

1 ~~[Planning, Administrative Codes - Zoning Controls and Union Square Park, Recreation, and~~
2 ~~Open Space Fees in the C-3-R (Downtown Retail) District]~~

3 **Ordinance amending the Planning Code to adjust ~~change zoning controls for Non-~~**
4 **~~Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District;~~**
5 **~~amending the Planning and Administrative Codes to create the Union Square Park,~~**
6 **~~Recreation, and Open Space Fund and Fee from \$4 to \$6; affirming Planning~~**
7 **~~Department’s determination under the California Environmental Quality Act; and~~**
8 **~~making findings of consistency with the General Plan, and the eight priority policies of~~**
9 **~~Planning Code, Section 101.1; and making findings of public necessity, convenience,~~**
10 **~~and welfare pursuant to Planning Code, 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. 180916 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On October 18, 2018, the Planning Commission, in Resolution No. 20317,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. 180916, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the 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. 20317, and the Board incorporates such reasons
7 herein by reference.

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9 Section 2. Additional Findings Regarding Park, Recreation, and Open Space
10 Requirements in the Union Square C-3-R Downtown Retail Zoning District.

11 In addition to the findings in section 2 of ordinance 23-19, the Board of Supervisors has
12 reviewed the Downtown San Francisco Park, Recreation, and Open Space Development
13 Impact Fee Nexus Study (Nexus Study) prepared by the Hausrath Economics Group in 2012,
14 and finds that the study supports setting the Union Square Park, Recreation, and Open Space
15 Fee at \$6 per square foot. The Board of Supervisors finds that the Nexus Study: identifies the
16 purpose of the fee to mitigate impacts on the demand for park, recreation, and open space in
17 the downtown area, which includes the C-3-R District; identifies the facilities and
18 improvements that the fee would support; and demonstrates a reasonable relationship
19 between the planned new development and the use of the fee, the type of new development
20 planned and the need for facilities to accommodate growth, and the amount of the fee and the
21 cost of facilities and improvements. The Nexus Study is on file with the Clerk of the Board of
22 Supervisors in Board File No. 180916, and incorporated by reference.

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24 Section 3. Article 4 of the Planning Code is hereby amended by revising sections 435,
25 435.1, 435.2, and 435.3, to read as follows:

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2 **SEC. 435. UNION SQUARE PARK, RECREATION, AND OPEN SPACE FEE.**

3 Sections 435.1 through 435.3 hereinafter referred to as Sections 435.1 et seq. set forth
4 the requirements and procedures for the Union Square Park, Recreation, and Open Space
5 Fee.

6
7 **SEC. 435.1. PURPOSE AND FINDINGS SUPPORTING UNION SQUARE PARK,**
8 **RECREATION, AND OPEN SPACE FEE.**

9 (a) Purpose. The purpose of the Union Square Park, Recreation, and Open Space
10 Fee is to provide funding to increase the supply of park, recreation, and open space facilities
11 to serve the needs attributable to new office development in the C-3-R Downtown Retail
12 Zoning District. The Board of Supervisors hereby finds that the Union Square area, most of
13 which is zoned as the C-3-R Downtown Retail Zoning District, is a world-class retail
14 destination that draws both tourists and Bay Area residents with its combination of walkable
15 shopping and dining, excellent transit access, and top-tier hospitality. As new office
16 development occurs, additional park, recreation, and open space facilities are needed to
17 maintain the quality of urban experience that makes downtown San Francisco an attractive
18 place to do business, live, and visit.

19 (b) Findings. The Board of Supervisors has reviewed the Downtown San Francisco
20 Park, Recreation, and Open Space Development Impact Fee Nexus Study, prepared by
21 Hausrath dated April 13, 2012 (“Nexus Study”), on file with the Clerk of the Board of
22 Supervisors in File No. 180916. In accordance with the California Mitigation Fee Act,
23 Government Code 66001(a), the Board of Supervisors adopts the findings and conclusions of
24 that study, and incorporates those findings and conclusions by reference to support the
25 imposition of the fees under this Section.

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SEC. 435.2. DEFINITIONS.

See Section 401 of this Article.

SEC. 435.3. APPLICATION OF UNION SQUARE PARK, RECREATION, AND OPEN SPACE FEE.

(a) Application. Section 435.1 et seq., shall apply to any office development project in the C-3-R Downtown Retail Zoning District.

(b) Amount of fee. The applicable fee shall be ~~\$4~~ \$6 per square foot.

(c) Other Fee Provisions. The Union Square Park, Recreation, and Open Space Fee shall be subject to the provisions of this Article, including, but not limited to Sections 401 through 410.

Section 4. On March 7, 2019, the City Attorney directed the publisher to re-assign the Union Square Park, Recreation, and Open Space Fee as set forth in Sections 428 et seq., as shown in Ordinance No. 23-19, to Sections 435 et seq. of the Planning Code. This ordinance reflects and ratifies that reassignment of section numbers.

~~Section 4~~ 5. 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 5~~ 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the “Note” that appears under
4 the official title of the ordinance.

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

8 By: _____
9 AUSTIN M. YANG
Deputy City Attorney

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