

BOARD of SUPERVISORS



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June 28, 2021

**File No. 200519**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Ms. Gibson:

On June 22, 2021, Supervisor Stefani reactivated the following legislation:

**File No. 200519**

**Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District to require use of the inclusionary housing fee for a project within one-quarter mile of the boundaries of the district, or anywhere in San Francisco if not allocated within two years of payment; 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.**

This legislation is being transmitted to you for environmental review.

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

Attachment

c: 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 to require use of the inclusionary housing fee for a project within one-quarter**  
5 **mile of the boundaries of the district, or anywhere in San Francisco if not allocated**  
6 **within two years of payment; affirming the Planning Department’s determination under**  
7 **the California Environmental Quality Act; making findings of consistency with the**  
8 **General Plan, and the eight priority policies of Planning Code, Section 101.1; and**  
9 **adopting findings of public convenience, necessity, and welfare under Planning Code,**  
10 **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

20 Section 1. CEQA and Planning Code Findings.

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

(b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board  
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
3 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

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

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

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

13 \* \* \* \*

14 (d) **Inclusionary Housing.** Compliance with Section 415 et seq. shall be by payment  
15 of the affordable housing fee, or provision of on-site units, as follows:

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

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

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

22 (C) Use of Fees. Fees shall be payable to the Development Fee Collection Unit  
23 at DBI for deposit into the Citywide Affordable Housing Fund. MOHCD shall designate and  
24 separately account for all fees that it receives under this subsection (d)(1). The funds shall be used  
25 exclusively to acquire and construct a 100% affordable housing project on a site located within one-

1 quarter mile of the boundaries of the SUD. If such funds have not been allocated for the acquisition or  
2 predevelopment of a project on a site within one-quarter mile of the boundaries of the SUD within two  
3 years of deposit into the Citywide Affordable Housing Fund, such funds may be used anywhere in the  
4 City.

5 \* \* \* \*

6

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

11

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
16 additions, and Board amendment deletions in accordance with the “Note” that appears under  
17 the official title of the ordinance.

18

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

21

22 By:                               /s/                                
Audrey Williams Pearson  
23 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 to require use of the inclusionary housing fee for a project within one-quarter mile of the boundaries of the district, or anywhere in San Francisco if not allocated within two years of payment; 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

The Planning Code requires residential development in the Geary-Masonic Special Use District (“SUD”) to include either affordable on-site units or payment of the Inclusionary Affordable Housing Fee into the Citywide Affordable Housing Fund.

### Amendments to Current Law

This ordinance would require the Mayor’s Office of Housing and Community Development (“MOHCD”) to separately account for payment of the inclusionary housing fee into the Citywide Affordable Housing Fund, and to use the funds to acquire and construct a 100% affordable housing project on a site located within one-quarter mile of the boundaries of the SUD. If the funds have not been allocated for the acquisition or predevelopment of a project on a site within one-quarter mile of the boundaries of the SUD within two years of deposit into the Citywide Affordable Housing Fund, the funds may be used anywhere in the City.

### Background Information

The Geary-Masonic Special Use District was adopted in 2018 to facilitate the redevelopment of the Lucky Penny restaurant to allow a mixed-use development project with ground floor retail and housing, including on-site below market rate units. The SUD was amended in spring 2020 to allow either inclusion of on-site below market rate units or payment of an inclusionary housing fee.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

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  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: