

File No. 111105

Committee Item No. 1

Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date December 5, 2011

Board of Supervisors Meeting

Date December 13, 2011

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <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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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 17259</u> |
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Completed by: Alisa Miller Date December 2, 2011

Completed by: Alisa Miller Date December 7, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Interdepartmental Jurisdictional Transfer of Property 341 Corbett Avenue]

2
3 **Ordinance transferring jurisdiction of certain unimproved real property located at**
4 **341 Corbett Avenue (Assessor's Block No. 2659, Lot No. 059) between 19th Street and**
5 **Danvers Street from the Mayor's Office of Housing to the Department of Public Works.**

6
7 NOTE: Additions are single-underline italics Times New Roman;
8 deletions are ~~strike-through italics Times New Roman~~.
9 Board amendment additions are double-underlined;
10 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 (the "Board") hereby finds and declares:

14 A. In November 2002, the Board enacted the Surplus City Property Ordinance,
15 Ordinance No. 227-02, which added Chapter 23A to the San Francisco Administrative Code
16 to establish a procedure for the identification and sale of surplus City property to assist in the
17 provision of housing for the homeless.

18 B. On May 18, 2004, the Board finally passed Ordinance 96-04 declaring certain
19 City-owned property to be surplus, and transferring jurisdiction of such surplus property,
20 including certain property located at 341 Corbett Avenue (Block 2659, Lot 059) (the "Corbett
21 Property"), located between 19th Street and Danvers Street, to the Mayor's Office of Housing
22 in accordance with the Surplus City Property Ordinance.

23 C. The Corbett Property is zoned "P" (Public) in the City's Zoning Map. On June 8,
24 2006, the Planning Commission adopted Resolution No. 17259, a copy of which is on file with
25 the Clerk of the Board of Supervisors in File No. 111105, which is hereby declared to be a
part of this Ordinance as if set forth fully herein, which recommends an amendment to

1 the Zoning Map to change the zoning of the Corbett Property from "P" to "RH-2". No such
2 amendment to the Zoning Map was made.

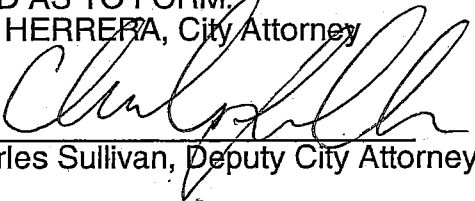
3 D. The Corbett Property is sloped and heavily vegetated with numerous mature
4 trees, making development for housing physically challenging. The Corbett Property does
5 provide an opportunity for community gardening given its location and soil conditions.

6 E. The Department of Public Works manages and implements a robust program to
7 facilitate the interim use of properties such as the Corbett Property for community gardening.
8 The Mayor's Office of Housing does not operate a similar program.

9 Section 2. Transfer of Jurisdiction. The Board has determined that the best use of the
10 Corbett Property is to retain its current physical state, with the addition of a community
11 garden, to be enjoyed by all neighborhood residents, consistent with past uses. The
12 Department of Public Works is best positioned to provide the appropriate permits to facilitate
13 neighborhood-based gardening efforts. Accordingly, the Board hereby transfers the Corbett
14 Property to the Department of Public Works without payment, to be used and maintained in its
15 as-is condition but with community garden uses under appropriate permit. If the Department
16 of Public Works determines that the Corbett Property is not needed for community garden
17 purposes, then the Department of Public Works shall transfer the Corbett Property back to the
18 Mayor's Office of Housing and the Director of Property shall record such jurisdictional transfer
19 in the City's real estate records without additional action by the Board, provided that the
20 Director of Property shall notify the Board of Supervisors that the Corbett Property has been
21 transferred back to the Mayor's Office of Housing. In addition, if not previously transferred
22 back to the Mayor's Office of Housing within five (5) years following the effective date of this
23 Ordinance, then the Director of Property, the Director of DPW, and the Director of the Mayor's
24 Office of Housing shall meet and confer at that time, in addition to consulting with the District
25 Supervisor and members of the public, to evaluate the best use of the Corbett Property and

1 whether it should be maintained as neighborhood open space or transferred back to the
2 Mayor's Office of Housing. Such evaluation shall take into account whether the Corbett
3 Property is being used as public space, whether that use as public space is benefiting the
4 neighborhood, whether the transfer would be detrimental to the surrounding neighborhood,
5 and the benefit to affordable housing production of transferring the Corbett Property. This
6 Ordinance shall supersede and revoke the prior direction of the Board, under Ordinance No.
7 96-04, to dispose and/or develop the Corbett Property under San Francisco Administrative
8 Code Chapter 23A.

9 APPROVED AS TO FORM:
10 DENNIS J. HERREERA, City Attorney

11 By: 
12 Charles Sullivan, Deputy City Attorney

PLANNING COMMISSION

**Case No. 2006.0109RZ
3184 Market Street (aka 331 Corbett
Avenue), Assessor's Block 2659 Lot 059,
Resolution No. 17259
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**SAN FRANCISCO
PLANNING COMMISSION
RESOLUTION NO. 17259**

RESOLUTION OF THE PLANNING COMMISSION ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND THE OFFICIAL ZONING MAPS OF THE CITY AND COUNTY OF SAN FRANCISCO BY RECLASSIFYING THE ZONING OF PROPERTY ON MARKET STREET, ASSESSOR'S BLOCK 2659 LOT 059, FROM P, PUBLIC USE, TO RH-2, RESIDENTIAL HOUSE, TWO FAMILY.

WHEREAS, On March 27, 2006, Jerry Romani, representing the City and County of San Francisco (Applicant), Real Estate Division filed applications with the Planning Department (Department) for a zoning map amendment; and

WHEREAS, On May 18, 2006 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Zoning Change Application No. 2006.0109Z.; and

WHEREAS, An exemption from Environmental Review under the "General Rule" found in the State CEQA Guidelines Section 15061(b)(3) was issued for the Project on May 3, 2006; and

WHEREAS, 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 applicant, Department staff, and other interested parties; and

WHEREAS, The project site consists of one Assessor's parcel of approximately 12,700 square feet in area on Assessor's block 2659. The parcel is bounded by Market Street on the south and Corbett Avenue on the north. Adjacent parcels to the east and west are developed with multiple family residential developments of 3 to 16 dwelling units. The Applicant proposes to sell the property to a private housing developer for the development of market-rate housing; and

WHEREAS, Under the Planning Code provisions for property in an RH-2 (Residential House, Two Family) district, the property could be divided in to as many as 5 separate parcels allowing for up to 10 new dwelling units; and

WHEREAS, The change of zoning classification and sale of the property directly implements Policy 1.5 and Policy 7.1 of the General Plan, Housing Element in that, the sale of this surplus City property as proposed by the City will increase the funds in the City's Affordable Housing Fund.

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WHEREAS, Land uses in the immediate vicinity of the Project site are a mix of residential buildings ranging from one to sixteen units in size with the preponderance of buildings containing one or two dwelling units. The Market Street frontage of the property is not accessible because of a large retaining wall on the south side of the property; and

WHEREAS, The public necessity, convenience and general welfare requires the requested Zoning Map amendment because it will allow a public agency, the City and County of San Francisco, to receive value for surplus property and have that property put to a productive use and will allow a private housing provider to develop family housing on vacant property. Amending the Zoning Map will provide funds to the City from the sale of the property. These funds will help the City provide affordable housing for low income persons at an alternate location; and

WHEREAS, Changing the zoning classification of the subject property will bring vacant land to productive use and promote the construction of necessary housing in the City; and

WHEREAS, Under Section 302 of the Planning Code, upon recommendation of the Planning Commission, the Board of Supervisors may amend the Code when required by the public necessity, convenience, and general welfare; and

WHEREAS, The proposed reclassification meets the priority policies of Planning Code Section 101.1(b) in that;

The change in zoning classification will not directly affect any neighborhood serving retail, however, the new residences will support neighborhood serving businesses in the general area that rely on nearby residences for their economic vitality.

The change in zoning classification will not affect existing housing but will provide for the development of new family housing. The new dwellings will attract new people to the neighborhood and expand cultural and economic diversity in the neighborhood.

The change in zoning classification will expand affordable housing opportunities by providing funds to the City for the development of additional affordable housing elsewhere in the City, adding to the stock of affordable housing in the City.

The change in zoning classification for the property, and the future development of the site, will have minimal impact on traffic and parking in the area. New housing development will be required to provide off street parking in conformance with the Planning Code. A MUNI bus line is located on Corbett Avenue adjacent to the Project site. Development of the site for family housing will not materially effect operations of the transit line.

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The change in zoning classification will allow development that is residential in nature and which will not directly affect industrial and service sector businesses. The Project does not contain a commercial office component. The Project will allow the development of new dwelling units that can provide housing for industrial and service sector employees.

The change in zoning classification will provide for new dwelling units that will be constructed to meet contemporary codes for seismic safety.

Neither landmarks nor historic buildings will be affected by the Project.

The change in zoning classification will not affect sunlight to, or vistas from any park or recreational open space areas.

WHEREAS, The proposed reclassification is consistent with the objectives and policies of the General Plan; now

THEREFORE BE IT RESOLVED, The Commission hereby finds that the proposed rezoning from P to RH-2 would have no physical effects on the environment and, it can be seen with a certainty that there would be no significant effects on the environment, and the project is excluded from further environmental review under the "General Rule" found in the State CEQA Guidelines Section 15061(b)(3); and be it

FURTHER RESOLVED, That the Commission finds that the public necessity, convenience, and general welfare require amending the official zoning maps of the City and County of San Francisco by reclassifying the subject property, being Lot 059 in Assessor's Block 2659 indicated on the attached exhibit A from P, Public Use to RH-2, (Residential House, Two Family).

FURTHER RESOLVED, That although the Commission recommends the amendment to the zoning map, it also recommends that the Mayor's Office on Housing and the Department of Real Estate explore, with the Director of the Recreation and Parks Department, the feasibility of Recreation and Parks acquiring the subject property at fair market value.

I hereby certify that the foregoing Resolution was ADOPTED by the Commission at its regular meeting on June 8, 2006.

Linda D. Avery
Planning Commission Secretary

AYES: Commissioners Alexander, Antonini, S. Lee, W. Lee

NOES: Commissioner Olague

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ABSENT: Commissioners Bradford-Bell, Hughes

ADOPTED: June 8, 2006