



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Change Summary:

Area Plan Fee Waiver Criteria for Affordable Housing

Code Change: Amending impact fees to increase consistency and ease of application, and to account for existing development

Case Number: Board File No. 11-0009 (0047-11 adopted Ordinance)

Initiated By: Supervisor Maxwell, January 4, 2011

Effective Date: April 16, 2011

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The following is a synopsis of the changes made by the Ordinance. See the Guide below for a description of changes made by section.

The Way It Was:

Planning Code Section 406 provides for the waiver of certain impact fees for various reasons, including if a project includes affordable housing units. The old criteria provided that the Planning Commission shall consider a waiver of up to a 100% of the Area Plan fee in cases in which the State of California, the Federal Government, MOH, the San Francisco Redevelopment Agency, or other public agency subsidies target new housing for households at or below 50% of the Area Median Income as published by HUD, including units that qualify as replacement Section 8 units under the HOPE SF program. In order to qualify, the units must be subsidized in a manner which maintains their affordability for a term no less than 55 years.

The Way It Is Now:

The amendments to Section 406 clarifies that the waiver for affordable housing is only applicable to the Area Plan Impact Fees (i.e., Rincon Hill, Market and Octavia, Eastern Neighborhoods, Balboa Park, and Visitacion Valley). The amendments remove the Planning Commission's discretion over the waiver and provides that a waiver shall be granted for an affordable housing unit that:

- (1) is affordable to a household at or below 80% of the Area Median Income (as published by HUD) (including units that qualify as replacement Section 8 units under the HOPE SF program);

- (2) is subsidized by MOH, the San Francisco Housing Authority, and/or the San Francisco Redevelopment Agency; and
- (3) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity.

The legislation maintains the provision that project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

Board File 110009	Ord. No. 47-11	Planning Code – Amending Area Plan Fee Waiver Criteria for Affordable Housing Full text available at: http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0047-11.pdf
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