

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Kate Hartley, Acting Director, Mayor's Office of Housing and Community Development

FROM: *ll*  
*for* Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

DATE: November 17, 2017

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Farrell on November 14, 2017:

**File No. 161109-2**

**Ordinance amending the Planning Code by adding Section 249.20; and amending Sheet SU03 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.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Eugene Flannery, Mayor's Office of Housing and Community Development  
Amy Chan, Mayor's Office of Housing and Community Development

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

2  
3 **Ordinance amending the Planning Code to establish the Geary-Masonic Special Use**  
4 **District in the area generally bounded by Geary Boulevard to the south, Masonic**  
5 **Avenue to the east, and Assessor's Parcel Block No. 1071, Lot Nos. 001 and 004, to the**  
6 **north and west, respectively, and amending Sheet SU03 of the Zoning Map; affirming**  
7 **the Planning Department's determination under the California Environmental Quality**  
8 **Act; making findings of consistency with the General Plan, and the eight priority**  
9 **policies of Planning Code, Section 101.1; and adopting findings of public convenience,**  
10 **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. \_\_\_\_\_ and is incorporated herein by reference. The Board  
24 affirms this determination.

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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 combination of low income, moderate income, and market rate residential units, at densities*  
20 *higher than what otherwise would be permitted in the NC-3 zoning district and 80 foot height district,*  
21 *in an area well-served by transit, there shall be a Geary-Masonic Special Use District consisting of*  
22 *Assessor's Block 1071, Lot 003 as designated on Sectional Map SU03 of the Zoning Maps of the City*  
23 *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 752 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           (4) Dwelling Unit Mix. The project shall provide a minimum dwelling unit mix of  
8 (A) at least 40% two and three bedroom units, including at least 10% three bedroom units; or (B) any  
9 unit mix which includes some three bedroom or larger units such that 50% of all bedrooms within the  
10 project are provided in units with more than one bedroom.

11           (d) Inclusionary Housing. In order to allow for the increased residential densities provided  
12 by this Special Use District, on-site inclusionary units pursuant to Planning Code Section 415.6 shall  
13 be required in the amounts, and at the income levels, set forth in Section 415.6(a). The grandfathering  
14 provisions in Section 415.3(b) shall not apply. Except as expressly provided in this subsection, all  
15 other provisions of Section 415 shall apply.

16  
17           Section 3. The Planning Code is hereby amended by revising Sheet SU03 of the  
18 Zoning Map as follows:

19

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

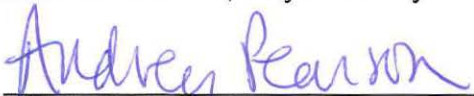
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24           Section 4. Effective Date. This ordinance shall become effective 30 days after  
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

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

13 By:   
14 AUDREY W. PEARSON  
15 Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(Substituted, 11/14/2017)

[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 SU03 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 (SUD), 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, parking and loading access, and dwelling unit mix requirements. The SUD would also require the provision of on-site affordable housing at the current on-site inclusionary housing requirements. The "grandfathering" provisions in Section 415 would not apply to projects within the SUD.

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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