



NOTICE OF PROJECT ELIGIBLE FOR SB 35 APPROVAL

Date: January 22, 2021
BPA No.: **202101042034**
Planning Record No. **2020-010648PRJ**
Project Address: **240 Van Ness Avenue**
Zoning: C-3-G (Downtown-General) District
70-X Height and Bulk District
Block/Lot: 0811/016, 018, 019, and 021
Project Sponsor: Fiona Ruddy
Mercy Housing
1256 Market Street
San Francisco, CA 94102
Staff Contact: Samantha Updegrave – (628) 652-7322
samantha.updegrave@sfgov.org

Project Description

The proposed project is an 8-story, 87,637-square-foot residential building with a ground floor community facility, residential common areas, a recreation room, and open space (sensory garden) that is pursuing the State Density Bonus Program. The project proposes 107 affordable units and two staff units for a total of 109 units, with 77 studio and 32 two-bedroom dwelling units. Twenty-five percent of the affordable units would be reserved for people with intellectual / developmental disabilities. The project also includes a lot line adjustment to consolidate four existing lots into one 13,518-square foot lot.

SB 35 Eligibility Checklist

The Planning Department has determined that the project, as proposed, is eligible for approval under Senate Bill 35 (California Government Code Section 65913.4) in conjunction with the State Density Bonus Law (California Government Code Section 65915).

- Notification to California Native American tribes:** After providing notice of the intent to develop the site to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed development site, a determination by the City that: the development site is not a tribal or cultural resource on a national, state, tribal or local historic register list; that the parties to a scoping consultation have documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment; or that the parties to the scoping consultation do not disagree as to whether a potential tribal cultural resource will be affected by the proposed development.

- Affordability:** At least 50% of the proposed residential units are dedicated as affordable to households at 80% AMI for either rental or ownership projects.

- Number of Units:** The development contains at least two or more residential units.
- Zoning and Residential Uses:** The development is located on a legal parcel or parcels that are zoned for residential uses. At least 2/3 of the floor area of the proposed building is dedicated to residential uses.
- Location:** The development is located on a property that is **not** within a coastal zone, prime farmland, wetlands, a high fire hazard severity zone, hazardous waste site, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.
- Demolition of Residential Units:** The project does not demolish any housing units that have been occupied by tenants in the last 10 years; are subject to any form of rent or price control, or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.
- Historic Buildings:** The project does not demolish a historic structure that is on a national, state, or local historic register.
- Consistent with Objective Standards:** The project must meet all objective standards of the Planning Code at the time of SB-35 application submittal.
- Prevailing Wages:** If the development is not in its entirety a public work, as defined in Government Code Section 65913.4 (a)(8)(A), all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
- Skilled and Trained Workforce provisions:** A skilled and trained workforce, as defined in Government Code Section 65913.4 (a)(8)(B) iii, will complete the development if the project consists of 75 or more units that are not 100 percent subsidized affordable housing.
- Subdivisions:** The development did not or does not involve a subdivision of a parcel that is subject to the California Subdivision Map Act, unless the development either (i) receives a low-income housing tax credit and is subject to the requirement that prevailing wages be paid, or (ii) is subject to the requirements to pay prevailing wages and to use a skilled and trained workforce.

Review Timeline

The SB 35 Application for the project at 240 Van Ness was submitted on December 21, 2020. Pursuant to Government Code Section 65912.4, the Planning Department must complete any necessary design review within 90 days of application submittal, not including time spent waiting for applicant response to Planning Department requirements. Provided the application is complete, the Planning Department must complete design review by March 19, 2021. This notice serves only to confirm eligibility for using SB-35; Planning staff may request additional information, as required, to complete their review. The project sponsor will receive a Notice of Final SB 35 Approval upon completion of design review. Please note that the Planning Director may decide, on a case by case basis, to schedule a design review hearing at the Planning Commission and/or Historic Preservation Commission.