

37-06

FILE NO. 051563

ORDINANCE NO.

1 [Third Street and Oakdale Avenue Affordable Housing Special Use District.]
2

3 **Ordinance adding Planning Code Section 249.30 to establishing the Third Street and**
4 **Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third**
5 **Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block**
6 **bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, ~~by~~**
7 **~~adding Planning Code Section 249.27,~~ and making findings including findings under**
8 **the California Environmental Quality Act and findings of consistency with the General**
9 **Plan and priority policies of Planning Code Section 101.1.**

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

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

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

16 1. The ~~Proposal~~ legislation will affect property located at 4800 Third Street (Lot 45,
17 Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale
18 Avenue, Third Street, Palou Avenue, and Newhall Street (the "Property").

19 2. The Planning Department has determined that the actions contemplated in this
20 ordinance and related actions including the Third Street and Oakdale Avenue Affordable
21 Housing Special Use District, the companion amendment to Map 10, and related actions,
22 (collectively, the "Project") are in compliance with the California Environmental Quality Act
23 (California Public Resources Code sections 21000 et seq.). Said determination, which
24 includes a mitigated negative declaration dated May 17, 2004, and an Addendum to the
25 mitigated negative declaration dated December 8, 2005, is on file with the Clerk of the Board

1 of Supervisors in File No. 051563 and is incorporated herein by reference.
2 The Board adopts, as though fully set forth herein, the environmental findings and affirms the
3 conclusion of the Planning Commission in its Motion-Resolution No. 17162, adopted after a
4 duly noticed public hearing on December 15, 2005. aA copy of which said Planning
5 Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 051563
6 and that ~~Motion~~ is incorporated by reference herein.

7 3. The proposal is to build a 4 story building with 18 units of affordable housing for low
8 and moderate-income families/individuals over a ground floor retail space of ~~2000~~ 2250
9 square feet and ~~40~~ 11 off-street parking spaces. The proposal to increase density without
10 providing the required number of off-street parking spaces aims to capitalize on the project's
11 prime location along a mass transit corridor that is currently under construction along Third
12 Street.

13 4. In addition to ~~the~~ this Special Use District legislation, the project sponsor is also
14 seeking a zoning map amendment to increase the height limit for the Property from 40 feet to
15 50 feet on zoning map Section 10 and to identify the Special Use District on map Section 10
16 SU. The zoning map amendment is the subject of companion legislation, Board of
17 Supervisors Ordinance No. 36-06, a copy of which is in Clerk of the Board of Supervisors
18 File No. 051562 and is incorporated herein by reference.

19 5. On December 15, 2005, the Planning Commission in Resolution No. 17161
20 approved and recommended for adoption by the Board, the Third Street and Oakdale Avenue
21 Affordable Housing Special Use District, and in Resolution No. 17162 approved and
22 recommended for adoption by the Board the Zoning Map amendment to re-designate the
23 current Height and Bulk classification of the Property from 40 feet to 50 feet and to establish a
24 Special Use District. Planning Commission Resolution Nos. 17161 and 17162, copies of
25

1 which are on file with the Clerk of the Board of Supervisors in File No. 05/563, and are
2 incorporated by reference herein.

3 6. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
4 Special Use District will serve the public necessity, convenience and welfare for the reasons
5 set forth in Planning Commission Resolution No. 17161, approving and recommending the
6 Special Use District for adoption by the Board, and incorporates such reasons by reference
7 herein.

8 7. Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
9 Special Use District is consistent with the priority policies of Section 101.1(b) of the Planning
10 Code and the General Plan, and hereby adopts the findings of the Planning Commission, as
11 set forth in Planning Commission Resolution No. 17161, approving and recommending the
12 Special Use District for adoption by the Board, and incorporates said findings by reference
13 herein.

14 Section 2. The San Francisco Planning Code is hereby amended by adding Section
15 249.27 249.30, to read as follows:

16 **Sec. 249.27 249.30. Third Street and Oakdale Avenue Affordable Housing Special Use**
17 **District.**

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

24 (a) Any developer of housing who agrees to construct at least 1) 20% of the total units of a
25 housing development for lower income households; or 2) 10% of the total units of a housing

1 development for very low income households; or 3) 20% of the total units in a condominium project for
2 persons and families of moderate income shall be entitled to a density bonus to permit the construction
3 of residential units in excess of the number otherwise permitted for the subject property.

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

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

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

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

11 (4) "Lower income households" is defined in Section 50079.5 of the Health and Safety
12 Code.

13 (5) "Very low income households" is defined in Health and Safety Code Section 50105.

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

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

18 (d) In this special use district a modification to, exception from, or variance from otherwise
19 applicable requirements of this Code may be appropriate in order to further the critical goal of
20 creating affordable housing. A conditional use approval and a zoning variance for a housing
21 development subject to this Section may modify or grant the following modifications, exceptions, or
22 variances to the requirements of this Code if the facts presented are such as to establish that the
23 modification or exception satisfies the criteria of Subsections 303(c)(1) through 303(c)(3) of this Code
24 or that the variance satisfies the criteria of Section 305 of this Code. The following modifications to or
25

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


3 (1) A modification of or exception to the off-street parking requirements of Section 151 of
4 this Code to allow a reduction in the number of required parking spaces to 4011 spaces; and;

5 (2) A rear yard variance pursuant to Section 134 of the Planning Code
6 modification of or exception to the rear yard requirements of Section 134 of this Code to allow
7 a rear yard in the form of an inner court.

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

11 (f) In the event that the units as described in Subsection (a) are not constructed as specified
12 by December 31, 2008 the controls of this Section 249.27 249.30 shall expire on January 1, 2009.

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

15 By:  for
16 SUSAN CLEVELAND-KNOWLES
17 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051563

Date Passed:

Ordinance adding Planning Code Section 249.30 to establishing the Third Street and Oakdale Avenue Affordable Housing Special Use District for property at 4800 Third Street (Lot 45, Assessor's Block 5322), located at the southwest corner of the block bounded by Oakdale Avenue, Third Street, Palou Avenue, and Newhall Street, and making findings including findings under the California Environmental Quality Act and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

February 28, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

March 7, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin,
Sandoval

Absent: 1 - Alioto-Pier

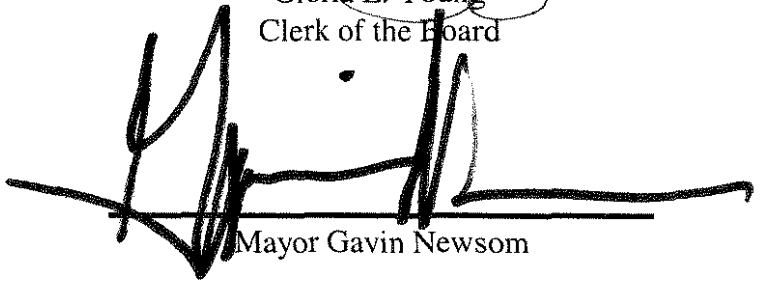
Excused: 1 - McGoldrick

File No. 051563

I hereby certify that the foregoing Ordinance was FINALLY PASSED on March 7, 2006 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom

3.10.06

Date Approved