avery, is the custodian of records for the FMND, located in the File for Case No. 2008.1110E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

2. The San Francisco Planning Commission (hereinafter, "Commission") held a duly noticed public hearing at a regularly scheduled meeting on Case No. 2008.1110E on February 12, 2009. At that hearing, the Commission approved a Final MND (the "FMND") for the Project, Motion No. 17823.
3. On April 2, 2009, the Project Sponsor filed an application with the Planning Department requesting, under Administrative Code Section 41.13, Conditional Use Authorization for the replacement of residential hotel rooms with affordable apartment units, and requesting, under Sections 303 and 304, Conditional Use Authorization to allow a Planned Unit Development (PUD), with specific modifications to Planning Code regulations related to height measurement point (Sections 102.12 and 260), rear yard configuration (Section 134) and on-site residential services for a development on a 26,234 square-foot site (Lot 009 in Assessor's Block 5476) at 6600 Third Street at Le Conte Avenue (hereinafter "Subject Property"). The proposed new building would be 4 stories in height and would contain approximately 73 affordable dwelling units, approximately 1,600 square feet of ground-floor residential services space, approximately 7,000 square feet of ground floor residential common area, and a 21-space basement level parking garage (Case No. 2008.1110CTZ; collectively, hereinafter "Project").
4. On August 18, 2009, Supervisor Sophie Maxwell introduced at the Board of Supervisors the Third Street and Le Conte Avenue Affordable Housing Special Use District ("SUD"), Board File No. 091036, to permit a density bonus and certain PUD modifications for construction of affordable housing at the Subject Property. The Commission has recommended approval of the SUD in its Resolution No. 17986 adopted on November 19, 2009.
5. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2008.1110CTZ, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located at 6600 Third Street at Le Conte Avenue, Block 5476, Lot 009, within the RM-1 (Residential, Mixed: Low Density) District, the Bayview-Hunters Point Redevelopment Area, and the 40-X Height and Bulk District. The site is an irregularly-shaped corner lot that measures 26,234 square feet, and is currently used as a 2-story, 43-room residential motel with a 32-space surface parking lot.

3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is residential in character. The site is located within the Bayview Hill subarea of the Bayview-Hunters Point Redevelopment Area, in an area characterized by moderate-density urban residential development, including single-family homes and several multi-family residential buildings.

The scale of development is fairly consistent in the vicinity of the project site. To the south of the project site are several 3-story multi-family residential buildings, and across Le Conte Avenue from the project site are several 2-story single family homes. Similar structures can be found to the north and east of the project site. Bayshore Boulevard and Highway 101 lie to the west of the project site. Nearby parks include Bayview Hill Park to the east of the project site, and Le Conte Mini-Park, an unimproved site two blocks east of the project site.

4. **Project Description.** The Project proposes to demolish the existing 2-story, 43-room residential motel (the "Franciscan Motel") and the 32-space surface parking lot and construct a new 100 percent affordable, residential housing development in a 4-story over basement building containing approximately 73 affordable dwelling units, approximately 1,600 square feet of ground-floor residential services space, approximately 7,000 square feet of ground floor common area and a 21-space basement-level parking garage. The mix of dwelling units includes approximately 32 studio units, 33 two-bedroom units (including one Manager's Unit), and 8 three-bedroom units.
5. **Public Comment.** The Project Sponsor presented the Project to the Bayview Hunters Point Project Area Committee Land Use Committee on June 1, 2009 and September 14, 2009. The Land Use Committee recommended the PAC approve the Project. The full PAC also was given a presentation on September 17, including neighborhood concerns and comment. At its October 22, 2009, meeting, the PAC voted to approve the land use and support the overall project moving forward. On November 3, 2009, the San Francisco Redevelopment Agency Commission held a design workshop to review the Project's design.
6. **Planning Code and Administrative Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

Conversion of Residential Hotel Rooms. San Francisco Administrative Code Section 41.13(a) permits the demolition or conversion of residential hotel rooms, provided that prior to the issuance of a permit to convert, the owner or operator shall provide one-for-one replacement of the units to be converted by one of the following methods: (1) Construct or cause to be constructed a comparable unit to be made available at comparable rent to replace each of the units to be converted; (2) Cause to be brought back into the housing market a comparable unit from any building which was not subject to the provisions of this Chapter; or (3) Construct or cause to be constructed or rehabilitated apartment units for elderly, disabled or low-income persons or households which may be provided at a ratio of less than one-to-one. The construction of any replacement housing under this subsection shall be evaluated by the Planning Commission in accordance with the provisions of Section 303 of the Planning Code.

Pursuant to Administrative Code Section 41.13(a)(3), the Project will construct 73 apartment units for low-income persons and households to replace the 43 residential hotel rooms to be demolished at a ratio of greater than one-to-one.

- A. **Use and Density.** Section 209.1 permits residential uses within the RM-1 District, and permits residential densities up to one dwelling unit for each 800 square feet of lot area or, with approval of a Planned Unit Development (PUD), up to one unit less than one unit per 600 square feet of lot area. The Project Site measures 26,234 square feet, such that up to 43 dwelling units are permitted with PUD authorization.

The Project proposes a total of 73 dwelling units for the subject property. Accordingly, the residential density of the Project does not conform to the maximum density allowed by the Planning Code for the RM-1 District.

Supervisor Sophie Maxwell has introduced the SUD ordinance to allow an increase in residential density allowing one dwelling unit for each 360 square feet of lot area for affordable housing developments. The Project would provide 100 percent affordable housing by providing 73 residential units comprised of a combination of studio, two-bedroom and three-bedroom units, accommodating low-income individuals, couples and families, thus qualifying for the density bonus. The Project would accordingly comply with the maximum SUD density provided the SUD ordinance as adopted by the Board of Supervisors.

Section 304(d)(5) provides that in PUDs commercial uses may be included in R Districts to the extent such uses are necessary to serve residents in the immediate vicinity and subject to the limitations for NC-1 Districts.

In addition to a common area of about 7,000 square feet for use by building residents for social and educational activities, the Project would provide approximately 1,600 square feet of ground-floor space devoted to supportive resident services (i.e., counseling and training services). The provision of such counseling and training services for the Project's low-income target residents serve residents in the immediate vicinity, would be allowed in an NC-1 district, and accordingly complies with the requirements of Section 304(d)(5) as set forth in Item 8.

- B. **Height.** The subject property is located within a 40-X Height and Bulk District.

As measured by the provisions of Sections 102.12 and 260, the proposed Project would exceed the height limits of the 40-X Height and Bulk District at certain points along Le Conte Avenue. The Project Sponsor requests a modification of the height measurement methodology of the Planning Code, as defined by Sections 102.12 and 260. See item #8(E) below. With the requested modification of the height measurement methodology, the proposed Project would comply with the height limits of the 40-X Height and Bulk District.

- C. **Basic Floor Area Ratio.** In the RM-1 District, Section 124 allows a Floor Area Ratio (FAR) of up to 1.8 to 1. The project site has an area of 26,234 square feet; therefore the allowable FAR would permit a building of up to 47,221 square feet of Gross Floor Area as defined in Section 102.9.

The Project would measure approximately 80,247 square feet. Pursuant to Section 124(b), the cited Floor Area Ratio limits do not apply to residential uses or accessory parking. Subtracting the area of the residential uses and accessory parking, approximately 1,600 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

- D. **Rear Yard.** Sections 134(c)(2) and 134(c)(4)(A) of the Planning Code requires a rear yard equal to 45 percent of the lot depth to be provided at every residential level, reduced on corner lots to the depth of the rear building wall of one adjacent building.

The Project proposes a rear yard equal or greater in depth to the depth of the adjoining building wall on Le Conte Avenue, but would not extend the full width of the lot. The rear yard would occupy about 32 percent of the Project site, which would comply with size but not the configuration requirement of Section 134. The Project is seeking modification of the Code provision governing the configuration of rear yards through the PUD process. Compliance with the PUD criteria for a rear yard modification is discussed under #8(C) below.

- E. **Usable Open Space.** Section 135 requires that a minimum amount of usable open space be provided for dwelling units within the RM-1 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area and horizontal dimensions.

The Code requires that 100 square feet of private open space or 133 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RM-1 District. The Project therefore must provide a minimum of 9,709 square feet of common open space. The Project proposes a common garden at the ground floor courtyard level that measures approximately 8,540 square feet and meets the minimum dimension requirements for common open space. In addition, 54 square foot balconies that meet the minimum dimension requirements of the Code are provided for 40 units that total approximately 2,160 square feet. The total area of usable open space equals approximately 10,700 square feet, exceeding the requirements of Section 135.

- F. **Dwelling Unit Exposure.** Section 140 of the Planning Code requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

The dwelling units are arranged along two double-loaded corridors. All units will either face a public street (Third Street or La Conte Avenue) or the proposed rear yard which exceeds a width of 50 feet in all horizontal dimensions. The Project would meet the dwelling unit exposure requirements of Section 140.

- G. **Affordable Housing.** Pursuant to provisions of Section 315, new residential developments involving five or more dwelling units are required to comply with the inclusionary housing requirements by constructing 15 percent of the proposed dwelling units as affordable if they are provided on-site, 20 percent if the affordable units are provided off-site, or by payment of an in lieu-fee.

All of the proposed dwelling units within the Project qualify as affordable units. Therefore, the project complies with the inclusionary housing requirements.

- H. **Off-Street Parking.** Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this section, no off-street parking spaces are required for affordable dwelling units in RM-1 districts and up to 1 parking space per unit is permitted as accessory parking.

The Project proposes a 21-space basement level parking garage. Because no parking is required and the amount provided is less than 1 space per unit, the Project complies with Section 151.

- I. **Off-Street Loading.** Section 152 provides a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Pursuant to this Section, residential uses measuring between 0 and 100,000 square feet of gross floor area require no off-street loading space.

The proposed Project would provide approximately 70,500 square feet of gross floor area or residential uses. Therefore, no off-street loading space is required or proposed.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. Projects that proposed a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the criteria in Section 304, discussed under item #8. On balance, the project complies with the criteria of Section 303, in that:

- A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.

The Project's proposed residential and residential support-service uses, at the densities and scale contemplated and directly adjacent to the T-Third light rail line, will enhance the existing character of the neighborhood and provide 73 units of affordable housing. The Project site—at the intersection of Third Street and Le Conte Avenue—is located in the Bayview Hunters Point district, one block east of U.S. Highway 101 (James Lick Freeway) in southeastern San Francisco, about one-half mile north of the San Francisco-San Mateo County Line. Land uses in the vicinity of the Project include primarily residential uses with some industrial use to the north and retail and commercial uses existing to the north on Third Street and to the north and south on Bayshore Boulevard. The Muni Railway T-Third

light rail line runs along Third Street and is adjacent to the property. In 2006, the San Francisco Redevelopment Agency and the Board of Supervisors adopted the expanded Bayview Hunters Point Redevelopment Area Plan, which encourages a mix of development, retention and rehabilitation activities in the Bayview Hunters Point area to benefit current residents, encourage new residents and to strengthen economic and social activities.

Building a residential project and providing residential support services at this site is both desirable for, and compatible, with the existing community and with the Bayview Hunters Point Redevelopment Area Plan. The Project will address a current housing need by providing quality 100% affordable, multi-family housing in the Bayview Hunters Point neighborhood. Additionally, the Project's provision of social/vocational services including counseling and training is specifically designed to benefit current and new residents and to strengthen economic and social activities in the community.

The proposed increased density of the Project would be consistent with the general purpose of RM districts, which "are intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms" and to "provide unit sizes and types suitable for a variety of household, and contain supporting non-residential uses." The Project would also be consistent with the Bayview Hunters Point Redevelopment Plan, which calls for more compatible land use patterns in the Redevelopment Plan area by implementing new zoning controls that would concentrate new development in appropriate locations and specifically calls for additional affordable housing development in the neighborhood.

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
- (i) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

The proposed Project will be beneficial to the neighborhood with regard to the nature of the site and proposed structure. The Project maximizes the use of a large lot. Although the proposed Project would be up to nearly five stories nearest the corner of Third and Le Conte, the building would step down along its Le Conte Avenue façade such that it would be approximately the same height as the adjacent existing three story residences at the west of Le Conte. Any alterations of views resulting from construction of the Project would be very limited in scope, and no scenic vistas or public views of high quality will be altered or obstructed.

The Project would be consistent with the Bayview Hunters Point Redevelopment Plan, which requires that new development generally be consistent with existing development with respect to height and scale and that major scenic views or view corridors not be obstructed. The proposed height and materials of the Project would be within the general

range currently found in the vicinity and the Project's modern façade would enhance the Third Street and Le Conte Avenue corridors and would improve the sidewalk with street trees along both Third Street and Le Conte Avenue. These aspects of the Project would be consistent with the Redevelopment Plan, which seeks to "improve the visual character of the Project Area by eliminating physical blight."

The current buildings on the Project site, which are to be demolished, were constructed in the early 1950's and do not possess any artistic value that would enhance the visual quality of the area. A Historic Resources Evaluation conducted by the Department found the existing building to be an undistinguished example of motel architecture from the 1950s, and thus their demolition would have no significant effect on scenic resources or impact on historic resources.

- (ii) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

The FMND determined that the Project will have no significant impact on the environment, including no significant traffic, transit, pedestrian, or bicycle impacts. The Project will enhance the pedestrian experience in the neighborhood by marking the corner of Third Street and Le Conte Avenue with a modern, architecturally significant structure. Pedestrian access for the Project's residents will be provided from a single entrance along Le Conte Avenue. Although not required pursuant to the Planning Code, the Project would provide 21 off-street parking spaces (including one car-share space) in a partially below-grade garage accessible through a single entrance along Le Conte Avenue. The Project site is well served by public transportation. It is directly served by the Muni T-Third light rail line, which runs along Third Street and stops in each direction at the Project's intersection, Third Street and Le Conte Avenue.

- (iii) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor.

The Project includes residential uses that are typical of the surrounding context, and would not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to submit a Dust Control Plan to the Department of Public Health that specifies how airborne dust will be attenuated during construction. The requirements of this plan will ensure that demolition, excavation, and construction activities do not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials. Therefore, the Project is not expected to cause offensive amounts of glare.

- (iv) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs.

The Project provides open space within a common courtyard at the ground floor, as well as private balconies on many units. Street trees will also be planted along Third Street and Le Conte Avenue. No parking is required for the project but a 21-space basement level parking garage is proposed, and the area is well-served by transit. No loading space is proposed, and signage would be minimal and comply with the requirements of Article 6 of the Planning Code.

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The Project generally complies with the applicable sections of the Code, with certain modifications. The residential and residential services uses contemplated for the Project are permitted within the RM-1 Zoning District, the height and bulk of the Project are consistent with the 40-X Height and Bulk District, and the increased residential density will comply with the Third Street and Le Conte Avenue Affordable SUD upon its enactment by the Board of Supervisors. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan. The requested modifications and compliance with the PUD criteria are discussed under item #8.

Considered as a whole, the Project would add affordable housing and residential services to enhance the Bayview Hunters Point neighborhood. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of affordable units in a range of sizes. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms to multiple goals and policies of the General Plan, as described in further detail in item #10.

- 8. **Planned Unit Development.** Section 304 establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. In cases of outstanding overall design, projects may merit modification of certain Code requirements. On balance, the Project complies with said criteria in that it:

- A. Affirmatively promotes applicable objectives and policies of the General Plan;

See discussion under item #10.

- B. Provides off-street parking adequate for the occupancy proposed.

Pursuant to the requirements of Section 151, no off-street parking is required for affordable housing projects in RM-1 districts. Nonetheless, 21 off-street parking spaces are provided.

The area surrounding the Project Site is well served by transit and commercial services. Residents would be able to commute and shop for goods and services without reliance on private automobile use.

- C. Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

The Code requires that the Project provide a minimum of 7,300 square feet of private open space or 9,020 square feet of common open space, or a combination of the two. The Project proposes a common garden at the ground floor / courtyard level that measures approximately 8,540 square feet. In addition, 54 square foot balconies are provided for 40 units that total approximately 2,160 square feet. The total area of usable open space equals approximately 10,700 square feet, exceeding the requirements of Section 135.

- D. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

The Project proposes a total of 73 dwelling units for the subject property. Based on the allowable density specified by Section 209.1, up to 33 or, with approval of a PUD, 43 dwelling units would be allowed on the subject property. As discussed in #5(A) above, the SUD permits an increase in residential density allowing one dwelling unit for each 360 square feet of lot area. With such SUD rezoning, approval of the PUD could not be substantially equivalent to a reclassification of property.

- E. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code.

In addition to a common area of about 7,000 square feet for use by building residents for social and educational activities, the Project would provide approximately 1,600 square feet of ground-floor space devoted to supportive resident services (i.e., counseling and training services). The provision of such counseling and training services for the Project's low-income target residents serve residents in the immediate vicinity, would be allowed in an NC-1 district, and accordingly complies with the requirements of Section 304(d)(5).

- F. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

As measured by the provisions of Sections 102.12 and 260, the proposed project would exceed the height limits of the 40-X Height and Bulk District at a few points along Le Conte

Avenue. Because the frontage of the Project Site slopes downhill along Le Conte Avenue, the degree of exceedance varies depending on the point where the height measurement is taken. The Project Sponsor requests a modification of the height measurement methodology of the Planning Code, as defined by Sections 102.12 and 260.

Specifically, the Project Sponsor requests that the height measurement for the entire building's height be taken from a single location, near the midpoint of the Third Street frontage. Taken from this point, the finished roof of the building would reach a maximum height of 40 feet, and would therefore comply with the 40-X Height and Bulk District.

Section 304(d)(6) authorizes minor deviations from the provisions for measurement of height in Sections 260 and 261 as long as no such deviation departs from the purposes or intent of those sections. Section 251 lists the purposes of establishing height and bulk districts, including, in relevant part, the purposes of (i) relating the height of buildings to important attributes of the City pattern and to the height and character of existing development; (ii) promotion of building forms that will respect and improve the integrity of open spaces and other public areas; (iii) promotion of harmony in the visual relationships and transitions between new and older buildings; (iv) protection and improvement of important City resources and of the neighborhood environment; and (v) direction of new development to locations that are appropriate in terms of land use and transportation.

This modification is justified because, as a whole, the Project will promote harmony by visually relating to buildings including single family residences and multi-family residential buildings in the neighborhood. The Project's height, dimensions, and character are designed to be respectful to the surrounding buildings. At three to four stories over basement in height, the proposed Project will be consistent with the existing character, height, and bulk of buildings in the area. The building's varied roof line ensures a smooth transition from the taller portions of the building at Third Street to the adjacent existing three-story residences at the west end of Le Conte Street.

9. **Planned Unit Development Modifications.** The Project Sponsor requests two modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

- i. *Height Measurement Point: Item #5(B) and #8(F)*
- ii. *Rear Yard Configuration: Item #5(E) and #8(C)*
- iii. *Residential Services in an RM-1 district: Item #5 and #8(E)*

10. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project is an in-fill development on an appropriately zoned site in the established Bayview Hill residential neighborhood.

OBJECTIVE 4

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.4

Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

The SUD will permit a density bonus to permit up to 73 affordable dwelling units, which is 30 more units than would be allowed were the Project a market-rate development.

OBJECTIVE 5

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

The Project is being developed as a 100% affordable housing project in conjunction with local non-profit, community-based organization Providence Foundation of San Francisco dedicated to the provision of affordable housing and community services.

OBJECTIVE 11

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.7

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

The Project will be built with several complementary sustainable strategies including rooftop solar panels and an 8,540 square foot garden for residents.

**TRANSPORTATION ELEMENT:
Objectives and Policies**

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

The Project serves the City's "Transit First" policy because the site is well-served by public transportation options and many of the Project's low-income residents will likely use public transit as their primary mode of transportation. The site is located directly in front of the Muni T-Third light rail line, which runs along Third Street and stops in each direction at the Project's intersection, Third Street and Le Conte Avenue. Additionally, the Project provides a parking space for only 29 percent of the overall units.

OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

The Project's street-level landscaping and placement of trees along pedestrian sidewalks on both Third Street and Le Conte Avenue will improve the ambience of the pedestrian environment.

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1

Provide secure bicycle parking in new governmental, commercial, and residential developments.

The Project will provide at least 31 secure and enclosed bicycle parking spaces for residents, which meets the requirement of Planning Code Section 155.5 of 25 Class 1 (secure and enclosed) bicycle spaces for residential projects of greater than 50 units, plus one additional Class 1 space for each four units over 50 (i.e., 31 spaces required for the Project).

OBJECTIVE 34

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The Project would provide 21 off-street parking spaces (including one car-share space) in a partially below-grade garage, which would be accessed through a single entrance along Le Conte Avenue. The Project's proposed dwelling units will be 100% affordable, targeting a low automobile-ownership population. The Project site is very well served by public transportation—it is directly served by the Muni T-Third light rail line, which runs along Third Street and stops in each direction at the Project's intersection, Third Street and Le Conte Avenue.

Policy 34.5

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The Project garage would consist of a single curb cut for access from Le Conte Avenue.

URBAN DESIGN ELEMENT:

Objectives and Policies

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrast in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

The proposed Project will promote harmony by visually relating to buildings in the neighborhood, including single family residences and low-rise apartment buildings. The Project's height, dimensions, and character have been designed to be respectful to the surrounding buildings. The proposed materials of the Project are consistent with those found in the vicinity. The new construction will greatly enhance the character of the existing site and neighborhood.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

At three to five stories in height, the proposed Project will be consistent with the existing character, height, and bulk of buildings in the area. The building's varied roof line ensures a smooth transition from the taller portions of the building to the adjacent existing three-story residences at the west end of Le Conte Avenue. The Project's roofline is varied in height along Le Conte Avenue with setbacks and articulation in its massing.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

The proposed Project includes landscaping in its outdoor common area—a landscaped interior rear courtyard garden of 8,540 square feet —and will provide street trees along both Third Street and Le Conte Avenue.

**AIR QUALITY ELEMENT:
Objectives and Policies**

OBJECTIVE 3

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

Policy 3.2:

Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

The proposed Project combines residential and on-site social/vocational services in the heart of the Bayview Hunters Point neighborhood within walking distance of other residential and commercial uses. The Project site is very well served by public transportation—it is directly served by the Muni T-Third light rail line, which runs along Third Street and stops in each direction at the Project's intersection, Third Street and Le Conte Avenue, thereby reducing the need for automobile usage. The units will be equipped with filtered air if required by Health Code Article 38 based on their close proximity to the Highway 101 freeway.

ENVIRONMENTAL PROTECTION ELEMENT:

Objectives and Policies

OBJECTIVE 15

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

Policy 15.3:

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The proposed Project re-develops a transit-oriented site that is currently underutilized, providing affordable housing together with on-site social/vocational services. The Project's location will promote energy-efficient, non-automobile transportation. The Project site is very well served by public transportation—it is directly served by the Muni T-Third light rail line, which runs along Third Street and stops in each direction at the Project's intersection, Third Street and Le Conte Avenue, thereby reducing the need for automobile usage.

BAYVIEW HUNTERS POINT AREA PLAN:

Objectives and Policies

OBJECTIVE 6

ENCOURAGE THE CONSTRUCTION OF NEW AFFORDABLE AND MARKET RATE HOUSING AT LOCATIONS AND DENSITY LEVELS THAT ENHANCE THE OVERALL RESIDENTIAL QUALITY OF BAYVIEW HUNTERS POINT.

Policy 6.5

In the vicinity of Bayview Hill, encourage well-sited housing development that complements the natural areas and open space, as well as provides for local economic development.

The Project will provide moderate density affordable housing in the Bayview Hill subarea that enhances the overall quality of Bayview Hunters Point.

11. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

No existing neighborhood serving uses would be displaced. By providing on-site social and vocational counseling and training services for residents, the Project would potentially enhance future opportunities for employment of residents.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposed Project would substantially augment affordable housing in the neighborhood by replacing the existing 43 unit residential hotel with a 100 percent affordable housing project consisting of 73 dwelling units. By providing on-site social/vocational services for residents, the Project would preserve and foster the cultural and economic diversity of the neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced,

The proposed Project would significantly enhance the City's supply of affordable housing by replacing the existing 43 unit residential hotel with a 100 percent affordable housing project consisting of 73 dwelling units in a varied, family-friendly unit mix.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would provide 21 off-street parking spaces (including one car-share space) in a partially below-grade garage accessible through a single entrance along Le Conte Avenue. Because the Project would provide 100 percent affordable housing (thus targeting a low car-ownership population), the Project's resident parking demands should not overburden available neighborhood parking. Moreover, the Project site is very well served by public transportation—it is directly served by the Muni T-Third light rail line, which runs along Third Street and stops in each direction at the Project's intersection, Third Street and Le Conte Avenue.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project does not propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing on-site counseling and training services for residents.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on, or associated with, the Project site. A Historic Resources Evaluation conducted by the Department found the existing building to be an undistinguished example of motel architecture from the 1950s, and thus is not an historic resource.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park.

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
13. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Project Sponsor, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2008.1110CTZ** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 17985. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information,

please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94012.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

The Planning Commission further finds that since the MND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the MND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the MND.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 19, 2009.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore, Olague, and Sugaya

NAYS:

ABSENT:

ADOPTED: November 19, 2009

Exhibit A

Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This Conditional Use Authorization is for a proposed Planned Unit Development, an affordable residential project with on-site residential services located at 6600 Third Street at Le Conte Avenue, Block 5476, Lot 009, within the within the RM-1 (Residential, Mixed: Low Density) District, the proposed Third Street and Le Conte Avenue Affordable Housing Special Use District, the Bayview-Hunters Point Redevelopment Area, and the 40-X Height and Bulk District., in general conformance with the plans dated November 3, 2009 and marked "Exhibit B." The proposed Project would demolish the existing 2-story, 43-room residential motel (the "Franciscan Motel") and 32-space surface parking lot and construct a new 100 percent affordable, residential development in a 4-story building containing approximately 73 affordable dwelling units, approximately 1,600 square feet of ground-floor residential services space, 7,000 square feet of common residential space, and a 21-space basement-level parking garage.

1. COMPLIANCE WITH OTHER REQUIREMENTS

- A. The approved density of 73 affordable dwelling units is contingent on the Board of Supervisors enacting the Third Street and Le Conte Avenue Affordable Housing Special Use District, Board File No. 091036. If the Special Use District is not approved, the density of the project shall be limited to 43 dwelling units.
- B. This decision conveys no right to construct. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise

2. MITIGATION MEASURES

- A. Mitigation Measures. The Project Sponsor shall implement the mitigation and improvement measures set forth in and otherwise comply with, the Mitigation Monitoring Program attached as "Exhibit C" and incorporated herein by this reference.

3. GENERAL CONDITIONS

- A. Recordation. Prior to the issuance of any building permit for the construction of the Project, the Zoning Administrator shall approve and order the recordation of a notice in the Official Records of the Recorder of the City and County of San Francisco, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.
- B. Performance. The Commission may consider revocation of this conditional use authorization if a permit for the project has been issued, but is allowed to expire and more than three years have passed since the Motion was approved. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection within three years is delayed by a City, state or federal agency, or by appeal of the issuance of such permit.
- C. Severability. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
- D. Inclusionary Affordable Housing Program: Sections 315.1-315.9 of the Code set forth the requirements and procedures for the Residential Inclusionary Housing Program. By design, 100 percent of the units to be provided as a part of the Project are to be affordable to the levels acceptable in the Procedures Manual in perpetuity.

As currently proposed, the Project will contain approximately 73 affordable dwelling units. The event that the Project changes and some or all units become market-rate, the Project shall comply with the inclusionary housing requirements set forth in Section 315 of the Code. This condition of approval shall constitute the written determination and notice of the Inclusionary housing requirement pursuant to the procedures set forth in Code Section 315.

- E. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
- F. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Section 176.
- G. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1).

H. An enclosed garbage area shall be provided within the Project. All garbage containers shall be kept within the building until pick-up by the disposal company.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF AN ARCHITECTURAL ADDENDUM TO A BUILDING (OR SITE) PERMIT

A. Except as otherwise provided in this Motion, the Project shall be completed in compliance with the Planning Code and in general conformity with plans dated November 3, 2009, labeled "Exhibit B".

B. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes, and details of construction.

C. Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.

D. Pursuant to Planning Code Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

5. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY FOR THE PROJECT.

A. All usable open spaces shall be completed and available for use.

B. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

6. OTHER CONDITIONS

A. The City acknowledges that subordination of these Affordability Conditions may, in some circumstances, be necessary to ensure the Project Sponsor's receipt of adequate construction and/or permanent financing for the Project.

- i. These Affordability Conditions may be subordinated to the lien of any instrument securing repayment of construction or permanent financing for the Project ("Superior Indebtedness"), only if all of the following conditions have been satisfied:
 - a) Any proposed subordination agreement shall be reviewed and approved by the Zoning Administrator and the San Francisco Redevelopment Agency, or its successor, and shall be approved as to form by the City Attorney's Office.
 - b) The subordination of the Affordability Conditions shall be effective only as to maximum of eighty-eight (88) percent of the total number of units in the Project (the "Subordinated Units"). The Subordinated Units shall be representative of the size and type of units in the Project. In all events and at all times, the Affordability Conditions applicable to at least fifteen (15) percent of the total number of units in the Project shall be superior to all liens applicable to the Project.
 - c) In the event the Project is located within a Redevelopment Agency Project Area, the Redevelopment Agency Commission may subordinate all one hundred percent (100%) of the affordable units if it finds that subordination of all affordable units is financially and economically necessary.
 - d) The holder of the Superior Indebtedness shall be a state or federally chartered financial institution or a public entity that is not affiliated, other than as a depositor or a lender, with the Project Sponsor or any of the Project Sponsor's affiliates.
 - e) The Project Sponsor shall demonstrate, to the satisfaction of the Zoning Administrator and San Francisco Redevelopment Agency, or its successor, that such subordination is economically necessary to secure adequate construction and/or permanent financing for the Project. To satisfy this requirement, the Project Sponsor shall provide the following information:
 1. The appraisal used by the proposed lender or other written documentation acceptable to the monitoring agency to support the lender's calculation of a permissible loan amount, including the lender's projection of a rental income from the Project on a per unit basis as a "market rate" development;
 2. The Project Sponsor's summary of the income levels of proposed tenants and proposed rental rates.
 3. Evidence from the Project Sponsor that demonstrates that (i) the proposed amount of the loan is necessary to provide adequate construction and/or permanent financing, (ii) adequate financing would not otherwise be available, and (iii) alternative subordination terms are infeasible; and

4. A brief summary of all existing and proposed public and private financing for the Project, including amounts, terms, and any affordability requirements of such financing.
- B. The subordination terms shall be structured to minimize the risk that, as a result of a foreclosure by the holder of Superior Indebtedness, the Affordability Restrictions would be extinguished as to some or most of the units. To satisfy this requirement, the subordination terms should be structured to:
- i. Apply to only that number of units necessary to provide reasonable assurance to the lender of market rate rent sufficient to cover the operating expenses and debt service owed on the Superior Indebtedness, using customary standards for debt service coverage; and
 - ii. Provide the City with adequate rights to cure any defaults by the Project Sponsor under the financing documents, to help avoid the lender's declaration of a default under those documents. Such rights shall include, but not be limited to, (i) providing the monitoring agency or its successor with copies of any notices provided to the Project Sponsor of an event of default; (ii) providing the City with a minimum of forty-five (45) days from the date of any such notice to sure such default or to allow the Planning Commission to amend the Affordability Conditions to allow the Project Sponsor to receive adequate income to make past and current debt service payments on the Superior Indebtedness; and (iii) provide an additional thirty (30) days beyond the forty-five (45) days period to allow the Project Sponsor to make payments adequate to cure any defaults.
- C. Following review and approval by the Zoning Administrator and monitoring agency or its successor, and approval as to form by the City Attorney's Office, the Zoning Administrator shall be authorized to execute the approved subordination agreement.
- D. The Affordability Conditions are subordinate to affordability restrictions that may be established by the United States Department of Housing and Urban Development (the "HUD Requirements") so long as any Use Agreement, Deed of Trust, or Regulatory Agreement between the Project Sponsor and HUD, is in effect. While the Use Agreement, Deed of Trust or Regulatory Agreement is in effect, the use of the premises may not be changed without approval of the Secretary of HUD. Any use which meets HUD Requirements shall be deemed to satisfy the Commission's affordability requirements.