

File No. 091036

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee Land Use & Economic Development Date November 23, 2009

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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OTHER

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Completed by: Linda Laws

Date November 20, 2009

Completed by: _____

Date _____

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

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 249.42 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____ and is incorporated herein by reference.
25 The Board adopts, as though fully set forth herein, the environmental findings and affirms the

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. 09____ 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 _____, 2009, the Planning Commission in Resolution No. _____
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. _____, a copy of which is on file
14 with the Clerk of the Board of Supervisors in File No. 09____, 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. _____, 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
23 249.42, to read as follows:

24 SEC. 249.42. THIRD STREET AND LE CONTE AVENUE AFFORDABLE HOUSING

25 SPECIAL USE DISTRICT.

Supervisor Maxwell
BOARD OF SUPERVISORS

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
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.

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 249.42 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
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LEGISLATIVE DIGEST

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

Ordinance amending the San Francisco Planning Code by adding Section 249.42 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.

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.