



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: MARCH 19, 2015

Project Name: **Amendments Relating to City Housing Balance Monitoring and Reporting**

Case Number: 2015-002003PCA [Board File No. 150029]

Initiated by: **Supervisor Kim** / Introduced January 13, 2015

Staff Contact: Kimia Haddadan, Legislative Affairs
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Reviewed by: Aaron Starr, Manager Legislative Affairs
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Recommendation: **Recommend Approval with Modification**

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PLANNING CODE AMENDMENT

The proposed ordinance would amend the Planning Code to require the Planning Department to monitor the balance between new market rate housing and new affordable housing, and publish a bi-annual Housing Balance Report; requiring an annual hearing at the Board of Supervisors on strategies for achieving and maintaining the required housing balance in accordance with San Francisco's housing production goals; and making environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The Way It Is Now:

The Planning Department currently publishes four reports that address the state of the City's housing stock and the production of housing in the City. These reports include:

1. The Housing Inventory report, which includes the number of affordable housing units based on affordability levels;
2. The Quarterly Pipeline Report, which includes the number of new units from units recently built or entitled;
3. The Quarterly Residential Pipeline, which compares the units produced based on affordability levels with the Regional Housing Needs Allocation (RHNA) housing projections in three income categories (low income: below 80% AMI, moderate income: 80% to 120% AMI, and above moderate: more than 120% AMI); and
4. The State mandated Annual Housing Element Progress Report, which reports on the status and progress in implementing the jurisdiction's housing element.

The Way It Would Be:

The proposed Ordinance would require the Planning Department to publish an additional housing related report that addresses the state of the City's housing stock called the Bi-annual Housing Balance Report. The proposed reports would break down housing production data based on income categories,

geography, and specific types in housing production (HOPE SF & RAD) or unit loss (removal from rent control). The report would also provide updates on the balance between affordable and market rate housing production through a new metric called the Cumulative Housing Balance ratio for the past ten years starting from the most recent quarter. The report would present this information as a City-wide number, by Supervisorial District, and by Neighborhood Planning Districts. This report would be required to be published by February 1st and August 1st of each year. The Planning Department would be required to present this report at an informational hearing to the Planning Commission, the Board of Supervisors, and any relevant body with geographic purview over a plan area.

BACKGROUND

On November 4, 2014, the City voters passed Proposition K, which established as City policy the commitment to construct or rehabilitate no less than 30,000 new units by 2020 with at least one-third (33%) of those permanently affordable to low and moderate income households, and over 50% within financial reach of working middle class San Franciscans. Prop K also urge the Mayor and the Board of Supervisors to formalize and implement a Housing Action and Neighborhood Stabilization Plan to realize the 30,000 unit goal including at least one-third of those affordable to low and moderate income households.

The Housing Action Plan is intended to implement (1) A Funding Strategy sufficient to support a range of housing both rental and homeownership housing affordable to low, moderate and middle income households. (2) Funding for a Neighborhood Stabilization Trust for the purpose of preserving the affordability of existing rental units and stabilizing neighborhoods with historically high levels of evictions. (3) A land acquisition strategy to purchase sites appropriate for affordable housing, and (4) Funding for public housing rehabilitation.

Prop K also required that the Mayor's Office of Housing and the Planning Department and a lead sponsor from the Board of Supervisors develop and introduce legislation requiring the City to review the cumulative ratio of affordable and inclusionary housing to market rate housing every year through an annual housing production calculation. The subject Ordinance is intended to fulfill this requirement and the information presented in the Housing Balance Report will help inform the City's Housing Action Plan.

ISSUES AND CONSIDERATIONS

Mayor's Executive Directive

In January 2014, Mayor Lee published an executive directive where he pledged 30,000 new and rehabilitated homes throughout the City by 2020, of which at least one-third of those are permanently affordable to low and moderate income families, and with the majority of them within financial reach of working, middle income San Franciscans. While the City currently provides reporting on housing, a specific consistent measure to gauge this affordability goal does not exist.

Existing Reports on Housing

Below is the list of current reports that the Department prepares for housing:

1. *State mandated Annual Housing Element Progress Report*: State law¹ requires all government bodies to prepare an annual report on the status and progress in implementing the jurisdiction's housing element using forms and definitions adopted by the Department of Housing and Community Development. The Annual Progress Report is due every 1st of April and reports on the preceding calendar year. This report includes information on jurisdiction's progress in addressing the Regional Housing Need Allocation (RHNA) projections, as well as the status of housing programs and efforts to remove government constraints. The content of this existing report addresses most of the requirements proposed in the Ordinance.
2. *Annual Housing Inventory Report (non-mandated)*: The Housing Inventory is the Planning Department's annual survey of housing production trends in San Francisco. It has reported changes in the City's housing stock, including housing construction, demolition, and alterations, since 1967. The Housing Inventory reports housing production, which begins when a building permit application for a project is filed with the City (See Figure A). The report includes the following information:
 - Housing production trends
 - Affordable housing production (including inclusionary housing)
 - Changes in housing stock (by unit type) by planning district

Figure A- Housing Production Process



3. *Quarterly project pipeline reports (non-mandated)*: The Department has produced this report every three months since 2003. The San Francisco consolidated pipeline consists of development projects that would add residential units or commercial space, applications for which have been formally submitted to the Planning Department or the Department of Building Inspection (DBI). Pipeline projects are at various stages of development: from applications having been filed to entitlements secured; from building permits approved and issued to projects under construction. This would constitute any project falling under the first three boxes illustrated in Figure A².
4. *Quarterly Housing Production Summary Report (mandated)*: The Administrative Code requires the Department to develop quarterly reports on how the City has been meeting the RHNA projections.

¹ Government Code Section 65400.

² To filter inactive projects, the current pipeline only includes projects filed during the last five years, projects approved in the last four years, and projects that started construction during the past three years. In addition, when a project is issued a Certificate of Final Completion by the DBI, it is taken out of the pipeline.

Proposed Calculation of Housing Balance

The Housing Balance ratio would indicate the rate of affordable housing production compared with all housing construction using the following data points in this formula, **Housing Balance= (A-B)/C** where:

- **A** is the number of all new housing units affordable to extremely low, very low, or moderate income (120% or below);
- **B** is the number of all protected units lost; and
- **C** is all new housing

For the purpose of calculation, all the numbers above would represent data from ten years prior to the most recent calendar quarter.

The Ordinance identifies the Cumulative Housing Balance as the metric to gauge the Mayor's 33% affordability goal, and requires that this metric be calculated in two different ways:

- i. Where **A** in the formula above equals: units constructed (first Temporary Certificate of Occupancy obtained) + units that obtained site or building permit; and
- ii. Where **A** in the formula above equals: units constructed (first Temporary Certificate of Occupancy obtained) + units that obtained site or building permit + HOPE SF and RAD public housing replacement and substantially rehabilitated units (TCO)

The Ordinance also requires calculation of the Projected Housing Balance, where the **A** in the formula above equals units that received approval from Planning Commission or Department (even without site or building permit, and excluding master planned entitlements)

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modification* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications are as follows:

1. **Modify the dates by which the Department would publish bi-annual updates to the reports.**
2. **Clarify the mandated presentations of the report.**
3. **Include necessary staffing budget for the additional work load for the Department and delay the publication of the first report until 6 months after the Mayor's signature on this Ordinance.**

BASIS FOR RECOMMENDATION

The proposed reporting in the Ordinance provides a detailed overview of affordable housing production, which would help the City in maintaining a thorough and consistent inventory of our new housing stock. City agencies would rely on the information produced as a result of the proposed monitoring reports when developing strategies to facilitate affordable housing production. The proposed annual hearings

would provide a public setting where all responsible city agencies would discuss strategies to address affordable housing production which is a major challenge in San Francisco.

Staff proposes the following modifications to the proposed Ordinance:

1. **Modify the dates by which the Department would publish bi-annual updates to the reports.** Currently, the Ordinance identifies February 1st and August 1st as the dates that this report is to be published. Staff proposes to modify these dates to March 1st and September 1st. In order to allow the City to have sufficient time before the April 1st hearing to review the report, the Department is proposing to publish a preliminary report on March 1st to be finalized for the April 1st hearing. This modification is intended to accommodate Planning Staff, which has also to publish the State mandated Annual Housing Element Progress Report by April 1st. If the report results have any budget implications for the City, publishing the final report by April 1st will still allow responsible City agencies to amend their budget proposals prior to the budget being adopted.
2. **Clarify the mandated presentations of the report.** Section 103(d) in the proposed Ordinance states the Department shall present the updated reports to any relevant body with geographic purview over a plan area. The Department proposes to modify this requirement so that the Department would submit the updated reports to their list of neighborhood organizations. Requiring a presentation to a broad and undefined number of organizations would be a significant staffing commitment for the Department and it's not clear if a presentation to all of these organizations is necessary. Staff's recommendation would allow all organization to keep abreast of these updated reports so that they could request a presentation of the findings if needed.
3. **Include necessary staffing budget for the additional work load for the Department and publish the first report 6 months after the Mayor's signature on the Ordinance.** The Department estimates an additional 0.2 Full Time Employee (FTE) needed to complete the tasks mandated in the proposed Ordinance. In the past year, the Department has received significant increase in data and reporting requests; the proposed reporting in this Ordinance would require additional staffing, adding to a cumulative need for a new hire. Staff recommends incorporating this need in the proposed legislation. In order to account for the time needed for hiring the needed staffing, the Department is also recommending that the first report be published six months after the Mayor's signature. The Department's Informational and Analysis Group is currently short two positions. The increase data request in the past year along with the proposed reporting in this Ordinance would create additional commitments to an already understaffed division of the Planning Department. The proposed 6-month wait will give the Department time to hire and train new employees and complete the first Housing Balance Report.

ENVIRONMENTAL REVIEW

The proposed Ordinance would result in no physical impact on the environment. The proposed amendments are exempt from environmental review under Sections 15080(c)(3) and 15378 of the CEQA Guidelines.

PUBLIC COMMENT

The Department has not received any public comments for this Ordinance. Staff has worked closely with Supervisor Kim's Office as well as the Council of Community Housing Organizations (CCHO) to craft this Ordinance.

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 150029



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution Planning Code Text Change HEARING DATE: MARCH 19, 2015

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Recommendation: **Recommend Approval with Modification**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WOULD AMEND THE PLANNING CODE TO REQUIRE THE PLANNING DEPARTMENT TO MONITOR THE BALANCE BETWEEN NEW MARKET RATE HOUSING AND NEW AFFORDABLE HOUSING, AND PUBLISH A BI-ANNUAL HOUSING BALANCE REPORT; REQUIRING AN ANNUAL HEARING AT THE BOARD OF SUPERVISORS ON STRATEGIES FOR ACHIEVING AND MAINTAINING THE REQUIRED HOUSING BALANCE IN ACCORDANCE WITH SAN FRANCISCO'S HOUSING PRODUCTION GOALS; AND MAKING ENVIRONMENTAL FINDINGS, PLANNING CODE, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

PREAMBLE

WHEREAS, on January 13th 2015 Supervisor Jane Kim introduced a proposed Ordinance under the Board of Supervisors (hereinafter "Board") File Number 150029, which would amend the Planning Code to require the Planning Department to publish and update a bi-annual Housing Balance Report which provides detail data on affordable housing production compared to market rate housing production; and would require calculating a new metric called the Cumulative Housing Balance to gauge the Mayor's on-third affordability goal ; and

WHEREAS, the proposed Ordinance has been determined not to be a project under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on March 19, 2015; and,

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors recommend **approval with modifications** of the proposed ordinance, with the proposed modifications as follows:

1. **Modify the dates by which the Department would publish bi-annual updates to the reports.** Currently, the Ordinance identifies February 1st and August 1st as the dates that this report is to be published. Staff proposes to modify these dates to **March 1st** and **September 1st**. In order to allow the City to have sufficient time before the April 1st hearing to review the report, the Department is proposing to publish a preliminary report on March 1st to be finalized for the April 1st hearing. This modification is intended to accommodate Planning Staff, which has also to publish the State mandated Annual Housing Element Progress Report by April 1st. If the report results have any budget implications for the City, publishing the final report by April 1st will still allow responsible City agencies to amend their budget proposals prior to the budget being adopted.
2. **Clarify the mandated presentations of the report.** Section 103(d) in the proposed Ordinance states the Department shall present the updated reports to any relevant body with geographic purview over a plan area. The Department proposes to modify this requirement so that the Department would submit the updated reports to their list of neighborhood organizations. Requiring a presentation to a broad and undefined number of organizations would be a significant staffing commitment for the Department and it's not clear if a presentation to all of these organizations is necessary. Staff's recommendation would allow all organization to keep abreast of these updated reports so that they could request a presentation of the findings if needed.
3. **Include necessary staffing budget for the additional work load for the Department and publish the first report 6 months after the Mayor's signature on the Ordinance.** The Department estimates an additional 0.2 Full Time Employee (FTE) needed to complete the tasks mandated in the proposed Ordinance. In the past year, the Department has received significant increase in data and reporting requests; the proposed reporting in this Ordinance would require additional staffing, adding to a cumulative need for a new hire. Staff recommends incorporating this need in the proposed legislation. In order to account for the time needed for hiring the needed staffing, the Department is also recommending that the first report be published six months after the Mayor's signature. The Department's Informational and Analysis Group is currently short two positions. The increase data request in the past year along with the proposed reporting in this Ordinance would create additional commitments to an already understaffed division of the Planning Department. The proposed 6-month wait will give the Department time to hire and train new employees and complete the first Housing Balance Report.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, the Commission finds, concludes and determines as follows:

1. On November 4, 2014, the City voters passed Proposition K, which established as City policy the commitment to construct or rehabilitate no less than 30,000 new units by 2020 with at least one-third (33%) of those permanently affordable to low and moderate income households, and over 50% within financial reach of working middle class San Franciscans. Prop K also required that the Mayor's Office of Housing and the Planning Department and a lead sponsor from the Board of Supervisors to develop and introduce legislation requiring the City to review the cumulative ratio of affordable and inclusionary housing to market rate housing every year through an annual housing production calculation. The subject Ordinance is intended to fulfill this requirement and the information presented in this report will help inform the City's Housing Action Plan.
2. While the City currently provides reporting on housing, a specific consistent measure to gauge this affordability goal does not exist.
3. The existing housing related reports published by the Planning include:
 - a. The Housing Inventory report, which includes the number of affordable housing units based on affordability levels;
 - b. The Quarterly Pipeline Report, which includes the number of new units from units recently built or entitled;
 - c. The Quarterly Residential Pipeline, which compares the units produced based on affordability levels with the Regional Housing Needs Allocation (RHNA) housing projections in three income categories (low income: below 80% AMI, moderate income: 80% to 120% AMI, and above moderate: more than 120% AMI); and
 - d. The State mandated Annual Housing Element Progress Report, which reports on the status and progress in implementing the jurisdiction's housing element.
4. The Commission finds that the Housing Balance ratio would indicate the rate of affordable housing production compared with all housing construction using the following data points in this formula, **Housing Balance= (A-B)/C** where:
 - A is the number of all new housing units affordable to extremely low, very low, or moderate income (120% or below);
 - B is the number of all protected units lost; and
 - C is all new housing

For the purpose of calculation, all the numbers above would represent data from ten years prior to the most recent calendar quarter.

5. The Commission also finds the Cumulative Housing Balance as the metric to gauge the Mayor's 33% affordability goal, and requires that this metric be calculated in two different ways:
 - i. Where **A** in the formula above equals: units constructed (first Temporary Certificate of Occupancy obtained) + units that obtained site or building permit; and
 - ii. Where **A** in the formula above equals: units constructed (first Temporary Certificate of Occupancy obtained) + units that obtained site or building permit + HOPE SF and RAD public housing replacement and substantially rehabilitated units (TCO)
6. **General Plan Compliance.** The proposed Ordinance is consistent with the Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 1

Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

POLICY 1.1

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

San Franciscans are a diverse population, with a diverse set of housing needs. Future housing policy and planning efforts must take into account the diverse needs for housing. The RHNA projections indicate housing goals for various income levels, these provide basic planning goals for housing affordability. San Francisco's housing policies and programs should provide strategies that promote housing at each income level, and furthermore identify sub-groups, such as middle income and extremely low income households that require specific housing policy. In addition to planning for affordability, the City should plan for housing that serves a variety of household types and sizes.

The proposed Ordinance would help advance this policy by providing detailed information on affordable housing production for the public and before the Planning Commission; and creating a metric to gauge the Prop K and the Mayor's one-third affordability goal in housing production.

OBJECTIVE 7

Secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms or capital.

Policy 7.1

Expand the financial resources available for permanently affordable housing, especially permanent sources.

The proposed Ordinance would help advance this policy by informing the decision makers, reporting twice a year on how the city is meeting the City's one-third affordability goal in housing production. This information can inform the decision makers when making budget decisions every year.

7. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not affect opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would not have a negative effect on housing or neighborhood character. The modifications proposed would impose minimal impact on the existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing. The Ordinance aims to provide updates on how the City is meeting the on-third affordability goal for housing production.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not have an adverse effect on the City's commuter traffic and would not impede MUNI transit service or overburden the City's streets or neighborhood parking.

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

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance, approved as to form by the City Attorney in Exhibit A, described in this Resolution.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on March 19th, 2015.

Jonas Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

1 [Planning Code - City Housing Balance Monitoring and Reporting]

2
3 **Ordinance amending the Planning Code to require the Planning Department to monitor**
4 **the balance between new market rate housing and new affordable housing, and publish**
5 **a bi-annual Housing Balance Report; requiring an annual hearing at the Board of**
6 **Supervisors on strategies for achieving and maintaining the required housing balance**
7 **in accordance with San Francisco's housing production goals; and making**
8 **environmental findings, Planning Code, Section 302 findings, and findings of**
9 **consistency with the General Plan, and the eight priority policies of Planning Code,**
10 **Section 101.1.**

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

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

20 Section 1. Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. _____ and is incorporated herein by reference. The Board of
25 Supervisors affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
3 Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
5 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth
6 in Planning Commission Resolution No. _____ and the Board incorporates such reasons
7 herein by reference.

8
9 Section 2. The Planning Code is hereby amended by adding new Section 103 to read
10 as follows:

11 **SEC. 103. HOUSING BALANCE MONITORING AND REPORTING.**

12 **(a) Purposes.** *To maintain a balance between new affordable and market rate housing City-*
13 *wide and within neighborhoods, to make housing available for all income levels and housing need*
14 *types, to preserve the mixed income character of the City and its neighborhoods, to offset the*
15 *withdrawal of existing housing units from rent stabilization and the loss of single-room-occupancy*
16 *hotel units, to ensure the availability of land and encourage the deployment of resources to provide*
17 *sufficient housing affordable to households of very low, low, and moderate incomes, to ensure adequate*
18 *housing for families, seniors and the disabled community, to ensure that data on meeting affordable*
19 *housing targets City-wide and within neighborhoods informs the approval process for new housing*
20 *development, and to enable public participation in determining the appropriate mix of new housing*
21 *approvals, there is hereby established a requirement, as detailed in this Section 103, to monitor and*
22 *regularly report on the housing balance between market rate housing and affordable housing.*

23 **(b) Findings.**

24 *(1) In November 2014, the City voters enacted Proposition K, which established City*
25 *policy to help construct or rehabilitate at least 30,000 homes by 2020. More than 50% of this housing*

1 would be affordable for middle-class households, with at least 33% affordable for low- and moderate-
2 income households, and the City is expected to develop strategies to achieve that goal. This section
3 103 sets forth a method to track performance toward the City's Housing Element goals and the near-
4 term Proposition K goal that 33% of all new housing shall be affordable housing, as defined herein.

5 (2) The City's rent stabilized and permanently affordable housing stock serves very low-,
6 low-, and moderate-income families, long-time residents, elderly seniors, disabled persons and others.
7 The City seeks to achieve and maintain an appropriate balance between market rate housing and
8 affordable housing City-wide and within neighborhoods because the availability of decent housing and
9 a suitable living environment for every San Franciscan is of vital importance. Attainment of the City's
10 housing goals requires the cooperative participation of government and the private sector to expand
11 housing opportunities to accommodate housing needs for San Franciscans at all economic levels and to
12 respond to the unique needs of each neighborhood where housing will be located.

13 (3) For tenants in unsubsidized housing, affordability is often preserved by the
14 Residential Rent Stabilization and Arbitration Ordinance's limitations on the size of allowable rent
15 increases during a tenancy. As documented in the Budget and Legislative Analyst's October 2013
16 Policy Analysis Report on Tenant Displacement, San Francisco is experiencing a rise in units
17 withdrawn from rent controls. Such rises often accompany periods of sharp increases in property
18 values and housing prices. From 1998 through 2013, the Rent Board reported a total of 13,027 no-fault
19 evictions (i.e., evictions in which the tenant had not violated any lease terms, but the owner sought to
20 regain possession of the unit). Total evictions of all types have increased by 38.2% from Rent Board
21 Year (i.e. from March through February) 2010 to Rent Board Year 2013. During the same period, Ellis
22 Act evictions far outpaced other evictions, increasing by 169.8% from 43 in Rent Board Year 2010 to
23 116 in Rent Board Year 2013. These numbers do not capture the large number of owner buyouts of
24 tenants, which contribute further to the loss of rent-stabilized units from the housing market. Any fair
25

1 assessment of the affordable housing balance must incorporate into the calculation units withdrawn
2 from rent stabilization.

3 (4) Pursuant to Government Code Section 65584, the Association of Bay Area
4 Governments (ABAG), in coordination with the California State Department of Housing and
5 Community Development (HCD), determines the Bay Area's regional housing need based on regional
6 trends, projected job growth, and existing needs. The regional housing needs assessment (RHNA)
7 determination includes production targets addressing housing needs of a range of household income
8 categories. For the RHNA period covering 2015 through 2022, ABAG has projected that at least 38%
9 of new housing demands for San Francisco will be from very low and low income households
10 (households earning under 80% of area median income), and another 22% of new housing demands to
11 be affordable to households of moderate means (earning between 80% and 120% of area median
12 income). Market-rate housing is considered housing with no income limits or special requirements
13 attached.

14 (5) The Housing Element of the City's General Plan states: "Based on the growing
15 population, and smart growth goals of providing housing in central areas like San Francisco, near jobs
16 and transit, the State Department of Housing and Community Development (HCD), with the
17 Association of Bay Area Governments (ABAG), estimates that in the current 2015-2022 Housing
18 Element period San Francisco must plan for the capacity for roughly 28,870 new units, 57% of which
19 should be suitable for housing for the extremely low, very low, low and moderate income households to
20 meet its share of the region's projected housing demand." Objective 1 of the Housing Element states
21 that the City should "identify and make available for development adequate sites to meet the City's
22 housing needs, especially permanently affordable housing." Objective 7 states that San Francisco's
23 projected affordable housing needs far outpace the capacity for the City to secure subsidies for new
24 affordable units.

1 (6) In 2012, the City enacted Ordinance 237-12, the "Housing Preservation and
2 Production Ordinance," codified in Administrative Code Chapter 10E.4, to require Planning
3 Department staff to regularly report data on progress toward meeting San Francisco's quantified
4 production goals for different household income levels as provided in the General Plan's Housing
5 Element. That Ordinance requires data on the number of units in all stages of the housing production
6 process at various affordability levels to be included in staff reports on all proposed projects of five
7 residential units or more and in quarterly housing production reports to the Planning Commission. The
8 Planning Department has long tracked the number of affordable housing units and total number of
9 housing units built throughout the City and in specific areas and should be able to track the ratio called
10 for in this Section 103.

11 (7) As the private market has embarked upon, and government officials have urged, an
12 ambitious program to produce significant amounts of new housing in the City, the limited remaining
13 available land makes it essential to assess the impact of the approval of new market rate housing
14 developments on the availability of land for affordable housing and to encourage the deployment of
15 resources to provide such housing.

16 **(c) Housing Balance Calculation.**

17 (1) For purposes of this Section 103, "Housing Balance" shall be defined as the
18 proportion of all new housing units affordable to households of extremely low, very low, low or
19 moderate income households, as defined in California Health & Safety Code Sections 50079.5 et seq.,
20 as such provisions may be amended from time to time, to the total number of all new housing units for a
21 10 year Housing Balance Period.

22 (2) The Housing Balance Period shall begin with the first quarter of year 2005 to the
23 last quarter of 2014, and thereafter for the ten years prior to the most recent calendar quarter.

24 (3) For each year that data is available, beginning in 2005, the Planning Department
25 shall report net housing construction by income levels, as well as units that have been withdrawn from

1 protection afforded by City law, such as laws providing for rent-controlled and single resident
2 occupancy (SRO) units. The affordable housing categories shall include net new units, as well as
3 existing units that were previously not restricted by deed or regulatory agreement that are acquired for
4 preservation as permanently affordable housing as determined by the Mayor's Office of Housing and
5 Community Development (MOHCD) (not including refinancing or other rehabilitation under existing
6 ownership), protected by deed or regulatory agreement for a minimum of 55 years. The report shall
7 include, by year, and for the latest quarter, all units that have received Temporary Certificates of
8 Occupancy within that year, a separate category for units that obtained a site or building permit, and
9 another category for units that have received approval from the Planning Commission or Planning
10 Department, but have not yet obtained a site or building permit to commence construction (except any
11 entitlements that have expired and not been renewed during the Housing Balance Period). Master
12 planned entitlements, including but not limited to such areas as Treasure Island, Hunters Point
13 Shipyards and Park Merced, shall not be included in this latter category until individual building
14 entitlements or site permits are approved for specific housing projects. For each year or approval
15 status, the following categories shall be separately reported:

16 (A) Extremely Low Income Units, which are units available to individuals or
17 families making between 0-30% Area Median Income (AMI) as defined in California Health & Safety
18 Code Section 50106, and are subject to price or rent restrictions between 0-30% AMI;

19 (B) Very Low Income Units, which are units available to individuals or families
20 making between 30-50% AMI as defined in California Health & Safety Code Section 50105, and are
21 subject to price or rent restrictions between 30-50% AMI;

22 (C) Lower Income Units, which are units available to individuals or families
23 making between 50-80% AMI as defined in California Health & Safety Code Section 50079.5, and are
24 subject to price or rent restrictions between 50-80% AMI;

1 (D) Moderate Income Units, which are units available to individuals or families
2 making between 80-120% AMI, and are subject to price or rent restrictions between 80-120% AMI;

3 (E) Middle Income Units, which are units available to individuals or families
4 making between 120-150% AMI, and are subject to price or rent restrictions between 120-150% AMI;

5 (F) Market-rate units, which are units not subject to any deed or regulatory
6 agreement with price restrictions;

7 (G) Housing units withdrawn from protected status, including units withdrawn
8 from rent control (except those units otherwise converted into permanently affordable housing),
9 including all units that have been subject to rent control under the San Francisco Residential Rent
10 Stabilization and Arbitration Ordinance but that a property owner removes permanently from the
11 rental market through condominium conversion pursuant to Administrative Code Section 37.9(a)(9),
12 demolition or alterations (including dwelling unit mergers), or permanent removal pursuant to
13 Administrative Code Section 37.9(a)(10) or removal pursuant to the Ellis Act under Administrative
14 Code Section 37.9(a)(13);

15 (H) Public housing replacement units and substantially rehabilitated units
16 through the HOPE SF and Rental Assistance Demonstration (RAD) programs, as well as other
17 substantial rehabilitation programs managed by MOHCD.

18 (4) The Housing Balance shall be expressed as a percentage, obtained by dividing the
19 cumulative total of extremely low, very low, low and moderate income affordable housing units (all
20 units 0-120% AMI) minus the lost protected units, by the total number of net new housing units within
21 the Housing Balance Period. The Housing Balance shall also provide two calculations:

22 (A) the Cumulative Housing Balance, consisting of housing units that have
23 already been constructed (and received a Temporary Certificate of Occupancy or other certificate that
24 would allow occupancy of the units) within the 10-year Housing Balance Period, plus those units that
25 have obtained a site or building permit. A separate calculation of the Cumulative Housing Balance

1 shall also be provided, which includes HOPE SF and RAD public housing replacement and
2 substantially rehabilitated units (but not including general rehabilitation / maintenance of public
3 housing or other affordable housing units) that have received Temporary Certificates of Occupancy
4 within the Housing Balance Period. The Housing Balance Reports will show the Cumulative Housing
5 Balance with and without public housing included in the calculation; and

6 (B) the Projected Housing Balance, which shall include any residential project
7 that has received approval from the Planning Commission or Planning Department , even if the
8 housing project has not yet obtained a site or building permit to commence construction (except any
9 entitlements that have expired and not been renewed during the Housing Balance period). Master
10 planned entitlements shall not be included in the calculation until individual building entitlements or
11 site permits are approved.

12 (d) **Bi-annual Housing Balance Reports.** Within 30 days of the effective date of this Section
13 103, the Planning Department shall calculate the Cumulative and Projected Housing Balance for the
14 most recent two quarters City-wide, by Supervisorial District, and by neighborhood Planning Districts,
15 as defined in the annual Housing Inventory, and publish it as an easily visible and accessible page
16 devoted to Housing Balance and Monitoring and Reporting on the Planning Department's website. By
17 August 1st and February 1st of each year, the Planning Department shall publish and update the
18 Housing Balance Report, and present this report at an informational hearing to the Planning
19 Commission and Board of Supervisors, as well as to any relevant body with geographic purview over a
20 plan area, along with the other quarterly reporting requirements of Administrative Code Chapter
21 10E.4. The Housing Balance Report shall also be incorporated into the Annual Planning Commission
22 Housing Hearing and Annual Report to the Board of Supervisors required in Administrative Code
23 Chapter 10E.4.

24 (e) **Annual Hearing by Board of Supervisors.**
25

1 (1) The Board of Supervisors shall hold a public Housing Balance hearing on an annual
2 basis by April 1 of each year, to consider progress towards the City's affordable housing goals,
3 including the goal of a minimum 33% affordable housing to low and moderate income households, as
4 well as the City's General Plan Housing Element housing production goals by income category. The
5 first hearing shall occur no later than 30 days after the effective date of this ordinance, and by April 1
6 of each year thereafter.

7 (2) The hearing shall include reporting by the Planning Department, which shall present
8 the latest Housing Balance Report City-wide and by Supervisorial District and Planning District; the
9 Mayor's Office of Housing and Community Development, the Mayor's Office of Economic and
10 Workforce Development, the Rent Stabilization Board, by the Department of Building Inspection, and
11 the City Economist on strategies for achieving and maintaining a housing balance in accordance with
12 San Francisco's housing production goals. If the Cumulative Housing Balance has fallen below 33% in
13 any year, MOHCD shall determine how much funding is required to bring the City into a minimum
14 33% Housing Balance and the Mayor shall submit to the Board of Supervisors a strategy to accomplish
15 the minimum of 33% Housing Balance. City Departments shall at minimum report on the following
16 issues relevant to the annual Housing Balance hearing: MOHCD shall report on the annual and
17 projected progress by income category in accordance with the City's General Plan Housing Element
18 housing production goals, projected shortfalls and gaps in funding and site control, and progress
19 toward the City's Neighborhood Stabilization goals for acquiring and preserving the affordability of
20 existing rental units in neighborhoods with high concentrations of low and moderate income
21 households or historically high levels of evictions; the Planning Department shall report on current
22 and proposed zoning and land use policies that affect the City's General Plan Housing Element
23 housing production goals; the Mayor's Office of Economic and Workforce Development shall report on
24 current and proposed major development projects, dedicated public sites, and policies that affect the
25 City's General Plan Housing Element housing production goals; the Rent Board shall report on the

1 withdrawal or addition of rent-controlled units and current or proposed policies that affect these
2 numbers; the Department of Building Inspection shall report on the withdrawal or addition of
3 Residential Hotel units and current or proposed policies that affect these numbers; and the City
4 Economist shall report on annual and projected job growth by the income categories specified in the
5 City's General Plan Housing Element.

6 (3) All reports and presentation materials from the annual Housing Balance hearing
7 shall be maintained by year for public access on the Planning Department's website on its page
8 devoted to Housing Balance Monitoring and Reporting.

9
10 Section 4. Effective Date. This ordinance shall become effective 30 days after
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
13 of Supervisors overrides the Mayor's veto of the ordinance.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: 
18 KATE H. STACY
19 Deputy City Attorney

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