

BOARD of SUPERVISORS



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MEMORANDUM

Date: July 3, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240727
Planning Code - New Asia Senior Housing Special Use District - 758 and 772 Pacific Avenue

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[Planning Code - New Asia Senior Housing Special Use District - 758 and 772 Pacific Avenue]

Ordinance amending the Planning Code to create the New Asia Senior Housing Special Use District located at 758 and 772 Pacific Avenue, Assessor's Parcel Block No. 0161, Lot Nos. 14 and 15; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. _____, and the Board adopts such
6 reasons as its own. A copy of said resolution is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated herein by reference.

8
9 Section 2. Additional Findings.

10 (a) Chinatown is one of the densest neighborhoods in the City. Over one-third of its
11 residents live below the poverty line and Chinatown has the lowest average median income in
12 the City. Many of its residents live in overcrowded conditions and there is an urgent need for
13 quality affordable housing, particularly for its aging, senior residents.

14 (b) The properties located at 758 and 772 Pacific Avenue, are located within the
15 Chinatown Residential Neighborhood Commercial zoning district, which provides a height limit
16 of 65 feet and bulk limits of 50 to 75 feet in length or 100 feet in diagonal dimension.

17 (c) The New Asia Senior Housing Special Use District (SUD) is intended to facilitate
18 reuse of the buildings at 758 and 772 Pacific Avenue and construction of a 100% affordable
19 senior housing project. The SUD would allow an exception to the existing height and bulk
20 district controls, up to a maximum height of 155 feet including any additional height required
21 by the use of the California State Density Bonus Law, California Government Code Section
22 65915 et seq., or any other local and state program that allows additional density and
23 Planning Code modifications. All other applicable Planning Code provisions would continue to
24 apply to the SUD.

1 Section 3. Article 2 of the Planning Code is hereby amended by adding Section
2 249.19, to read as follows:

3 **SEC. 249.19. NEW ASIA SENIOR AFFORDABLE HOUSING SPECIAL USE DISTRICT.**

4 *(a) Purpose. The New Asia Senior Affordable Housing Special Use District is intended to*
5 *facilitate the rebuilding and reuse of property located at 758 and 772 Pacific Avenue, Assessor's Block*
6 *0161, lots 14 and 15, for 100% affordable housing for seniors.*

7 *(b) Location. The boundaries of the New Asia Senior Housing Special Use District are shown*
8 *on Special Use District Map SU01 of the Zoning Map.*

9 *(c) Controls. Except as stated in subsection (d), all the applicable provisions of the Planning*
10 *Code shall apply, including a height limit of 65 feet, as shown on Height and Bulk District Map HT01*
11 *of the Zoning Map of the City and County of San Francisco.*

12 *(d) Height Exception for Certain 100% Affordable Housing Projects. A project that meets all*
13 *of the following criteria shall be exempt from the 65-N height and bulk limit set forth in Section 250:*

14 *(1) Includes Residential Units, all of which are Affordable Units, as defined in Section*
15 *401, and occupied by at least one person 62 years of age or older;*

16 *(2) Includes an Institutional Community Use and/or a Commercial Use on the ground*
17 *floor; and,*

18 *(3) Does not exceed a height of 155 feet, as measured by Section 260(a), but not*
19 *including any exemptions set forth in Section 260(b). The preceding height limitation shall be inclusive*
20 *of any additional height permissible under any state or local density bonus program that requires or*
21 *permits increases in height, including Planning Code Section 206.6 and State Density Bonus Law,*
22 *California Government Code Section 65915 et seq.*

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24 Section 4. Article 8 of the Planning Code is hereby revised by amending Section 812
25 to read as follows:

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SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

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CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Chinatown Residential Neighborhood Commercial District
Zoning Category	§ References	Controls
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits	§§ 102, 105, 106, <u>249.19</u> , 250-252, 254, 260, 263.4, 270, 271. See also Height and Bulk District Maps.	40-X, 50-N, 65-N, 65-85-N, & 110-G. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
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Section 5. Zoning Map. The Planning Code is hereby amended by revising Special Use District Map SU01 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Special Use District Hereby Approved
Assessor's Block 0161, Lot 14	New Asia Senior Affordable Housing Special Use District
Assessor's Block 0161, Lot 15	

1 Section 6. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Audrey Pearson
16 AUDREY PEARSON
 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - New Asia Senior Housing Special Use District - 758 and 772 Pacific Avenue]

Ordinance amending the Planning Code to create the New Asia Senior Housing Special Use District located at 758 and 772 Pacific Avenue, Assessor's Parcel Block No. 0161, Lot Nos. 14 and 15; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The existing height limit at 758 and 772 Pacific Avenue is 65 feet.

Amendments to Current Law

This ordinance would create a special use district for the parcels at 758 and 772 Pacific Avenue. The Planning Code controls would apply in the SUD. However, for projects that (1) are 100% affordable housing for seniors; (2) include a commercial or institutional use at the ground floor; and (3) are no taller than 155 feet, including any additional height allowed by any state or local density bonus program, the existing 65 foot height limit would not apply.

The ordinance also would make conforming amendments to the zoning map, and the table in Planning Code Section 812, Chinatown Residential Neighborhood Commercial District.

Background Information

This ordinance would facilitate the construction of a 100% affordable housing project for seniors.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☒ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Supervisor Peskin

Subject:

[Planning Code - New Asia Senior Housing Special Use District - 758 and 772 Pacific Avenue]

Long Title or text listed:

Ordinance amending the Planning Code to create the New Asia Senior Housing Special Use District located at 758 and 772 Pacific Avenue, Assessor's Block 0161, Lots 14 and 15; and affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Signature of Sponsoring Supervisor: