

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development
Robert Collins, Executive Director, Rent Board
Patrick O'Riordan, Director, Department of Building Inspection

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

DATE: June 28, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Stefani on June 22, 2021:

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.

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: erica.major@sfgov.org.

cc: Eugene Flannery, Mayor's Office of Housing and Community Development
Patty Lee, Department of Building Inspection
John Murray, Department of Building Inspection

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 Section 1. CEQA and Planning Code 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 affirms
24 this determination.

25 (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-

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: