

1 [Planning Code - Threshold for Application of Inclusionary Affordable Housing Program]

2

3 **Ordinance amending the San Francisco Planning Code Section 415.3 to: 1) provide**
4 **that, as of January 1, 2013, the requirements of the Inclusionary Affordable Housing**
5 **Program apply only to housing projects of 10 units or more and will no longer apply to**
6 **buildings of 5 to 9 units that have not yet received a first construction document; and**
7 **2) condition operation of the Ordinance on the adoption and implementation of the**
8 **Housing Trust Fund Charter Amendment at the November 6, 2012, election; setting an**
9 **operative date; and making environmental findings and findings of consistency with**
10 **the General Plan.**

11 NOTE: Additions are *single-underline italics Times New Roman*;
12 deletions are ~~*strike-through italics Times New Roman*~~.
13 Board amendment additions are double-underlined;
14 Board amendment deletions are ~~strike-through normal~~.

14

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

16 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
17 hereby finds and determines that:

18 (a) The Planning Department has determined that the actions contemplated in this
19 Ordinance are in compliance with the California Environmental Quality Act (California Public
20 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
21 Board of Supervisors in File No. _____ and is incorporated herein by
22 reference.

23 (b) On _____, 2011, the Planning Commission, in Resolution
24 No. _____ approved and recommended for adoption by the Board of Supervisors
25 this legislation and adopted findings that it is consistent, on balance, with the City's General

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

4 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
5 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
6 Planning Commission Resolution No. _____, and incorporates such reasons by
7 reference herein.

8
9 Section 2. The San Francisco Planning Code is hereby amended by amending
10 Section 415.3, subsections (a) and (b), to read as follows:

11 **SEC. 415.3. APPLICATION.**

12 (a) Section 415.1 et seq. shall apply to any housing project that consists of ~~five~~ ten or
13 more units where an individual project or a phased project is to be undertaken and where the
14 total undertaking comprises a project with ~~five~~ ten or more units, even if the development is on
15 separate but adjacent lots; and

16 (1) Does not require Commission approval as a Conditional Use Authorization
17 or Planned Unit Development;

18 (2) Requires Commission approval as a Conditional Use Authorization or
19 Planned Unit Development;

20 (3) Consists of live/work units as defined by Section 102.13 of this Code; or

21 (4) Requires Commission approval of replacement housing destroyed by
22 earthquake, fire or natural disaster only where the destroyed housing included units restricted
23 under the Inclusionary Affordable Housing Program or the City's predecessor inclusionary
24 housing policy, condominium conversion requirements, or other affordable housing program.

(b) The effective date of these requirements shall be either April 5, 2002, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became operative. The following table is designed to summarize the most significant subsequent modifications to this Program and the dates those modifications went into effect. The Planning Department and the Mayor's Office of Housing shall maintain a record for the public summarizing various amendments to this Program and their effective or operative dates. To the extent there is a conflict between the following table or any summary produced by the Department or MOH and the provisions of the original implementing ordinances, the implementing ordinances shall prevail.

Table 415.3

Program Modification	Effective or Operative Date
<p>All projects with 5 or more units must participate in the Inclusionary Housing Program Section 415 (changed from a threshold of 10 units).</p> <p><i><u>Threshold changed back to 10 units or more such that the Section 415 et seq. no longer applies to buildings of 5-9 units.</u></i></p>	<p>All <u>5-9 unit</u> projects that submitted a first application on or after July 18, 2006 <i><u>and received a first construction document prior to January 1, 2013.</u></i></p> <p><i><u>Any 5-9 unit project, regardless of when it submitted a first application, that has not received a first construction document as of January 1, 2013.</u></i></p>
<p>Affordable Housing Percentages: 20% Fee</p>	<p>All projects that submitted a first application on or after July 18, 2006</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p>15% on-site*</p> <p>20% off-site*</p> <p>*Of total number of units</p>	<p>(except projects which require a rezoning to increase buildable residential units or square footage)</p>
<p>On-Site units must be priced and sold at 90% of AMI and rented at 55% of AMI</p>	<p>All projects that receive a first site or building permit on or after September 9, 2006</p>
<p>Project sponsor must select Program compliance option upon project approval and cannot alter their compliance option</p>	<p>All projects that received Planning Commission or Planning Department approval on or after September 9, 2006</p>
<p>All off-site units must be located within 1 mile of the principal project and Off-site units must be priced and sold at 70% of AMI</p>	<p>All Projects that receive Planning Commission or Planning Department approval after September 9, 2006</p>
<p>Lottery preference for applicants living or working in San Francisco</p>	<p>All projects that are marketed on or after June 4, 2007</p>
<p>Lottery preference for applicants holding a Certificate of Preference from the Redevelopment Agency</p>	<p>All projects that are marketed on or after December 30, 2008</p>
<p>Lottery required for all new and resale units</p>	<p>All projects that are marketed on or after September 9, 2006</p>
<p>Must provide on-site units as</p>	<p>All projects beginning February</p>

<p>1 owner-occupied only unless</p> <p>2 specifically exempted pursuant to</p> <p>3 Section 415</p>	<p>11, 2010</p>
<p>4 All off-site units must follow</p> <p>5 standards set out in Procedures</p> <p>6 Manual</p>	<p>Projects that receive Planning</p> <p>Commission or Planning Department</p> <p>approval on or after June 4, 2007</p>

8

9 Section 3. Effective Date; Operative Date; Adoption and Implementation of Housing

10 Trust Fund Amendment.

11 (a) This ordinance shall become effective 30 days from the date of passage.

12 (b) This ordinance shall become operative on January 1, 2013, but only if (1) the

13 voters adopt the Housing Trust Fund and Housing Productions Incentives Charter

14 amendment, adding Section 16.110 to the Charter, at the November 6, 2012 election, and (2)

15 the Mayor does not terminate the amendment prior to January 1, 2013 as provided in

16 subsection (l) of the amendment. If the voters do not adopt the amendment at that election or

17 if the Mayor terminates the amendment, this ordinance shall become inoperative and shall

18 have no force and effect and shall be repealed.

19

20 Section 4. Application. This ordinance shall apply to any building of 5 to 9 units that

21 has not received its first construction document as of January 1, 2013. The requirements of

22 Planning Code Section 415 et seq. shall continue to apply to any building of 5 to 9 units that

23 submitted a first application on or after July 18, 2006 and received a first construction

24 document prior to January 1, 2013.

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

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: SUSAN CLEVELAND-KNOWLES
11 Deputy City Attorney