

BOARD of SUPERVISORS



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October 8, 2019

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 1, 2019, Supervisor Stefani submitted the following proposed legislation:

File No. 191002

Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District regarding minimum parking requirements, ground floor ceiling heights, and to allow payment of an inclusionary housing fee; 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.

The proposed ordinances are being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinances are pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Acting Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Planning Code - Geary-Masonic Special Use District]

2
3 **Ordinance amending the Planning Code to modify the Geary-Masonic Special Use**
4 **District regarding minimum parking requirements, ground floor ceiling heights, and to**
5 **allow payment of an inclusionary housing fee; affirming the Planning Department's**
6 **determination under the California Environmental Quality Act; making findings of**
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1; and adopting findings of public convenience, necessity, and welfare**
9 **under Planning Code, Section 302.**

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

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

18 Section 1.

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

24 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the
City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

8
9 Section 2. The Planning Code is hereby amended by revising Section 249.20, to read
10 as follows:

11 **Sec. 249.20 GEARY-MASONIC SPECIAL USE DISTRICT**

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

15 (b) Purpose. In order to provide for a mixed use development project with ground floor
16 retail, and a combination of very low income, low-income, moderate-income, middle-income,
17 and market rate residential units, at densities higher than what otherwise would be permitted
18 in the NC-3 zoning district and 80 foot height district, in an area well-served by transit, there
19 shall be a Geary-Masonic Special Use District consisting of Assessor's Block 1071, Lot 003
20 as designated on Sectional Map SU03 of the Zoning Maps of the City and County of San
21 Francisco.

22 (c) Development Controls. Applicable provisions of the Planning Code for NCT-3
23 Districts as set forth in Section 752 shall apply within this Special Use District, except for the
24 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
3 permitted.

4 (2) Accessory Vehicle Parking. No minimum off-street parking shall be required for
5 any use in this Special Use District. No parking shall be permitted above .5 cars for each
6 Dwelling Unit.

7 (3) Car-sharing. Notwithstanding the provisions of section 166, no less than
8 25% of parking spaces provided shall be an off-street car-share parking space and shall be
9 provided on the building site. Except as expressly provided herein, all other provisions of
10 section 166 shall apply.

11 (4) Parking and Loading Access. Parking and Loading access from Masonic
12 Avenue is not permitted.

13 (5) Dwelling Unit Mix. The project shall provide a minimum dwelling unit mix of
14 (A) at least 40% two and three bedroom units, including at least 10% three bedroom units; or
15 (B) any unit mix which includes some three bedroom or larger units such that 50% of all
16 bedrooms within the project are provided in units with more than one bedroom.

17 (6) Ground Floor Non-Residential Height. Notwithstanding Section 145.1(c)(4), non-
18 residential uses on the ground floor shall have a minimum floor-to-floor height of 12 feet, measured
19 from the ground floor slab.

20 (d) Inclusionary Housing. ~~In order to allow for the increased residential densities provided~~
21 ~~by this Special Use District, on-site inclusionary units pursuant to Planning Code Section 415.6 shall~~
22 ~~be required and required in the following amounts and income levels. Compliance with Section 415 et~~
23 ~~seq. shall be by payment of the affordable housing fee, or provision of on-site units, as follows:~~

24 (1) Affordable Housing Fee. Payment of the Affordable Housing Fee pursuant to
25 Section 415.5 and subject to the following provisions:

1 (A) For a project providing Owned Units, the applicable percentage shall be
2 33% of the Gross Floor Area of residential use.

3 (B) For a project providing Rental Units, the applicable percentage shall be
4 30% of the Gross Floor Area of residential use.

5 (2) On-Site Inclusionary Units. On-site Units pursuant to Section 415.6 in the following
6 amounts and income levels:

7 ~~(A)~~ In a rental project, at least 10% of units must be affordable to very
8 low-income households, at least 4% must be affordable to low-income households, at least
9 4% must be affordable to moderate-income households and at least 5% must be affordable to
10 middle-income households. For purposes of this section, rental units for very low-income
11 households shall have an affordable rent set at 55% of Area Median Income or less, with
12 households earning up to 65% of Area Median Income eligible to apply for very low-income
13 units. For purposes of this section, rental units for low-income households shall have an
14 affordable rent set at 80% of Area Median Income or less, with households earning up from
15 65% to 90% of Area Median Income eligible to apply for low-income units. For purposes of
16 this section, rental units for moderate-income households shall have an affordable rent set at
17 110% of Area Median Income or less, with households earning from 90% to 120% of Area
18 Median Income eligible to apply for moderate-income units. For purposes of this section,
19 rental units for middle-income households shall have an affordable rent set at 120% of Area
20 Median Income or less, with households earning from 120% to 140% of Area Median Income
21 eligible to apply for middle-income units. For any affordable units with rental rates set at 110%
22 of Area Median Income or above, the units shall have a minimum occupancy of two persons.

23 ~~(2)~~(B) In an ownership project, at least 11% of units must be affordable to
24 very low-income households, at least 5% must be affordable to low-income households, at
25 least 5% must be affordable to moderate income households and at least 5% must be

1 affordable to middle-income households. For purposes of this section, ownership units for
2 very low-income households shall have an affordable sales price set at 80% of Area Median
3 Income or less, with households earning up to 100% of Area Median Income eligible to apply
4 for very low-income units. For purposes of this section, ownership units for low-income
5 households shall have an affordable sales price set at 105% of Area Median Income or less,
6 with households earning up from 95% to 120% of Area Median Income eligible to apply for
7 low-income units. For purposes of this section, ownership units for moderate-income
8 households shall have an affordable sales price set at 130% of Area Median Income or less,
9 with households earning from 120% to 140% of Area Median Income eligible to apply for
10 moderate-income units. For purposes of this section, ownership units for middle-income
11 households shall have an affordable sales price set at 150% of Area Median Income or less,
12 with households earning from 140% to 160% of Area Median Income eligible to apply for
13 middle-income units. For any affordable units with sales prices set at 130% of Area Median
14 Income or above, the units shall have a minimum occupancy of two persons.

15 (3) The grandfathering provisions in Section 415.3(b) shall not apply. Except as
16 expressly provided in this subsection (d), all other provisions of Section 415 shall apply.

17
18 Section 3. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

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Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:  FOR _____
Audrey Williams Pearson
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Geary-Masonic Special Use District]

Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District regarding minimum parking requirements, ground floor ceiling heights, and to allow payment of an inclusionary housing fee; 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 the Geary-Masonic Special Use District (SUD) does not include a minimum parking requirement, or specify a ground floor ceiling height for non-residential uses. In addition, the SUD requires developments within the district to comply with the Inclusionary Affordable Housing Program in Planning Code Section 415 by providing 23% of units as on-site affordable units if a rental project, and 25% if an ownership project.

Amendments to Current Law

This ordinance would specify that the SUD has no minimum parking requirement, and that the ground floor ceiling height must be a minimum of 12 feet as measured from floor to floor. This ordinance would also allow a developer in the district to pay the inclusionary housing fee under Planning Code Section 415.5, of 33% of gross floor area for residential use for owned units or 30% for rental units.

Background Information

The Geary-Masonic Special Use District was adopted in 2018 to facilitate the redevelopment of the Lucky Penny restaurant to provide for a mixed use development project with ground floor retail, on-site affordable housing (at very-low, low, moderate, and middle incomes) at densities higher than what otherwise would be permitted in the NC-3 zoning district.

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