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

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

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

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

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

(2) Height. Up to 20 additional feet, not including allowed exceptions permitted under Section 260(b), above the height authorized for the Local Project under the Height Map of the Zoning Map. The distance between the floor and ceiling for each residential floor of the Project shall be no
(F) **Additional Open Space:** Up to an additional 5% reduction in common open space if provided per Section 135 or any applicable special use district, beyond the 5% provided in subsection (E) above.

(e) **Implementation.**

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

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

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

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

(iii) If the property includes a parcel or parcels in which dwelling units under subsection (ii) are located or were located in the five year period preceding the application, the type and size of those units, and the incomes of the persons or families occupying those units.
(referred to as “dialing up”), a project sponsor may dial up and meet the requirements of this subsection (D). If the Dial Alternative of the Inclusionary Affordable Housing Program is ever amended to allow a project sponsor to provide fewer Inclusionary Units at lower AMIs than currently required (referred to as “dialing down”), then a Project cannot qualify for this Section 206.5 if it elects to dial down:

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

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

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

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

(I) Provides replacement units for any units demolished or removed that are subject to the San Francisco Rent Stabilization and Arbitration Ordinance, San Francisco Administrative Code Section 37, or are units qualifying for replacement as units having been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or being occupied by households of Low or Very Low Income, consistent with the requirements of 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) A description of the proposed Housing Project, including the total number of dwelling units, Restricted Affordable Units, and Density Bonus Units proposed;

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

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

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

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

(6) Level of affordability of the Restricted Affordable Units and a draft Regulatory Agreement:

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

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

(9) Documentation that the applicant has provided written notification to all existing commercial or residential tenants that the applicant intends to develop the property pursuant to this
(D) Geography and neighborhood specific considerations. Review and analysis of where Bonus Program projects are proposed and approved, including an analysis of land values, zoning, height controls and neighborhood support.

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

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

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

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

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

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