

1 [Zoning – Third Street and Le Conte Avenue Affordable Housing Special Use District.]

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3 **Ordinance amending the San Francisco Planning Code by adding Section 249.432 to**  
4 **establish the Third Street and Le Conte Avenue Affordable Housing Special Use**  
5 **District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the**  
6 **northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith**  
7 **Street; amending Sheet SU10 of the Zoning Map of the City and County of San**  
8 **Francisco, to reflect this new Special Use District, and adopting findings, including**  
9 **environmental findings and findings of consistency with the General Plan and priority**  
10 **policies of Planning Code Section 101.1.**

11 NOTE: Additions are *single-underline italics Times New Roman*;  
12 deletions are ~~*strike-through italics Times New Roman*~~.  
13 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strike-through normal~~.

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

15 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
16 hereby finds and declares as follows:

17 (a) The legislation will affect property located at 6600 Third Street (Lot 9, Assessor's  
18 Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third  
19 Street and Keith Street (the "Property").

20 (b) The Planning Department has completed environmental review of this ordinance  
21 pursuant to the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and  
22 Chapter 31 of the San Francisco Administrative Code. Documentation of that review, which  
23 includes a Final Mitigated Negative Declaration dated February 13, 2009, is on file with the  
24 Clerk of the Board of Supervisors in File No. 091036 and is incorporated herein by reference.  
25 The Board adopts, as though fully set forth herein, the environmental findings and affirms the

1 conclusion of the Planning Commission in its Motion No. 17823, adopted after a duly noticed  
2 public hearing on February 12, 2009. A copy of said Planning Commission Motion is on file  
3 with the Clerk of the Board of Supervisors in File No. 091036 and that Resolution is  
4 incorporated by reference herein.

5 (c) The proposal is to build a 3- to 5-story building with 73 units of affordable  
6 housing for low income households/individuals with on-site residential service space and 21  
7 off-street parking spaces. The proposal to increase density without providing the required  
8 number of off-street parking spaces aims to capitalize on the project's prime location along the  
9 T-line light rail corridor along Third Street.

10 (d) On November 19, 2009, the Planning Commission in Resolution No. 17986  
11 approved and recommended for adoption by the Board, the Third Street and Le Conte  
12 Avenue Affordable Housing Special Use District and the Zoning Map amendment to establish  
13 a Special Use District. Planning Commission Resolution No. 17986, a copy of which is on file  
14 with the Clerk of the Board of Supervisors in File No. 091036, and is incorporated by  
15 reference herein.

16 (e) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
17 Special Use District will serve the public necessity, convenience and welfare for the reasons  
18 set forth in Planning Commission Resolution No. 17986, approving and recommending the  
19 Special Use District for adoption by the Board, and incorporates said findings by reference  
20 herein.

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22 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
23 249.43~~2~~, to read as follows:

24 SEC. 249.43~~2~~. THIRD STREET AND LE CONTE AVENUE AFFORDABLE HOUSING  
25 SPECIAL USE DISTRICT.

1           In order to provide for affordable rental opportunities for very low and lower income  
2 households, there shall be a Third Street and Le Conte Avenue Affordable Housing Special Use District  
3 at 6600 Third Street located at the northeast corner of the block bounded by Le Conte Avenue, Third  
4 Street and Keith Street, consisting of Lot 9 of Assessor's Block 5476, as designated on Sectional Map  
5 SU10 of the Zoning Map. The following provisions shall apply within such special use district:

6           (a) Any developer of housing who agrees to construct all of the units of a housing development  
7 for very low income or lower income households shall be entitled to a density bonus to permit the  
8 construction of residential units in excess of the number otherwise permitted for the subject property.

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

10           (1) "Density bonus" shall mean a density increase of at least 2.3 times the otherwise maximum  
11 allowable residential density under the applicable RM-1 zoning ordinance (one unit per 800 square  
12 feet of lot area), which is equivalent to an additional 40 units over the currently permitted 33 units.

13           (2) "Designated unit" shall mean a housing unit identified and reported by the developer of a  
14 housing development as a unit that is affordable to households of very low or lower income.

15           (3) "Housing development" shall mean five or more dwelling units.

16           (4) "Lower income households" shall mean a household composed of one or more persons with  
17 a combined annual net income for all adult members which does not exceed the qualifying limit for a  
18 lower income family of a size equivalent to the number of persons residing in such household, as set  
19 forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

20           (5) "Very low income households" shall mean a household composed of one or more persons  
21 with a combined annual net income for all adult members which does not exceed the qualifying limit for  
22 a very low income family of a size equivalent to the number of persons residing in such household, as  
23 set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section 6932.

1 set forth for the County of San Francisco in Title 25 of the California Code of Regulations Section  
2 6932.

3 (c) In this special use district all of the provisions of this Code applicable to residential  
4 development in an RM-1 Zoning District shall continue to apply, except as specifically provided in  
5 Subsection (d).

6 (d) In this special use district a modification to, or exception from, otherwise applicable  
7 requirements of this Code may be appropriate in order to further the critical goal of creating  
8 affordable housing. A planned unit development approval for a housing development subject to this  
9 Section may grant the density bonus and the following modifications and exceptions to the  
10 requirements of this Code if the facts presented are such as to establish that the modification or  
11 exception satisfies the criteria of Section 304(d) of this Code. The following modifications to or  
12 exceptions from the requirements of this Code are appropriate in order to further the goal of creating  
13 affordable housing.

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15 (1) A modification of or exception to the off-street parking requirements of Section 151 of this  
16 Code to allow a reduction in the number of required parking spaces to 21 spaces; and;

17 (2) A modification of or exception to the rear yard requirements of Section 134 of this Code;  
18 and

19 (3) A modification of the height measurement point to allow the building height to be measured  
20 from the mid-point of the Third Street frontage.

21 (e) In evaluating a planned unit development use application to grant the density bonus and  
22 modifications to or exceptions from the Planning Code under this Section, the Planning Commission  
23 shall consider the extent to which the dwelling units of a proposed housing development would be  
24 affordable.  
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1            (f) In the event that a building or site permit for the units as described in Subsection (a) has  
2 not been issued by December 31, 2014, the controls of this Section 249.432 shall expire on January 1,  
3 2015.

4            Section 3. In accordance with Planning Code Sections 106 and 302, the Zoning Map  
5 of the City and County of San Francisco, Map SU10 is hereby amended to designate the  
6 following as the Third Street and Le Conte Avenue Affordable Housing Special Use District:

7            Assessor's Block 5476, Lot 009, 6600 Third Street, located at the northeast corner of  
8 the block bounded by Le Conte Avenue, Third Street and Keith Street.

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11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By: \_\_\_\_\_  
14 ANDREA RUIZ-ESQUIDE  
15 Deputy City Attorney  
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