

1 [Construction Agreement for 1150 Ocean Avenue]

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3 **Resolution approving an agreement and authorizing the Director of Planning to execute**
4 **the agreement on behalf of the City and County of San Francisco in order to ensure the**
5 **construction on-site of 26 inclusionary units in the mixed-use development proposed**
6 **at 1150 Ocean Avenue (Lot No. 003 in Assessor's Block No. 3180).**

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8 WHEREAS, Resolution 36-10 enacted interim zoning controls that established
9 procedures and requirements for the City to enter into an agreement with a private developer
10 to memorialize the provision of on-site inclusionary rental units by the developer and to
11 acknowledge, as to the inclusionary units only, an exception to the Costa-Hawkins Rental
12 Housing Act's limitations on rent restrictions on the basis of certain concessions and
13 incentives provided by the City; and

14 WHEREAS, City and Developer negotiated an agreement consistent with Resolution
15 No. 36-10 (the "Agreement"); and

16 WHEREAS, A copy of the Agreement is on file with the Clerk of the Board of
17 Supervisors in File No. 101161, which is hereby declared to be a part of this resolution as if
18 set forth fully herein ("Agreement"); and

19 WHEREAS, The Mayor's Office of Housing has reviewed the Agreement and
20 recommends its approval; and

21 WHEREAS, Avalon Ocean Avenue, L.P., the developer of 1150 Ocean Avenue, has
22 agreed to the terms and conditions of the Agreement in File No. 101161 and to provide 26
23 inclusionary units on-site at the 1150 Ocean Avenue mixed-use development; and

24 WHEREAS, The Board of Supervisors has reviewed the Agreement and finds that it is
25 consistent with and furthers the purpose of Resolution 36-10; and

1 WHEREAS, The Board of Supervisors finds that the City would not be willing to waive
2 the Affordable Housing Fee in Section 415 et seq. absent the developer's representations in
3 the Agreement, including the provision of on-site affordable units and the fact that, due to
4 assistance in the form of concessions and incentives described in Government Code Section
5 65915 et seq. provided to the developer by the City, the affordable units fit within the
6 exception to the Costa Hawkins Rental Housing Act set forth in Civil Code Section 1954.52(b);
7 and

8 WHEREAS, Pursuant to CEQA, the CEQA Guidelines, and Chapter 31 of the San
9 Francisco Administrative Code, the significant environmental impacts associated with the
10 Balboa Park Station Area Plan (on a program level) and with the Project in particular were
11 described and analyzed, and alternatives and mitigation measures that could avoid or reduce
12 those impacts were discussed in the Final Environmental Impact Report certified by the
13 Planning Commission on December 4, 2008 in Motion No. 17774 (the "FEIR"). The Planning
14 Commission adopted a statement of overriding considerations for approval of the Balboa Park
15 Station Area Plan on December 4, 2008 in Motion No. 17776, and the Planning Commission
16 adopted additional CEQA findings specific to the Project on May 21, 2009 in Motion No.
17 17885. The information in the FEIR was considered by all entities with review and approval
18 authority over the Project prior to the approval of the Project, including by this Board of
19 Supervisors in approving this Agreement. The relevant CEQA documents, including the
20 findings in Motions No. 17774 and 17776 can be found in Board of Supervisors File No.
21 101161 and are on file with the Clerk of the Board and are incorporated herein by reference;
22 and

23 WHEREAS, The Planning Director has the authority to enforce and implement the
24 Planning Code, which includes but is not limited to Section 415, et seq. (Housing
25 Requirements for Residential and Live/Work Development Projects); now, therefore, be it

1 RESOLVED, That the Board of Supervisors hereby approves the Agreement for 1150
2 Ocean Avenue on file with the Clerk of the Board of Supervisors in File No. 101161 and
3 authorizes the Planning Director to execute the Agreement on behalf of the City and County of
4 San Francisco.

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