

REVISED LEGISLATIVE DIGEST

(Substituted, 3/21/2017)

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

Ordinance amending the Planning Code to require additional affordable housing or payment of a fee for certain sites that obtained higher residential development potential as a result of the rezoning of the Divisadero Street Neighborhood Commercial Transit District and the Fillmore Street Neighborhood Commercial Transit District in 2015; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302 and the eight priority policies of Planning Code Section 101.1.

Existing Law

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

Amendments to Current Law

The proposed amendments provide that if the Planning Department determines that the housing development potential on a site within the Divisadero Street Neighborhood Commercial Transit District or the Fillmore Street Neighborhood Commercial Transit District has been increased 50% or more through the adoption of the rezoning set forth in Ordinance Nos. 126-15 and 127-15, a proposed housing development project on such site would be required to pay an inclusionary affordable housing fee equivalent to providing 30% of the units in the principal project as affordable units. If such housing project elected to provide on-site units, the housing project would provide a total of 23% of the units on-site as inclusionary affordable housing units, with a minimum of 6% of the units affordable to households earning up to 55% of Area Median Income (“AMI”), and 8% of the units affordable to households earning up to 120% of AMI, and 9% of the units affordable to households earning up to 140% of AMI. The off-site requirement for such housing projects would be equivalent to providing 30% of the units in the principal project as affordable units. The grandfathering provisions set forth in Planning Code Section 415.3(b) would not be available for such projects.

The legislation also provides that if the Board adopts permanent inclusionary affordable housing requirements that are higher than those set forth in Sections 428 et seq., the higher requirement shall apply.