

1 [Planning Code - HOME SF Project Authorization]

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3 **Ordinance amending the Planning Code to require additional findings for HOME-SF**
4 **project authorizations; extending the application deadline for projects eligible for the**
5 **HOME-SF temporary provisions; amending the fee for Affordable Housing Bonus**
6 **Program projects; and affirming the Planning Department’s determination under the**
7 **California Environmental Quality Act; making findings of public necessity,**
8 **convenience, and welfare under Planning Code, Section 302; and making findings of**
9 **consistency with the General Plan and the eight priority policies of Planning Code,**
10 **Section 101.1.**

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.

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. 181046 and is incorporated herein by reference. The Board affirms
25 this determination.

(b) On December 6, 2018, the Planning Commission, in Resolution No. 20349,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. 181046, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
5 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
6 Planning Commission Resolution No. 20349, and incorporates such reasons by this reference
7 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
8 No. 181046.

9
10 Section 2. The Planning Code is hereby amended by revising Section 102 and Section
11 206.3, to read as follows:

12
13 **SEC. 102. DEFINITIONS.**

14 * * * *

15 “Development Application” shall mean any application for a building permit, site permit,
16 Conditional Use, Variance, Large Project Authorization, HOME-SF Project Authorization,
17 authorization pursuant to Planning Code Sections 305.1, 309, 309.1, or 322, or for any other
18 authorization of a development project required to be approved by the Zoning Administrator or
19 Planning Commission.

20 * * * *

21
22 **SEC. 206.3 HOUSING OPPORTUNITIES MEAN EQUITY – SAN FRANCISCO**
23 **PROGRAM**

24 * * * *

25 (e) Implementation.

1 (1) Application. An application to participate in the HOME-SF Program shall be
2 submitted with the first application for approval of a Housing Project and processed
3 concurrently with all other applications required for the Housing Project. The application shall
4 be submitted on a form prescribed by the City and shall include at least the following
5 information:

6 (A) A full plan set, including a site plan, elevations, sections, and floor
7 plans, showing total number of units, number of and location of HOME-SF Units; and a draft
8 Regulatory Agreement;

9 (B) The requested development bonuses and/or zoning modifications
10 from those listed in subsection (d).

11 (C) A list of all on-site family friendly amenities. Family friendly amenities
12 shall include, but are not limited to, dedicated cargo bicycle parking, dedicated stroller
13 storage, open space and yards designed for use by children.

14 (D) Documentation that the applicant has provided written notification to
15 all existing commercial or residential tenants that the applicant intends to develop the property
16 pursuant to this section 206.3 and has provided any existing commercial tenants with a copy
17 of the Office of Economic and Workforce Development's Guide to Small Business Retention
18 and Relocation Support. Any affected commercial tenants shall be given priority processing
19 similar to the Department's Community Business Priority Processing Program, as adopted by
20 the Planning Commission on February 12, 2015, under Resolution Number 19323, to support
21 relocation of such business in concert with access to relevant local business support
22 programs.

23 (2) Procedures Manual. The Planning Department and MOHCD shall amend
24 the Procedures Manual, authorized in Section 415, to include policies and procedures for the
25 implementation, including monitoring and enforcement, of HOME-SF Units. As an amendment

1 to the Procedures Manual, such policies and procedures are subject to review and approval
2 by the Planning Commission under Section 415. Amendments to the Procedures Manual shall
3 include a requirement that project sponsors in specified areas complete a market survey of
4 the area before marketing HOME-SF Units.

5 (3) Notice and Hearing. HOME-SF Projects shall comply with Section 306 for
6 review and approval.

7 (4) Controls. HOME-SF Projects shall be governed by the procedures and
8 timelines in Section 328. A HOME-SF Project shall be exempt from any other discretionary
9 approval process by the Planning Commission, including but not limited to a conditional use
10 authorization, unless that conditional use authorization requirement or other discretionary approval
11 process was adopted by the voters of San Francisco. If a HOME-SF Project would otherwise require a
12 conditional use authorization due to the type of use or use size, or to provide parking in excess of
13 what is principally permitted, then the Planning Commission shall make any findings or comply with
14 any criteria required by such conditional use in its HOME-SF authorization under Section 328.

15 (5) Regulatory Agreements. Recipients of development bonuses under this
16 Section 206.3 shall enter into a Regulatory Agreement with the City, as follows.

17 (A) The terms of the agreement shall be acceptable in form and content
18 to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director
19 shall have the authority to execute such agreements.

20 (B) Following execution of the agreement by all parties, the completed
21 Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed
22 and recorded on the Housing Project.

23 (C) The approval and recordation of the Regulatory Agreement shall
24 take place prior to the issuance of the First Construction Document. The Regulatory
25 Agreement shall be binding to all future owners and successors in interest.

1 (D) The Regulatory Agreement shall be consistent with the guidelines of
2 the City's Inclusionary Housing Program and shall include at a minimum the following:

3 (i) The total number of dwelling units approved for the Housing
4 Project, including the number of HOME-SF Units or other restricted units;

5 (ii) A description of the household income group to be
6 accommodated by the HOME-SF Units, and the standards for determining the corresponding
7 Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project
8 sponsor must commit to completing a market survey of the area before marketing HOME-SF
9 Units;

10 (iii) The location, dwelling unit sizes (in square feet), and number
11 of bedrooms of the HOME-SF Units;

12 (iv) Term of use restrictions for the life of the project;

13 (v) A schedule for completion and occupancy of HOME-SF Units;

14 (vi) A description of any Concession, Incentive, waiver, or
15 modification, if any, being provided by the City;

16 (vii) A description of remedies for breach of the agreement (the
17 City may identify tenants or qualified purchasers as third party beneficiaries under the
18 agreement); and

19 (viii) Other provisions to ensure implementation and compliance
20 with this Section.

21 * * * *

22 (f) ~~Temporary provisions for projects with complete Environmental Evaluation~~
23 ~~Applications submitted prior to January 1, 2020.~~ To facilitate the construction of HOME-SF
24 projects, and based on information from the inclusionary housing study prepared for the
25 Divisadero and Fillmore Neighborhood Commercial Transit District, in Board of Supervisors

1 File No. 151258, and the Office of the Controller’s Inclusionary Housing Working Group final
2 report (February 2016), the HOME-SF program shall include development incentives as
3 specified in this subsection (f) based on the amount and level of affordability provided in this
4 subsection (f). ~~projects with complete Environmental Evaluation Applications submitted~~
5 ~~through December 31, 2019.~~ For any development project that has submitted a complete
6 development application Development Application ~~Environmental Evaluation Application~~ prior
7 to January 1, 2020, subsections (c)(1) and (d)(1), (d)(2), and (d)(3) shall not apply, and the
8 provisions in this subsection (f) shall apply. For any development project that submits a
9 complete development application Development Application ~~Environmental Evaluation~~
10 ~~Application~~ on or after January 1, 2020, this subsection (f) shall ~~not~~ apply until such time as it
11 may be amended based on the Triennial Economic Feasibility Analysis established in Section
12 415.10., and such projects shall comply with subsections (c)(1), (d)(1), (d)(2), and (d)(3).

13

14 Section 3. The Planning Code is hereby amended by revising Section 328, to read as
15 follows:

16 **SECTION 328. HOME-SF PROJECT AUTHORIZATION**

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18 * * * *

19 (g) ***Other Required Findings.*** Pursuant to Section 206.3(e)(4), a HOME-SF Project shall be
20 exempt from any other discretionary approval process by the Planning Commission, including but not
21 limited to a conditional use authorization, unless that conditional use authorization requirement or
22 other discretionary approval process was adopted by the voters of San Francisco. If a HOME-SF
23 Project would otherwise require a conditional use authorization due to the type of use or use size, then
24 the Planning Commission shall make any findings or comply with any criteria required by such
25 conditional use requirement. If a HOME-SF Project would otherwise require a conditional use

1 authorization to provide parking in excess of what is principally permitted, the Planning
2 Commission shall make the findings required by Section 151.1(f) as part of the Section 328
3 HOME-SF Project Authorization. *If a HOME-SF Project otherwise requires a conditional use*
4 *authorization due only to (1) a specific land use, (2) use size limit, or (3) requirement adopted by the*
5 *voters, then the Planning Commission shall make all findings and consider all criteria required by this*
6 *Code for such use or use size as part of this HOME-SF Project Authorization.*

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9 Section 4. The Planning Code is hereby amended by revising Section 350, to read as
10 follows:

11 **SECTION 350. FEES**

12 * * * *

13 (b) **Base Fees.** The base fee to be charged and collected by the Department for each
14 class of application, permit, filing request, activity, or service processed or performed by the
15 Department are stated in Section 4 of Ordinance No. 149-16, available in Board of
16 Supervisors File No. 160632 and on the website of the Board of Supervisors. The base fees
17 stated in Section 4 of that ordinance are the fees in effect as of the date of introduction of the
18 ordinance. *If the Board of Supervisors adopts a new base fee, or modifies or deletes an existing base*
19 *fee, the new or modified fee shall be included on the Planning Department Fee Schedule together with*
20 *the applicable ordinance number.*

21
22 Section 5. This section is uncodified.

23 The Planning Department Fee Schedule for Affordable Housing Bonus Program
24 Projects shall be revised to read as follows:

25 ///

1 ~~(e)~~ 100% Affordable Housing Bonus Program (Section 206). This fee shall not apply to
2 projects approved under Section 206.4 or 206.6. Projects approved under 206.6 shall comply with the
3 Fee Schedule for Planning Department review covered under other sections of the Fee Schedule. For
4 example, if a project seeking review under Section 206.6 needs a Conditional Use authorization, the
5 project would pay the fee required for review of a Conditional Use authorization. The initial fee
6 amount is not to exceed 50% of the construction cost. A \$120 surcharge shall be added to the fees
7 for a conditional use or planned unit development to compensate the City for the costs of
8 appeals to the Board of Supervisors for Analyzed State Density Bonus Projects under Planning
9 Code Section 206.5.

Estimated Construction Cost	Initial Fee
<i>No construction cost, excluding extension of hours</i>	\$1,012.00
<i>No construction cost, extension of hours</i>	\$724.00
<i>Wireless Telecommunications Services (WTS)</i>	\$5,061.00
\$1.00 to \$9,999.00	\$724.00
\$10,000.00 to \$999,999.00	\$724.00 plus 0.328% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$4,033.00 plus 0.391% of cost over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$19,986.00 plus 0.328% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$36,701.00 plus 0.171% of cost over \$10,000,000.00
\$20,000,000.00 or more	\$54,120.00

1 Section 6. 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 7. 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 WILLIAMS PEARSON
Deputy City Attorney

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