

1 [Planning Code - 100% Affordable Housing Bonus Programs]

2

3 **Ordinance amending the Planning Code to create the Affordable Housing Bonus**  
4 **Programs, consisting of the Local Affordable Housing Bonus Program, the 100 Percent**  
5 **Affordable Housing Bonus Program, the Analyzed State Density Bonus Program, and the**  
6 **Individually Requested State Density Bonus Program, to provide for development bonuses**  
7 **and zoning modifications for 100 percent affordable housing projects, in compliance with,**  
8 **and above those required by the State Density Bonus Law, Government Code, Section**  
9 **65915, et seq.; to establish the procedures in which the Local Affordable Housing Bonus**  
10 **Program and the 100 Percent Affordable Housing Bonus Program projects shall be**  
11 **reviewed and approved; adding a fee for applications under the Program; and**  
12 **amending the Planning Code to exempt 100 Percent Affordable Housing Bonus Program**  
13 **projects from the height limits specified in the Planning Code and the Zoning Maps;**  
14 **and affirming the Planning Department’s determination under the California**  
15 **Environmental Quality Act; and making findings of consistency with the General Plan,**  
16 **and the eight priority policies of Planning Code, Section 101.1.**

17 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
20 **Board amendment additions** are in double-underlined Arial font.  
21 **Board amendment deletions** are in ~~Arial font~~.  
22 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
23 subsections or parts of tables.

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

25

1 Section 1.

2 (a) The Planning Department has determined that the actions contemplated in this  
3 ordinance comply with the California Environmental Quality Act (California Public Resources  
4 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
5 Supervisors in File No. 160687 and is incorporated herein by reference. The Board affirms  
6 this determination.

7 (b) On February 25, 2016, the Planning Commission, in Resolution No. 19578,  
8 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
9 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
10 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
11 the Board of Supervisors in File No. 160687, and is incorporated herein by reference.

12 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code  
13 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
14 in Planning Commission Resolution No. 19578, and the Board incorporates such reasons  
15 herein by reference.

16  
17 Section 2. The Planning Code is hereby amended by adding Section 206 through  
18 206.84 to read as follows:

19 **SEC. 206. THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAMS.**

20 This section-Section 206 and Sections 206.1 through 206.4 shall be known as the  
21 Affordable Housing Bonus Programs, which includes the Local Affordable Housing Bonus  
22 Program, the 100 Percent Affordable Housing Bonus Program, the Analyzed State Density Bonus  
23 Program and the Individually Requested State Density Bonus Program. References to  
24 "Section 206" shall include Sections 206.1 through 206.4.

25 **SEC. 206.1. PURPOSE AND FINDINGS.**

1           (a) The purpose of the 100 Percent Affordable Housing Bonus Programs is to facilitate the  
2 development and construction of affordable housing in San Francisco. Affordable housing is of  
3 paramount statewide concern, and the California State legislature Legislature has declared that  
4 local and state governments have a responsibility to use the powers vested in them to facilitate the  
5 improvement and development of housing to make adequate provision for the housing needs of all  
6 economic segments of the community. The State Legislature has found that local governments must  
7 encourage the development of a variety of types of housing for all income levels, including multifamily  
8 rental housing and assist in the development of adequate housing to meet the needs of low- and  
9 moderate-income households.

10           (b) Affordable housing is an especially paramount concern in San Francisco. San Francisco  
11 has one of the highest housing costs in the nation, but San Francisco's economy and culture rely on a  
12 diverse workforce at all income levels. It is the policy of the Board of Supervisors City to provide  
13 housing to enable these workers to afford housing in San Francisco and ensure that they pay a  
14 reasonably proportionate share of their incomes to live in adequate housing and to not have to  
15 commute ever-increasing distances to their jobs. The Association of Bay Area Governments  
16 determined that San Francisco's share of the Regional Housing Need for January 2015 to June 2022  
17 was the provision of 28,870 new housing units, with 6,234 (or 21.6%) as very low, 4,639 (or 16.1%) as  
18 low, and 5,460 (or 18.9%) as moderate income units.

19           (c) This The Board of Supervisors, and the voters in San Francisco, have long recognized the  
20 need for the production of affordable housing. The voters, in some cases, and the or this Board in  
21 others, have adopted measures to address this need, such as the establishment of the mandatory  
22 Inclusionary Affordable Housing Ordinance in Planning Code section Section 415; the San  
23 Francisco Housing Trust Fund, adopted in 2012, which established a fund to create, support and  
24 rehabilitate affordable housing, and set aside \$20 million in its first year, with increasing allocations to  
25 reach \$50 million a year for affordable housing; the adoption of Proposition K in November 2014,

1 which established as City policy that the City, by 2020, will help construct or rehabilitate at least  
2 30,000 homes, with more than 50% of the housing affordable for middle-income households, and at  
3 least 33% as affordable for low-and moderate income households; and the multiple programs that rely  
4 on Federal, State and local funding sources as identified in the Mayor's Office of Housing and  
5 Community Development Comprehensive Plan.

6 (d) Historically, in the United States and San Francisco, affordable housing requires  
7 high levels of public subsidy, including public investment and reliance on public dollars. Costs  
8 to subsidize an affordable housing unit vary greatly depending on a number of factors, such  
9 as household income of the residents, the type of housing, and the cost to acquire land  
10 acquisition. Currently, MOHCD estimates that the level of subsidy for an affordable housing  
11 units is approximately \$250,000 per unit. Given this high cost per unit, San Francisco can  
12 only meet its affordable housing goals through a combination of increased public dollars  
13 dedicated to affordable housing and other tools that do not rely on public money.

14 (e) Development bonuses are a long standing zoning tool that enable cities to  
15 encourage private development projects to provide public benefits including affordable  
16 housing. By offering increased development potential, a project sponsor can offset the  
17 expenses necessary to provide additional public benefits. In 1979, the State of California  
18 adopted the Density Bonus Law, Government Code section 65915 et seq, which requires that  
19 density bonuses and other concessions and incentives be offered to projects that provide a  
20 minimum amount of on-site affordable housing.

21 (fd) In recognition of the City's affordable housing goals, including the need to produce  
22 more affordable housing without need for public subsidies, the Planning Department contracted  
23 with David Baker Architects and Seifel Consulting to determine a menu of zoning modifications and  
24 development bonuses that could offset a private developer's costs of providing various levels of  
25 additional on-site affordable housing. David Baker Architects and Seifel Consulting These

1 experts analyzed various parcels in San Francisco, to determine the conditions in which a zoning  
2 accommodation would be necessary to achieve additional density. The analysis modeled various  
3 zoning districts and lot size configurations, consistent with current market conditions and the City's  
4 stated policy goals, including to achieve a mix of unit types, including larger units that can  
5 accommodate larger households. These reports are on file in Board of Supervisors File No. 160687.

6 ~~(g) Based on these reports the results of the studies, the Planning Department developed~~  
7 ~~four a programs set forth in this Section 206, the Affordable Housing Bonus Programs, which~~  
8 ~~to provide an options by which developers of 100% affordable housing projects can include~~  
9 ~~additional affordable units on-site in exchange for through increased density and other zoning or~~  
10 ~~design modifications. These programs are the Local Affordable Housing Bonus Program, the~~  
11 ~~100 Percent Affordable Housing Bonus Program, the Analyzed State Density Bonus Program~~  
12 ~~and the Individually Requested Bonus Program. This program is the 100 Percent Affordable~~  
13 ~~Housing Bonus Program, which~~

14 ~~(h) The goal of the Local Affordable Housing Program is to increase affordable~~  
15 ~~housing production, especially housing affordable to Middle Income households. Housing for~~  
16 ~~Middle Income Households in San Francisco is necessary to stabilize San Francisco's~~  
17 ~~households and families, ensure income and household diversity in the long term population~~  
18 ~~of San Francisco, and reduce transportation impacts of middle income households working in~~  
19 ~~San Francisco. Middle Income households do not traditionally benefit from public subsidies.~~

20 ~~(fi) The 100 Percent Affordable Housing Bonus Program provides additional incentives~~  
21 ~~for developers of 100% affordable housing projects, thereby reducing the overall cost of such~~  
22 ~~developments on a per unit basis.~~

23 ~~(j) The Affordable Housing Bonus Program also establishes a clear local process for~~  
24 ~~all projects seeking the density bonuses guaranteed through the State Density Bonus Law.~~  
25 ~~The State Analyzed Program provides an expedited process for projects that comply with a~~

1 pre-determined menu of incentives, concessions and waivers of development standards that  
2 the Department, in consultation with David Baker Architects and Seifel Consulting can  
3 appropriately respond to neighborhood context without causing adverse impacts on public  
4 health and safety, and provide affordable units through the City's already-established  
5 Inclusionary Housing Program. Projects requesting density or concessions, incentives and  
6 waivers outside of the City's preferred menu may seek a density bonus consistent with State  
7 law in the Individually Requested Density Bonus Program.

8 **SEC. 206.2 DEFINITIONS.**

9 This Section applies to Sections 206 through 206.84. The definitions of Section 102 and  
10 the definitions in Section 401 for "Area Median Income" or "AMI," "First Construction Document,"  
11 "Housing Project," "Life of the Project," and "MOHCD," "On-site Unit," "Off-site Unit,"  
12 "Principal Project," and "Procedures Manual," shall generally apply to Section 206. For  
13 purposes of this Section 206 et seq., the The following definitions shall also apply, and shall  
14 prevail if there is a conflict with other sections of the Planning Code.

15 "100 Percent Affordable Housing Project" shall be a project where all of the dwelling units  
16 with the exception of the manager's unit are "Affordable Units" as that term is defined in section  
17 Section 406(b).

18 "Affordable to a Household of Lower, Very Low, or Moderate Income shall mean, at a  
19 minimum (1) a maximum purchase price that is affordable to a Household of Lower, Very Low,  
20 or Moderate Income, adjusted for the household size, assuming an annual payment for all  
21 housing costs of 33 percent of the combined household annual gross income, a down  
22 payment recommended by the Mayor's Office of Housing and Community Development and  
23 set forth in the Procedures Manual, and available financing; and (2) an affordable rent as  
24 defined in Section 50053 of the Health and Safety Code sufficient to ensure continued  
25 affordability of all very low and low-income rental units that qualified the applicant for the

1 award of the density bonus for 55 years or a longer period of time if required by the  
2 construction or mortgage financing assistance program, mortgage insurance program, or  
3 rental subsidy program.

4 “Affordable to a Household of Middle Income” shall mean, at a minimum, (1) a  
5 maximum purchase price that is affordable to a Household of Middle Income at 140% of Area  
6 Median Income, adjusted for the household size, assuming an annual payment for all housing  
7 costs of 33 percent of the combined household annual gross income, a down payment  
8 recommended by the Mayor’s Office of Housing and Community Development and set forth in  
9 the Procedures Manual, and available financing; and (2) the maximum annual rent for an  
10 affordable housing unit shall be no more than 30% of the annual gross income for a  
11 Household of Middle Income at an Area Median Income of 120%, as adjusted for the  
12 household size, as of the first date of the tenancy.

13 “Base Density” is lot area divided by the maximum lot area per unit permitted under  
14 existing density regulations (e.g 1 unit per 200, 400, 600, 800, or 1000 square feet of lot  
15 area). Calculations that result in a decimal point of 0.5 and above are rounded to the next  
16 whole number. In the Fillmore Neighborhood Commercial Transit District and the Divisadero  
17 Neighborhood Commercial Transit District, “Base Density” shall mean 1 unit per 600 square  
18 feet of lot area.

19 “Density Bonus” means a density increase over the Maximum Allowable Residential  
20 Density granted pursuant to Government Code Section 65915 and Section 206 et seq.

21 “Density Bonus Units” means those market rate dwelling units granted pursuant to the  
22 provisions of this Section 206.3, 206.5 and 206.6 that exceed the otherwise Maximum  
23 Allowable Residential Density for the development site.

24 “Development standard Standard” shall mean a site or construction condition, including, but  
25 not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open space

1 requirement, or an accessory parking ratio that applies to a residential development pursuant to any  
2 ordinance, general plan element, specific plan, charter, or other local condition, law, policy,  
3 resolution or regulation.

4 "Household of Middle Income" shall mean a household whose combined annual gross  
5 income for all members does not exceed 140% of AMI to qualify for ownership housing and  
6 120% of AMI to qualify for rental housing.

7 "Inclusionary Units" shall mean on-site income-restricted residential units provided  
8 within a development that meet the requirements of the Inclusionary Affordable Housing  
9 Program, Planning Code Section 415 et seq.

10 "Lower or, Very Low, or Moderate Income" means annual income of a household that does  
11 not exceed the maximum income limits for the income category, as adjusted for household size,  
12 applicable to San Francisco, as published and periodically updated by the State Department of  
13 Housing and Community Development pursuant to Sections 50079.5, or 50105, or 50093 of the  
14 California Health and Safety Code. Very Low Income low income is currently defined in California  
15 Health and Safety Code section Section 50105 as 50% of area median income. Lower Income is  
16 currently defined in California Health and Safety Code section Section 50079.5 as 80% of area  
17 median income. If the State law definitions of these terms change, the definitions under  
18 Section 206 shall mirror the State law changes. Moderate Income is currently defined in  
19 California Health and Safety Code section 50093 as 120% of area median income.

20 "Maximum Allowable Residential Density" means the maximum number of dwelling  
21 units per square foot of lot area in zoning districts that have such a measurement, or, in  
22 zoning districts without such a density measurement, the maximum number of dwelling units  
23 that could be developed on a property while also meeting all other applicable Planning Code  
24 requirements and design guidelines, and without obtaining an exception, modification,  
25



1 variance, or waiver from the Zoning Administrator or Planning Commission for any Planning  
2 Code requirement.

3 "Middle Income Unit" shall mean a residential unit affordable to a Household of Middle  
4 Income.

5 "Qualifying Resident" means senior citizens or other persons eligible to reside in a  
6 Senior Citizen Housing Development.

7 "Regulatory Agreement" means a recorded and legally binding agreement between an  
8 applicant and the City to ensure that the requirements of this Chapter are satisfied. The  
9 Regulatory Agreement, among other things, shall establish: the number of Restricted  
10 Affordable Units, their size, location, terms and conditions of affordability, and production  
11 schedule.

12 "Restricted Affordable Unit" means a dwelling unit within a Housing Project which will  
13 be Affordable to Very Low, Lower or Moderate Income Households, as defined in this Section  
14 206.2 for a minimum of 55 years. Restricted Affordable Units shall meet all of the  
15 requirements of Government Code 65915, except that Restricted Affordable Units that are  
16 ownership units shall not be restricted using an equity sharing agreement."

17 "Senior Citizen Housing Development" has the meaning in California Civil Code section  
18 51.3.

19 **SEC. 206.3. LOCAL AFFORDABLE HOUSING BONUS PROGRAM.**

20 (a) Purpose. This Section sets forth the Local Affordable Housing Bonus Program.  
21 The Local Affordable Housing Bonus Program or "Local Program" provides benefits to project  
22 sponsors of housing projects that set aside a total of 30% of residential units onsite at below  
23 market rate rent or sales price, including a percentage of units affordable to low and moderate  
24 income households consistent with Section 415, the Inclusionary Housing Program, and the  
25 remaining percentage affordable to a Household of Middle Income. The purpose of the Local

1 Affordable Housing Bonus Program is to expand the number of Inclusionary Units produced in  
2 San Francisco and provide housing opportunities to a wider range of incomes than traditional  
3 affordable housing programs, which typically provide housing only for very low, low or  
4 moderate income households. The Local Program allows market rate projects to match the  
5 City's shared Proposition K housing goals that 50% of new housing constructed or  
6 rehabilitated in the City by 2020 be within the reach of working middle class San Franciscans,  
7 and at least 33% affordable for low and moderate income households.

8 (b) Applicability. A Local Affordable Housing Bonus Project or "Local Project" under  
9 this Section 206.3 shall be a project that:

10 — (1) contains three or more residential units, as defined in Section 102, not  
11 including any Group Housing as defined in Section 102, efficiency dwelling units with reduced  
12 square footage defined in Section 318, and Density Bonus Units permitted through this  
13 Section 206.3, or any other density bonus;

14 — (2) is located in any zoning district that: (A) is not designated as an RH-1 or  
15 RH-2 Zoning Districts; and (B) establishes a maximum dwelling unit density through a ratio of  
16 number of units to lot area, including RH-3, RM, RC, C-2, Neighborhood Commercial, Named  
17 Neighborhood Commercial, Chinatown Mixed Use Districts, and SoMa Mixed Use Districts;  
18 but only if the SoMa Mixed Use District has a density measured by a maximum number of  
19 dwelling units per square foot of lot area; (C) is in the Fillmore Neighborhood Commercial  
20 Transit District and Divisadero Neighborhood Commercial Transit District; and (D) is not in the  
21 North of Market Residential Special Use District, Planning Code Section 249.5 until the  
22 Affordable Housing Incentive Study is completed at which time the Board will review whether  
23 the North of Market Residential Special Use District should continue to be excluded from this  
24 Program. The Study will explore opportunities to support and encourage the provision of  
25 housing at the low, moderate, and middle income range in neighborhoods where density

1 controls have been eliminated. The goal of this analysis is to incentivize increased affordable  
2 housing production levels at deeper and wider ranges of AMI and larger unit sizes in these  
3 areas through 100% affordable housing development as well as below market rate units within  
4 market rate developments; and,

5 ~~—— (3) is not seeking and receiving a density or development bonus under the~~  
6 ~~provisions of California Government Code Section 65915 et seq, Planning Code Section 207,~~  
7 ~~Section 124(f), Section 202.2(f), 304, or any other State or local program that provides~~  
8 ~~development bonuses;~~

9 ~~—— (4) includes at least 135% of the Base Density as calculated under Planning~~  
10 ~~Code Section 206.5;~~

11 ~~—— (5) in Neighborhood Commercial Districts is not a project that involves merging~~  
12 ~~lots that result in more than 125 feet in lot frontage for projects located; and~~

13 ~~—— (6) consists only of new construction, and excluding any project that includes an~~  
14 ~~addition to an existing structure.~~

15 ~~(c) Local Affordable Housing Bonus Project Eligibility Requirements. To receive the~~  
16 ~~development bonuses granted under this Section, a Local Project must meet all of the~~  
17 ~~following requirements:~~

18 ~~—— (1) Comply with the Inclusionary Affordable Housing Program, Section 415 of~~  
19 ~~this Code, by providing the applicable number of units on-site under Section 415.6. For~~  
20 ~~projects not subject to the Inclusionary Affordable Housing Program, the applicable number of~~  
21 ~~on-site units under this section shall be zero. If the Dial Alternative currently proposed in an~~  
22 ~~ordinance in Board of Supervisors File No. 150911 is adopted and permits a project sponsor~~  
23 ~~to provide more Inclusionary Units at higher AMIs than currently required (referred to as~~  
24 ~~“dialing up”), a project sponsor may dial up and meet the requirements of this subsection (D).~~  
25 ~~If the Dial Alternative of the Inclusionary Affordable Housing Program is ever amended to~~

1 allow a project sponsor to provide fewer Inclusionary Units at lower AMIs than currently  
2 required (referred to as “dialing down”), then a Project cannot qualify for this Section 206.5 if it  
3 elects to dial down;

4       ———(2) Provide an additional percentage of affordable units in the Local Project as  
5 Middle Income Units, as defined herein, such that the total percentage of Inclusionary Units  
6 and Middle Income Units equals 30%. The Middle Income Units shall be restricted for the Life  
7 of the Project and shall comply with all of the requirements of the Procedures Manual  
8 authorized in Section 415. As provided for in subsection (e), the Planning Department and  
9 MOHCD shall amend the Procedures Manual to provide policies and procedures for the  
10 implementation, including monitoring and enforcement, of the Middle Income units;

11       ———(3) Demonstrate to the satisfaction of the Environmental Review Officer that the  
12 Local Project does not:

13       ———(A) cause a substantial adverse change in the significance of an historic  
14 resource as defined by California Code of Regulations, Title 14, Section 15064.5;

15       ———(B) create new shadow in a manner that substantially affects outdoor  
16 recreation facilities or other public areas; and

17       ———(C) alter wind in a manner that substantially affects public areas;

18       ———(4) Inclusive of Inclusionary Units and Middle Income Units, provides either (A)  
19 a minimum unit mix of at least 40% of all units as two bedroom units or larger; or (B) any unit  
20 mix such that 50% of all bedrooms within the Local Project are provided in units with more  
21 than one bedroom. Local Projects are not eligible to modify this requirement under Planning  
22 Code Section 303, 328, or any other provision of this Code; and,

23       ———(5) Provides replacement units for any units demolished or removed that are  
24 subject to the San Francisco Rent Stabilization and Arbitration Ordinance, San Francisco  
25 Administrative Code Section 37, or are units qualifying for replacement as units being

1 occupied by households of Low or Very Low Income, consistent with the requirements of  
2 Government Code section 65915(c)(3).

3 (d) ~~Development Bonuses.~~ Any Local Project shall, at the project sponsor's request,  
4 receive any or all of the following:

5 ——— (1) ~~Form based density.~~ Notwithstanding any zoning designation to the  
6 contrary, density of a Local Project shall not be limited by lot area but rather by the applicable  
7 requirements and limitations set forth elsewhere in this Code. Such requirements and  
8 limitations include, but are not limited to, height, including any additional height allowed by  
9 subsection (d)(2), Bulk, Setbacks, Required Open Space, Exposure and unit mix as well as  
10 applicable design guidelines, elements and area plans of the General Plan and design review,  
11 including consistency with the Affordable Housing Bonus Program Design Guidelines,  
12 referenced in Section 328, as determined by the Planning Department.

13 ——— (2) ~~Height.~~ Up to 20 additional feet above the height authorized for the Local  
14 Project under the Height Map of the Zoning Map. This additional height may only be used to  
15 provide up to two additional 10-foot stories to the project, or one additional story of no more  
16 than 10 feet in height. Building features exempted from height controls under Planning Code  
17 Section 260(b) shall be measured from the roof level of the highest story provided under this  
18 section.

19 ——— (3) ~~Ground Floor Ceiling Height.~~ In addition to the permitted height allowed  
20 under (d)(2), Local Projects with active uses on the ground floor as defined in Section  
21 445.1(b)(2) shall receive up to a maximum of 5 additional feet in height above the height limit,  
22 in addition to the additional 20 feet granted in subsection (2) above. However, the additional 5  
23 feet may only be applied at the ground floor to provide a 14-foot (floor to ceiling) ceiling height  
24 for nonresidential uses, and to allow walk-up dwelling units to be consistent with the Ground  
25

1 Floor Residential Design Guidelines. This additional 5 feet shall not be granted to projects  
2 that already receive such a height increase under Planning Code Section 263.20.

3 ~~———— (4) Zoning Modifications. Local Affordable Housing Bonus Projects may select~~  
4 ~~up to three of the following zoning modifications:~~

5 ~~————— (A) Rear yard: The required rear yard per Section 134 or any applicable~~  
6 ~~special use district may be reduced to no less than 20 percent of the lot depth, or 15 feet,~~  
7 ~~whichever is greater. Corner properties may provide 20 percent of the lot area at the interior~~  
8 ~~corner of the property to meet the minimum rear yard requirement, provided that each~~  
9 ~~horizontal dimension of the open area is a minimum of 15 feet; and that the open area is~~  
10 ~~wholly or partially contiguous to the existing midblock open space, if any, formed by the rear~~  
11 ~~yards of adjacent properties.~~

12 ~~————— (B) Dwelling Unit Exposure: The dwelling unit exposure requirements of~~  
13 ~~Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open~~  
14 ~~area that is no less than 25 feet in every horizontal dimension, and such open area is not~~  
15 ~~required to expand in every horizontal dimension at each subsequent floor.~~

16 ~~————— (C) Off-Street Loading: Off-street loading spaces per Section 152 shall~~  
17 ~~not be required.~~

18 ~~————— (D) Automobile Parking: Up to a 75% reduction in the residential and~~  
19 ~~commercial parking requirements in Section 151 or any applicable special use district.~~

20 ~~————— (E) Open Space: Up to a 5% reduction in common open space if~~  
21 ~~provided under Section 135 or any applicable special use district.~~

22 ~~————— (F) Additional Open Space: Up to an additional 5% reduction in common~~  
23 ~~open space if provided under Section 135 or any applicable special use district, beyond the~~  
24 ~~5% provided in subsection (E) above.~~

1           ~~————— (G) Inner Courts as Open Space: In order for an inner court to qualify as~~  
2 ~~useable common open space, Section 135(g)(2) requires it to be at least 20 feet in every~~  
3 ~~horizontal dimension, and for the height of the walls and projections above the court on at~~  
4 ~~least three sides (or 75 percent of the perimeter, whichever is greater) to be no higher than~~  
5 ~~one foot for each foot that such point is horizontally distant from the opposite side of the clear~~  
6 ~~space in the court. Local Affordable Housing Bonus Projects may instead provide an inner~~  
7 ~~court that is at least 25 feet in every horizontal dimension, with no restriction on the heights of~~  
8 ~~adjacent walls. All area within such an inner court shall qualify as common open space under~~  
9 ~~Section 135.~~

10           ~~(e) Implementation.~~

11           ~~———— (1) Application. The following procedures shall govern the processing of a~~  
12 ~~request for a project to qualify under the Local Program.~~

13           ~~————— (A) An application to participate in the Local Program shall be submitted~~  
14 ~~with the first application for approval of a Housing Project and processed concurrently with all~~  
15 ~~other applications required for the Housing Project. The application shall be submitted on a~~  
16 ~~form prescribed by the City and shall include at least the following information:~~

17           ~~————— (i) A full plan set, including a site plan, elevations, sections and~~  
18 ~~floor plans, showing total number of units, number of and location of Inclusionary Units, and~~  
19 ~~Middle Income Units; and a draft Regulatory Agreement;~~

20           ~~————— (ii) The number of dwelling units which are on the property, or if~~  
21 ~~the dwelling units have been vacated or demolished in the five year period preceding the~~  
22 ~~application, have been and which were subject to a recorded covenant, ordinance, or law that~~  
23 ~~restricts rents to levels affordable to persons and families of lower or very low income; subject~~  
24 ~~to any other form of rent or price control through the City or other public entity's valid exercise~~  
25 ~~of its police power; or occupied by lower or very low income households; and~~

1                   ~~\_\_\_\_\_ (iii) If the property includes a parcel or parcels in which dwelling~~  
2 ~~units under subsection (ii) are located or were located in the five year period preceding the~~  
3 ~~application, the type and size of those units, and the incomes of the persons or families~~  
4 ~~occupying those units.~~

5                   ~~\_\_\_\_\_ (iv) The requested development bonuses and/or zoning~~  
6 ~~modifications from those listed in subsection (d).~~

7                   ~~\_\_\_\_\_ (B) Documentation that the applicant has provided written notification to~~  
8 ~~all existing commercial or residential tenants that the applicant intends to develop the property~~  
9 ~~pursuant to this section. Any affected commercial tenants shall be given priority processing~~  
10 ~~similar to the Department's Community Business Priority Processing Program, as adopted by~~  
11 ~~the San Francisco Commission on February 12, 2015 under Resolution Number 19323, to~~  
12 ~~support relocation of such business in concert with access to relevant local business support~~  
13 ~~programs.~~

14                   ~~\_\_\_\_\_ (2) Procedures Manual. The Planning Department and MOHCD shall amend~~  
15 ~~the Procedures Manual, authorized in Section 415, to include policies and procedures for the~~  
16 ~~implementation, including monitoring and enforcement, of the Middle Income units. As an~~  
17 ~~amendment to the Procedures Manual, such policies and procedures are subject to review~~  
18 ~~and approval by the Planning Commission under Section 415. Amendments to the~~  
19 ~~Procedures Manual shall include a requirement that project sponsors complete a market~~  
20 ~~survey of the area before marketing Middle Income Units. All affordable units that are~~  
21 ~~affordable to households between 120 and 140% of AMI must be marketed at a price that is at~~  
22 ~~least 20% less than the current market rate for that unit size and neighborhood, in addition to~~  
23 ~~any other applicable Program requirements.~~

24                   ~~\_\_\_\_\_ (3) Notice and Hearing. Local Projects shall comply with Section 328 for review~~  
25 ~~and approval.~~



1           ~~——— (4) Controls. Local Projects shall comply with Section 328. Notwithstanding~~  
2 ~~any other provision of this Code, no conditional use authorization shall be required for a Local~~  
3 ~~Project unless such conditional use requirement was adopted by the voters.~~

4           ~~——— (5) Regulatory Agreements. Recipients of a Density Bonus, Incentive,~~  
5 ~~Concession, waiver, or modification shall enter into a Regulatory Agreement with the City, as~~  
6 ~~follows.~~

7           ~~————— (A) The terms of the agreement shall be acceptable in form and content to the~~  
8 ~~Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director~~  
9 ~~shall have the authority to execute such agreements.~~

10          ~~————— (B) Following execution of the agreement by all parties, the completed Density~~  
11 ~~Bonus Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions~~  
12 ~~filed and recorded on the Housing Project.~~

13          ~~————— (C) The approval and recordation of the Regulatory Agreement shall take place~~  
14 ~~prior to the issuance of the First Construction Document. The Regulatory Agreement shall be~~  
15 ~~binding to all future owners and successors in interest.~~

16          ~~————— (D) The Regulatory Agreement shall be consistent with the guidelines of the~~  
17 ~~City's Inclusionary Housing Program and shall include at a minimum the following:~~

18          ~~————— (i) The total number of dwelling units approved for the Housing Project,~~  
19 ~~including the number of Restricted Affordable Units, Inclusionary Units, Middle Income Units~~  
20 ~~or other restricted units;~~

21          ~~————— (ii) A description of the household income group to be accommodated by~~  
22 ~~the Restricted Affordable Units, and the standards for determining the corresponding~~  
23 ~~Affordable Rent or Affordable Sales Price. The project sponsor must commit to completing a~~  
24 ~~market survey of the area before marketing Middle Income Units. All affordable units that are~~  
25 ~~affordable to households between 120 and 140% of AMI must be marketed at a price that is~~

1 at least 20% less than the current market rate for that unit size and neighborhood, in addition  
2 to any other applicable Program requirements;

3 \_\_\_\_\_ (iii) The location, dwelling unit sizes (in square feet), and number of  
4 bedrooms of the Restricted Affordable Units;

5 \_\_\_\_\_ (iv) Term of use restrictions for Restricted Affordable Units of at least 55  
6 years for Moderate Income units and at least 55 years for Low and Very Low units;

7 \_\_\_\_\_ (v) A schedule for completion and occupancy of Restricted Affordable  
8 Units;

9 \_\_\_\_\_ (vi) A description of any Concession, Incentive, waiver, or modification, if  
10 any, being provided by the City;

11 \_\_\_\_\_ (vii) A description of remedies for breach of the agreement (the City may  
12 identify tenants or qualified purchasers as third party beneficiaries under the agreement);

13 and

14 \_\_\_\_\_ (viii) Other provisions to ensure implementation and compliance with this  
15 Section.

16 **SEC. 206.4.206.3 THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM.**

17 **(a) Purpose and Findings.** *This Section 206.34 describes the 100 Percent Affordable Housing*  
18 *Bonus Program, or “100 Percent Affordable Housing Program”. In addition to the purposes*  
19 *described in section Section 206.1, the purpose of the 100 Percent Affordable Housing Program is to*  
20 *facilitate the construction and development of projects in which all of the residential units are*  
21 *affordable to Low and Very-Low Income Households. Projects pursuing a development bonus under*  
22 *this 100 Percent Affordable Program would exceed the City’s shared Proposition K housing goals that*  
23 *50% of new housing constructed or rehabilitated in the City by 2020 be within the reach of working*  
24 *middle class San Franciscans, and at least 33% affordable for low and moderate income households.*

1           **(b) Applicability.** A 100 Percent Affordable Housing Bonus Project under this Section ~~206.4~~  
2 206.3 shall be a Housing Project that:

3                   (1) contains three or more Residential Units, as defined in Section 102, not including  
4 Density Bonus Units ~~any additional units permitted through this Section 206 through a density~~  
5 bonus;

6                   (2) is located in any zoning district that:

7                           (A) is not designated as an RH-1 or RH-2 Zoning District; and

8                           (B) allows Residential Uses;

9                   (3) is not seeking and receiving a density or development bonus under the provisions of  
10 California Government Code Sections ~~65915 et seq.~~, Planning Code Sections 207, 124(f), 304, 803.8  
11 or any other state or local program that provides development bonuses; ~~and~~

12                   (4) meets the definition of a “100 Percent Affordable Housing Project” in Section  
13 206.2;

14                   (5) demonstrates to the satisfaction of the Environmental Review Officer that the  
15 Project does not:

16                           (A) cause a substantial adverse change in the significance of an historic  
17 resource as defined by California Code of Regulations, Title 14, Section 15064.5,

18                           (B) create new shadow in a manner that substantially affects outdoor recreation  
19 facilities or other public areas; and

20                           (C) alter wind in a manner that substantially affects public areas;

21                   (6) ~~does not demolish, remove, or convert any residential units and does not~~  
22 include any other parcel that has any residential units that would be demolished, removed, or  
23 converted as part of the project; ~~and.~~

1 (7) includes, at the ground floor, neighborhood serving uses, including but not  
2 limited to general and specialty grocery, health service, institutional, and public facilities, all as  
3 defined in Section 102.

4 (c) **Development Bonuses.** A 100 Percent Affordable Housing Bonus Project shall, at the  
5 project sponsor's request, receive any or all of the following:

6 (1) **Priority Processing.** 100 Percent Affordable Housing Bonus Projects shall receive  
7 Priority Processing.

8 (2) **Form based density.** Notwithstanding any zoning designation to the contrary,  
9 density of the 100 Percent Affordable Housing Bonus Project shall not be limited by lot area but rather  
10 by the applicable requirements and limitations set forth elsewhere in this Code. Such requirements and  
11 limitations include, but are not limited to, height, including any additional height allowed by subsection  
12 (c)(23) herein, Bulk, Setbacks, Open Space, Exposure and unit mix as well as applicable design  
13 guidelines, elements and area plans of the General Plan and design review, including consistency with  
14 the Affordable Housing Bonus Program Design Guidelines, referenced in Section 328, as determined  
15 by the Planning Department.

16 (3) **Height.** 100 Percent Affordable Housing Bonus Projects shall be allowed up to 30  
17 additional feet, not including allowed exceptions per Section 260(b), above the property's height  
18 district limit in order to provide three additional stories of residential use. This additional height may  
19 only be used to provide up to three additional 10-foot stories to the project, or one additional story of  
20 not more than 10 feet in height

21 (4) **Ground Floor Ceiling Height.** In addition to the permitted height allowed under  
22 subsection (c)(3), 100 Percent Affordable Housing Bonus Projects with active ground floors as defined  
23 in Section 145.1(b)(2) shall receive one additional foot of height, up to a maximum of an additional five  
24 feet at the ground floor, exclusively to provide a minimum 14-foot (floor to ceiling) ground floor ceiling  
25 height.

1                   (5) Zoning Modifications. 100 Percent Affordable Housing Bonus Projects may select  
2 any or all of the following zoning modifications:

3                   (A) Rear Yard: the required rear yard per Section 134 or any applicable  
4 special use district may be reduced to no less than 20% of the lot depth or 15 feet, whichever is greater.  
5 Corner properties may provide 20% of the lot area at the interior corner of the property to meet the  
6 minimum rear yard requirement, provided that each horizontal dimension of the open area is a  
7 minimum of 15 feet; and that the open area is wholly or partially contiguous to the existing midblock  
8 open space, if any, formed by the rear yards of adjacent properties.

9                   (B) Dwelling Unit Exposure: The dwelling unit exposure requirements of  
10 Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open area that  
11 is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in  
12 every horizontal dimension at each subsequent floor.

13                   (C) Off Street Loading: No off-street loading spaces under Section 152.

14                   (D) Automobile Parking: Up to a 100% reduction in the minimum off-street  
15 residential and commercial automobile parking requirement under Article 1.5 of this Code.

16                   (E) Open Space: Up to a 10% reduction in common open space requirements if  
17 required by Section 135, but no less than 36 square feet of open space per unit.

18                   (F) Inner Courts as Open Space: In order for an inner court to qualify as  
19 useable common open space, Section 135(g)(2) requires it to be at least 20 feet in every horizontal  
20 dimension, and for the height of the walls and projections above the court on at least three sides (or  
21 75% percent of the perimeter, whichever is greater) to be no higher than one foot for each foot that  
22 such point is horizontally distant from the opposite side of the clear space in the court. 100 Percent%  
23 Affordable Housing Bonus Projects may instead provide an inner court that is at least 25 feet in every  
24 horizontal dimension, with no restriction on the heights of adjacent walls. All area within such an  
25 inner court shall qualify as common open space under Section 135.

1            **(d) Implementation.**

2            **(1) Application.** *The following procedures shall govern the processing of a request for*  
3 *a project to qualify ~~as~~ under the 100 Percent Affordable Housing Bonus Program.*

4            **(A)** *An application to participate in the 100 Percent Affordable Housing Bonus*  
5 *Program shall be submitted with the first application for approval of a Housing Project and processed*  
6 *concurrently with all other applications required for the Housing Project. The application shall be*  
7 *submitted on a form prescribed by the City and shall include at least the following information:*

8                            **(i)** *A full plan set including a site plan, elevations, sections and floor*  
9 *plans, showing total number of units, unit sizes and planned affordability levels and any applicable*  
10 *funding sources;*

11                           **(ii)** *The requested development bonuses from those listed in subsection*  
12 *(c); and,*

13                           **(iii)** *Unit size and distribution of multi-bedroom units.*

14            **(B)** *Documentation that the applicant has provided written notification to all*  
15 *existing commercial ~~or residential~~ tenants that the applicant intends to develop the property pursuant*  
16 *to this section 206.3. Any affected commercial tenants shall be given priority processing similar to the*  
17 *Department's Community Business Priority Processing Program, as adopted by the ~~San Francisco~~*  
18 *Planning Commission on February 12, 2015 under Resolution Number 19323 to support relocation of*  
19 *such business in concert with access to relevant local business support programs. In no case may an*  
20 *applicant receive a site permit or any demolition permit prior to 18 months from the date of*  
21 *written notification required by this subsection 206.3(d)(1)(B).*

22            **(2) Conditions.** *Entitlements of 100 Percent Affordable Housing Bonus Projects*  
23 *approved under this Section shall be valid for 10 years from the date of Planning Commission or*  
24 *Planning Department approval.*

1                    (3) Notice and Hearing. 100 Percent Affordable Housing Bonus Projects shall comply  
2 with Section 328 for review and approval.

3                    (4) Controls. Notwithstanding any other provision of this Code, no conditional use  
4 authorization shall be required for a 100 Percent Affordable Housing Bonus Project, unless such  
5 conditional use requirement was adopted by the voters.

6                    ~~206.5. STATE RESIDENTIAL DENSITY BONUS PROGRAM: ANALYZED~~

7                    ~~(a) Purpose: Sections 206.5, 206.6, and 206.7 shall be referred to as the San~~  
8 ~~Francisco State Residential Density Bonus Program or the State Density Bonus Program.~~  
9 ~~First, the Analyzed State Density Bonus Program in Section 206.5 offers an expedited~~  
10 ~~process for projects that seek a density bonus that is consistent with the pre-vetted menu of~~  
11 ~~incentives, concessions and waivers that the Planning Department and its consultants have~~  
12 ~~already determined are feasible, result in actual cost reductions, and do not have specific~~  
13 ~~adverse impacts upon public health and safety of the physical environment. Second the~~  
14 ~~Individually Requested State Density Bonus Program in Section 206.6 details the review,~~  
15 ~~analysis and approval process for any project seeking a density bonus that is consistent with~~  
16 ~~State Law, but is not consistent with the requirements for the Analyzed State Density Bonus~~  
17 ~~Program established in Section 206.5. Third, Sections 206.7, describes density bonuses~~  
18 ~~available under the State code for the provision of childcare facilities.~~

19                    ~~This Section 206.5 implements the Analyzed State Density Bonus Program or~~  
20 ~~“Analyzed State Program.” The Analyzed State Program offers an expedited process for~~  
21 ~~projects that seek a density bonus that is consistent with, among other requirements set forth~~  
22 ~~below, the pre-vetted menu of incentives, waiver and concessions.~~

23                    ~~(b) Applicability:~~

24                    ~~———(1) A Housing Project that meets all of the requirements of this subsection (b)(1)~~  
25 ~~or is a Senior Housing Project meeting the criteria of (b)(2) shall be an Analyzed State Density~~

1 Bonus Project or an “Analyzed Project” for purposes of Section 206 et seq. A Housing Project  
2 that does not meet all of the requirements of this subsection (b), but seeks a density bonus  
3 under State law may apply for a density bonus under Section 206.6 as an Individually  
4 Requested State Density Bonus Project. To qualify for the Analyzed State Density Bonus  
5 Program a Housing Project must meet all of the following:

6           —— (A) contain five or more residential units, as defined in Section 102, not  
7 including any Group Housing as defined in Section 102, efficiency dwelling units with reduced  
8 square footage defined in Section 318, and Density Bonus Units permitted through this  
9 Section 206.5 or other density program;

10           —— (B) is not seeking and receiving a density or development bonus under  
11 Section 207; the Local Affordable Housing Bonus Program, Section 206.3; the 100 Percent  
12 Affordable Housing Bonus Program, Section 206.4; or any other local or State density bonus  
13 program that provides development bonuses;

14           —— (C) for projects located in Neighborhood Commercial Districts is not  
15 seeking to merge lots that result in more than 125 in lot frontage on any one street;

16           —— (D) is located in any zoning district that: (i) is not designated as an RH-1  
17 or RH-2 Zoning District; (ii) establishes a maximum dwelling unit density through a ratio of  
18 number of units to lot area, including but not limited to, RH-3, RM, RC, C-2, Neighborhood  
19 Commercial, Named Neighborhood Commercial, Chinatown Mixed Use Districts, and SoMa  
20 Mixed Use Districts, but only if the SoMa Mixed Use District has a density measured by a  
21 maximum number of dwelling units per square foot of lot area; (iii) is in the Fillmore  
22 Neighborhood Commercial Transit District and Divisadero Neighborhood Commercial Transit  
23 District; and (D) is not in the North of Market Residential Special Use District, Planning Code  
24 Section 249.5 until the Affordable Housing Incentive Study is completed at which time the  
25 Board will review whether the North of Market Residential Special Use District should continue



1 to be excluded from this Program. The Study will explore opportunities to support and  
2 encourage the provision of housing at the low, moderate, and middle income range in  
3 neighborhoods where density controls have been eliminated. The goal of this analysis is to  
4 incentivize increased affordable housing production levels at deeper and wider ranges of AMI  
5 and larger unit sizes in these areas through 100% affordable housing development as well as  
6 below market rate units within market rate developments; and

7           ~~————— (E) is providing all Inclusionary Units as On-site Units under Section~~  
8 ~~415.6. If the Dial Alternative currently proposed in an ordinance in Board of Supervisors File~~  
9 ~~No. 150911 is adopted and permits a project sponsor to provide more Inclusionary Units at~~  
10 ~~higher AMIs than currently required (referred to as “dialing up”), a project sponsor may dial up~~  
11 ~~and meet the requirements of this subsection (D). If the Dial Alternative of the Inclusionary~~  
12 ~~Affordable Housing Program is ever amended to allow a project sponsor to provide fewer~~  
13 ~~Inclusionary Units at lower AMIs than currently required (referred to as “dialing down”), then a~~  
14 ~~Project cannot qualify for this Section 206.5 if it elects to dial down;~~

15           ~~————— (F) includes a minimum of nine foot ceilings on all residential floors;~~

16           ~~————— (G) is seeking only Concessions or Incentives set forth in subsection~~  
17 ~~(e)(4);~~

18           ~~————— (H) is seeking height increases only in the form of a waiver as described~~  
19 ~~in subsection (c)(5); and,~~

20           ~~————— (I) provides replacement units for any units demolished or removed that~~  
21 ~~are subject to the San Francisco Residential Rent Stabilization and Arbitration Ordinance, San~~  
22 ~~Francisco Administrative Code Section 37, or are units qualifying for replacement as units~~  
23 ~~being occupied by households of low or very low income, consistent with the requirements of~~  
24 ~~Government Code section 65915(c)(3).~~

~~(2) A Senior Housing Project, as defined in Section 102, may qualify as an Analyzed State Density Bonus Project if it follows all of the procedures and conditions set forth in Planning Code Section 202.2(f).~~

~~(c) Development Bonuses. All Analyzed State Law Density Bonus Projects shall receive, at the project sponsor's written request, any or all of the following:~~

~~(1) Priority Processing. Analyzed Projects that provide 30% or more of Units as On-site Inclusionary Housing Units or Restricted Affordable Units that meet all of the requirements of for an Inclusionary Housing Unit shall receive Priority Processing.~~

~~(2) Density Bonus. Analyzed Projects that provide On-site Inclusionary Housing Units or Restricted Affordable Units that meet all of the requirements of for an Inclusionary Housing Unit shall receive a density bonus as described in Table 206.5 A as follows:~~

Table 206.5A

Density Bonus Summary — Analyzed

| A<br>Restricted Affordable Units<br>or Category                                                   | B<br>Minimum<br>Percentage<br>of<br>Restricted<br>Affordable<br>Units | C<br>Percentage<br>of Density<br>Bonus<br>Granted | D<br>Additional<br>Bonus for<br>Each 1%<br>Increase In<br>Restricted<br>Affordable<br>Units | E<br>Percentage of<br>Restricted<br>Units<br>Required for<br>Maximum<br>35% Density<br>Bonus |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Very Low Income                                                                                   | 5%                                                                    | 20%                                               | 2.50%                                                                                       | 11%                                                                                          |
| Lower Income                                                                                      | 10%                                                                   | 20%                                               | 1.50%                                                                                       | 20%                                                                                          |
| Moderate Income                                                                                   | 10%                                                                   | 5%                                                | 1%                                                                                          | 40%                                                                                          |
| Senior Citizen Housing, as<br>defined in § 102, and<br>meeting the requirements<br>of § 202.2(f). | 100%                                                                  | 50%                                               | -----                                                                                       | -----                                                                                        |

1 Note: A density bonus may be selected from more than one category, up to a maximum of  
2 35% of the Maximum Allowable Residential Density.

3 In calculating density bonuses under this subsection 206.5(c)(2) the following shall  
4 apply:

5 (A) When calculating the number of permitted Density Bonus Units or  
6 Restricted Affordable Units, any fractions of units shall be rounded to the next highest  
7 number. Analyzed Density Bonus Program projects must include the minimum percentage of  
8 Restricted Affordable Units identified in Column B of Table 206.5A for at least one income  
9 category, but may combine density bonuses from more than one income category, up to a  
10 maximum of 35% of the Maximum Allowable Residential Density.

11 (B) An applicant may elect to receive a Density Bonus that is less than  
12 the amount permitted by this Section; however, the City shall not be required to similarly  
13 reduce the number of Restricted Affordable Units required to be dedicated pursuant to this  
14 Section and Government Code Section 65915(b).

15 (C) In no case shall a Housing Project be entitled to a Density Bonus of  
16 more than 35%, unless it is a Senior Housing Project meeting the requirements of Section  
17 202.2(f).

18 (D) The Density Bonus Units shall not be included when determining the  
19 number of Restricted Affordable Units required to qualify for a Density Bonus. Density  
20 bonuses shall be calculated as a percentage of the Maximum Allowable Residential Density.

21 (E) Any Restricted Affordable Unit provided pursuant to the on-site  
22 requirements of the Inclusionary Affordable Housing Program, Section 415 et seq., shall be  
23 included when determining the number of Restricted Affordable Units required to qualify for a  
24 Development Bonus under this Section 206.5. The payment of the Affordable Housing Fee  
25 shall not qualify for a Development Bonus under this Section. The provision of Off-site Units  
shall not qualify the Principal Project for a Density Bonus under this Section; however an Off-

1 site Unit may qualify as a Restricted Affordable Unit to obtain a density bonus for the Off-site  
2 Project.

3 (F) In accordance with state law, neither the granting of a Concession,  
4 Incentive, waiver, or modification, nor the granting of a Density Bonus, shall be interpreted, in  
5 and of itself, to require a general plan amendment, zoning change, variance, or other  
6 discretionary approval.

7 (3) Concessions and Incentives. Analyzed Projects shall receive concessions or  
8 incentives, in the amounts specified in Table 206.5B :

9  
10 Table 206.5B

11 Concessions and Incentives Summary — Analyzed Projects

| Target Group                                  | Restricted Affordable Units |     |     |
|-----------------------------------------------|-----------------------------|-----|-----|
| Very Low Income                               | 5%                          | 10% | 15% |
| Lower Income                                  | 10%                         | 20% | 30% |
| Moderate Income (Common Interest Development) | 10%                         | 20% | 30% |
| Maximum Incentive(s)/Concession(s)            | 4                           | 2   | 3   |

12  
13  
14  
15  
16  
17 Notes: 1. Concessions or Incentives may be selected from only one category (very low,  
18 lower, or moderate) 2. Common Interest Development is defined in California Civil Code  
19 Section 4100.

20 (4) Menu of Concessions and Incentives: In submitting a request for  
21 Concessions or Incentives, an applicant for an Analyzed State Density Bonus Project may  
22 request the specific Concessions and Incentives set forth below. The Planning Department,  
23 based on Department research and a Residential Density Bonus Study prepared by David  
24 Baker Architects, Seifel Consulting, and the San Francisco Planning Department dated  
25 August 2015, on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, has

1 determined that the following Concessions and Incentives are generally consistent with  
2 Government Code Section 65915(d) because, in general, they: are required in order to  
3 provide for affordable housing costs; will not be deemed by the Department to have a specific  
4 adverse impact as defined in Government Code Section 65915(d); and are not contrary to  
5 State or Federal law.

6 (A) Rear yard: the required rear yard per Section 134 or any applicable  
7 special use district may be reduced to no less than 20% of the lot depth, or 15 feet, whichever  
8 is greater. Corner properties may provide 20% of the lot area at the interior corner of the  
9 property to meet the minimum rear yard requirement, provided that each horizontal dimension  
10 of the open area is a minimum of 15 feet; and that the open area is wholly or partially  
11 contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent  
12 properties.

13 (B) Dwelling Unit Exposure: the dwelling unit exposure requirements of  
14 Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open  
15 area that is no less than 25 feet in every horizontal dimension, and such open area is not  
16 required to expand in every horizontal dimension at each subsequent floor.

17 (C) Off-Street Loading: off-street loading spaces under Section 152 shall  
18 not be required.

19 (D) Parking: up to a 50% reduction in the residential and commercial  
20 parking requirement, per Section 151 or any applicable special use district.

21 (E) Open Space: up to a 5% reduction in required common open space  
22 per Section 135, or any applicable special use district.

23 (F) Additional Open Space: up to an additional 5% reduction in required  
24 common open space per Section 135 or any applicable special use district, beyond the 5%  
25 provided in subsection (E) above.

1           ~~(5) Waiver or Modification of Height Limits. Analyzed Projects may request a~~  
2 ~~waiver of the applicable height restrictions if the applicable height limitation will have the effect~~  
3 ~~of physically precluding the construction of a Housing Project at the densities or with the~~  
4 ~~Concessions or Incentives permitted by this subsection (c)(4). Analyzed Projects may receive~~  
5 ~~a height bonus as of right of up to twenty feet or two stories, excluding exceptions permitted~~  
6 ~~per Section 260(b), if the applicant demonstrates that it qualifies for a height waiver through~~  
7 ~~the following formula:~~

8           ~~Step one: Calculate Base Density and Bonus Density Limits~~

9           ~~Calculate Base Density (BD), as defined in Section 206.2.~~

10           ~~Bonus Density Limit (BD): ED multiplied by 1.XX where XX is the density bonus~~  
11 ~~requested per Section 206.5 of this Code (e.g. 7%, 23%, 35%), not to exceed 1.35, the~~  
12 ~~maximum density bonus available by this Section.~~

13           ~~Step two: Calculate Permitted Envelope (PE). Buildable envelope available~~  
14 ~~under existing height and bulk controls.~~

15           ~~PE equals lot area multiplied by permitted lot coverage, where lot coverage~~  
16 ~~equals .75, or .8 if the developer elects to request a rear yard modification under Section~~  
17 ~~206.5(c)(4)(A), multiplied by existing height limit (measured in number of stories), minus one~~  
18 ~~story for projects in districts where non-residential uses are required on the ground floor, and~~  
19 ~~minus any square footage subject to bulk limitations (for parcels that do not have an X bulk~~  
20 ~~designation).~~

21           ~~Step three: Calculate Bonus Envelope (BE) Residential envelope necessary to~~  
22 ~~accommodate additional density (“Bonus envelope” or “BE”)~~

23           ~~BE equals Bonus Density multiplied by 1,000 gross square feet~~

24           ~~Step four: Calculate Additional Residential Floors. Determine the number of~~  
25 ~~stories required to accommodate bonus:~~

1                   ~~—— (A) If BE is less than or equal to PE, the project is not awarded height~~  
2 ~~under this subsection (c)(5).~~

3                   ~~—— (B) If BE is greater than PE, the project is awarded height, as follows:~~

4                   ~~—— (i) If BE minus PE is less than the lot area multiplied by 0.75,~~  
5 ~~project is allowed 1 extra story; total gross square footage of building not to exceed BE;~~

6                   ~~—— (ii) If BE minus PE is greater than the lot area multiplied by 0.75~~  
7 ~~(i.e. if the difference is greater than one story), project is allowed two extra stories; total gross~~  
8 ~~square footage of building not to exceed BE.~~

9                   ~~(d) Application. An application for an Analyzed State Density Bonus Project under this~~  
10 ~~Section 206.5 shall be submitted with the first application for approval of a Housing Project~~  
11 ~~and shall be processed concurrently with all other applications required for the Housing~~  
12 ~~Project. The application shall be on a form prescribed by the City and, in addition to any~~  
13 ~~information required for other applications, shall include the following information:~~

14                   ~~—— (1) A description of the proposed Housing Project, including the total number of~~  
15 ~~dwelling units, Restricted Affordable Units, and Density Bonus Units proposed;~~

16                   ~~—— (2) Any zoning district designation, Base Density, assessor's parcel number(s)~~  
17 ~~of the project site, and a description of any Density Bonus, Concession or Incentive, or waiver~~  
18 ~~requested;~~

19                   ~~—— (3) A list of the requested Concessions and Incentives from Section 206.5(c)(4);~~

20                   ~~—— (4) If a waiver or modification of height is requested under Section 206.5(c)(5),~~  
21 ~~a calculation demonstrating how the project qualifies for such waiver under the formula;~~

22                   ~~—— (5) A full plan set including site plan, elevations, sections, and floor plans,~~  
23 ~~number of market rate units, Restricted Affordable Units, and Density Bonus units within the~~  
24 ~~proposed Housing Project. The location of all units must be approved by the Planning~~  
25 ~~Department before the issuance of the building permit;~~

1           ~~—— (6) Level of affordability of the Restricted Affordable Units and a draft~~  
2 ~~Regulatory Agreement;~~

3           ~~—— (7) The number of rental dwelling units which are on the property, or if the~~  
4 ~~dwelling units have been vacated or demolished in the five year period preceding the~~  
5 ~~application, have been and which were subject to a recorded covenant, ordinance, or law that~~  
6 ~~restricts rents to levels affordable to persons and families of lower or very low income; subject~~  
7 ~~to any other form of rent or price control through the City or other public entity's valid exercise~~  
8 ~~of its police power; or occupied by lower or very low income households; and~~

9           ~~—— (8) If the property includes a parcel or parcels in which dwelling units under~~  
10 ~~subsection (7) are located or were located in the five year period preceding the application,~~  
11 ~~the type and size of those units, and the incomes of the persons or families occupying those~~  
12 ~~units.~~

13           ~~—— (9) Documentation that the applicant has provided written notification to all~~  
14 ~~existing commercial or residential tenants that the applicant intends to develop the property~~  
15 ~~pursuant to this section. Any affected commercial tenants shall be given priority processing~~  
16 ~~similar to the Department's Community Business Priority Processing Program, as adopted by~~  
17 ~~the San Francisco Commission on February 12, 2015 under Resolution Number 19323 to~~  
18 ~~support relocation of such business in concert with access to relevant local business support~~  
19 ~~programs.~~

20           ~~(e) Review Procedures. An application for an Analyzed State Density Bonus Project,~~  
21 ~~shall be acted upon concurrently with the application for other permits related to the Housing~~  
22 ~~Project.~~

23           ~~—— (1) Before approving an application for an Analyzed Project, the Planning~~  
24 ~~Department or Commission shall make written findings that the Housing Project is qualified as~~  
25 ~~an Analyzed State Density Bonus Project.~~



1           ~~—————(2) The review procedures for an Analyzed Project, including notice, hearings,~~  
2 ~~and appeal, shall be the procedures applicable to the Housing Project regardless of whether it~~  
3 ~~is applying for a State Density Bonus under this Section 206.5. However, any notice shall~~  
4 ~~specify that the Housing Project is seeking a Development Bonus and shall provide a~~  
5 ~~description of the Development Bonuses requested. Analyzed Projects shall also be reviewed~~  
6 ~~for consistency with the Affordable Housing Bonus Program Design Guidelines.~~

7           ~~(f) Regulatory Agreements. Recipients of a Density Bonus, Incentive, Concession,~~  
8 ~~waiver, or modification shall enter into a Regulatory Agreement with the City, as follows.~~

9           ~~—————(1) The terms of the agreement shall be acceptable in form and content to the~~  
10 ~~Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director~~  
11 ~~shall have the authority to execute such agreements.~~

12           ~~—————(2) Following execution of the agreement by all parties, the completed Density~~  
13 ~~Bonus Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions~~  
14 ~~filed and recorded on the Housing Project.~~

15           ~~—————(3) The approval and recordation of the Regulatory Agreement shall take place~~  
16 ~~prior to the issuance of the First Construction Document. The Regulatory Agreement shall be~~  
17 ~~binding to all future owners and successors in interest.~~

18           ~~—————(4) The Regulatory Agreement shall be consistent with the guidelines of the~~  
19 ~~City's Inclusionary Housing Program and shall include at a minimum the following:~~

20           ~~—————(A) The total number of dwelling units approved for the Housing Project,~~  
21 ~~including the number of Restricted Affordable Units, Inclusionary Units, Middle Income Units~~  
22 ~~or other restricted units;~~

23           ~~—————(B) A description of the household income group to be accommodated by~~  
24 ~~the Restricted Affordable Units, and the standards for determining the corresponding~~  
25 ~~Affordable Rent or Affordable Sales Price;~~

1 ~~\_\_\_\_\_ (C) The location, dwelling unit sizes (in square feet), and number of~~  
2 ~~bedrooms of the Restricted Affordable Units;~~

3 ~~\_\_\_\_\_ (D) Term of use restrictions for Restricted Affordable Units of at least 55~~  
4 ~~years for Moderate Income units and at least 55 years for Low and Very Low units;~~

5 ~~\_\_\_\_\_ (E) A schedule for completion and occupancy of Restricted Affordable~~  
6 ~~Units;~~

7 ~~\_\_\_\_\_ (F) A description of any Concession, Incentive, waiver, or modification, if~~  
8 ~~any, being provided by the City;~~

9 ~~\_\_\_\_\_ (G) A description of remedies for breach of the agreement (the City may~~  
10 ~~identify tenants or qualified purchasers as third party beneficiaries under the agreement);~~

11 ~~and~~

12 ~~\_\_\_\_\_ (H) Other provisions to ensure implementation and compliance with this~~  
13 ~~Section.~~

14 ~~SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.~~

15 ~~(a) Purpose and Findings: This Section 206.6 details the review, analysis and~~  
16 ~~approval process for any project seeking a density bonus that is consistent with State Law,~~  
17 ~~Government Code section 65915 et seq., but is not consistent with the pre-vetted menu of~~  
18 ~~concessions, incentives or waivers, or other requirements established in Section 206.5 as~~  
19 ~~analyzed by the Planning Department in coordination with David Baker and Seifel Consulting,~~  
20 ~~and shall be known as the Individually Requested State Density Bonus Program.~~

21 ~~California State Density Bonus Law allows a housing developer to request parking~~  
22 ~~ratios not to exceed the ratios set forth in Government Code section 65915(p)(1), which may~~  
23 ~~further be reduced as an incentive or concession. Because in most cases San Francisco~~  
24 ~~regulates parking by dwelling unit as described in Article 1.5 of this Code, the minimum~~  
25 ~~parking ratios set forth in the Government Code are greater than those allowed in San~~

1 Francisco. Given that San Francisco's parking ratios are already less than the State ratios, the  
2 City finds that the State's minimum parking ratio requirement does not apply.

3 (b) ~~Applicability.~~ A Housing Project that does not meet any one or more of the criteria  
4 of Section 206.5(b) under the Analyzed State Density Bonus Program, but meets the following  
5 requirements, may apply for a Development Bonus under this Section 206.6 as an  
6 "Individually Requested State Density Bonus Project" or "Individually Requested Project" if it  
7 meets all of the following criteria:

8 ——— (1) ~~contains five or more residential units, as defined in Section 102;~~

9 ——— (2) ~~is not seeking and receiving a density or development bonus under Section  
10 207; the Local Affordable Housing Bonus Program, Section 206.3; the 100 Percent Affordable  
11 Housing Bonus Program, Section 206.4; Section 304, or any other local or state bonus  
12 program that provides development bonuses.~~

13 ——— (3) ~~provides Restricted Affordable Housing Units, including but not limited to  
14 Inclusionary Housing Units, at minimum levels as provided in Table 206.6A; and,~~

15 ——— (4) ~~provides replacement units for any units demolished or removed that are  
16 subject to the San Francisco Rent Stabilization and Arbitration Ordinance, San Francisco  
17 Administrative Code Section 37, or are units qualifying for replacement as units being  
18 occupied by households of low or very low income, consistent with the requirements of  
19 Government Code section 65915(c)(3).~~

20 ——— (5) ~~Is in any zoning district except for RH-1 or RH-2, unless the Code permits  
21 the development of a project of 5 units or more on a site or sites.~~

22 (c) ~~Development Bonuses.~~ Any Individually Requested Density Bonus Project shall, at  
23 the project sponsor's request, receive any or all of the following:

~~(1) Density Bonus. Individually Requested Projects that provide On-site Inclusionary Housing Units or Restricted Affordable Units shall receive a density bonus as described in Table 206.6A as follows:~~

~~Table 206.6 A~~

~~Density Bonus Summary—Individually Requested Project~~

| <del>Restricted Affordable Units or Category</del> | <del>Minimum Percentage of Restricted Affordable Units</del> | <del>Percentage of Density Bonus Granted</del> | <del>Additional Bonus for Each 1% Increase In Restricted Affordable Units</del> | <del>Percentage of Restricted Units Required for Maximum 35% Density Bonus</del> |
|----------------------------------------------------|--------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <del>Very Low Income</del>                         | <del>5%</del>                                                | <del>20%</del>                                 | <del>2.50%</del>                                                                | <del>11%</del>                                                                   |
| <del>Lower Income</del>                            | <del>10%</del>                                               | <del>20%</del>                                 | <del>1.50%</del>                                                                | <del>20%</del>                                                                   |
| <del>Moderate Income</del>                         | <del>10%</del>                                               | <del>5%</del>                                  | <del>1%</del>                                                                   | <del>40%</del>                                                                   |
| <del>Senior Citizen Housing</del>                  | <del>100%</del>                                              | <del>20%</del>                                 | <del>-----</del>                                                                | <del>-----</del>                                                                 |

~~Note: A density bonus may be selected from only one category up to a maximum of 35% of the Maximum Allowable Residential Density.~~

~~\_\_\_\_\_ In calculating density bonuses under this subsection 206.6(c)(1) the following shall apply:~~

~~(A) When calculating the number of permitted Density Bonus Units or Restricted Affordable Units, any fractions of units shall be rounded to the next highest number.~~

~~(B) An applicant may elect to receive a Density Bonus that is less than the amount permitted by this Section; however, the City shall not be required to similarly reduce the number of Restricted Affordable Units required to be dedicated pursuant to this Section and Government Code Section 65915(b).~~

~~(C) Each Housing Project is entitled to only one Density Bonus, which shall be selected by the applicant based on the percentage of Very Low Income Restricted~~

1 Affordable Units, Lower Income Restricted Affordable Units, or Moderate Income Restricted  
2 Affordable Units, or the Housing Project's status as a Senior Citizen Housing Development.  
3 Density bonuses from more than one category may not be combined. In no case shall a  
4 Housing Project be entitled to a Density Bonus of more than thirty-five percent (35%), unless  
5 it is a Senior Housing Project meeting the requirements of Section 202.2(f).

6 (D) ~~The Density Bonus Units shall not be included when determining the~~  
7 ~~number of Restricted Affordable Units required to qualify for a Density Bonus. Density~~  
8 ~~bonuses shall be calculated as a percentage of the Maximum Allowable Residential Density.~~

9 (E) ~~Any Restricted Affordable Unit provided pursuant to the on-site~~  
10 ~~requirements of the Inclusionary Affordable Housing Program, Section 415 et seq., shall be~~  
11 ~~included when determining the number of Restricted Affordable Units required to qualify for a~~  
12 ~~Development Bonus under this Section 206.6. The payment of the Affordable Housing Fee~~  
13 ~~shall not qualify for a Development Bonus under this Section. The provision of Off-site Units~~  
14 ~~shall not qualify the Principal Project for a Density Bonus under this Section; however an Off-~~  
15 ~~site Unit may qualify as a Restricted Affordable Unit to obtain a density bonus for the Off-site~~  
16 ~~Project.~~

17 (F) ~~In accordance with state law, neither the granting of a Concession,~~  
18 ~~Incentive, waiver, or modification, nor the granting of a Density Bonus, shall be interpreted, in~~  
19 ~~and of itself, to require a general plan amendment, zoning change, variance, or other~~  
20 ~~discretionary approval.~~

21 (G) ~~No additional Density Bonus shall be authorized for a Senior Citizen~~  
22 ~~Development beyond the Density Bonus authorized by subsection (1) of this Section.~~

23 ~~————— (H) Certain other types of development activities are specifically eligible~~  
24 ~~for a development bonuses pursuant to State law, including land donation under~~  
25 ~~Government Code Section 65915(g), condominium conversions under Government Code~~

1 section 65915.5 and qualifying mobile home parks under Government Code section  
 2 65915(b)(1)(C). Such projects shall be considered Individually Requested State Density  
 3 Bonus Projects.

4 \_\_\_\_\_ (2) Concessions and Incentives. This Section includes provisions for providing  
 5 Concessions or Incentives pursuant to Government Code Section 65915 et seq, as set forth  
 6 in Table 206.6B. For purposes of this Section 206.6, Concessions and Incentives as used  
 7 interchangeably shall mean such regulatory concessions as specified in Government Code  
 8 Section 65915(k) to include:

9 \_\_\_\_\_ (A) A reduction of site Development Standards or architectural design  
 10 requirements which exceed the minimum applicable building standards approved by the  
 11 State Building Standards Commission pursuant to Part 2.5 (commencing with Section  
 12 48901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction  
 13 in setback, coverage, and/or parking requirements which result in identifiable, financially  
 14 sufficient and actual cost reductions;

15 \_\_\_\_\_ (B) Allowing mixed use development in conjunction with the proposed  
 16 residential development, if nonresidential land uses will reduce the cost of the residential  
 17 project and the nonresidential land uses are compatible with the residential project and  
 18 existing or planned development in the area where the Housing Project will be located; and

19 \_\_\_\_\_ (C) Other regulatory incentives or concessions proposed by the  
 20 developer or the City that result in identifiable, financially sufficient, and actual cost  
 21 reductions.

22 \_\_\_\_\_ Table 206.6B

23 Concessions and Incentives Summary—Individually Requested Project

| Target Group    | Restricted Affordable Units |     |     |
|-----------------|-----------------------------|-----|-----|
| Very Low Income | 5%                          | 10% | 15% |

|   |                                               |     |     |     |
|---|-----------------------------------------------|-----|-----|-----|
| 1 | Lower Income                                  | 10% | 20% | 30% |
| 2 | Moderate Income (Common Interest Development) | 10% | 20% | 30% |
| 3 | Maximum Incentive(s)/Concession(s)            | 4   | 2   | 3   |

4 Notes: 1. Concessions or Incentives may be selected from only one category (very low,  
 5 lower, or moderate). 2. Common Interest Development is defined in California Civil Code  
 6 Section 4100.

7 ~~————— (3) Request for Concessions and Incentives. In submitting a request for  
 8 Concessions or Incentives that are not specified in Section 206.5(c)(4), an applicant for an  
 9 Individually Requested Density Bonus Project must provide documentation described in  
 10 subsection (d) below in its application. The Planning Commission shall hold a hearing and  
 11 shall approve the Concession or Incentive requested unless it makes written findings, based  
 12 on substantial evidence that:~~

13 ~~————— (A) The Concession or Incentive is not required in order to provide for  
 14 affordable housing costs, as defined in Section 50052.5 of the California Health and Safety  
 15 Code, or for rents for the Restricted Affordable Units to be as specified in this Section 206.6;  
 16 or~~

17 ~~————— (B) The Concession or Incentive would have a specific adverse impact,  
 18 as defined in Government Code Section 65589.5(d)(2) upon public health and safety or the  
 19 physical environment or any real property that is listed in the California Register of Historical  
 20 Resources and for which there is no feasible method to satisfactorily mitigate or avoid the  
 21 specific adverse impact without rendering the Housing Project unaffordable to low- and  
 22 moderate-income households.~~

23 ~~————— (C) The Concession or Incentive would be contrary to state or federal  
 24 law.~~

25 ~~————— (4) Waiver or Modification. An applicant may apply for a waiver or modification  
 of Development Standards that will have the effect of physically precluding the construction of~~

1 a Housing Project at the densities or with the Concessions or Incentives permitted by this  
2 Section 206.6. The Planning Commission will not grant a waiver or modification under this  
3 Section unless it is necessary to achieve the additional density or the Concessions or  
4 Incentives permitted by this Section 206.6. The developer must submit sufficient information  
5 as determined by the Planning Department demonstrating that Development Standards that  
6 are requested to be waived or modified will have the effect of physically precluding the  
7 construction of a Housing Project meeting the criteria of this Section 206.6 at the densities or  
8 with the Concessions or Incentives permitted. The Planning Commission shall hold a hearing  
9 to determine if the project sponsor has demonstrated that the waiver is necessary. The  
10 Planning Commission may deny a waiver if it finds on the basis of substantial evidence that:

11           \_\_\_\_\_ (A) It is not required to permit the construction of a Housing Project  
12 meeting the density permitted or with the Concessions and Incentives permitted under this  
13 Section 206.6;

14           \_\_\_\_\_ (B) The Waiver is not required in order to provide for affordable housing  
15 costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for  
16 the Restricted Affordable Units to be as specified in this Section 206.6;

17           \_\_\_\_\_ (C) The Waiver would have a specific adverse impact, as defined in  
18 Government Code Section 65589.5(d)(2) upon public health and safety or the physical  
19 environment or any real property that is listed in the California Register of Historical  
20 Resources and for which there is no feasible method to satisfactorily mitigate or avoid the  
21 specific adverse impact without rendering the Housing Project unaffordable to low- and  
22 moderate-income households; or,

23           \_\_\_\_\_ (D) The Waiver would be contrary to state or federal law.

24  
25



1           ~~—— (5) Nothing in this Section shall be construed to require the provision of direct~~  
2 ~~financial incentives for the Project, including the provision of publicly owned land by the City or~~  
3 ~~the waiver of fees or dedication requirements.~~

4           ~~(d) Application. An application for a Density Bonus, Incentive, Concession, or waiver~~  
5 ~~under this Section 206.6 shall be submitted with the first application for approval of a Housing~~  
6 ~~Project and shall be processed concurrently with all other applications required for the~~  
7 ~~Housing Project. The application shall be on a form prescribed by the City and, in addition to~~  
8 ~~any information required for other applications, shall include the following information:~~

9           ~~—— (1) A description of the proposed Project, and a full plan set, including a site~~  
10 ~~plan, elevations, section and floor plans, with the total number and location of dwelling units,~~  
11 ~~Restricted Affordable Units, and Density Bonus Units proposed;~~

12           ~~—— (2) A plan set sufficient for the Planning Department to determine the project~~  
13 ~~site's Maximum Allowable Residential Density. The project sponsor shall submit plans for a~~  
14 ~~base project that demonstrates a Code complying project on the Housing Project site without~~  
15 ~~use of a modification, Conditional Use Authorization, Variance, Planned Unit Development, or~~  
16 ~~other exception from the Planning Code. Such plans shall include similar detail to the~~  
17 ~~proposed Housing Project. The project sponsor shall demonstrate that site constraints do not~~  
18 ~~limit the Maximum Allowable Residential Density for the base project in practice. If the project~~  
19 ~~sponsor cannot make such a showing, the Zoning Administrator shall determine whether the~~  
20 ~~Maximum Allowable Residential Density shall be adjusted for purposes of this Section.~~

21           ~~—— (3) The zoning district designations, Maximum Allowable Residential Density,~~  
22 ~~assessor's parcel number(s) of the project site, and a description of any Density Bonus,~~  
23 ~~Concession or Incentive, or waiver requested;~~

24           ~~—— (4) If a Concession or Incentive is requested that is not included within the~~  
25 ~~menu of Incentives/Concessions set forth in subsection 206.5(c), a submittal including~~

1 financial information or other information providing evidence that the requested Concessions  
2 and Incentives result in identifiable, financially sufficient, and actual cost reductions required in  
3 order to provide for affordable housing costs as defined in Health and Safety Code Section  
4 50052.5, or for rents for the Restricted Affordable Units to be provided as required under this  
5 Program. The cost of reviewing any required financial information, including, but not limited  
6 to, the cost to the City of hiring a consultant to review the financial data, shall be borne by the  
7 applicant. The financial information shall include all of the following items:

8           \_\_\_\_\_ (A) The actual cost reduction achieved through the Concession or  
9 Incentive;

10           \_\_\_\_\_ (B) Evidence that the cost reduction allows the applicant to provide  
11 affordable rents or affordable sales prices; and

12           \_\_\_\_\_ (C) Any other information requested by the Planning Director. The  
13 Planning Director may require any financial information including information regarding capital  
14 costs, equity investment, debt service, projected revenues, operating expenses, and such  
15 other information as is required to evaluate the financial information;

16           \_\_\_\_\_ (5) If a waiver or modification is requested, a submittal containing the following  
17 information. The cost of reviewing any required information supporting the request for a  
18 waiver, including, but not limited to, the cost to the City of hiring a consultant to review the  
19 architectural information, shall be borne by the applicant.

20           \_\_\_\_\_ (A) Why the Development Standard would physically preclude the  
21 construction of the Development with the Density Bonus, Incentives, and Concessions  
22 requested.

23           \_\_\_\_\_ (B) Any other information requested by the Planning Director as is  
24 required to evaluate the request;

1           ~~—— (6) Level of affordability of the Restricted Affordable Units and a draft~~  
2 ~~Regulatory Agreement;~~

3           ~~—— (7) The number of residential units which are on the property, or if the~~  
4 ~~residential units have been vacated or demolished in the five year period preceding the~~  
5 ~~application, have been and which were subject to a recorded covenant, ordinance, or law that~~  
6 ~~restricts rents to levels affordable to persons and families of lower or very low income; subject~~  
7 ~~to any other form of rent or price control through the City or other public entity's valid exercise~~  
8 ~~of its police power; or occupied by lower or very low income households;~~

9           ~~—— (8) If the property includes a parcel or parcels in which dwelling units under (6)~~  
10 ~~are located or were located in the five year period preceding the application, the type and size~~  
11 ~~of these units, the incomes of the persons or families occupying those units.~~

12           ~~—— (9) Documentation that the applicant has provided written notification to all~~  
13 ~~existing commercial or residential tenants that the applicant intends to develop the property~~  
14 ~~pursuant to this section. Any affected commercial tenants shall be given priority processing~~  
15 ~~similar to the Department's Community Business Priority Processing Program, as adopted by~~  
16 ~~the San Francisco Commission on February 12, 2015 under Resolution Number 19323 to~~  
17 ~~support relocation of such business in concert with access to relevant local business support~~  
18 ~~programs.~~

19           ~~—— (10) If a Density Bonus or Concession is requested for a land donation under~~  
20 ~~Government Code Section 65915(g), the application shall show the location of the land to be~~  
21 ~~dedicated, provide proof of site control, and provide evidence that all of the requirements and~~  
22 ~~each of the findings included in Government Code Section 65915(g) can be made;~~

23           ~~—— (11) If a density bonus or Concession is requested for a Child Care Facility~~  
24 ~~under Section 206.7, the application shall show the location and square footage of the child~~  
25

1 care facilities and provide evidence that all of the requirements and each of the findings  
2 included in Government Code Section 65915(h) can be made;

3        ~~———— (12) If a Density Bonus or Concession is requested for a condominium~~  
4 ~~conversion, the applicant shall provide evidence that all of the requirements found in~~  
5 ~~Government Code Section 65915.5 can be met.~~

6        ~~(e) Review Procedures. An application for a Density Bonus, Incentive, Concession, or~~  
7 ~~waiver shall be acted upon concurrently with the application other permits related to the~~  
8 ~~Housing Project.~~

9        ~~———— (1) Before approving an application for a Density Bonus, Incentive, Concession,~~  
10 ~~or waiver, for any Individually Requested Density Bonus Project, the Planning Commission~~  
11 ~~shall make the following findings as applicable.~~

12        ~~———— (A) The Housing Project is eligible for the Affordable Housing Bonus~~  
13 ~~Program.~~

14        ~~———— (B) The Housing Project has demonstrated that any Concessions or~~  
15 ~~Incentives are required in order to provide for affordable housing costs, as defined in Section~~  
16 ~~50052.5 of the California Health and Safety Code, or for rents for the targeted units, based~~  
17 ~~upon the financial analysis and documentation provided.~~

18        ~~———— (C) If a waiver or modification is requested, a finding that the~~  
19 ~~Development Standards for which the waiver is requested would have the effect of physically~~  
20 ~~precluding the construction of the Housing Project with the Density Bonus or Concessions and~~  
21 ~~Incentives permitted.~~

22        ~~———— (D) If the Density Bonus is based all or in part on donation of land, a~~  
23 ~~finding that all the requirements included in Government Code Section 65915(g) have been~~  
24 ~~met.~~

1           ~~————— (E) If the Density Bonus, Concession or Incentive is based all or in part~~  
2 ~~on the inclusion of a Child Care Facility, a finding that all the requirements included in~~  
3 ~~Government Code Section 65915(h) have been met.~~

4           ~~————— (F) If the Concession or Incentive includes mixed-use development, a~~  
5 ~~finding that all the requirements included in Government Code Section 65915(k)(2) have been~~  
6 ~~met.~~

7           ~~———— (2) If the findings required by subsection (a) of this Section cannot be made, the~~  
8 ~~Planning Commission may deny an application for a Concession, Incentive, waiver or~~  
9 ~~modification only if it makes one of the following written findings, supported by substantial~~  
10 ~~evidence:~~

11           ~~————— (A) The Concession, Incentive, waiver or modification is not required to~~  
12 ~~provide for the affordability levels required for Restricted Affordable Units;~~

13           ~~————— (B) The Concession, Incentive, waiver or modification would have a~~  
14 ~~specific, adverse impact upon public health or safety or the physical environment or on real~~  
15 ~~property listed in the California Register of Historic Resources, and there is no feasible~~  
16 ~~method to satisfactorily mitigate or avoid the specific adverse impact without rendering the~~  
17 ~~Housing Project unaffordable to Low and Moderate Income households. For the purpose of~~  
18 ~~this subsection, "specific adverse impact" means a significant, quantifiable, direct, and~~  
19 ~~unavoidable impact, based on objective, identified, written public health or safety standards,~~  
20 ~~policies, or conditions as they existed on the date that the application for the Housing Project~~  
21 ~~was deemed complete; or~~

22           ~~————— (C) The Concession, Incentive, waiver or modification is contrary to state~~  
23 ~~or federal law.~~

24           ~~———— (3) The review procedures for an Individually Requested Density Bonus Project,~~  
25 ~~including notice, hearings, and appeal, shall be the procedures applicable to the Housing~~

1 Project regardless of whether it is applying for a State Density Bonus under this Section  
2 206.6. However, any notice shall specify that the Housing Project is seeking a Development  
3 Bonus and shall provide a description of the development bonuses requested. Individually  
4 Requested Projects shall also be reviewed for consistency with the Affordable Housing Bonus  
5 Program Design Guidelines.

6 (4) In accordance with state law, neither the granting of a Concession,  
7 Incentive, waiver, or modification, nor the granting of a Density Bonus, shall be interpreted, in  
8 and of itself, to require a general plan amendment, zoning change, variance, or other  
9 discretionary approval.

10 (f) Regulatory Agreements. Recipients of a Density Bonus, Incentive, Concession,  
11 waiver, or modification shall enter into a Regulatory Agreement with the City, as follows.

12 (1) The terms of the agreement shall be acceptable in form and content to the  
13 Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director  
14 shall have the authority to execute such agreements.

15 (2) Following execution of the agreement by all parties, the completed Density  
16 Bonus Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions  
17 filed and recorded on the Housing Project.

18 (3) The approval and recordation of the Regulatory Agreement shall take place  
19 prior to the issuance of the First Construction Document. The Regulatory Agreement shall be  
20 binding to all future owners and successors in interest.

21 (4) The Regulatory Agreement shall be consistent with the guidelines of the  
22 City's Inclusionary Housing Program and shall include at a minimum the following:

23 (A) The total number of dwelling units approved for the Housing Project,  
24 including the number of Restricted Affordable Units, Inclusionary Units, Middle Income Units  
25 or other restricted units;

1 ~~\_\_\_\_\_ (B) A description of the household income group to be accommodated by~~  
2 ~~the Restricted Affordable Units, and the standards for determining the corresponding~~  
3 ~~Affordable Rent or Affordable Sales Price;~~

4 ~~\_\_\_\_\_ (C) The location, dwelling unit sizes (in square feet), and number of~~  
5 ~~bedrooms of the Restricted Affordable Units;~~

6 ~~\_\_\_\_\_ (D) Term of use restrictions for Restricted Affordable Units of at least 55~~  
7 ~~years for Moderate Income units and at least 55 years for Low and Very Low units;~~

8 ~~\_\_\_\_\_ (E) A schedule for completion and occupancy of Restricted Affordable~~  
9 ~~Units;~~

10 ~~\_\_\_\_\_ (F) A description of any Concession, Incentive, waiver, or modification, if~~  
11 ~~any, being provided by the City;~~

12 ~~\_\_\_\_\_ (G) A description of remedies for breach of the agreement (the City may~~  
13 ~~identify tenants or qualified purchasers as third party beneficiaries under the agreement);~~  
14 ~~and~~

15 ~~\_\_\_\_\_ (H) Other provisions to ensure implementation and compliance with this~~  
16 ~~Section.~~

17 ~~SEC. 206.7. CHILD CARE FACILITIES.~~

18 ~~(a) For purposes of this Section 206.7, "Child Care Facility" means a child day care~~  
19 ~~facility other than a family day care home, including, but not limited to, infant centers,~~  
20 ~~preschools, extended day care facilities, and school age child care centers~~

21 ~~(b) When an applicant proposes to construct a Housing Project that is eligible for a~~  
22 ~~Density Bonus under Section 206.6 and includes a Child Care Facility that will be located on~~  
23 ~~the premises of, as part of, or adjacent to, the Housing Project, all of the provisions of this~~  
24 ~~Section 206.7 shall apply and all of the provisions of Section 206.6 shall apply, except as~~  
25 ~~specifically provided in this Section 206.7.~~

1 (c) When an applicant proposes to construct a Housing Project that is eligible for a  
2 Density Bonus under Section 206.6 and includes a Child Care Facility that will be located on  
3 the premises of, as part of, or adjacent to, the Housing Project, the City shall grant either:

4 ——— (1) An additional density bonus that is an amount of square feet of residential  
5 space that is equal to or greater than the square footage of the Child Care Facility; or

6 ——— (2) An additional Concession or Incentive that contributes significantly to the  
7 economic feasibility of the construction of the Child Care Facility.

8 (d) The City shall require, as a condition of approving the Housing Project, that the  
9 following occur:

10 ——— (1) The Child Care Facility shall remain in operation for a period of time that is  
11 as long as or longer than the period of time during which the Affordable Units are required to  
12 remain affordable. In the event the childcare operations cease to exist, the Zoning  
13 Administrator may approve in writing an alternative community service use for the child care  
14 facility.

15 ——— (2) Of the children who attend the Child Care Facility, the children of Very Low,  
16 Lower and Moderate Income households shall equal a percentage that is equal to or greater  
17 than the percentage of Restricted Affordable Units in the Housing Project that are required for  
18 Very Low, Lower and Moderate Income households pursuant to Section 206.6.

19 (e) Notwithstanding subsections (a) and (b) above, the City shall not be required to  
20 provide a density bonus or a Concession or Incentive for a child care facility if it finds, based  
21 upon substantial evidence, that the community has adequate child care facilities.

22 **SEC. 206.8206.4. 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM**

23 **EVALUATION.**

24 (a) Within one year from the effective date of Section 206 and following, the Planning  
25 Department shall provide an informational presentation to the Planning Commission, and any other



1 City agency at their request, presenting an overview of all projects that request or receive development  
2 bonuses under the Local Affordable Housing Bonus Program, the 100 Percent Affordable Housing  
3 Bonus Program and the Analyzed and Individually Requested State Density Bonus Program  
4 (“the Bonus Programs”).

5 (b) Annual Reporting. The Planning Department, in coordination with MOHCD, shall  
6 include information on projects which request and receive development bonuses under the Bonus  
7 Programs in any relevant Department publications regarding the development of housing in  
8 San Francisco, including, but not limited to, the Quarterly Pipeline Report, the Housing  
9 Inventory and the Housing Balance Report.

10 - (c) Data Report Report Contents. The Housing Inventory Planning Department, in  
11 coordination with MOHCD, shall prepare a Data Report reviewing the Bonus Programs every  
12 five years, beginning five years from the Effective Date of Section 206 and following. This  
13 report shall include, but not be limited to, information on the:

- 14 - (1) number of projects utilizing the Bonus Programs;
- 15 - (2) number of units approved and constructed under the Bonus Programs and the AMI  
16 levels of such units;
- 17 - (3) number of additional affordable units in excess of that otherwise required by  
18 Section 415;
- 19 - (43) geographic distribution of projects, including the total number of units in each  
20 project, utilizing the Bonus Programs;
- 21 - (54) number of larger unit types, including the number of 3-bedroom units;
- 22 - (65) square feet of units by bedroom count;
- 23 - (76) number of projects with 9 nine or fewer units that participate; and
- 24 - (87) Number of appeals of projects in the Bonus Program and stated reason for appeal.

25 (d) Program Evaluation and Update.;

1                    (1) Purpose and Contents. In coordination with the Data Report, Every five years,  
2 beginning five years from the Effective-effective Datedate of Section 206, the Department shall  
3 prepare a Program Evaluation and Update. The Program Evaluation and Update shall include an  
4 analysis of the Bonus Programs Program’s effectiveness as it relates to City policy goals including,  
5 but not limited to Proposition K (November 2014) and the Housing Element. The Program  
6 Evaluation and Update shall include a review of all of the following:

7                    (A) Target income levels for the Local Affordable Housing Bonus  
8 Program in relation to market values and assessed affordable housing needs.

9                    (B) Feasibility of the Local Affordable Housing Bonus Program, in  
10 relations to housing policy goals, program production, and current market conditions.

11                    (CA) Requested and granted concessions and incentives, including  
12 consideration of whether the menu of zoning modification or concessions and incentives set forth in  
13 Section 206.3(c)(5)(d)(4), 206.4(e)(5) and 206.5(e)(4) respond to the needs of projects seeking  
14 approvals under the Bonus Programs; consideration of whether the elected zoning modifications or  
15 incentives and concessions result in a residential project that responds to the surrounding  
16 neighborhood context; and review and recommendation for additions or modifications to the list of  
17 zoning modifications or concessions and incentives in 206.3(d)(4)(c)(5), 206.4(e)(5) and  
18 206.5(e)(4).

19                    (DB) Geography and neighborhood specific considerations. Review and  
20 analysis of where Bonus Program projects are proposed and approved, including an analysis of land  
21 values, zoning, height controls, and neighborhood support.

22                    (EC) Review of the process for considering projects under the Bonus Program,  
23 including a review of Section 328, the appeal process, and other relevant process considerations.

24                    (2) Public Hearing: The Program Evaluation and Update shall be prepared no less  
25 than every five years, beginning five years from the Effective Date effective date of this

1 Ordinance Section 206, and may be completed as a series of reports and in coordination with  
2 ongoing monitoring of affordable housing policies, or feasibility analyses. The Planning Commission  
3 shall hold a hearing on the Program Evaluation and Update and any recommendations for  
4 modification to any of the Bonus Programs.

5 (e) Program Expansion Report. The Board of Supervisors directs the Planning  
6 Department and MOHCD to research, analyze and provide recommendations for further  
7 density and development bonuses for 100% affordable or mixed-income developments. The  
8 Program Expansion Report shall be published within one year of the effective date of Section  
9 206.

10 (f) By January 1, 2017, the Planning Department, in consultation with the Office of  
11 Economic and Workforce Development, the Office of Small Business, and the Mayor's Office  
12 of Housing and Community Development, non-profit housing developers, and the small  
13 business community, shall report on best practices around small business relocation,  
14 including but not limited to developing a small business relocation fee or program to provide  
15 relocation services and support for all projects entitled under the 100 Percent Affordable  
16 Housing Bonus Program.

17 Section 3. The Planning Code is hereby amended by adding Sections 328, to read as  
18 follows:

19 **SEC. 328. LOCAL AND 100 PERCENT AFFORDABLE HOUSING BONUS PROJECT**  
20 **AUTHORIZATION**

21 (a) Purpose. The purpose of this Section 328 is to ensure that all Local and 100 Percent  
22 Affordable Housing Bonus projects under Section 206.3 or 206.4 are reviewed in coordination with  
23 priority processing available for certain projects with greater levels of 100 Percent% affordable  
24 housing. While most projects in the 100 Percent Affordable Housing Bonus Program will likely be  
25 somewhat larger than their surroundings in order to facilitate higher levels of affordable housing, the

1 Planning Commission and Department shall ensure that each project is consistent with the Affordable  
2 Housing Bonus Design Guidelines and any other applicable design guidelines, as adopted and  
3 periodically amended by the Planning Commission, so that projects respond to their surrounding  
4 context, while still meeting the City's affordable housing goals.

5 (b) **Applicability.** This ~~section~~ Section 328 applies to all qualifying ~~Local and 100 Percent~~  
6 Affordable Housing Bonus Projects that meet the requirements described in ~~Planning Code Sections~~  
7 206.3 ~~or 206.4.~~

8 (c) **Planning Commission Design Review:** The Planning Commission shall review and  
9 evaluate all physical aspects of a ~~Local or 100 Percent Affordable Housing Bonus Project~~ at a public  
10 hearing. The Planning Commission recognizes that most qualifying projects will need to be larger in  
11 height and mass than surrounding buildings in order to achieve the 100% Affordable Housing Bonus  
12 Program's affordable housing goals. However, the Planning Commission may, consistent with the  
13 100% Affordable Housing Bonus Program Design Guidelines, and any other applicable design  
14 guidelines, and upon recommendation from the Planning Director, make minor modifications to a  
15 project to reduce the impacts of such differences in scale.

16 Additionally, as set forth in subsection (d) below, the Planning Commission may grant minor  
17 exceptions to the provisions of this Code. However, such exceptions should only be granted to allow  
18 building mass to appropriately shift to respond to surrounding context, and only when such  
19 modifications do not substantially reduce or increase the overall building envelope permitted by the  
20 Program under ~~Section 206.3 or 206.4.~~ All modifications and exceptions should be consistent with the  
21 100% Affordable Housing Bonus Program Design Guidelines and any other applicable design  
22 guidelines. In case of a conflict with other applicable design guidelines, the 100% Affordable Housing  
23 Bonus Program Design Guidelines shall prevail.

24 The Planning Commission may require these or other modifications or conditions, or  
25 disapprove a project, in order to achieve the objectives and policies of the 100% Affordable Housing

1 Bonus Program or the purposes of this Code. This review shall limited to design issues including the  
2 following:

3 (1) whether the bulk and massing of the building is consistent with the 100%  
4 Affordable Housing Bonus Design Guidelines.

5 (2) whether building design elements including, but not limited to architectural  
6 treatments, façade design, and building materials, are consistent with the 100% Affordable Housing  
7 Bonus Program Design Guidelines and any other applicable design guidelines.

8 (3) whether the design of lower floors, including building setback areas, commercial  
9 space, townhouses, entries, utilities, and parking and loading access is consistent with the 100%  
10 Affordable Housing Bonus Program Design Guidelines, and any other applicable design guidelines.

11 (4) whether the required streetscape and other public improvements such as tree  
12 planting, street furniture, and lighting are consistent with the Better Streets Plan, and any other  
13 applicable design guidelines.

14 (d) **Exceptions.** As a component of the review process under this Section 328, the Planning  
15 Commission may grant minor exceptions to the provisions of this Code as provided for below, in  
16 addition to the development bonuses granted to the project in Section 206.3(c)(d) or 206.4(c). Such  
17 exceptions, however, should only be granted to allow building mass to appropriately shift to respond to  
18 surrounding context, and only when the Planning Commission finds that such modifications: 1) do not  
19 substantially reduce or increase the overall building envelope permitted by the Program under Sections  
20 206.3, or 206.4; and 2) also are consistent with the 100 Percent% Affordable Housing Bonus Design  
21 Guidelines. These exceptions may include:

22 (1) Exception from residential usable open space requirements per Section 135, or any  
23 applicable special use district.

24 (2) Exception from satisfaction of loading requirements per Section 152.1, or any  
25 applicable special use district.

1                   (3) Exception for rear yards, pursuant to the requirements of Section 134, or any  
2 applicable special use district.

3                   (4) Exception from dwelling unit exposure requirements of Section 140, or any  
4 applicable special use district.

5                   (5) Exception from satisfaction of accessory parking requirements per Section 152.1, or  
6 any applicable special use district.

7                   (6) Where not specified elsewhere in this ~~Subsection~~ subsection (d), modification of  
8 other Code requirements that could otherwise be modified as a Planned Unit Development (as set forth  
9 in Section 304), irrespective of the zoning district in which the property is located.

10                  (e) **Required Findings.** In its review of any project pursuant to this Section 328, the  
11 Planning Commission shall make the following findings:

12                  (1) the use as proposed will comply with the applicable provisions of this Code and is  
13 consistent with the General Plan;

14                  (2) the use as proposed will provide development that is in conformity with the stated  
15 purpose of the applicable Use District; and,

16                  (3) the use as proposed will contribute to the City's affordable housing goals as stated  
17 in the General Plan.

18                  (f) If a ~~Local Affordable Housing Bonus Program Project~~ or 100 Percent Affordable  
19 Housing Bonus Project otherwise requires a conditional use authorization due only to (1) a specific  
20 land use, (2) use size limit, or (3) requirement adopted by the voters, then the Planning Commission  
21 shall make all findings and consider all criteria required by this Code for such use or use size as part  
22 of this ~~Local and~~ 100 Percent Affordable Housing Bonus Project Authorization.

23                  (fg) **Hearing and Decision.**

24                  (1) **Hearing.** The Planning Commission shall hold a public hearing for all projects that  
25 are subject to this Section 328.

1                    (2) **Notice of Hearing.** Notice of such hearing shall be provided pursuant to the same  
2 requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8.

3                    (3) **Director’s Recommendations on Modifications and Exceptions.** At the hearing,  
4 the Planning Director shall review for the Commission key issues related to the project based on the  
5 review of the project pursuant to ~~Subsection~~subsection (c) and recommend to the Commission  
6 modifications, if any, to the project and conditions for approval as necessary. The Director shall also  
7 make recommendations to the Commission on any proposed exceptions pursuant to ~~Subsection~~  
8 subsection (d).

9                    (4) **Decision and Imposition of Conditions.** The Commission, after public hearing and,  
10 after making appropriate findings, may approve, disapprove or approve subject to conditions, the  
11 project and any associated requests for exception. As part of its review and decision, the Planning  
12 Commission may impose additional conditions, requirements, modifications, and limitations on a  
13 proposed project in order to achieve the objectives, policies, and intent of the General Plan or of this  
14 Code.

15                    (5) **Appeal.** The decision of the Planning Commission may be appealed to the Board of  
16 Appeals ~~Supervisors~~ by any person aggrieved within ~~45~~ 30 days after the date of the decision by  
17 filing a written notice of appeal with ~~that body~~ the Board of Supervisors, setting forth wherein it is  
18 alleged that there was an error in the interpretation of the provisions of this ~~Code~~ Section or abuse of  
19 discretion on the part of the Planning Commission. The procedures and requirements for  
20 conditional use appeals in Section 308.1(b) and (c) shall apply to appeals to the Board of  
21 Supervisors under this Section 328.

22                    (6) **Discretionary Review.** No requests for discretionary review shall be accepted by  
23 the Planning Department or heard by the Planning Commission for projects subject to this Section.

1                    (7) **Change of Conditions.** Once a project is approved, authorization of a change in  
2 any condition previously imposed by the Planning Commission shall require approval by the Planning  
3 Commission subject to the procedures set forth in this Section.

4  
5                    Section 4. The Planning Code is hereby amended by ~~amending~~ revising Sections 250,  
6 260, and 352 to read as follows:

7                    **SEC. 250. HEIGHT AND BULK DISTRICTS ESTABLISHED.**

8                    (a) In order to carry out further the purposes of this Code, height and bulk districts are  
9 hereby established, subject to the provisions of this Article 2.5.

10                    (b) No building or structure or part thereof shall be permitted to exceed, except as  
11 stated in Sections 172, ~~and~~ 188, and 206 of this Code, the height and bulk limits set forth in this  
12 Article for the district in which it is located, including the height limits for use districts set forth  
13 in Section 261.

14                    \* \* \* \*

15  
16                    **SEC. 260. HEIGHT LIMITS; MEASUREMENT.**

17                    (a) **Method of Measurement.** The limits upon the height of buildings and structures  
18 shall be as specified on the Zoning Map, except as permitted by Section 206. In the measurement  
19 of height ~~for purposes of such limits~~, the following rules shall be applicable:

20                    \* \* \* \*

21                    **SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING**  
22 **APPLICATIONS.**

23                    \* \* \* \*

24                    (o) **100% Affordable Housing Bonus Program (Section 206 and following).** The initial fee  
25 amount is not to exceed 50% of the construction cost. A \$120 surcharge shall be added to the fees for a



1 conditional use or planned unit development to compensate the City for the costs of appeals to the  
 2 Board of Supervisors.

| <u>Estimated Construction Cost</u>                        | <u>Initial Fee</u>                                          |
|-----------------------------------------------------------|-------------------------------------------------------------|
| <u>No construction cost, excluding extension of hours</u> | <u>\$1,012.00</u>                                           |
| <u>No construction cost, extension of hours</u>           | <u>\$724.00</u>                                             |
| <u>Wireless Telecommunications Services (WTS)</u>         | <u>\$5,061.00</u>                                           |
| <u>\$1.00 to \$9,999.00</u>                               | <u>\$724.00</u>                                             |
| <u>\$10,000.00 to \$999,999.00</u>                        | <u>\$724.00 plus 0.328% of cost over \$10,000.00</u>        |
| <u>\$1,000,000.00 to \$4,999,999.00</u>                   | <u>\$4,033.00 plus 0.391% of cost over \$1,000,000.00</u>   |
| <u>\$5,000,000.00 to \$9,999,999.00</u>                   | <u>\$19,986.00 plus 0.328% of cost over \$5,000,000.00</u>  |
| <u>\$10,000,000.00 to \$19,999,999.00</u>                 | <u>\$36,701.00 plus 0.171% of cost over \$10,000,000.00</u> |
| <u>\$20,000,000.00 or more</u>                            | <u>\$54,120.00</u>                                          |

11  
 12 Section 5. Effective Date and Operative Effect. This ordinance shall become effective  
 13 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
 14 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
 15 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance  
 16 applies to projects that the Planning Department or Planning Commission have not approved  
 17 as of the effective date. For projects that have not yet submitted applications to the Planning  
 18 Department or other City entity, all of the provisions of the ordinance apply. The Planning  
 19 Department shall develop a policy to apply the provisions of this ordinance to projects that  
 20 have already submitted applications, but have not obtained approvals, to permit such projects  
 21 to amend their applications.

22  
 23 Section 6. Scope of Ordinance; Codification Status.

24 (a) In enacting this ordinance, the Board of Supervisors intends to amend only  
 25 those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation

1 marks, charts, diagrams, or any other constituent parts of the Municipal Code that are  
2 explicitly shown in this ordinance as additions, deletions, Board amendment additions, and  
3 Board amendment deletions in accordance with the “Note” that appears under the official title  
4 of the ordinance.

5 (b) If the City enacts the ordinance in Board of Supervisors File No. 160632,  
6 subsection (o) shall not be added to Section 352 of the Planning Code, but the fees stated in  
7 subsection (o) shall be the base fees for Planning Department services, subject to annual  
8 adjustment by the Controller pursuant to Planning Code Section 350 and Administrative Code  
9 Sections 31.22 and 31.23.1. In accordance with those provisions, the fees stated in  
10 subsection (o) shall be included in the Planning Department Fee Schedule.

11  
12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By: \_\_\_\_\_  
15 Audrey Williams Pearson  
16 Deputy City Attorney

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