



NOTICE OF FINAL APPROVAL OF AN SB 35 PROJECT

Date: January 20, 2021
BPA No.: **2020.0930.5561 & 2020.0930.5565**
Planning Record No. **2020-006779PRJ**
Project Address: **375 6th Avenue**
379 6th Avenue
4200 Geary Boulevard
Zoning: Geary Boulevard Neighborhood Commercial District (NCD)
40-X Height and Bulk District
Block/Lot: 1438/016, 017, & 017A
Project Sponsor: Yakuh Askew
Y.A. studio
77 Florida Street, Suite 301
San Francisco, CA 94110
Staff Contact: Matt Dito – (628) 652-7358
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Project Description

The project proposes to demolish an existing mortuary and construct a 7-story, 98-unit senior housing facility. The proposed senior housing units are 100% affordable units that will be restricted to very low income (up to 50% Area Median Income [AMI]) and low income (51% to 80% AMI). The residential floor area, which is comprised of 40 studio units and 58 one-bedroom units, totals approximately 67,000 square feet. The project also proposes approximately 1,200 square feet of commercial space on the ground floor, in addition to a proposed senior center and community room for residents of the building. 12 bicycle parking spaces are proposed on the ground floor. The project proposes to merge lots 016 (375 6th Avenue), 017 (379 6th Avenue), and 017A (4200 Geary Boulevard) of Assessor's Block 1438 into a single parcel approximately 16,000 square feet in size.

Background

California Senate Bill 35 (SB-35) was signed by Governor Jerry Brown on September 29, 2017 and became effective January 1, 2018. SB-35 applies in cities that are not meeting their Regional Housing Need Allocation (RHNA) goal for construction of above-moderate income housing and/or housing for households below 80% area median income (AMI). SB-35 amends Government Code Section 65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process, removing the

requirement for CEQA analysis, and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by a Planning Commission.

On September 30, 2020, Yakuh Askew of Y.A. studio submitted an SB 35 Application for the mixed-use project at 4200 Geary Boulevard. Department staff determined that the SB 35 Application was complete, and that the proposed project was eligible for SB 35 on October 21, 2020.

The Planning Director did not request a Planning Commission Hearing or Historic Preservation Commission Hearing for this project.

Project approval

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 concessions and incentives that result in identifiable and actual cost reductions to provide for affordable housing costs and waivers from development standards that might otherwise preclude the construction of the project. Such projects, 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. Since the Project Sponsor is providing 98 units of housing affordable to low- and very low-income households, and the project is located within one-half mile of a major transit stop, the project is not subject to any maximum control on density, and is entitled to receive up to four concessions/incentives and an additional three stories, or 33 feet of height. The project sponsor is requesting waivers from the development standards for rear yard setbacks (Planning Code Section 134), usable open space (Planning Code Section 135), and dwelling unit exposure (Planning Code Section 140).

Waivers

In no case may the Department apply 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 is seeking waivers from the rear yard setback, exposure, and usable open space requirements of the Planning Code. The requested waivers are required to accommodate the proposed project with the density bonus permitted by the State Law.

Literal enforcement of the development standards for the rear yard setback, exposure, and usable open space requirements would result in a substantial reduction of the proposed floor area of the project. Given the shape of the parcel, 8 to 10 units are located along the required rear yard line at each residential floor. Enforcement of the

rear yard requirement would potentially result in the removal of some of these units. Similarly, the exposure requirement cannot be met for these units, as it requires a Code-complaint rear yard, and would necessitate the removal of some units without a waiver. Finally, meeting the usable open space requirement would require the removal of floor area and conversion of that space to outdoor space, resulting in the potential removal of dwelling units, or the costly addition of a large roof deck.

Literal enforcement of these requirements would preclude the development with the density bonus allowed by the State Law.

Concessions and Incentives

The Project has not requested any concessions or incentives from development standards.

The Department has determined that the project meets all the objective standards of the Planning Code and has completed design review of the project. The project has been approved in accordance with the provisions of SB 35, as recorded in Building Permit Application Nos. 2020.0930.5561 and 2020.0930.5565.