

1 Local Projects are not eligible to modify this requirement under Planning Code Section 303, 328, or
2 any other provision of this Code; and,

3 (6) Unless and until the Planning Department study required in Section 206.8 is
4 completed and any legislative action taken, dDoes not demolish, remove or convert any units
5 that are subject to the San Francisco Rent Stabilization and Arbitration Ordinance, San
6 Francisco Administrative Code Section 37; and,

7 (7) Provides replacement units for any units demolished or removed that are subject to
8 the San Francisco Rent Stabilization and Arbitration Ordinance, San Francisco Administrative
9 Code Section 37, or are units qualifying for replacement as units having been subject to a
10 recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and
11 families of lower or very low income or being occupied by households of Low or Very Low Income,
12 consistent with the requirements of Government Code section 65915(c)(3).

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

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

23 (2) **Height.** Up to 20 additional feet, not including allowed exceptions permitted under
24 Section 260(b), above the height authorized for the Local Project under the Height Map of the Zoning
25 Map. The distance between the floor and ceiling for each residential floor of the Project shall be no

1 (F) Additional Open Space: Up to an additional 5% reduction in common open
2 space if provided per Section 135 or any applicable special use district, beyond the 5% provided in
3 subsection (E) above.

4 (e) Implementation.

5 (1) Application. The following procedures shall govern the processing of a request for
6 a project to qualify under the Local Program.

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

11 (i) A full plan set, including a site plan, elevations, sections and floor
12 plans, showing total number of units, number of and location of Inclusionary Units, and Middle Income
13 Units;

14 (ii) A signed affidavit in a form acceptable to the Planning
15 Department and City Attorney establishing that no units on the property are or were subject to
16 rent control within the preceding 5 years, and document of the The number of dwelling units
17 which are on the property, or if the dwelling units have been vacated or demolished in the five year
18 period preceding the application, have been and which were subject to a recorded covenant, ordinance,
19 or law that restricts rents to levels affordable to persons and families of lower or very low income;
20 subject to any other form of rent or price control through the City or other public entity's valid exercise
21 of its police power not including rent control; or occupied by lower or very low income households;
22 and

23 (iii) If the property includes a parcel or parcels in which dwelling units
24 under subsection (ii) are located or were located in the five year period preceding the application, the
25 type and size of those units, and the incomes of the persons or families occupying those units.

1 (referred to as “dialing up”), a project sponsor may dial up and meet the requirements of this
2 subsection (D). If the Dial Alternative of the Inclusionary Affordable Housing Program is ever
3 amended to allow a project sponsor to provide fewer Inclusionary Units at lower AMIs than currently
4 required (referred to as “dialing down”), then a Project cannot qualify for this Section 206.5 if it elects
5 to dial down;

6 (E) includes a minimum of nine foot ceilings on all residential floors;

7 (F) is seeking only Concessions or Incentives set forth in subsection (c)(4);

8 (G) is seeking height increases only in the form of a waiver as described in
9 subsection (c)(5); and,

10 (H) Unless and until the Planning Department study required in Section
11 206.8 is completed and any legislative action taken, dDoes not demolish, remove or convert
12 any units that are subject to the San Francisco Rent Stabilization and Arbitration Ordinance,
13 San Francisco Administrative Code Section 37; and,

14 (I) Provides replacement units for any units demolished or removed that are
15 subject to the San Francisco Rent Stabilization and Arbitration Ordinance, San Francisco
16 Administrative Code Section 37, or are units qualifying for replacement as units having been
17 subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to
18 persons and families of lower or very low income or being occupied by households of Low or Very
19 Low Income, consistent with the requirements of Government Code section 65915(c)(3).

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

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

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

3 (2) Any zoning district designation, assessor's parcel number(s) of the project site, and
4 a description of any Density Bonus, Concession or Incentive, or waiver requested;

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

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

8 (5) A full plan set including site plan, elevations, sections, and floor plans, showing
9 location of market-rate units, Restricted Affordable Units, and Density Bonus units within the proposed
10 Housing Project;

11 (6) Level of affordability of the Restricted Affordable Units and a draft Regulatory
12 Agreement;

13 (7) A signed affidavit in a form acceptable to the Planning Department and City
14 Attorney establishing that no units on the property are or were subject to rent control within
15 the preceding 5 years, and document of the The number of rental dwelling units which are on the
16 property, or if the dwelling units have been vacated or demolished in the five year period preceding the
17 application, have been and which were subject to a recorded covenant, ordinance, or law that restricts
18 rents to levels affordable to persons and families of lower or very low income; subject to any other
19 form of rent or price control through the City or other public entity's valid exercise of its police power
20 not including rent control; or occupied by lower or very low income households; and

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

24 (9) Documentation that the applicant has provided written notification to all existing
25 commercial or residential tenants that the applicant intends to develop the property pursuant to this

1 (D) Geography and neighborhood specific considerations. Review and analysis
2 of where Bonus Program projects are proposed and approved, including an analysis of land values,
3 zoning, height controls and neighborhood support.

4 (2) Public Hearing: The Program Evaluation and Update shall be prepared no less
5 than every five years, beginning five years from the Effective Date of this Ordinance, and may be
6 completed as a series of reports and in coordination with ongoing monitoring of affordable housing
7 policies, or feasibility analyses. The Planning Commission shall hold a hearing on the Program
8 Evaluation and Update and any recommendations for modification to any of the Bonus Programs.

9 (e) Application of the Program to Sites Where Units Subject to Rent Control Exist. The
10 Board of Supervisors requests the Planning Department to collaborate with community
11 groups, housing activists, housing developers, and others to study the relationship between
12 the Affordable Housing Bonus Program and the City's rent controlled and affordable housing
13 stock. The Department shall study the feasibility of:

14 (1) allowing for new construction in place of existing rent controlled units to use
15 the Program only if there is (a) a one to one replacement of rent controlled units with Below
16 Market Rate affordable units; and (b) adequate protections for existing tenant(s) displaced by
17 any Project subject to the Program, including relocation assistance and rights to return; and

18 (2) Other ways to ensure that the application of the Program does not incentivize
19 the demolition of existing rent control units.

20 The Planning Department shall report to the Planning Commission. The
21 Planning Commission shall consider the Department's findings and recommend any
22 appropriate modifications to the Affordable Housing Bonus Program to the Board of
23 Supervisors by January 1, 2017.

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

