

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

2

3 **Ordinance establishing the Third Street and Oakdale Avenue Affordable Housing**
4 **Special Use District for property at 4800 Third Street (Lot 45, Assessor’s Block 5322),**
5 **located at the southwest corner of the block bounded by Oakdale Avenue, Third Street,**
6 **Palou Avenue, and Newhall Street, by adding Planning Code Section 249.27, and**
7 **making findings.**

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

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

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

14 1. The Proposal will affect property located at 4800 Third Street (Lot 45,
15 Assessor’s Block 5322), located at the southwest corner of the block bounded by Oakdale
16 Avenue, Third Street, Palou Avenue, and Newhall Street (the “Property”).

17 2. The Planning Department published a Preliminary Mitigated Negative Declaration
18 on April 24, 2004, analyzing the Third Street and Oakdale Avenue Affordable Housing Special
19 Use District, the companion amendment to Map 10, and related actions, (collectively, the
20 “Project”), by Motion No. _____, on file with the Department (File No. 2003.1048CKTVZ)
21 the Planning Commission made findings and adopted the Mitigated Negative Declaration in
22 compliance with the California Environmental Quality Act ("CEQA") (California Public
23 Resources Code sections 21000 et seq.), the State CEQA Guidelines (California Code of
24 Regulations Title 14 sections 15000 et seq.), and Chapter 31 of the San Francisco
25 Administrative Code (“Chapter 31”). The Board adopts the findings and conclusion of

1 Planning Commission Motion No. _____, a copy of which is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and that Motion is incorporated by reference
3 herein.

4 3. The proposal is to build a 4 story building with 15 units of affordable housing for
5 low and moderate-income families/individuals over a ground floor retail space of 3000 square
6 feet and 4 off-street parking spaces. The proposal to increase density without providing the
7 required number of off-street parking spaces aims to capitalize on the project's prime location
8 along a mass transit corridor that is currently under construction along 3rd Street.

9 4. In addition to the Special Use District legislation, the project sponsor is also
10 seeking a zoning map amendment to increase the height limit for the Property from 40 feet to
11 50 feet on zoning map Section 10.

12 Section 2. The San Francisco Planning Code is hereby amended by adding Section
13 249.27, to read as follows:

14 **Sec. 249.27. Third Street and Oakdale Avenue Affordable Housing Special Use
15 District.**

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

22 (a) Any developer of housing who agrees to construct at least 1) 20% of the total
23 units of a housing development for lower income households; or 2) 10% of the total units of a
24 housing development for very low income households; or 3) 20% of the total units in a
25 condominium project for persons and families of moderate income shall be entitled to a

1 density bonus to permit the construction of residential units in excess of the number otherwise
2 permitted for the subject property.

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

4 (1) "Density bonus" shall mean a density increase of at least 7 percent over the
5 otherwise maximum allowable residential density under the applicable zoning ordinance (one
6 unit per 600 square feet of lot area).

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

13 (5) "Very low income households" is defined in Health and Safety Code Section
14 50105.

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

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

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

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

3
4 (1) A modification of or exception to the off-street parking requirements of Section
5 151 of this Code to allow a reduction in the number of required parking spaces;

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

10 (f) In the event that the units as described in Subsection (a) are not constructed as
11 specified by May 27, 2007 the controls of this Section 249.27 shall expire on May 27, 2004.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: SUSAN CLEVELAND-KNOWLES
16 Deputy City Attorney

17
18
19
20
21
22
23
24
25