

LEGISLATIVE DIGEST

[Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]

Ordinance amending the Planning Code to amend Section 406 concerning the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

Existing Law

Planning Code Section 406 currently provides for the waiver of certain Area Plan fees for various reasons, including if a project includes affordable housing units. The current criteria provides that the Planning Commission shall consider a waiver of up to a 100% of the Area Plan fee in cases in which the State of California, the Federal Government, MOH, the San Francisco Redevelopment Agency, or other public agency subsidies target new housing for households at or below 50% of the Area Median Income as published by HUD, including units that qualify as replacement Section 8 units under the HOPE SF program. In order to qualify, the units must be subsidized in a manner which maintains their affordability for a term no less than 55 years. Project sponsors must demonstrate to Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

Amendments to Current Law

The proposed amendment removes the Planning Commission's discretion over the waiver and provides that a waiver shall be granted for an affordable housing units that: (1) is affordable to a household at or below 80% of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program; (2) is subsidized by MOH, the San Francisco Housing Authority, and/or the San Francisco Redevelopment Agency; and (3) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. As with the current provision, Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.