

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Trent Rhorer, Executive Director, Human Services Agency  
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: *el*  
*fn* Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

DATE: November 1, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Yee on October 25, 2016:

**File No. 160019**

**Ordinance amending the Planning Code to require that if a developer elects to provide Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee for a project with ten or more affordable units, any Designated Child Care Unit must be an affordable unit; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making a finding of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection  
Krista Ballard, Human Services Agency  
Ken Rich, Office of Economic and Workforce Development  
Lisa Pagan, Office of Economic and Workforce Development

1 [Planning Code - Designated Child Care Units]

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3 **Ordinance amending the Planning Code to require that if a developer elects to provide**  
4 **Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee for**  
5 **a project with 10 or more affordable units, any Designated Child Care Unit must be an**  
6 **affordable unit; and affirming the Planning Department's determination under the**  
7 **California Environmental Quality Act, making findings of consistency with the General**  
8 **Plan, and the eight priority policies of Planning Code, Section 101.1, and making a**  
9 **finding of public necessity, convenience, and welfare pursuant to Planning Code,**  
10 **Section 302.**

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

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

19 Section 1. Environmental and Land Use Findings.

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

25 (b) On October 15, 2015, the Planning Commission, in Resolution No. 19495, 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. 150793, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the  
5 proposed Planning Code amendments will serve the public necessity, convenience, and  
6 welfare for the reasons set forth in Planning Commission Resolution No. 19495, and the  
7 Board incorporates such reasons herein by reference.

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9 Section 2. The Planning Code is hereby amended by revising Section 414A.6, to read  
10 as follows:

11 **SEC. 414A.6. OPTION TO PROVIDE ONSITE SMALL FAMILY DAYCARE HOME IN LIEU**  
12 **OF FEE.**

13 (a) **Election to Provide Designated Child Care Units in Lieu of Residential Child**  
14 **Care Impact Fee.** Consistent with the timing to elect the option to provide On- or Off-site  
15 Units under Section 415.5(g), the sponsor of a development project subject to the  
16 requirements of Section 414A.1 et seq., may elect to fulfill all or a portion of the Residential  
17 Child Care *Impact* Fee requirement imposed as a condition of approval by creating one or  
18 more Designated Child Care Units in the project, as follows:

19 \* \* \* \*

20 (5) *If the sponsor of a development project provides fewer than 10 On-site or Off-site*  
21 *units, as defined in Planning Code Section 415 et seq., establishing the Inclusionary Affordable*  
22 *Housing Program, a Designated Child Care Unit may not be an On-site or Off-site Unit, as*  
23 *defined in Planning Code Section 415 et seq. establishing the Inclusionary Affordable Housing*  
24 *Program. If the sponsor of a development project provides 10 or more On-site or Off-site units, any*  
25 *Designated Child Care Unit must be an On-site or Off-site Unit.*

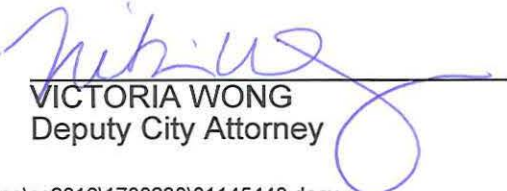
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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:   
VICTORIA WONG  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**  
(Substituted, 10/25/16)

[Planning Code - Designated Child Care Units]

**Ordinance amending the Planning Code to require that if a developer elects to provide Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee for a project with ten or more affordable units, any Designated Child Care Unit must be an affordable unit; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making a finding of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

Existing Law

Planning Code Section 414.A provides an option for developers to provide Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee. Currently, Planning Code Section 414.A.6(a)(5) provides that a Designated Child Care Unit may not be an On-site or Off-site affordable unit as defined by Planning Code Section 415 et seq., which establishes the City's Inclusionary Affordable Housing Program.

Amendments to Current Law

This ordinance would require that, where a project provides 10 or more On-site or Off-site affordable units and the developer opts to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, the Designated Child Care Units must be On-site or Off-site units.

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