



NOTICE OF FINAL APPROVAL OF AN AB 2011 PROJECT

Date: 2/12/2024
Planning Record No. 2023-006512PRJ
Project Address: 3300 MISSION STREET
Zoning: NCD – Mission Bernal Neighborhood Commercial District
Mission Alcoholic Beverage Special Use District
Mission Street Formula Retail Restaurant Subdistrict
Fringe Financial Services Restricted Use District
40-X Height and Bulk District
Block/Lot: 6635 / 001
Project Sponsor: Andre White
515 Cortland Avenue
San Francisco, CA 94110
Staff Contact: Charles Enchill – (628) 652-7551
Charles.Enchill@sfgov.org

Project Description

The project would redevelop an existing three-story building that contained ground floor commercial space and twenty-four (24) Single Room Occupancy (SRO) and hotel units, which has been vacant due to a fire since approximately 2016. The proposed project would construct a six-story building approximately 21,600 square feet, containing thirty-five (35) studio units 100% affordable to Low- and Very Low-Income Households, a residential community space, and approximately 776 square feet of ground floor commercial space. The new structure will retain the existing façades along Mission and 29th Streets.

Project Approval

This project is approved pursuant to Government Code section 65912.110, commonly known as **AB 2011**. AB 2011 requires the ministerial approval of eligible 100% affordable and mixed-income housing developments located on sites where office, retail or parking are principally permitted. For additional details on AB 2011, please see Government Code section 65912.110, or Director’s Bulletin 5.

The Department has determined that the project is eligible for AB 2011 and has concluded its design review of the project, including that it complies with the objective standards of the Planning Code. The Department therefore approves the project in accordance with the provisions of Government Code section 65915 (AB 2011), as recorded in Planning Record No. 2023-006512PRJ. The project shall comply with the standard conditions of approval for an AB 2011 project, attached as **Exhibit A**. The property owner shall record Exhibit A in a Notice of

Special Restrictions prior to the issuance of a site or building permit for the project. The plans for the approved project are attached to this approval as Exhibit B.

Project Timeline

On October 25, 2023, Andre White submitted an AB2011 Application for the project at 3300 MISSION STREET.
 On November 20, 2023, department staff determined that the AB 2011 Application was complete,
 On November 20, 2023, department staff determined that the proposed project was eligible for AB 2011.
 On January 19, 2024, department staff issued Plan Check Letter No. 1 to the Project Sponsor.
 On January 24, 2024, the Project Sponsor responded to Plan Check Letter No. 1.

Compliance with the State Density Bonus Law

The Project Sponsor seeks to proceed pursuant to Planning Code Section 206.6, Individually Requested State Density Bonus Law, Government Code Section 65915 et seq (the “State Law”). Under subsection 65915(b)(1)(G) of the State Law, a housing development that provides 100 percent of the total units for lower income households, except that up to 20 percent of the total units in the development may be for moderate-income households and exclusive of a manager’s unit(s), is entitled to four concessions and incentives that result in identifiable and actual cost reductions to provide for affordable housing costs. Such project, when located within one-half mile of a major transit stop, shall be relieved of maximum density controls and shall also receive a height increase of up to three additional stories, or 33 feet, and unlimited waivers from development standards that might otherwise preclude the construction of the project are permitted under this subsection of the State Law.

PRJ Accepted Date	11/20/2023
Project Tenure	Rental
Location	Mission Bernal NCD
Project Size	Large – 25+ total units
On-Site Rate	N/A – Exempt for 100% affordable
Fee Rate	N/A – Exempt for 100% affordable
Total On-Site Affordable Units	35
AMI Levels	30-80% AMI
Affordable Unit Mix	35 Studio
Total Residential Floor Area	20,963 sf
Base Residential Floor Area or Base Units	N/A – 100% affordable project may seek form-based density.
% Density Bonus	N/A – Three (3) additional stories in height (or 33 feet) pursuant to CA Gov Code §65915(b)(1)(G) and 65915(d)(2)(D).

Planning Code Findings

Planning Code Section 206.6

The Department finds that the project is consistent with the findings set forth in 206.6 as further described below.

Waivers

The Planning Department shall waive any development standard that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by the State Density Bonus Law. The Department is not required to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The Department is not required to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

The project has requested waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit mix (Planning Code Section 207.7), and height (Planning Code Section 260).

- A. The waiver is not required to permit the construction of the project meeting the density permitted or with the Concessions and Incentives permitted under Planning Code Section 206.6.

***Rear Yard.** The requested waiver from rear yard setback allows the project to add an additional twenty five (25) dwelling units at the North side and interior of the property, where the triangular shape of the lot would result in a discontinuous rear yard inconsistent with the neighborhood pattern of mid-block open space.*

***Open Space.** The requested waiver from usable open space further allows the project to add dwelling units at the project site. The project provides 540 square feet of common usable open space, approximately fifteen percent of the square footage required, at the roof deck. Due to the limited parcel area of 3072 square feet, providing additional common usable open space at the ground floor would conservatively preclude construction of 1-2 units per floor (or total of 5-10 units).*

***Dwelling Unit Mix.** The requested waiver from dwelling unit mix allows the project to provide thirty-five (35) units that are 100% affordable, defined as 30-80% Area Median Income (AMI). Compliance with the dwelling unit mix requirements would preclude the same amount of units to be constructed (35 studios) in order to meet required amount of two- and three-bedroom units.*

***Height.** The requested waiver from height allows the project to add at least fourteen (14) cumulative dwelling units at the fifth and sixth floors. Construction consistent with Planning Code Section 260 would result in these additional density bonus units lost.*

- B. The waiver would have a specific, adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is

no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

The requested waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit mix (Planning Code Section 207.7), and height (Planning Code Section 260) would not result in a specific, adverse impact to public health and safety, or on any real property that is listed in the California Register of Historical Resources.

C. The waiver would be contrary to state or federal law.

The requested waivers from the development standards for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit mix (Planning Code Section 207.7), and height (Planning Code Section 260) would not be contrary to state or federal law.

General Plan Findings

HOUSING ELEMENT

POLICY 8

EXPAND PERMANENTLY SUPPORTIVE HOUSING AND SERVICES FOR INDIVIDUALS AND FAMILIES EXPERIENCING HOMELESSNESS AS A PRIMARY PART OF A COMPREHENSIVE STRATEGY TO ELIMINATE HOMELESSNESS.

POLICY 15

EXPAND PERMANENTLY AFFORDABLE HOUSING INVESTMENTS IN PRIORITY EQUITY GEOGRAPHIES TO BETTER SERVE AMERICAN INDIAN, BLACK, AND OTHER PEOPLE OF COLOR WITHIN INCOME RANGES UNDERSERVED, INCLUDING EXTREMELY-, VERY LOW-, AND MODERATE-INCOME HOUSEHOLDS.

Objective 4.A

Substantially expand the amount of permanently affordable housing for extremely low- to moderate-income households.

POLICY 26

STREAMLINE AND SIMPLIFY PERMIT PROCESSES TO PROVIDE MORE EQUITABLE ACCESS TO THE APPLICATION PROCESS, IMPROVE CERTAINTY OF OUTCOMES, AND ENSURE MEETING STATE- AND LOCAL-REQUIRED TIMELINES, ESPECIALLY FOR 100% AFFORDABLE HOUSING AND SHELTER PROJECTS.

POLICY 32

PROMOTE AND FACILITATE AGING IN PLACE FOR SENIORS AND MULTI-GENERATIONAL LIVING THAT SUPPORTS EXTENDED FAMILIES AND COMMUNAL HOUSEHOLDS.

Objective 4.C

Diversify housing types for all cultures, family structures, and abilities.

The project will construct a mixed-use building consisting of 35 studio dwelling units and ground floor retail and the project sponsor will deed-restrict all 35 rooms at the site at affordability levels 30-80% Area Median Income (AMI).

Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The project site does not possess any neighborhood-serving retail uses since 2016 fire damage. The Project provides 35 new dwelling units, at affordability levels 30-80% AMI, which will enhance the proposed ground-floor retail use and nearby retail uses by providing new residents, who may patron and/or own these businesses.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The project site does not possess any existing housing. The Project provides 35 new dwelling units, at affordability levels 30-80% AMI, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add proposed ground-floor retail use, which adds to the public realm and by facilitating a commercial space along the neighborhood commercial corridor. The Project is expressive in its design and would also protect and preserve the cultural and economic diversity of the neighborhood.

- C. That the City's supply of affordable housing be preserved and enhanced,

The Project does not currently include any existing affordable housing. The Project will provide 100% affordable units, defined as 30-80% AMI.. Therefore, the Project will increase the stock of affordable housing units in the City.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project Site is served by nearby public transportation options. The Project is located along a Muni bus line (14, 14R, and 49-Mission) and is within walking distance of the Muni Line J light rail at 30th and Dolores Streets. In addition, the Project is within one block of 30th Street and Mission Street bus route (lines 24 and 36). Future residents would be afforded proximity to a bus lines and light rail line.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project does not include commercial office development. The commercial portion of the Project is limited to approximately 800 square feet at the ground floor, thus assisting in diversifying the neighborhood.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or listed California Register Historic Buildings. The historic building identified through Department survey will be substantially rehabilitated from its fire damaged state while accommodating a three-story vertical addition.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project's height at six stories is not subject to environmental review nor the review of shadows on our parks and open spaces under Planning Code Section 295 as the 100% affordable unit project qualifies for formed based density bonus up to three additional floors or 33 feet, pursuant to CA Gov Code §65915(b)(1)(G) and 65915(d)(2)(D). In combination with State Density Bonus Law, the project is consistent with this finding.

Attachments:

- Exhibit A – Conditions of Approval
Exhibit B – Approved Plans

Exhibit A – Conditions of Approval for 100% Affordable AB 2011 Projects

Authorization

This authorization is to allow redevelopment of an existing 3-story building into a six-story mixed-use building with 35 studio units 100% affordable to Low- and Very Low-Income households, located at 3300 Mission Street, Block 6635, Lot 001, within the Mission Bernal Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated January 24, 2024. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

Recordation of Conditions of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by Planning Department staff under Planning Case No. 2023-006512PRJ.

Severability

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. “Project Sponsor” shall include any subsequent responsible party.

Changes and Modifications

Changes and modifications will be evaluated consistent with Government Code Section 65913.4(h).

Performance

1. **Expiration.** Pursuant to California Government Code Sections 65912.114(j) and 65913.4(g), the authorization and right vested by virtue of this action does not expire, as the Project includes public investment in affordability, and more than 50 percent of units are restricted by a land use restriction or covenant as affordable to households earning below 80 percent of the area median income for no less than fifty-five years if rented and forty-five years if owned.

Provisions

2. **Prevailing Wages.** If the Project is not in its entirety a public work, as defined in Government Code Section 65912.130(b), all construction workers employed in the execution of the development must be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, and

the standards set forth in Government Code Section 65913.4(8) shall be met during the construction of the project.

3. **Workforce Participating in an Apprenticeship.** The Project includes more than 50 units. Therefore, the development of the Project shall meet all of the labor standards set forth in Government Code Section 65913.4(a)(8)(E).
4. **Skilled and Trained Workforce.** The Project exceeds 85 feet in height above grade. Therefore, the Project shall with the standards set forth in Government Code Section 65913.4(a)(8)(F). A Project is exempt from this requirement if 100% of the units, excluding manager's units, are affordable to lower income households as defined in Section 50079.5 of the Health and Safety Code.
5. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
6. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org.

7. **Affordable Housing.** The Project was approved in accordance with the provisions of California Government Code Section 659110-114. One hundred percent of the units within the project, excluding managers' units, shall be dedicated to lower income households at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee. The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.
8. **Regulatory Agreement.** The Project was approved ministerially in accordance with the provisions of California Government Code Section 65913.16, since one hundred percent of the units in the project are restricted to lower income households for no less than fifty-five years if rented and forty-five years if owned. In addition, the Project was approved in accordance with the provisions of California Government Code Section 65915 ("State Density Bonus Law"). The Project is eligible for decontrolled density, three stories above the zoned height limit, up to four incentives and concessions, and unlimited waivers from development standards. The Department has granted waivers for rear yard (Planning Code Section 134), usable open space (Planning Code Section 135), dwelling unit mix (Planning Code Section 207.7), and height (Planning Code Section 260). Prior to the issuance of the first construction document for the Project, the property owner must enter into a regulatory agreement with the City pursuant to the provisions of Planning Code Section 206.6(f).

9. **Inclusionary Affordable Housing Program.** As currently proposed, the Project is exempt from the Inclusionary Affordable Housing Program under Section 415.3(f) because it is a 100% affordable housing project in which rents are controlled or regulated by a government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development.

In the event of foreclosure or for any other reason the Project no longer qualifies as a 100% affordable housing project meeting the requirements under Section 415.3(f), the Project shall comply with the inclusionary housing requirements set forth in Section 415 of the Code, or any successor provision, and the requirements of the then-applicable Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time, published by MOHCD. To comply with Section 415 of the Planning Code, the owner shall execute a new notice of special restrictions or any amendment to this NSR, as well as any related regulatory agreement, in form and substance approved in writing by the Planning Department and MOHCD. This condition of approval shall constitute the written determination and notice of the inclusionary housing requirement pursuant to the procedures set forth in Code Section 415.