SAN FRANCISCO
PLANNING
DEPARTMENT

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

AFFIDAVIT FOR
Compliance with the Inclusionary Affordable Housing Program

Date: March 9, 2012

To: Applicants subject to Planning Code Section 415: Inclusionary Affordable Housing Program

From: San Francisco Planning Department

Re: Compliance with the Inclusionary Affordable Housing Program

All projects that involve five or more new dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Section 415 of the Planning Code. Every project subject to Section 415 must pay an Affordable Housing Fee that is equivalent to the applicable percentage of the number of units in the principal project, which is 20% of the total number of units proposed (or the applicable percentage if subject to different area plan controls or requirements).

A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new on- or off-residential units rather than offer them as rental units. Second, the project may be eligible for an Alternative to the Affordable Housing Fee if it has demonstrated to the Planning Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an alternative to the Affordable Housing Fee must provide the necessary documentation to the Planning Department and the Mayor's Office of Housing. Additional material may be required to determine if a project is eligible to fulfill the Program's requirements through an alternative.

Before the Planning Department and/or Planning Commission can act on the project, this *Affidavit for Compliance with the Inclusionary Affordable Housing Program* must be completed.

1 California Civil Code Section 1954.50 et.al.

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☑ **Rental.** Exemption from Costa Hawkins Rental Housing Act.[2] The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 though one of the following:
  - ☐ Direct financial contribution from a public entity.
  - ☑ Development or density bonus or other public form of assistance.
  - ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

(1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;

(2) Record a new Notice of Special Restrictions; and

(3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this day in:

San Francisco, CA
Location

7-19-12
Date

Signature

Marc Babsin, Principal
Name (Print), Title

415-489-1313
Contact Phone Number

cc: Mayor's Office of Housing
Planning Department Case Docket
Historic File, if applicable
Assessor's Office, if applicable

2 California Civil Code Section 1954.50 and following.

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

7-19-12
Date

I, Marc Babsin, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

100 Van Ness — Address

0814 / 020 — Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2012.0032V — Planning Case Number

_____ — Building Permit Number

This project requires the following approval:

- [x] Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- [ ] This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Aaron Hollister
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- [ ] Yes (if yes, please indicate Tier) _____
- [x] No

This project is exempt from the Inclusionary Affordable Housing Program because:

- [ ] This project uses California Debt Limit Allocation Committee (CDLAC) funding.
- [ ] This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- [ ] Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
- [x] On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT:					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
399	0	46	202	151	0

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

☑ On-site Affordable Housing Alternative (Planning Code Section 415.6): calculated at 15% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED *ON-SITE*					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
60	0	7	30	23	0

☐ Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED *OFF-SITE*					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address	
Area of Dwellings in Off-Site Project (in sq. feet)		
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project

☐ Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee _____ % of affordable housing requirement.

2. On-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED *ON-SITE*					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site _____ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED *OFF-SITE*					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address	
Area of Dwellings in Off-Site Project (in sq. feet)		
Off-Site Block/Lot(s)	Motion No. (if applicable)	Number of Market-Rate Units in the Off-site Project

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name 100 Van Ness Associates, LLC	Company Name
Print Name of Contact Person Marc Babsin	Print Name of Contact Person
Address 532 Folsom St, Ste 400	Address
City, State, Zip San Francisco, CA 94105	City, State, Zip
Phone, Fax 415-489-1313	Phone, Fax
Email marcb@emeraldfund.com	Email
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above. Signature Marc Babsin, Principal Name (Print), Title	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above. Signature Name (Print), Title