

SAN FRANCISCO
FILED

2016 JAN 19 PM 4:37

DEPARTMENT OF ELECTIONS

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 JAN 19 PM 4:43

Submittal Form
For Proposed Initiative Measure(s)
Prior to the Submittal
to the
Department of Elections

By 4 or more Board of Supervisors or the Mayor

I, hereby submit the following proposed initiative measure(s) for hearing before the Board of Supervisors, Rules Committee prior to the submittal of the proposed initiative measure to the Department of Elections. (Prop C. Nov. 2007)

This matter is for the **June 7, 2016** Election.

Sponsor(s): Supervisor or Mayor

Supervisors Jane Kim, Aaron Peskin, John Avalos, David Campos

SUBJECT: Initiative Ordinance – Planning Code – Setting minimum inclusionary affordable housing fee requirement

The text is listed below or attached:

Signature of Sponsoring Supervisor(s) or Mayor

Time Stamp by Clerk's Office:

Three handwritten signatures are present on the right side of the page. The top signature is the most prominent and appears to be 'Jane Kim'. Below it is a signature that looks like 'David Campos'. At the bottom is a signature that looks like 'John Avalos'. There is also a large, stylized signature above the others that is difficult to decipher.

SAN FRANCISCO
FILED

2016 JAN 19 PM 4: 37

DEPARTMENT OF ELECTIONS

PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY FOUR OR MORE SUPERVISORS TO THE VOTERS AT THE JUNE 7, 2016 ELECTION.

[Under Charter Section 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than *45 days prior* to deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance – Planning Code – Setting minimum inclusionary affordable housing fee requirement]

Ordinance amending the Planning Code to set forth a minimum inclusionary affordable housing fee requirement.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) This ordinance will become effective only on the effective date of the Charter amendment amending Section 16.110 at the June 7, 2016 election, permitting the City to change the inclusionary affordable housing requirements. In the event the voters do not adopt such Charter amendment, this ordinance shall have no effect, and the City Attorney shall not cause it to be published in the Municipal Codes.

(b) The purpose of this ordinance is to adopt new inclusionary or affordable housing obligations following the process set forth in Section 16.110(g) of the proposed Charter amendment on the ballot at the June 7, 2016 election to revise the City's inclusionary

2016 JAN 19 PM 4:38
DEPARTMENT OF ELECTIONS
affordable housing requirements. The inclusionary affordable housing obligations set forth in this ordinance will supersede and replace the interim requirements set forth in Section 16.110(g) of the Charter amendment, so that the interim requirements will be removed from the Charter pursuant to the requirements set forth in the Charter amendment.

Section 2. The Planning Code is hereby amended by adding Section 415A, to read as follows:

SEC. 415A. MINIMUM INCLUSIONARY AFFORDABLE HOUSING FEE REQUIREMENTS.

(a) Requirements. The requirements of the Planning Code, including but not limited to Section 415 et seq., shall apply, except that the amounts of the inclusionary affordable housing requirements shall be modified as follows:

(i) Fee. A housing development project shall pay an affordable housing fee equivalent to a requirement to provide 33% of the units in the principal project as affordable units, using the method of fee calculation set forth in Planning Code Section 415.5(b). In the event the City's Nexus Analysis in support of the Inclusionary Affordable Housing Program demonstrates that a lower affordable housing fee is lawfully applicable based on an analysis of all relevant impacts, the City may utilize the method of fee calculation supported by the Nexus Analysis in lieu of the 33% requirement set forth herein.

(ii) On-Site Housing. If the project sponsor elects and is eligible to construct units affordable to qualifying households on-site of the principal project as set forth in Planning Code Section 415.5(g), the project sponsor shall construct 25% of all units constructed on the project site as affordable housing units, with 15% of the units affordable to low- and very low-income households and 10% affordable to middle income households, and shall comply with all otherwise applicable requirements of Section 415.6.

SAN FRANCISCO
FILED

2016 JAN 19 PM 4:38

DEPARTMENT OF ELECTIONS

(iii) Off-Site Housing. If the project sponsor of a housing development project elects and is eligible to provide units affordable to qualifying households off-site of the principal project as set forth in Planning Code Section 415.5(g), the project sponsor shall construct or cause to be constructed affordable housing units equal to 33% of all units constructed on the principal project site as affordable housing, with 20% of the units affordable to low- and very low-income households and 13% of the units affordable to middle-income households, and shall comply with all otherwise applicable requirements of Section 415.7.

(b) Definitions. For purposes of the requirements set forth in this Section 415A, "low income" households shall be defined as households whose total household income does not exceed 55% of Area Median Income and may include households whose total income does not exceed 30% of Area Median Income for purposes of renting an affordable unit, or 80% of Area Median Income for purposes of purchasing an affordable unit, and "middle income" households shall mean households whose total household income does not exceed 100% of Area Median Income for purposes of renting an affordable unit, or 140% of Area Median Income for purposes of purchasing an affordable unit.

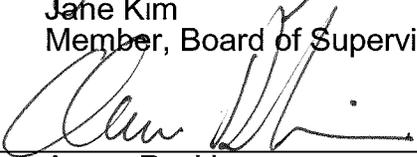
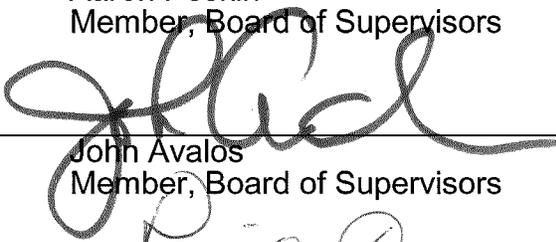
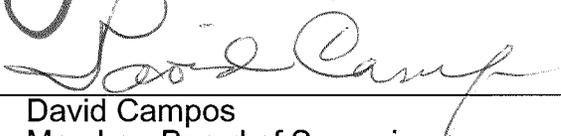
(c) Exception from Requirement. This minimum Inclusionary Affordable Housing requirement shall not apply to any project that (1) is located on a site for which a height limit increase has been approved by a vote of the electors of the City and County of San Francisco prior to January 12, 2016 to satisfy the requirements of San Francisco Administrative Code Section 61.5.1, or (2) has entered into a development agreement or other similar binding agreement with the City as of January 12, 2016, or (3) has procured a final first discretionary development entitlement approval, which shall include approval following any administrative appeal to the relevant City board, as of June 7, 2016.

(d) Amendments to Inclusionary Affordable Housing Program. It is not the intent of the voters to constrain or restrict any other amendment to the City's Inclusionary Affordable Housing Program, including but not limited to the provisions of Planning Code Sections 415 et seq. and the method of fee calculation set forth in the Planning Code. The City may enact any amendment to the

Inclusionary Affordable Housing Program. The purpose of this amendment is solely to set a minimum inclusionary affordable housing requirement that is applicable to housing development projects.

* * *

SUBMITTED.

 _____ Jane Kim Member, Board of Supervisors	Date: _____ 1/19/16
 _____ Aaron Peskin Member, Board of Supervisors	Date: _____ 1-19-16
 _____ John Avalos Member, Board of Supervisors	Date: _____ 1-19-16
 _____ David Campos Member, Board of Supervisors	Date: _____ 1-19-16

n:\egana\as2016\1600373\01075376.docx

SAN FRANCISCO
FILED
2016 JAN 19 PM 4:38
DEPARTMENT OF ELECTIONS

