

REVISED LEGISLATIVE DIGEST

(Substituted, 4/5/2016)

[Planning Code - Affordable Housing Requirement and Fee in Divisadero and Fillmore Neighborhood Commercial Transit Districts]

Ordinance amending the Planning Code to require additional affordable housing or payment of a fee for certain sites that obtained higher residential development potential as a result of the rezoning of the Divisadero Street Neighborhood Commercial Transit District and the Fillmore Street Neighborhood Commercial Transit District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Residential development projects are required to comply with applicable inclusionary housing requirements, as provided in the Planning Code and Charter.

Amendments to Current Law

The proposed amendments provide that if the Planning Department determines that the housing development potential on a site within the Divisadero Street Neighborhood Commercial Transit District or the Fillmore Street Neighborhood Commercial Transit District has been increased through the adoption of the rezoning set forth in Ordinance Nos. 126-15 and 127-15 consistent with certain exceptions set forth in Charter Section 16.110(h)(1)(B), a proposed housing development project on such site would be required to comply with a higher inclusionary housing requirement. Such requirement would include payment of a fee equivalent to a requirement to provide 25% 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). If the project sponsor of a housing development project elects 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 must construct 23% of all units constructed on the project site as affordable housing and comply with otherwise applicable requirements of Section 415.6. If the project sponsor of a housing development project elects 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 must construct or cause to be constructed affordable housing equal to 25% of all units constructed on the principal project site as affordable housing and comply with all otherwise applicable requirements of Section 415.7.

The legislation also provides that if the voters approve the proposed Charter Amendment on June 7, 2016, and the Board adopts permanent inclusionary affordable housing requirements that are higher than those set forth in Sections 428 et seq., the higher requirement shall apply.

n:\legana\as2016\1600294\01095607.docx