

1 [Planning, Administrative Codes - North of Market Affordable Housing Fees and Citywide  
2 Affordable Housing Fund]

3 **Ordinance amending the Planning Code and the Administrative Code to abolish the**  
4 **North of Market Affordable Housing Fund, and have reflect the certain current**  
5 **affordable housing fees collected in conjunction with the North of Market Residential**  
6 **Special Use District affordable housing, and deposited such fee in the Citywide**  
7 **Affordable Housing Fund; and making findings of consistency with the General Plan,**  
8 **and the eight priority policies of Planning Code, Section 101.1, and findings of public**  
9 **convenience, necessity, and welfare under Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

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

17 Section 1. Findings.

18 (a) On June 13, 2019, the Planning Commission, in Resolution No. 20465, adopted  
19 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
20 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board  
21 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
22 Board of Supervisors in File No. 190458, and is incorporated herein by reference.

23 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
24 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
25 Planning Commission Resolution No. 20465, and incorporates such reasons by this reference

1 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File  
2 No. 190458.

3 Section 2. Article 2 of the Planning Code is hereby amended by revising Section  
4 263.7, to read as follows:

5 **SEC. 263.7. SPECIAL HEIGHT EXCEPTIONS: NORTH OF MARKET RESIDENTIAL**  
6 **SPECIAL USE DISTRICT.**

7 \* \* \* \*

8 (d) **Conditions.** The ~~City~~ Planning Commission shall impose conditions on the  
9 approval of applications for conditional use authorization, required pursuant to Section 253 for  
10 buildings which exceed 40 feet in height in an R District, if such authorization includes a grant  
11 of an exception to the 80-foot base height limit, in order to mitigate the impact that such height  
12 exception is likely to have on the existing supply of affordable housing in the area. The  
13 condition shall require that the applicant pay a fee to the ~~City~~ Controller which shall be  
14 deposited in the Citywide North of Market Affordable Housing Fund established in Administrative  
15 Code Section 10.100-49 (the "Fund").

16 (e) **Fee.** The fee required pursuant to ~~S~~ subsection (d) above shall be equal to the sum  
17 of \$25.41 times the total gross square footage of floor space located above 80 feet in height  
18 as determined by the Zoning Administrator, as shown on the building plans. The fee shall be  
19 due and payable prior to the issuance of a temporary certificate of occupancy, unless the  
20 project sponsor agrees to and qualifies for participation in an amortized payment program, to  
21 be established by the Director of the Mayor's Office of Housing and Community Economic  
22 Development (MOHCED) and the Director of City Planning, such program to be subject to  
23 subsequent review and approval by the City Planning Commission and the Board of  
24 Supervisors, which program would result in the City receiving an amount equivalent to the  
25 value of the contribution at the time the temporary certificate of occupancy is issued.

1 \* \* \* \*

2 (g) ~~North of Market~~ **Citywide Affordable Housing Fund**. ~~There is hereby established a~~  
3 ~~separate fund set aside for a special purpose called the "North of Market Affordable Housing Fund~~  
4 ~~('Fund')."~~ All fees monies collected by the Controller pursuant to this Section 263.7 shall be  
5 deposited in the Fund, but the fees shall be separately accounted for and expended by MOHCD as  
6 provided in this Section. All monies fees collected under this Section and deposited in the Fund shall  
7 be used solely to stabilize, rehabilitate, and retain affordable housing in the North of Market  
8 Residential Special Use District. No fees collected under this Section ~~portion of the Fund~~ may be  
9 used, by way of loan or otherwise, to pay any administrative, general overhead, or similar  
10 expense of any entity except for servicing cost related to participation in the amortized  
11 payment program. ~~The Fund shall be administered by the Director of the Mayor's Office of Housing~~  
12 ~~and Economic Community Development (MOHECD).~~

13 (h) **Rules and Regulations for Implementation.** The Director of MOHCED and the  
14 Director of City Planning shall prepare and submit to the ~~City~~ Planning Commission and the  
15 Board of Supervisors for review and approval such rules and regulations as may be  
16 necessary for the implementation of this Section. The Director of MOHCED and the Director of  
17 City Planning shall further propose such amendments or additions to the rules and regulations  
18 that he or she determines to be necessary. Such amendments and additions shall include  
19 periodic revision of the fee to reflect current conditions.

20 Section 3. Chapter 10 of the Administrative Code is hereby amended by revising  
21 Section 10.100-49, to read as follows:

22 **SEC. 10.100-49. CITYWIDE AFFORDABLE HOUSING FUND.**

23 (a) **Establishment of Fund.** The Citywide Affordable Housing Fund is established as  
24 a category eight fund to receive fee revenue dedicated to affordable housing and other  
25 contributions to the fund. The fund receives money from, among other sources:

1           (1) The North of Market Residential Special Use District, Planning Code Section 263.7;

2           ~~(1)~~(2) The Jobs Housing Linkage Program, Planning Code Section 413 et seq.;

3           ~~(2)~~(3) The Inclusionary Affordable Housing Program, Planning Code Section 415  
4 et seq.;

5           ~~(3)~~(4) The Market and Octavia Affordable Housing Program, Planning Code  
6 Section 416.5;

7           (5) The Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee, Planning  
8 Code Section 417.5;

9           ~~(4)~~(6) The Eastern Neighborhoods Housing Fund, Planning Code Section 423.5;

10          ~~(5)~~(7) The Expedited Condominium Conversion Program, Subdivision Code  
11 Section 1396.4; and,

12          ~~(6)~~(8) Repayments of loans and other program income associated with  
13 investments initially made with monies from the fund.

14           \* \* \* \*

15          Section 4. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

19          Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
23 additions, and Board amendment deletions in accordance with the "Note" that appears under  
24 the official title of the ordinance.

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

3  
4 By: \_\_\_\_\_  
5 KEITH NAGAYAMA  
6 Deputy City Attorney  
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