

1 [Planning Code - Inclusionary Affordable Housing Program - Housing Trust Fund Provisions]

2

3 **Ordinance amending the Planning Code to add a definition of “significant increase in**
4 **residential development potential” consistent with the Housing Trust Fund provisions**
5 **in Charter, Section 16.110; and making environmental findings, and findings of**
6 **consistency with the General Plan.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are *strike-through italics Times New Roman*.
9 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

11 Section Findings. The Planning Department has determined that the actions
12 contemplated in this ordinance comply with the California Environmental Quality Act
13 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
14 the Clerk of the Board of Supervisors in File No. 130647 and is incorporated herein by
15 reference.

16 (b) On June 6, 2013, the Planning Commission, in Resolution No. 18897 approved
17 and recommended for adoption by the Board this legislation and adopted findings that it is
18 consistent, on balance, with the City's General Plan and eight priority policies of Planning
19 Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution
20 is on file with the Clerk of the Board of Supervisors in File No. 130647, and is incorporated by
21 reference herein.

22 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
23 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
24 Planning Commission Resolutions No. 18897, and incorporates such reasons by reference
25 herein.

1 Section 2. Background.

2 (a) In November, 2012, the voters adopted Proposition C “Affordable Housing Trust
3 Fund and Housing Production Incentives” (“Proposition C”). Among other things, Proposition
4 C added Charter Section 16.110 to lower and stabilize certain regulatory requirements of the
5 Inclusionary Affordable Housing Program in Planning Code Sections 415 et seq.

6 (b) Charter Section 16.110(h)(2) provided that: “As of January 1, 2013, the City
7 may not adopt any new land use legislation or administrative regulation, including a Planning
8 Code amendment, or impose any new condition of approval on the issuance of a discretionary
9 permit, that would require an increase in the project sponsor’s Inclusionary Housing Cost
10 Obligation” Charter Section 16.110(h)(1) provided certain exceptions to this prohibition.
11 One of the exceptions was for “An area subject to a change in zoning enacted after November
12 6, 2012 that affects 40 or more acres or greater and results in a significant increase in
13 residential development potential, where the area is not also encompassed by a Special Use
14 District adopted after November 6, 2012.”

15 (c) Proposition C, however, did not define a “significant increase in residential
16 development potential” for purposes of this exception, but established a Housing Review
17 Committee comprised of the Directors of the Mayor’s Office of Housing, the Planning
18 Department, and the Office of Economic and Workforce Development, or their successor
19 agencies, to recommend a standard in the form of a proposed ordinance to the Board of
20 Supervisors.

21 (d) The Housing Review Committee held public hearings on February 7, 2013 and
22 March 13, 2013. After considering public input and the recommendations of staff, the Housing
23 Review Committee recommends the standard set forth in this ordinance for purposes of
24 Charter Section 16.110(h).

1 (e) Charter Section 16.110(h) provides that the Board of Supervisors may reject the
2 proposed ordinance submitted by the Housing Review Committee by a majority vote. If the
3 Board fails to reject the proposed ordinance within 60 days of receiving it from the Housing
4 Review Committee, the proposed ordinance shall be deemed adopted.

5 Section 3. The Planning Code is hereby amended by adding a portion of Section 401,
6 to read as follows:

7 **SEC. 401. DEFINITIONS.**

8 In addition to the specific definitions set forth elsewhere in this Article, the following
9 definitions shall govern interpretation of this Article:

10 * * *

11 “Significant increase in residential development potential” shall mean, for purposes of Charter
12 Section 16.110(h) and the implementation of the Inclusionary Affordable Housing Program, for areas
13 subject to a change in zoning enacted after November 6, 2012 that affects 40 or more acres or greater
14 and results in a significant increase in residential development potential, where the area is not also
15 encompassed by a Special Use District adopted after November 6, 2012:

16 (a) a 20% or greater increase in developable residential gross floor area, as measured by a
17 change in height limits, Floor Area Ratio limits, or use, over prior zoning, or

18 (b) a change in use permitting residential uses (either as a principally permitted use or with
19 a conditional use authorization) where residential uses were not previously principally permitted or
20 permitted with a conditional use authorization, or

21 (c) For parcels with an existing residential development capacity of 10 units or greater, the
22 lesser of

- 23 1. a 50% or greater increase in residential densities over prior zoning, or,
24 2. an increase in density of at least 15 additional units over the number of units
25 allowed under prior zoning.

1 3. For the purposes of determining residential development capacity, the Planning
2 Department shall use unit sizes and efficiency ratios typical for the subject area at the time of the
3 rezoning.

4 (4) This definition was adopted and may only be amended under Charter Section
5 16.110(h)(1)(B)(iv).

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8 Section 4. Effective Date. This ordinance shall become effective 30 days from the
9 date of passage.

10 Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to
11 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
12 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
13 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
14 Board amendment deletions in accordance with the "Note" that appears under the official title
15 of the legislation.

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

18 By: _____
19 Susan Cleveland-Knowles
20 Deputy City Attorney
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