

1 [Zoning—Establishing the 1500 Page Street Residential Care Special Use District.]

2
3 Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and
4 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD),
5 encompassing the real property located at 1500 Page Street (Assessor's Block 1223,
6 Lot 004), to permit the expansion of a building used for residential care; and adopting
7 General Plan, Planning Code and environmental 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.
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San
14 Francisco hereby finds and determines that:

15 A. Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
16 project will serve the public necessity, convenience, and welfare for the reasons set forth in
17 Planning Commission Resolution No. 17829 and incorporates such Resolution
18 herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk
19 of the Board of Supervisors in File No. 090388.

20 B. The Board of Supervisors finds that this ordinance is in conformity with the
21 General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set
22 forth in Planning Commission Resolution No. 17829, and hereby incorporates those
23 reasons by reference.

24 C. The Planning Department issued a Certificate of Determination of categorical
25 exemption from environmental review on October 16, 2008 finding that the Project is
categorically exempt from environmental review as a Class 1 and 31 [State CEQA Guidelines

1 Section 15301(e) and 15331] exemption, in compliance with the California Environmental
2 Quality Act (California Public Resources Code sections 21000 et seq., "CEQA"), the State
3 CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.), and
4 Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). Said determination is
5 on file with the Clerk of the Board of Supervisors in File No. 090388 and is
6 incorporated herein by reference.

7 D. This proposed Ordinance approving Planning Code amendments is being
8 undertaken in combination with a companion ordinance to alter the Zoning Map to change the
9 height and bulk limitations of the property from 40-X to 55-X and Conditional Use
10 Authorization. Disapproval of the companions ordinance and Motion will invalidate all
11 legislation pertaining to the subject project at 1500 Page Street.

12 E. The City wishes to ensure the rehabilitation and continued use of the Property
13 as a publicly funded residential care use, and to ensure an appropriate development of the
14 Project Site.

15 F. On February 19, 2009, at a duly noticed public hearing, the Planning
16 Commission adopted the proposed Planning Code amendments in Motion 17830
17 creating the 1500 Page Street Residential Care Special Use District in Resolution No.
18 17829.

19 G. The letter from the Planning Department transmitting the proposed Planning
20 Code amendment to the Board of Supervisors, the Determination of Exemption with respect to
21 the approval of the Project, and the Resolution approving the proposed Planning Code
22 amendment are on file with the Clerk of the Board in File No. 090388. These and
23 any and all other documents referenced in this Ordinance have been made available to, and
24 have been reviewed by, the Board of Supervisors, and may be found in the files of the City
25

1 Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco,
2 and in File No. 090388 with the Clerk of the Board of Supervisors at One Dr. Carlton
3 B. Goodlett Place, San Francisco and are incorporated herein by reference.

4 I. The Board of Supervisors has reviewed and adopted a companion height
5 reclassification ordinance to change the height and bulk district of the property from 40-X to
6 55-X pursuant to Ordinance No. 247-09.

7 Section 2. The San Francisco Planning Code is hereby amended by adding new
8 Section 249.41 to read as follows:

9 SEC. 249.41: 1500 PAGE STREET RESIDENTIAL CARE SPECIAL USE DISTRICT.

10 In order to facilitate the rehabilitation, expansion and continued use of the building at 1500
11 Page Street for residential care, there shall be established the 1500 Page Street Residential Care
12 Special Use District, located at 1500 Page Street at the northwest corner of Page Street and Masonic
13 Avenue, applicable to Assessor's Block 1223, Lot 004, as designated on Sectional Map 6SU of the
14 Zoning Maps of the City and County of San Francisco. The following provisions shall apply within the
15 Special Use District:

16 (a) Purposes. To provide for the rehabilitation and expansion of a building used for
17 residential care to provide permanent and supportive housing up to 55 formerly homeless people
18 between the ages of 18 and 88 on a 24-hour basis who meet the definition of "Lower income
19 households" and/or "Very low income households" as defined by this section.

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

21 (1) "Lower income households" is defined in Section 50079.5 of the Health and Safety Code.

22 (2) "Very low income households" is defined in Section 50105 of the Health and Safety
23 Code.

1 (c) In this special use district, all applicable provisions of the Planning Code shall continue
2 to apply, except as otherwise provided in this section 249.41.

3 (d) In this special use district, a modification to or exception from otherwise applicable
4 requirements of this Code may be appropriate in order to further the goal of maintaining and creating
5 new permanent supportive housing for lower and very low income households and residents with
6 special needs. A conditional use approval shall be required for any development subject to this Section
7 249.41 and such conditional use may modify or grant the following exceptions from or modifications to
8 the requirements of this Code, if the facts presented establish that the modification or exception
9 satisfies the criteria of Subsections 303(c)(1) through 303(c)(3) of this Code. The following
10 modifications to or exceptions from the requirements of this Code are appropriate in order to further
11 the goal of preserving and enhancing a residential care use for lower and very low income households,
12 and those with special needs.

13 (1) A modification of or exception to Section 209.3(c) to permit the expansion of a use
14 which is permitted only through conditional use authorization;

15 (2) A modification or exception to Section 124 to allow the maximum floor area ratio to be
16 2.89:1;

17 (3) A modification or exception to the provisions of Sections 188 and 134 to allow the
18 construction of a required exterior stairway located within the rear yard setback parallel to the west
19 property line;

20 (e) In evaluating a conditional use application to grant the exceptions or modifications to the
21 Planning Code pursuant to this section, the Planning Commission shall consider the extent to which
22 occupying the residential care use would be affordable to the facility occupants and program
23 participants, in addition to the considerations and findings required by Planning Code Section 303.

1 (f) In the event that the residential care facility described in subsection (a) has not received a
2 certificate of final completion or certificate of final occupancy by December 31, 2011, the authorization
3 and right vested by this ordinance shall be deemed void and cancelled, and this section 249.37 shall
4 expire on January 1, 2012.

5 Section 3. The San Francisco Planning Code is hereby amended by adding new
6 Section 263.22 to read as follows:

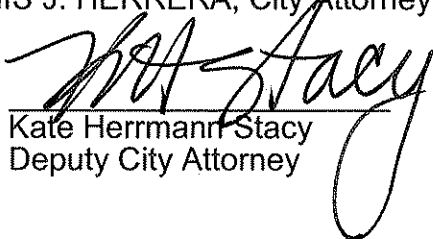
7 Section 263.22: HEIGHT LIMITS: PERMITTED BUILDING HEIGHT IN THE 1500 PAGE
8 STREET RESIDENTIAL CARE SPECIAL USE DISTRICT.

9 General. In the 1500 Page Street Residential Care Special Use District, located on Lot 004 in
10 Assessor's Block 1223, as designated on Section Map 6H of the Zoning Map, located within the
11 boundaries of the 40-X Height and Bulk District, exception to the 40-X limit up to a maximum of 55-X
12 limit may be approved in accordance with the conditional use procedures and criteria provided in
13 Section 303 of this Code, and the criteria and conditions set forth below.

14 (b) Homeless Use and Affordability. In determining whether to allow exceptions under this
15 Section, the Planning Commission shall, in addition to the criteria set forth in Section 303(c) of this
16 Code, consider the extent to which the project seeking the exception would be available to the
17 homeless and low and very low income levels, as defined in Sections 50079.5 and 50105 of the Health
18 and Safety Code.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:


23 Kate Herrmann Stacy
24 Deputy City Attorney
25



City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 090388

Date Passed: November 24, 2009

Ordinance amending the San Francisco Planning Code by adding Sections 249.41 and 263.22 to establish the 1500 Page Street Residential Care Special Use District (SUD), encompassing the real property located at 1500 Page Street (Assessor's Block 1223, Lot 004), to permit the expansion of a building used for residential care; and adopting General Plan, Planning Code and environmental findings.

November 17, 2009 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

November 24, 2009 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/24/2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date

12-3-09