

File No. 170054

Committee Item No. \_\_\_\_\_

Board Item No. 57

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: January 24, 2017

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Ordinance in File No. 161109</u>                        |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Legislative Digest for Ordinance in File No. 161109</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____  |

Prepared by: Brent Jalipa

Date: January 19, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Approval of a 120-Day Extension for Planning Commission Review of Establishment of  
2 Geary-Masonic Special Use District (File No. 161109)]

3 **Resolution retroactively extending by 120 days the prescribed time within which the**  
4 **Planning Commission may render its decision on an Ordinance (File No. 161109)**  
5 **amending the Planning Code by adding Section 249.20; and amending Sheet SU03 of**  
6 **the Zoning Map to establish the Geary-Masonic Special Use District in the area**  
7 **generally bounded by Geary Boulevard to the south, Masonic Avenue to the east, and**  
8 **Assessor's Parcel Block No. 1071, Lot Nos. 001 and 004 to the north and west,**  
9 **respectively; affirming the Planning Department's determination under the California**  
10 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
11 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**  
12 **public convenience, necessity, and welfare under Planning Code, Section 302.**

13  
14 WHEREAS, On October 18, 2016, Supervisor Farrell introduced legislation amending  
15 the Planning Code by adding Section 249.20; and amending Sheet SU03 of the Zoning Map,  
16 to establish the Geary-Masonic Special Use District in the area generally bounded by Geary  
17 Boulevard to the south, Masonic Avenue to the east, and Assessor's Parcel Block No. 1071,  
18 Lot Nos. 001 and 004 to the north and west, respectively; affirming the Planning Department's  
19 determination under the California Environmental Quality Act; making findings of consistency  
20 with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and  
21 adopting findings of public convenience, necessity, and welfare under Planning Code,  
22 Section 302; and

23 WHEREAS, On or about October 25, 2016, the Clerk of the Board of Supervisors  
24 referred the proposed ordinance to the Planning Commission; and  
25

1           WHEREAS, The Planning Commission shall, in accordance with Planning Code,  
2 Section 306.4(d), render a decision on the proposed Ordinance within 90 days from the date  
3 of referral of the proposed amendment or modification by the Board to the Commission; and

4           WHEREAS, Failure of the Commission to act within 90 days shall be deemed to  
5 constitute disapproval; and

6           WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by  
7 Resolution, extend the prescribed time within which the Planning Commission is to render its  
8 decision on proposed amendments to the Planning Code that the Board of Supervisors  
9 initiates; and

10          WHEREAS, Supervisor Farrell has requested additional time for the Planning  
11 Commission to review the proposed Ordinance; and

12          WHEREAS, The Board deems it appropriate in this instance to grant to the Planning  
13 Commission additional time to review the proposed Ordinance and render its decision; now,  
14 therefore, be it

15          RESOLVED, That by this Resolution, the Board hereby retroactively extends the  
16 prescribed time within which the Planning Commission may render its decision on the  
17 proposed Ordinance for approximately 120 additional days, until May 23, 2017.

1 [Planning Code, Zoning Map - Establishment of Geary–Masonic Special Use District]

2

3 **Ordinance amending the Planning Code by adding Section 249.20; and amending Sheet**  
 4 **SU03 of the Zoning Map, to establish the Geary–Masonic Special Use District in the**  
 5 **area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east,**  
 6 **and Assessor’s Parcel Block No. 1071, Lot Nos. 001 and 004, to the north and west,**  
 7 **respectively; affirming the Planning Department’s determination under the California**  
 8 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
 9 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**  
 10 **public convenience, necessity, and welfare under Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 14 **Board amendment additions** are in double-underlined Arial font.  
 15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this  
 21 ordinance comply with the California Environmental Quality Act (California Public Resources  
 22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 23 Supervisors in File No. 161109 and is incorporated herein by reference. The Board affirms  
 24 this determination.

25 ///

1 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will  
7 serve the public necessity, convenience, and welfare for the reasons set forth in Planning  
8 Commission Resolution No. \_\_\_\_\_ and the Board incorporates such reasons herein  
9 by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the  
10 Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

11  
12 Section 2. The Planning Code is hereby amended by adding Section 249.20, to read  
13 as follows:

14 **SEC. 249.20. GEARY – MASONIC SPECIAL USE DISTRICT.**

15 *(a) General. A Special Use District entitled the Geary-Masonic Special Use District*  
16 *("District"), the boundaries of which are shown on Sectional Map SU03 of the Zoning Maps of the City*  
17 *and County of San Francisco, is hereby established for the purpose set out below.*

18 *(b) Purpose. In order to provide for a mixed use development project with ground floor retail,*  
19 *and a unique combination of low income, moderate income, and market rate residential units, at*  
20 *densities higher than what otherwise would be permitted in the NC-3 zoning district and 80 foot height*  
21 *district, in an area well-served by transit, there shall be a Geary-Masonic Special Use District*  
22 *consisting of Assessor's Block 1071, Lot 003 as designated on Sectional Map SU2 of the Zoning Maps*  
23 *of the City and County of San Francisco.*

24 *(c) Development Controls. Applicable provisions of the Planning Code for NCT-3 Districts as*  
25 *set forth in Section 731 shall apply within this Special Use District, except for the following:*

1                   (1) Use Size. Non-residential uses 3000 square feet and above shall require a  
2 conditional use under Section 121.2. Uses more than 6000 square feet in size are not permitted.

3                   (2) Accessory Vehicle Parking. No parking shall be permitted above .5 cars for  
4 each Dwelling Unit.

5                   (3) Parking and Loading Access. Parking and Loading access from Masonic  
6 Avenue is not permitted.

7                   (d) Inclusionary Housing. In order to allow for the increased residential densities provided  
8 by this Special Use District, on-site inclusionary units pursuant to Planning Code section 415.6 shall  
9 be required. Notwithstanding the provisions of section 415.6(a)(1) and (2), the number of units  
10 constructed shall be 18% of all units constructed, with a minimum of 6% of the units affordable to low  
11 income households, defined as households whose total household income does not exceed 55% of Area  
12 Median Income for purposes of renting an affordable unit, or 80% of Area Median Income for purposes  
13 of purchasing an affordable unit; and 12% of the units affordable to middle/moderate income  
14 households, defined in this subsection as households whose total household income does not exceed  
15 120% of Area Median Income for purposes of renting or purchasing an affordable unit. If provided as  
16 rental units, the requirements of Section 415.5(g)(ii) shall apply. Except as expressly provided in this  
17 subsection, all other provisions of Section 415 shall apply.

18  
19                   Section 3. The Planning Code is hereby amended by revising Sheet SU03 of the  
20 Zoning Map as follows:

21

Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block 1071, Lot 3	NC-3	Geary - Masonic SUD

22  
23  
24  
25

1           Section 4. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor’s veto of the ordinance.

5  
6           Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the “Note” that appears under  
11 the official title of the ordinance.

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

15 By: \_\_\_\_\_  
16       AUDREY W. PEARSON  
17       Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Planning Code, Zoning Map - Establishment of Geary - Masonic Special Use District]

**Ordinance amending the Planning Code to by adding Section 249.20 and amending Sheet SU02 of the Zoning Map, to establish the Geary – Masonic Special Use District in the area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east, and Assessor’s Parcel Block No. 1071, Lot Nos. 001 and 004, to the north and west, respectively; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code Section 302.**

### Existing Law

Currently, Assessor’s Block 1071, Lot 3 is zoned as NC-3.

### Amendments to Current Law

This ordinance would create the Geary-Masonic Special Use District, which would generally rezone Assessor’s Parcel Block 1071, Lot 3 to Neighborhood Commercial Transit – 3 (NCT-3), with certain exceptions related to use size, parking, and parking and loading access. The SUD would also require the provision of on-site affordable housing for low and moderate income households.

### Background Information

The SUD would allow the redevelopment of Assessor’s Block 1071, Lot 3, at the corner of Geary Boulevard and Masonic Avenue at a greater density than what would otherwise be allowed in an NC-3 zoning district. The existing height limit of 80 feet would remain.

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Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
 2017 JAN 13 PM 2:49  
 Time stamp  
 or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

Supervisor Mark Farrell

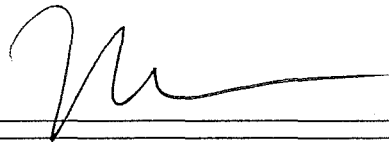
**Subject:**

Approval of a 120-Day Extension for Planning Commission Review of Planning Code, Zoning Map - Establishment of Geary- Masonic Special Use District (File No. 161109)

**The text is listed below or attached:**

Resolution retroactively extending by 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 161109) amending the Planning Code by adding Section 249.20; and amending Sheet 4 SU03 of the Zoning Map, to establish the Geary- Masonic Special Use District in the 5 area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east, 6 and Assessor's Parcel Block No. 1071, Lot Nos. 001 and 004, to the north and west, 7 respectively; affirming the Planning Department's determination under the California 8 Environmental Quality Act; making findings of consistency with the General Plan, and 9 the eight priority policies of Planning Code, Section 101.1; and adopting findings of 1 O public convenience, necessity, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor:

A handwritten signature in black ink, appearing to be a stylized 'M' or similar character, written over a horizontal line.

For Clerk's Use Only: