



Legislation Text

File #: 21-484, **Version:** 1

Resolution approving a State Density Bonus Law incentive/concession request to reduce minimum parking standards and convert non-habitable space into livable area to render the project with affordable units economically feasible and determination that the project request is categorically exempt from CEQA

WHEREAS, Hayes Shair, Hien Nguyen, and Oscar Jaojoco (“Applicant”) have proposed to construct eight condominium units accommodated by two three-story buildings for a total floor area of 12,836 square feet on a 10,500 square foot parcel (645 Baden Avenue) (collectively referred to as “Project); and,

WHEREAS, the proposed Project (P18-0034) is located within the Downtown Residential Medium (DRM) Zoning District; and,

WHEREAS, the Applicant received approval of Design Review (DR18-0017), a Subdivision Map (SA18-0003) and a Minor Use Permit (MUP18-0009) for the Project on July 10, 2019; and,

WHEREAS, the Project was deemed and filed as categorically exempt under the provisions of the California Environmental Quality Act (CEQA), Class 32, Section 15332 In-Fill Development Project; and,

WHEREAS, the Applicant has identified cost challenges due to the COVID-19 Pandemic to construct the project and is seeking relief under the State Density Bonus Law; and

WHEREAS, specifically, the Applicant has requested in writing a new Incentive/Concession to reduce the minimum parking requirements to allow a Project-wide reduction of two (2) parking stalls, and the conversion of the corresponding garage space of approximately 578 square feet into livable square footage over two units; and

WHEREAS, the California State Density Bonus Law provisions allow for additional concessions or incentives that may be granted in order to make units allowed under density provisions financially feasible; and

WHEREAS, under State Density Bonus Law, the Project is eligible for up to three Incentives/Concessions to render the Project, including the affordable units, financially feasible by bridging the financial gap created by the COVID-19 Pandemic. The State Density Bonus Law also provides for an unlimited number of development standard waivers; and

WHEREAS, the Applicant has submitted evidence that constitutes an identifiable and actual cost reduction to provide for affordable housing costs with the new requested Incentive/Concession; and

WHEREAS, on June 23, 2019, the City Council for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the proposed Project, take Applicant testimony, and take action on the Project; and,

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes

without limitation, the South San Francisco Municipal Code; the Project request letter and associated exhibits attached, as prepared by Envisuality Group, Inc, dated September 21, 2021; all reports, minutes and public testimony submitted as part of the Planning Commission's duly noticed May 16, 2019 meeting; all site plans and all reports, minutes and public testimony submitted as part of the City Council's duly noticed July 10, 2019 meeting; all site plans and all reports, minutes and public testimony submitted as part of the Planning Commission's duly noticed October 21, 2021 meeting and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the City Council of the City of South San Francisco hereby finds as follows:

SECTION 1 FINDINGS

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Exhibits attached to this Resolution, including the Request for Concessions and Waivers under State Density Bonus Law (Exhibit A) and related exhibits: Comparative Contractor Bids (Exhibit Aa), City Fee Estimate (Exhibit Ab), Proposed Project Plans (Exhibit Ac), and Project Proforma (Exhibit Ad) are each incorporated by reference and made a part of this Resolution, as if set forth fully herein.
3. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of the Chief Planner.

B. State Density Bonus Law Findings

1. Density Bonus

- a. As previously determined on July 10, 2019 when the Project's entitlements were approved, the Project qualifies for a density bonus under Gov. Code section 65915 because two (2) affordable units proposed at the moderate-income level on the percentage of affordability, and as set forth in Section 65915 and SSFMC Chapter 20.390, the Project is entitled to receive a 28% density bonus, up to three (3) concessions/incentives and an unlimited number of development standard waivers. Separately and in addition, the Project would be eligible for a reduced parking ratio of 1 parking space per one-bedroom unit or studio, and 1.5 spaces per two or three bedroom unit pursuant to Gov. Code section 65915(p) and may request parking incentives or concessions beyond these ratios.

2. Incentives and Concessions

- a. The Project is seeking the following incentives/concessions:
 - i. A modification of minimum parking requirements to allow a Project-wide reduction of two (2) parking stalls, and the conversion of the corresponding garage space into approximately 578 SF of livable square footage over two units; and
- b. The Applicant has submitted reasonable information demonstrating that the requested incentive/concession would result in identifiable and actual cost reductions, to provide for affordable housing costs, making the Project financially feasible. Reducing onsite parking by two spaces and using the resulting interior building space to increase the size of two of the market-rate units will enhance the value of those units, making up the documented financing gap, which is necessary to produce the Project's affordable units.

- c. The City has determined that the newly requested incentive/concession would not result in a specific, adverse impact upon public health and safety or the physical environment or historic resources, and would not be contrary to state or federal law. (Gov. Code section 65915(e)(1)) as the incentive/concession would permit the Project to be feasible and contribute towards total housing stock in the City.

3. Waiver or Reduction of Development Standards

- a. Based on the Project's eligibility for state density bonus, the City may not apply any development standard that will have the effect of physically precluding the construction of the project at the density permitted or with the concessions/incentives permitted. The Project is seeking the following new waivers of development standards in addition to previous approvals:
 - i. No new waivers requested; and
- b. The City has determined that previously requested waivers would not result in a specific, adverse impact upon public health and safety or the physical environment or historic resources, and would not be contrary to state or federal law. (Gov. Code section 65915(e)(1)) as each one of these waivers would permit the Project to be feasible and contribute towards total housing stock in the City:
 - i. Waiver #1 Parking Stall Standard Width Reduction from 20'-0" to 16'-0".
 - ii. Waiver #2 Third Floor Setback Reduction from 10'-0" to 5'-0".
 - iii. Waiver #3 Permit Side Entry to Unit which is otherwise prohibited.

SECTION 2 DETERMINATION

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of South San Francisco hereby makes the findings contained in this Resolution, and approves the parking reduction request and floor plan modifications (attached as Exhibit A).

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.