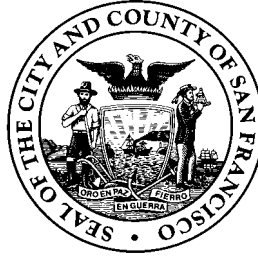


BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John Rahaim, Director, Planning Department
Sophia Kittler, Mayor's Office
Kate Hartley, Director, Mayor's Office of Housing and Community Development (MOHCD)
Julie Rosenberg, Executive Director, Board of Appeals
Jonas Ionin, Historic Preservation Commission
Tom DeCaigny, Director, Arts Commission
Jon Givner, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
Nadia Sesay, Executive Director, Office of Community Investment and Infrastructure
Vincent C. Matthews, Ed.D., Superintendent, SFUSD
(MatthewsV@sfusd.edu)
Steve Bruckman, Community College District (sbruckman@ccsf.edu)

FROM: Victor Young, Assistant Clerk, Rules Committee
Board of Supervisors

DATE: April 30, 2019

SUBJECT: INITIATIVE ORDINANCE INTRODUCED
November 5, 2019 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment and Initiative Ordinance for the November 5, 2019, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 190437

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide for streamlined review of eligible affordable housing and housing for teachers and employees of the San Francisco Unified School District or Community College District by limiting discretionary review by City boards and commissions and providing for Planning Department ministerial review in lieu of approvals by or certain appeals to City boards and commissions; an Initiative Ordinance to make corresponding amendments to the Planning Code and the Business and Tax Regulations Code; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 5, 2019.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Scott Sanchez, Planning Department
Corey Teague, Planning Department
Lisa Gibson, Planning Department
Devyani Jain, Planning Department
AnMarie Rodgers, Planning Department
Dan Sider, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Laura Lynch, Planning Department
Andres Power, Mayor's Office
Eugene Flannery, MOHCD
Gary Cantara, Board of Appeals
Tim Frye, Historic Preservation Commission
Andrea Ruiz-Esquide, Historic Preservation Commission
Georgia Powell, Planning Department
Susan Pontious, Arts Commission
Rebekah Krell, Arts Commission
Sharon Page Ritchie, Arts Commission
Anne Trickey, Arts Commission
Lucinda Nguyen, Office of Community Investment and Infrastructure
Viva Mongi, SFUSD (mogiv@sfusd.edu)
Ester Casco, SFUSD (CascoE@sfusd.edu)
Danielle Houck, SFUSD(daniellehouck@sfusd.edu)
Ronald Gerhard, CCSF (rgerhard@ccsf.edu)

1 [Charter Amendment and Initiative Ordinance - Non-Discretionary Review of 100% Affordable
2 Housing and Teacher Housing Projects]

3 **Describing and setting forth a proposal to the voters at an election to be held on November**
4 **5, 2019, to amend the Charter of the City and County of San Francisco to provide for**
5 **streamlined review of eligible affordable housing and housing for teachers and employees**
6 **of the San Francisco Unified School District or Community College District by limiting**
7 **discretionary review by City boards and commissions and providing for Planning**
8 **Department ministerial review in lieu of approvals by or certain appeals to City boards and**
9 **commissions; and to make corresponding amendments to the Planning Code and the**
10 **Business and Tax Regulations Code; and affirming the Planning Department's**
11 **determination under the California Environmental Quality Act.**

12
13 Section 1. CEQA FINDINGS. The Planning Department has determined that the actions
14 contemplated in this proposed Charter Amendment comply with the California Environmental
15 Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on
16 file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
17 reference. The Board affirms this determination.

18
19 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
20 and County, at an election to be held on November 5, 2019, a proposal to amend the Charter of
21 the City and County, the San Francisco Planning Code, and the San Francisco Business and Tax
22 Regulations Code, as follows:

23 ///

24 ///

25 ///

1 NOTE: **Unchanged text and uncodified text** are in plain font.
2 **Additions** are *single-underline italics Times New Roman font*.
3 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
4 **Asterisks** (* * * *) indicate the omission of unchanged subsections.

5 Section 1. TITLE. This measure shall be known and may be cited as the “San Francisco
6 For Everyone Initiative” (the “Initiative”).

7 Section 2. PURPOSE AND FINDINGS. The People of the City and County of San
8 Francisco hereby find as follows:

9 (a) San Francisco is in a severe housing crisis. The shortage of affordable
10 housing has forced lower income and middle class families out of the City. There is a need to
11 make it easier to build affordable and middle-income housing to keep our city diverse, and
12 provide homes for lower and middle income workers, including teachers. In the midst of this
13 severe housing shortage and affordability crisis, San Francisco must immediately remove
14 barriers to building housing for low and middle income residents and working families, including
15 for our teachers.

16 (b) Teachers and other employees of the San Francisco Unified School District
17 and Community College District suffer acutely from the City’s severe housing shortage, with
18 hundreds of teachers leaving the school district every year, many due to frustration with high
19 housing costs and the escalating cost of living. When it comes to providing quality public
20 education for our students, it is far preferable for teachers to live in the City and district in which
21 they teach.

22 (c) San Francisco’s current planning and appeals process unnecessarily delays the
23 development of new affordable housing, even in locations that have already undergone extensive
24 environmental and neighborhood review. This measure remedies that cumbersome planning and
25 appeal process by allowing eligible 100% affordable and teacher housing projects to move

1 forward without delay.

2 (d) The purpose of the San Francisco For Everyone Initiative is to facilitate the
3 development and construction of 100% affordable and teacher housing in San Francisco.

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

13 (f) The Board of Supervisors, and the voters in San Francisco, have long
14 recognized the need for the production of affordable housing. The voters, in some cases, and the
15 Board in others, have adopted measures to address this need, such as mandatory Inclusionary
16 Affordable Housing Ordinance in Planning Code Section 415; the San Francisco Housing Trust
17 Fund, adopted in 2012, which established a fund to create, support, and rehabilitate affordable
18 housing, and set aside \$20 million in its first year, with increasing allocations to reach \$50
19 million a year for affordable housing; the adoption of Proposition K in November 2014, which
20 established as City policy that the City, by 2020, will help construct or rehabilitate at least
21 30,000 homes, with more than 50% of the housing affordable for middle-income households, and
22 at least 33% as affordable for low- and moderate income households; and the multiple programs
23 that rely on Federal, State and local funding sources as identified in the Mayor's Office of
24 Housing and Community Development Consolidated Plan. These programs enable the City to
25 work towards the voter-mandated affordable housing goals.

1 (g) Streamlined review enables cities to expedite development of 100%
2 affordable housing and teacher housing projects by reducing the time and expense associated
3 with long project review periods and multiple appeal proceedings.
4

5 Section 3. CHARTER AMENDMENT. The Charter of the City and County of San
6 Francisco shall be amended by adding new Section 16.126 and by amending Sections 4.105,
7 4.106, 4.135, 5.103, and 9.118, to read as follows:

8 **SEC. 16.126. STREAMLINED REVIEW OF 100% AFFORDABLE AND**
9 **TEACHER HOUSING PROJECTS.**

10 *(a) Definitions. For purposes of this Section 16.126, the following terms shall have the*
11 *following meanings:*

12 *100% Affordable Housing. Residential units that are deed-restricted to be affordable to*
13 *households with an income up to 140% of the unadjusted area median family income (AMI) for*
14 *the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published*
15 *annually by MOHCD.*

16 *100% Affordable Housing Project. A project for the development of 100% Affordable*
17 *Housing. In the alternative, a 100% Affordable Housing Project also is a mixed use*
18 *development consisting of residential and nonresidential uses with at least two-thirds of the*
19 *gross building square footage designated for residential use, which shall be restricted as 100%*
20 *Affordable Housing.*

21 *(1) Notwithstanding the foregoing requirements for a 100% Affordable Housing*
22 *Project, the maximum affordable rent or sales price for a unit in such project may be no higher*
23 *than 20% below median market rents or sales prices for the neighborhood in which the 100%*
24 *Affordable Housing Project is located, which neighborhood shall be defined in accordance with*
25 *the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall*

1 determine the allowable rents and sales prices, and the eligible households for such units
2 accordingly.

3 (2) Notwithstanding the foregoing requirements for a 100% Affordable Housing
4 Project, any prior tenant who may return to the 100% Affordable Housing Project whose income
5 exceeds 140% AMI shall not change the definition of the housing project as a 100% Affordable
6 Housing Project and cause the housing project to be excluded from the provisions of this Section
7 16.126.

8 MOHCD. The Mayor's Office of Housing and Community Development or its successor
9 agency.

10 Teacher Housing Project. A project for the development of residential units, where no
11 less than two-thirds of the units are deed-restricted to occupancy by at least one employee of the
12 Unified School District or Community College District, as verified by the Planning Department,
13 or MOHCD. In the alternative a Teacher Housing Project is also a mixed use development
14 consisting of residential and nonresidential uses with at least two-thirds of the gross building
15 square footage designated for residential use, of which no less than two-thirds of the residential
16 units shall be deed restricted to occupancy by at least one employee of the Unified School
17 District or Community College District, as provided in this Section 16.126. The residential units
18 that are deed-restricted to occupancy by at least one employee of the Unified School District or
19 Community College District shall also be deed-restricted to be affordable to households with an
20 income up to 140% of the unadjusted area median family income (AMI) for the HUD Metro Fair
21 Market Rent Area (HMFA) that contains San Francisco, as published annually by MOHCD.

22 (1) Notwithstanding the foregoing income restrictions for a Teacher Housing
23 Project, the maximum affordable rent or sales price for a unit in such project may be no higher
24 than 20% below median market rents or sales prices for the neighborhood in which the Teacher
25 Housing Project is located, which neighborhood shall be defined in accordance with the

1 American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall determine
2 the allowable rents and sales prices, and the eligible households for such units accordingly.

3 (2) Notwithstanding the foregoing income restrictions for a Teacher Housing
4 Project, any prior tenant who may return to the Teacher Housing Project whose income exceeds
5 140% AMI shall not change the definition of the housing project as a Teacher Housing Project
6 and cause the housing project to be excluded from the provisions of this Section 16.126.

7 (b) Eligibility. To be eligible for streamlining under this Section 16.126, projects must
8 meet the following requirements:

9 (1) The project is a 100% Affordable Housing Project or Teacher Housing
10 Project; and

11 (2) The project is located on a site that (A) is not designated open space under
12 the jurisdiction of the Recreation and Park Department that is used as a public park, (B) is not in
13 a zoning district that prohibits dwelling units, (C) is not located in an RH-1, RH-1(D), or RH-2
14 zoning district, and (D) does not cause any removal or demolition of a designated state or
15 national landmark, or designated City landmark or contributory building in a designated
16 historic district as provided in the Planning Code, or a Significant Building designated Category
17 I or II as provided in Planning Code Article 11.

18 (c) Discretionary Approvals. It is the intent of this Section 16.126 to exempt eligible
19 100% Affordable Housing Projects and Teacher Housing Projects from any requirements for
20 discretionary approvals by the City, including but not limited to the Planning Commission,
21 Historic Preservation Commission, Arts Commission, Board of Supervisors, and Board of
22 Appeals.

23 (d) Implementation and Application.

24 (1) The Planning Department, in consultation with MOHCD, may adopt
25 regulations to implement this Section 16.126.

1 (2) Notwithstanding any other provision of this Charter, the City may enact
2 ordinances applying the controls of this Section 16.126, and the Charter provisions expressly
3 related to Section 16.126, to additional forms of housing, but may not restrict its application to
4 100% Affordable Housing Projects and Teacher Housing Projects.

5
6 **SEC. 4.105. PLANNING COMMISSION.**

7 * * * *

8 REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by
9 the Board of Supervisors, be submitted for written report by the Planning Department regarding
10 conformity with the General Plan:

- 11 1. Proposed ordinances and resolutions concerning the acquisition or vacation of
12 property by, or a change in the use or title of property owned by, the City and County;
13 2. Subdivisions of land within the City and County;
14 3. Projects for the construction or improvement of public buildings or structures
15 within the City and County;
16 4. Project plans for public housing, or publicly assisted private housing in the
17 City and County;
18 5. Redevelopment project plans within the City and County; and
19 6. Such other matters as may be prescribed by ordinance.

20 Notwithstanding the foregoing list of matters requiring a report regarding General Plan
21 conformity, any eligible 100% Affordable Housing Project or Teacher Housing Project, as
22 defined in Charter Section 16.126, that the Planning Department determines to be consistent
23 with the applicable zoning as set forth in the Planning Code shall be deemed to be consistent
24 with the General Plan and shall not require referral for a separate report of conformity by the
25 Planning Department for the foregoing matters. The Commission shall disapprove any proposed

1 action referred to it upon a finding that such action does not conform to the General Plan. Such a
2 finding may be reversed by a vote of two-thirds of the Board of Supervisors.

3 All such reports and recommendations shall be issued in a manner and within a time
4 period to be determined by ordinance.

5 PERMITS AND LICENSES. All permits and licenses dependent on, or affected by, the
6 City Planning Code administered by the Planning Department shall be approved by the
7 Commission prior to issuance except that permits, licenses, or other approvals for an eligible
8 100% Affordable Housing Project or Teacher Housing Project as defined in Charter Section
9 16.126 do not require approval by the Commission prior to issuance. The Commission may
10 delegate this approval function to the Planning Department. Notwithstanding the foregoing,
11 certificates of appropriateness for work to designated landmarks and historic districts and
12 applications for alterations to significant or contributory buildings or properties in designated
13 conservation districts that have been approved, disapproved, or modified by the Historic
14 Preservation Commission shall not require approval by the Commission prior to issuance.

15 * * * *

16
17 **SEC. 4.106. BOARD OF APPEALS.**

18 * * * *

19 (b) The Board shall hear and determine appeals with respect to any person who has been
20 denied a permit or license, or whose permit or license has been suspended, revoked or
21 withdrawn, or who believes that his or her interest or the public interest will be adversely
22 affected by the grant, denial, suspension or revocation of a license or permit, except for a permit
23 or license under the jurisdiction of the Recreation and Park Commission or Department, or the
24 Port Commission, or a building or demolition permit for a project that has received a permit or
25 license pursuant to a conditional use authorization, or any permit or license for an eligible 100%

1 Affordable Housing Project or Teacher Housing Project as defined in Charter Section 16.126.

2 * * * *

3
4 **SEC. 4.135. HISTORIC PRESERVATION COMMISSION.**

5 * * * *

6 CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall
7 approve, disapprove, or modify certificates of appropriateness for work to designated landmarks
8 or within historic districts. For minor alterations, the Historic Preservation Commission may
9 delegate this function to staff, whose decision may be appealed to the Historic Preservation
10 Commission. A Certificate of Appropriateness shall not be required for construction of an
11 eligible 100% Affordable Housing Project or Teacher Housing Project as defined in Charter
12 Section 16.126 in a historic district, provided that the Planning Department shall develop and
13 apply objective criteria substantially similar to the criteria used for issuance of a Certificate of
14 Appropriateness to review the design of a proposed 100% Affordable Housing Project or
15 Teacher Housing Project located within a historic district.

16 For projects that require multiple planning approvals, the Historic Preservation
17 Commission must review and act on any Certificate of Appropriateness before any other
18 planning approval action. For projects that (1) require a conditional use permit or permit review
19 under Section 309, et seq., of the Planning Code and (2) do not concern an individually
20 landmarked property, the Planning Commission may modify any decision on a Certificate of
21 Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable
22 historic resources provisions of the Planning Code.

23 For projects that are located on vacant lots, the Planning Commission may modify any
24 decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning
25 Commission shall apply all applicable historic resources provisions of the Planning Code.

1 The Historic Preservation Commission or Planning Commission's decision on a
2 Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may
3 modify the decision by a 4/5 vote; provided, however, that if the project requires Board of
4 Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision
5 shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which
6 may modify the decision by a majority vote.

7 * * * *

8 ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN
9 CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation
10 Commission shall have the authority to determine if a proposed alteration is a Major Alteration
11 or a Minor Alteration. The Historic Preservation Commission shall have the authority to
12 approve, disapprove, or modify applications for permits to alter or demolish designated
13 Significant or Contributory buildings or buildings within Conservation Districts. The Historic
14 Preservation Commission shall not have the authority to approve, disapprove, or modify
15 applications for permits to alter buildings for an eligible 100% Affordable Housing Project or
16 Teacher Housing Project as defined in Charter Section 16.126, provided that the Planning
17 Department develops and applies objective criteria substantially similar to the applicable
18 criteria for issuance of a permit to alter to review the design of a proposed 100% Affordable
19 Housing Project or Teacher Housing Project. For Minor Alterations, the Historic Preservation
20 Commission may delegate this function to staff, whose decision may be appealed to the Historic
21 Preservation Commission.

22 For projects that require multiple planning approvals, the Historic Preservation
23 Commission must review and act on any permit to alter before any other planning approval
24 action. For projects that (1) require a conditional use permit or permit review under Section 309,
25 et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and

1 II) or Contributory (Category III only) building, the Planning Commission may modify any
2 decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all
3 applicable historic resources provisions of the Planning Code.

4 For projects that are located on vacant lots, the Planning Commission may modify any
5 decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall
6 apply all applicable historic resources provisions of the Planning Code.

7 The Historic Preservation Commission's or Planning Commission's decision on a permit
8 to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by
9 a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is
10 appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to
11 the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by
12 a majority vote.

13 * * * *

14 REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the
15 Board of Supervisors, be submitted for written report by the Historic Preservation Commission
16 regarding effects upon historic or cultural resources: ordinances and resolutions concerning
17 historic preservation issues and historic resources; redevelopment project plans; waterfront land
18 use and project plans; and such other matters as may be prescribed by ordinance. An eligible
19 100% Affordable Housing Project or Teacher Housing Project as defined in Charter Section
20 16.126 shall not require review by the Historic Preservation Commission under this paragraph.

21 If the Planning Commission is required to take action on the matter, the Historic Preservation
22 Commission shall submit any report to the Planning Commission as well as to the Board of
23 Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the
24 Board of Supervisors.

25 * * * *

1 **SEC. 5.103. ARTS COMMISSION.**

2 * * * *

3 In furtherance of the foregoing the Arts Commission shall:

4 1. Approve the designs for all public structures, any private structure which extends over
5 or upon any public property and any yards, courts, set-backs or usable open spaces which are an
6 integral part of any such structures, except that an eligible 100% Affordable Housing Project or
7 Teacher Housing Project as defined in Charter Section 16.126 is not subject to design approval
8 by the Arts Commission;

9 2. Approve the design and location of all works of art before they are acquired,
10 transferred or sold by the City and County, or are placed upon or removed from City and County
11 property, or are altered in any way; maintain and keep an inventory of works of art owned by the
12 City and County; and maintain the works of art owned by the City and County;

13 3. Promote a neighborhood arts program to encourage and support an active interest in
14 the arts on a local and neighborhood level, assure that the City and County-owned community
15 cultural centers remain open, accessible and vital contributors to the cultural life of the City and
16 County, establish liaison between community groups and develop support for neighborhood
17 artists and arts organizations; and

18 4. Supervise and control the expenditure of all appropriations made by the Board of
19 Supervisors for the advancement of the visual, performing or literary arts.

20 Nothing in this section shall be construed to limit or abridge the powers or exclusive
21 jurisdiction of the charitable trust departments or the California Academy of Sciences or the
22 Library Commission over their activities; the land and buildings set aside for their use; or over
23 the other assets entrusted to their care.

24 ///

25 ///

1 **SEC. 9.118. CONTRACT AND LEASE LIMITATIONS.**

2 (a) Unless otherwise provided for in this Charter, contracts entered into by a department,
3 board or commission having anticipated revenue to the City and County of one million dollars or
4 more, or the modification, amendment or termination of any contract which when entered into
5 had anticipated revenue of one million dollars or more, shall be subject to approval of the Board
6 of Supervisors by resolution. Contracts for an eligible 100% Affordable Housing Project or
7 Teacher Housing Project as defined in Charter Section 16.126 shall not be subject to approval of
8 the Board of Supervisors.

9 (b) Unless otherwise provided for in this Charter, and with the exception of construction
10 contracts entered into by the City and County, any other contracts or agreements entered into by
11 a department, board or commission having a term in excess of ten years, or requiring anticipated
12 expenditures by the City and County of ten million dollars, or the modification or amendments to
13 such contract or agreement having an impact of more than \$500,000 shall be subject to approval
14 of the Board of Supervisors by resolution. Contracts or agreements for an eligible 100%
15 Affordable Housing Project or Teacher Housing Project as defined in Charter Section 16.126
16 shall not be subject to approval of the Board of Supervisors.

17 (c) Unless otherwise provided for in this Charter, any lease of real property for a period
18 of ten or more years, including options to renew, or having anticipated revenue to the City and
19 County of one million dollars or more; the modification, amendment or termination of any lease,
20 which when entered into was for a period of ten or more years, including options to renew, or
21 had anticipated revenue to the City and County of one million dollars or more; and any sale or
22 other transfer of real property owned by the City and County, shall first be approved by
23 resolution of the Board of Supervisors. Leases of property under the jurisdiction of the Port
24 Commission for maritime use shall be exempt from the requirements of this section. The Board
25 of Supervisors' approval under this Section 9.118(c) shall not be required for a ground lease of

1 real property for an eligible 100% Affordable Housing Project or Teacher Housing Project as
2 defined in Charter Section 16.126, provided that the ground lease is no less than 55 years and no
3 longer than 99 years.

4
5 SECTION 4. PLANNING CODE AMENDMENTS. The Planning Code is hereby amended by
6 adding new Section 344, and revising Section 101.1, to read as follows:

7 **SEC. 344. STREAMLINED REVIEW OF 100% AFFORDABLE HOUSING AND**
8 **TEACHER HOUSING PROJECTS.**

9 (a) Purpose and Amendment. It is the intent of this Section 344 to exempt 100%
10 Affordable Housing Projects and Teacher Housing Projects from any requirements for
11 discretionary approvals by the Planning Commission, or other City decision-makers, consistent
12 with the Charter. The Board of Supervisors may expand the application of this Section 344 and
13 Municipal Code, Business and Tax Regulation Code Section 26 to other forms of housing by
14 ordinance but shall not restrict its application to 100% Affordable Housing Projects and
15 Teacher Housing Projects.

16 (b) Definitions and Eligibility.

17 (1) Definitions.

18 100% Affordable Housing. 100% Affordable Housing shall have the
19 meaning set forth in Charter Section 16.126(a).

20 100% Affordable Housing Project. A 100% Affordable Housing Project
21 shall have the meaning set forth in Charter Section 16.126(a).

22 MOHCD. The Mayor's Office of Housing and Community Development
23 or its successor agency.

24 Teacher Housing Project. A Teacher Housing Project shall have the
25 meaning set forth in Charter Section 16.126(a).

1 (2) Eligibility. To be eligible for streamlining under this Section 344, projects
2 shall meet the following requirements:

3 (A) The project shall be a 100% Affordable Housing Project or Teacher
4 Housing Project; and

5 (B) The project shall be located on a site that (i) is not designated open
6 space under the jurisdiction of the Recreation and Park Department and used as a public park,
7 (ii) is not located in a zoning district that prohibits dwelling units, (iii) is not located in an RH-1,
8 RH-1(D), or RH-2 zoning district, and (iv) does not cause any removal or demolition of an
9 individual designated state or national landmark, or designated City landmarks or contributory
10 buildings in a designated historic district as provided in Planning Code Article 10, or a
11 Significant Building designated Category I or II as provided in Planning Code Article 11.

12 (c) Notwithstanding any other provisions of the Municipal Code, including but not
13 limited to Business and Tax Regulation Code Section 26 and Sections 311 and 317 of this Code,
14 an eligible 100% Affordable Project or a Teacher Housing Project that complies with the Zoning
15 Maps, Height and Bulk Maps and objective standards of the Planning Code, including but not
16 limited to modifications permitted by Planning Code Sections 206 et seq., any discretionary
17 approval that could be authorized under the Planning Code, and the State Density Bonus Law,
18 shall be deemed consistent with the Planning Code and shall be considered ministerial actions,
19 as defined by California Code of Regulations, Title 14, Section 15369. If an eligible 100%
20 Affordable Housing Project or Teacher Housing Project would be permitted with a conditional
21 use authorization under any section of this Code, such project shall be considered a principally
22 permitted use, consistent with the Planning Code, and shall not require a conditional use permit
23 or authorization from the Planning Commission. All eligible 100% Affordable Housing Projects
24 or Teacher Housing Projects shall not require authorization by the Historic Preservation
25 Commission or the Planning Commission that otherwise may be required by the Planning Code.

1 No requests for discretionary review shall be accepted by the Planning Department or heard by
2 the Planning Commission for eligible 100% Affordable Housing Projects and Teacher Housing
3 Projects. Eligible 100% Affordable Housing Projects and Teacher Housing Projects shall not
4 require a Certificate of Appropriateness under Planning Code Article 10 or a Permit to Alter
5 under Planning Code Article 11, provided that the Planning Department shall develop and apply
6 objective criteria for review that is substantially similar to the criteria for issuance of a
7 Certificate of Appropriateness or a Permit to Alter, as applicable, to the design of a proposed
8 100% Affordable Housing Project or Teacher Housing Project, but shall not have the authority
9 to disapprove such projects. It is the intent of this section to exempt eligible 100% Affordable
10 Housing Projects and Teacher Housing Projects from any requirements for review by the
11 Planning Commission, Historic Preservation Commission, Board of Supervisors, and Board of
12 Appeals.

13 (d) Adoption and Application of Objective Standard Measures. The Planning Director,
14 in consultation with the Environmental Review Officer, shall adopt objective standard measures
15 that shall be incorporated, if applicable, into the approval of 100% Affordable Housing Projects
16 and Teacher Housing Projects. The measures may address, but are not limited to relevant topics
17 such as archeology, air quality, greenhouse gas emissions, noise, historic resources, water
18 supply, wind, and shadow.

19 (e) Design Review. The Planning Department shall conduct a review of the aesthetic
20 elements of 100% Affordable Housing Projects and Teacher Housing Projects within 60 days of
21 the submission of an application from the sponsor of a 100% Affordable Housing Project or a
22 Teacher Housing Project. Design review shall be limited to the aesthetic aspects and design of
23 the 100% Affordable Housing Project or Teacher Housing Project and not to the uses, density,
24 height, zoning modifications, or any other approval or disapproval of the proposed eligible
25 project.

1 (f) Compliance with Planning Code Article 4. A 100% Affordable Housing Project and
2 a Teacher Housing Project shall comply with the requirements of Article 4, "Development
3 Impact Fees and Project Requirements that Authorize the Payment of In-Lieu Fees," except as
4 such projects or any portion of such projects may otherwise be exempt from such requirements,
5 or in the event such requirements are reduced, adjusted, or waived as provided in Planning
6 Code Article 4. Notwithstanding the foregoing or any provision to the contrary in Planning
7 Code Article 4, a 100% Affordable Housing Project or a Teacher Housing Project shall not be
8 required to comply with the Inclusionary Affordable Housing Requirements set forth in Planning
9 Code Sections 415 et seq.

10 (g) Approval. Building permit applications for eligible 100% Affordable Housing
11 Projects and Teacher Housing Projects that comply with the controls set forth in this Section 344
12 shall be ministerially approved by the Planning Department and ministerially issued by the
13 Department of Building Inspection and shall not be subject to Business and Tax Regulation Code
14 Section 26 or an appeal to the Board of Appeals. Notwithstanding any contrary provision in the
15 Municipal Code, such projects shall not require a Planning Code Article 3 authorization,
16 discretionary review hearing, or any other Planning Commission or Historic Preservation
17 Commission hearing. It is the intent of this Section 344 to exempt eligible 100% Affordable
18 Housing Projects and Teacher Housing Projects from any requirements for review by the City,
19 including but not limited to the Planning Commission, Historic Preservation Commission, Board
20 of Supervisors, and Board of Appeals.

21

22 **SEC. 101.1. GENERAL PLAN CONSISTENCY AND IMPLEMENTATION.**

23 (a) The General Plan shall be an integrated, internally consistent and compatible
24 statement of policies for San Francisco. To fulfill this requirement, after extensive public
25

1 participation and hearings, the Planning Commission shall in one action amend the General Plan
2 by January 1, 1988.

3 (b) The following Priority Policies are hereby established. They shall be included in the
4 preamble to the General Plan and shall be the basis upon which inconsistencies in the General
5 Plan are resolved:

6 (1) That existing neighborhood-serving retail uses be preserved and enhanced
7 and future opportunities for resident employment in and ownership of such businesses enhanced;

8 (2) That existing housing and neighborhood character be conserved and protected
9 in order to preserve the cultural and economic diversity of our neighborhoods;

10 (3) That the City's supply of affordable housing be preserved and enhanced, and
11 that new housing for households of all income levels be produced to meet the needs of City
12 residents today and tomorrow;

13 (4) That commuter traffic not impede Muni transit service or overburden our
14 streets or neighborhood parking;

15 (5) That a diverse economic base be maintained by protecting our industrial and
16 service sectors from displacement due to commercial office development, and that future
17 opportunities for resident employment and ownership in these sectors be enhanced;

18 (6) That the City achieve the greatest possible preparedness to protect against
19 injury and loss of life in an earthquake;

20 (7) That landmarks and historic buildings be preserved; and,

21 (8) That our parks and open space and their access to sunlight and vistas be
22 protected from development.

23 (c) The City may not adopt any zoning ordinance or development agreement authorized
24 pursuant to Government Code Section 65865 after November 4, 1986, unless prior to that
25 adoption it has specifically found that the ordinance or development agreement is consistent with

1 the Priority Policies established above.

2 (d) The City may not adopt any zoning ordinance or development agreement authorized
3 pursuant to Government Code Section 65865 after January 1, 1988, unless prior to that adoption
4 it has specifically found that the ordinance or development agreement is consistent with the
5 General Plan.

6 (e) Prior to issuing a permit for any project or adopting any legislation which requires an
7 initial study under the California Environmental Quality Act, and prior to issuing a permit for
8 any demolition, conversion or change of use, and prior to taking any action which requires a
9 finding of consistency with the General Plan, the City shall find that the proposed project or
10 legislation is consistent with the Priority Policies established above. For any such permit issued
11 or legislation adopted after January 1, 1988 the City shall also find that the project is consistent
12 with the General Plan. Notwithstanding anything to the contrary in this Section 101.1, an
13 eligible 100% Affordable Housing Project or Teacher Housing Project as defined in Charter
14 Section 16.126 shall be deemed to be consistent with this Section 101.1 and shall not require a
15 separate finding of consistency with this Section 101.1.
16

17 SECTION 5. BUSINESS AND TAX REGULATIONS CODE AMENDMENTS. The
18 Business and Tax Regulations Code shall be amended by revising Section 26 to read as follows:

19 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

20 (a) Subject to Subsection (b) below, in the granting or denying of any permit, or the
21 revoking or the refusing to revoke any permit, except for permits associated with an eligible
22 100% Affordable Housing Project or Teacher Housing Project, as defined in Charter Section
23 16.126, the granting or revoking power may take into consideration the effect of the proposed
24 business or calling upon surrounding property and upon its residents, and inhabitants thereof; and
25 in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its

1 sound discretion as to whether said permit should be granted, transferred, denied or revoked.

2 * * * *

3
4 SECTION 6. CONFLICT WITH OTHER MEASURES. This Charter Amendment and
5 Initiative Ordinance (collectively, "Initiative") will be deemed to conflict with any other measure
6 appearing on the same ballot if such other measure addresses planning or zoning controls or
7 project approval processes that would be applicable to 100% Affordable Housing Projects or
8 Teacher Housing Projects as defined in Charter Section 16.126, whether the measure does so by
9 specific application or as a more general enactment that could otherwise be applied to 100%
10 Affordable Housing Projects or Teacher Housing Projects. In the event this Initiative and any
11 other measure appearing on the same ballot are approved by the voters at the same election, and
12 this Initiative receives a greater number of affirmative votes than any other conflicting measure
13 appearing on the same ballot, this Initiative shall control in its entirety and the other measures
14 shall be rendered void and without any legal effect. If this Initiative is approved by a majority of
15 the voters but not does not receive a greater number of affirmative votes than any other
16 conflicting initiative, this Initiative shall take effect to the extent permitted by law.

17
18 SECTION 7. AMENDMENT. The provisions of this Initiative amending the Charter
19 and San Francisco Codes may only be amended by the voters of the City and County of San
20 Francisco except as specifically provided in the terms of the Initiative.

21
22 SECTION 8. SEVERABILITY. If any provision of this Initiative or any application
23 thereof to any person or circumstance is held invalid, such invalidity shall not affect any

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1 provision or application of this Initiative that can be given effect without the invalid provision or
2 application. To this end, the provision of this Initiative are severable.

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4 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

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6 By:

7 
KATE HERRMANN STACY
8 Deputy City Attorney

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