

BOARD of SUPERVISORS



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## MEMORANDUM

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Date: September 25, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240901  
Planning Code - Impact Fees for Changes of Use From Production, Distribution, and Repair to Other Non-Residential Uses

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure
  
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
  - General Plan     Planning Code, Section 101.1     Planning Code, Section 302
  
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
  
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
  
- Historic Preservation Commission
  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
  - Mills Act Contract (*Government Code, Section 50280*)
  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

1 [Planning Code - Impact Fees for Changes of Use From Production, Distribution, and Repair  
2 to Other Non-Residential Uses]

3 **Ordinance amending the Planning Code to eliminate impact fees for changes of use**  
4 **from PDR (Production, Distribution, and Repair) to other Non-Residential Uses, as**  
5 **specified; affirming the Planning Department’s determination under the California**  
6 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
7 **the eight priority policies of Planning Code, Section 101.1; and making findings of**  
8 **public necessity, convenience, and welfare pursuant to Planning Code, Section 302.**

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

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

17 Section 1. Environmental and Land Use Findings.

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

23 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
25 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
4 amendments will serve the public necessity, convenience, and welfare for the reasons set  
5 forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board incorporates such  
6 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of  
7 Supervisors in File No. \_\_\_\_\_.

8  
9 Section 2. Article 4 of the Planning Code is hereby amended by revising Sections  
10 413.5, 421.3, 422.3, 423.3, 424.6.2, 424.7.2, 432.2, and 433.2, and including herein for  
11 informational purposes only Sections 413, 421, 422, 423, 424.6, 424.7, 432, and 433, to read  
12 as follows:

13  
14 **SEC. 413. JOBS-HOUSING LINKAGE PROGRAM; HOUSING REQUIREMENTS FOR**  
15 **LARGE-SCALE DEVELOPMENT PROJECTS.**

16 Sections 413.1 through 413.11, hereafter referred to as Section 413.1 et seq., set forth  
17 the requirements and procedures for the Jobs-Housing Linkage Program. The effective date  
18 of these requirements shall be either March 28, 1996, which is the date that the requirements  
19 originally became effective, or the date a subsequent modification, if any, became effective.

20  
21 **SEC. 413.5. COMPLIANCE BY PAYMENT OF IN-LIEU FEE.**

22 (a) The amount of the fee which may be paid by the sponsor of a development project  
23 shall be determined by the following formulas for each type of space proposed as part of the  
24 development project and subject to this Article 4.

1 (1) For applicable projects (as defined in Section 413.3), any net addition shall  
 2 pay per the Fee Schedule in Table 413.5A, and

3 (2) For applicable projects (as defined in Section 413.3), any replacement or  
 4 change of use shall pay per the Fee Schedule in Table 413.5B. Notwithstanding the foregoing  
 5 sentence, there shall be no fee for any portion of a project that constitutes a change of use from PDR to  
 6 any Non-Residential use that is not a Hotel or Office use.

7 \* \* \* \*

8 **TABLE 413.5B**

9 **FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE**

Previous Use	New Use	Fee per Gross Square Foot
Entertainment, Hotel, Office, Laboratory, Retail, or Small Enterprise Workspace	Entertainment, Hotel, Office, Retail, or Small Enterprise Workspace	\$0
PDR which received its First Certificate of Occupancy on or before April 1, 2010	<del>Entertainment, Hotel, or Office, Laboratory, Retail, or Small Enterprise Workspace</del>	Use Fee from Table 413.5A minus \$14.09
<u>PDR which received its First Certificate of Occupancy on or before April 1, 2010</u>	<u>Entertainment, Laboratory, Retail, or Small Enterprise Workspace*</u>	<u>\$0</u>
Institutional which received its First Certificate of Occupancy on or before April 1, 2010	Entertainment, Hotel, Office, Laboratory, Retail, or Small Enterprise Workspace	\$0
Institutional or PDR which received its First Certificate of Occupancy on or before April 1, 2010	Institutional, PDR, Laboratory, Residential*	\$0
Institutional or PDR which received its First Certificate of Occupancy after April 1, 2010	<del>Any</del> Hotel or Office	Use Fee from Table 413.5A
<u>Institutional or PDR which received its First Certificate of Occupancy after April 1, 2010</u>	<u>Any (except Hotel or Office)</u>	<u>\$0</u>

Residential	Entertainment, Hotel, Office, PDR, Laboratory, Retail, or Small Enterprise Workspace	Use Fee from Table 413.5 <u>4</u>
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*\* There is no fee for any portion of a project that constitutes a change of use from PDR to any Non-Residential use that is not a Hotel or Office use.*

\* \* \* \*

**SEC. 421. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.**

Sections 421.1 through 421.7, hereafter referred to as Section 421.1 et seq., set forth the requirements and procedures for the Market and Octavia Community Improvements Fund. The effective date of these requirements shall be either April 3, 2008, the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

**SEC. 421.3. APPLICATION OF COMMUNITY IMPROVEMENTS IMPACT FEE.**

(a) **Application.** Section 421.1 et seq. shall apply to any development project located in the Market and Octavia Program Area as defined in Section 401.

(b) **Projects subject to the Market and Octavia Community Improvements Impact Fee.** The Market and Octavia Community Improvements Impact Fee is applicable to any development project in the Market and Octavia Program Area which results in:

- (1) At least one net new residential unit,
- (2) Additional space in an existing residential unit of more than 800 gross square feet,
- (3) At least one net new group housing facility or residential care facility,
- (4) Additional space in an existing group housing or residential care facility of more than 800 gross square feet,

- 1 (5) New construction of a non-residential use, or  
 2 (6) Additional non-residential space in excess of 800 gross square feet in an  
 3 existing structure.

4 (c) **Fee Calculation for the Market and Octavia Community Improvements Impact**

5 **Fee.** For development projects for which the Market and Octavia Community Improvements  
 6 Impact Fee is applicable:

7 (1) Any net addition of gross square feet shall pay per the Fee Schedule in  
 8 Table 421.3A, and

9 (2) Any replacement of gross square feet or change of use shall pay per the  
 10 Fee Schedule in Table 421.3B, except that there shall be no fee for any portion of a project that  
 11 constitutes a change of use from PDR to any Non-Residential use that is not a Hotel or Office use.

12 \* \* \* \*

13 **TABLE 421.3B**

14 **FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE MARKET**  
 15 **AND OCTAVIA PROGRAM AREA**

16 Residential to Residential or Non-residential; or 17 Non-residential to Non- residential	Non-Residential to Residential	PDR to Residential	PDR to Non- Residential
18 \$0	\$5.60/gsf	\$7.30/gsf	\$1.70/gsf*

19 \* There is no fee for any portion of a project that constitutes a change of use from PDR to a Non-  
 20 Residential use that is not a Hotel or Office use.

21 \* \* \* \*

22  
 23 **SEC. 422. BALBOA PARK COMMUNITY IMPROVEMENTS FUND.**

24 Sections 422.1 through 422.5, hereafter referred to as Section 422.1 et seq., set forth  
 25 the requirements and procedures for the Balboa Park Community Improvements Fund. The

1 effective date of these requirements shall be either April 17, 2009, which is the date that the  
2 requirements originally became effective, or the date a subsequent modification, if any,  
3 became effective.

4  
5 **SEC. 422.3. APPLICATION OF COMMUNITY IMPROVEMENT IMPACT FEE.**

6 (a) **Application.** Section 422.1 et seq. shall apply to any development project located  
7 in the Balboa Park Community Improvements Program Area.

8 (b) **Projects subject to the Balboa Park Impact Fee.** The Balboa Park Impact Fee is  
9 applicable to any development project in the Balboa Park Program Area which results in:

- 10 (1) At least one net new residential unit,  
11 (2) Additional space in an existing residential unit of more than 800 gross  
12 square feet,  
13 (3) At least one net new group housing facility or residential care facility,  
14 (4) Additional space in an existing group housing or residential care facility of  
15 more than 800 gross square feet,  
16 (5) New construction of a non-residential use, or  
17 (6) Additional non-residential space in excess of 800 gross square feet in an  
18 existing structure.

19 (c) **Fee Calculation for the Balboa Park Impact Fee.** For development projects for  
20 which the Balboa Park Impact Fee is applicable:

- 21 (1) Any net addition of gross square feet shall pay per the Fee Schedule in  
22 Table 422.3A, and  
23 (2) Any replacement of gross square feet or change of use shall pay per the  
24 Fee Schedule in Table 422.3B, except that there shall be no fee for any portion of a project that  
25 constitutes a change of use from PDR to any Non-Residential use that is not a Hotel or Office use.

\* \* \* \*

**TABLE 422.3B**

**FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE BALBOA  
PARK PROGRAM AREA**

Residential to Residential or Non-residential; or Non-residential to Non-residential	Non-Residential to Residential	PDR to Residential	PDR to Non-Residential
\$0	\$6.50/gsf	\$7.25/gsf	\$0.75/gsf*

*\* There is no fee for any portion of a project that constitutes a change of use from PDR to any Non-Residential use that is not a Hotel or Office use.*

\* \* \* \*

**SEC. 423. EASTERN NEIGHBORHOODS IMPACT FEES AND PUBLIC BENEFITS FUND.**

Sections 423.1 through 423.5 set forth the requirements and procedures for the Eastern Neighborhoods Impact Fee and Public Benefits Fund. The effective date of these requirements shall be either December 19, 2008, which is the date that these requirements originally became effective, or the date a subsequent modification, if any, became effective.

**SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE.**

(a) **Application.** Section 423.1 et seq. shall apply to any development project located in the Eastern Neighborhoods Program Area.

(b) **Projects subject to the Eastern Neighborhoods Infrastructure Impact Fee.**  
The Eastern Neighborhoods Infrastructure Impact Fee is applicable to any development project in the Eastern Neighborhoods Program Area which results in:

- (1) At least one net new residential unit,



- (2) Additional space in an existing residential unit of more than 800 gross square feet,
- (3) At least one net new group housing facility or residential care facility,
- (4) Additional space in an existing group housing or residential care facility of more than 800 gross square feet,
- (5) New construction of a non-residential use, or
- (6) Additional non-residential space in excess of 800 gross square feet in an existing structure.

**(c) Fee Calculation for the Eastern Neighborhoods Infrastructure Impact Fee.**

For development projects for which the Eastern Neighborhoods Infrastructure Impact Fee is applicable:

- (1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 423.3A, and
- (2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 423.3B. *There shall be no fee for any portion of a project that constitutes a change of use from PDR to any Non-Residential use that is not a Hotel or Office use.*

\* \* \* \*

**TABLE 423.3B**  
**FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE EASTERN NEIGHBORHOODS PROGRAM AREA**

Tier (per Sec. 423.3(a))	Residential to Residential or Non-residential; or Non-residential to Non-residential	Non-Residential to Residential	PDR to Residential	PDR to Non-residential
1	\$0	\$2/gsf	\$5/gsf	\$3/gsf*
2	\$0	\$2/gsf	\$9/gsf	\$7/gsf*
3	\$0	\$2/gsf	\$13/gsf	\$11/gsf*

1 \* There is no fee for any portion of a project that constitutes a change of use from PDR to any Non-  
2 Residential use that is not a Hotel or Office use.

3 \* \* \* \*

4  
5 **SEC. 424.6. TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE AND FUND.**

6 Sections 424.6.1 through 424.6.4 set forth the requirements and procedures for the  
7 Transit Center District Open Space Impact Fee and Fund. The effective date of these  
8 requirements shall be the effective date of this Ordinance or the date a subsequent  
9 modification, if any, became effective.

10  
11 **SEC. 424.6.2. APPLICATION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT**  
12 **FEE.**

13 (a) **Application.** Sections 424.6 et seq. shall apply to any development project  
14 located in the C-3-O(SD) District and meeting the requirements of subsection (b) below.

15 (b) **Projects subject to the Transit Center District Open Space Impact Fee.** The  
16 Transit Center District Open Space Impact Fee is applicable to any development project in the  
17 C-3-O(SD) District which results in:

- 18 (1) At least one net new residential unit,
  - 19 (2) Addition of space to an existing residential unit of more than 800 gross  
20 square feet,
  - 21 (3) At least one net new group housing facility or residential care facility,
  - 22 (4) Addition of space to an existing group housing or residential care facility of  
23 more than 800 gross square feet,
  - 24 (5) New construction of a non-residential use, ~~or~~
- 25

1 (6) Addition of non-residential space in excess of 800 gross square feet to an  
2 existing structure, or

3 (7) Conversion of existing space to a different use where the project's total fee  
4 as calculated according to subsection (c) below would exceed the total fee for the uses being  
5 replaced.

6 (c) **Fee Calculation for the Transit Center District Open Space Impact Fee.** For  
7 development projects for which the Transit Center District Open Space Impact Fee is  
8 applicable, the corresponding fee for net addition of gross square feet is listed in Table  
9 424.6A. Where a development project includes more than one land use, the overall proportion  
10 of each use relative to other uses on the lot shall be used to calculate the applicable fees  
11 regardless of the physical distribution or location of each use on the lot. Where a project  
12 proposes conversion of existing space to a different use, the Director shall specify the fee  
13 amount based on a Guidance Statement or other document establishing the methodology for  
14 calculating fees. Notwithstanding the foregoing provisions of this subsection (c), there shall be no fee  
15 for any portion of a project that constitutes a change of use from PDR to any Non-Residential use that  
16 is not a Hotel or Office use.

17 (1) **Base Fee.** The fee listed in Column A shall be assessed on all applicable  
18 gross square footage for the entire development project.

19 (2) **Projects Exceeding FAR of 9:1.** For development projects that result in  
20 the Floor Area Ratio on the lot exceeding 9:1, the fee listed in Column B shall be assessed on  
21 all applicable gross square footage on the lot above an FAR of 9:1.

1 **TABLE 424.6A**

2 **FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE TRANSIT**  
 3 **CENTER DISTRICT AREA**

Use	Column A (Base Fee)	Column B (GSF Above 9:1)
Residential	\$2.50/gsf	N/A
Office	\$3.00/gsf	\$7.00/gsf
Retail	\$5.00/gsf*	\$4.50/gsf*
Hotel	\$4.00/gsf	N/A
Institutional/Cultural/ Medical	\$5.00/gsf*	\$4.30/gsf*
Industrial	\$2.50/gsf*	N/A*

14 *\* There is no fee for any portion of a project that constitutes a change of use from PDR to any Non-*  
 15 *Residential use that is not a Hotel or Office use.*

16 \* \* \* \*

17  
 18 **SEC. 424.7. TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET**  
 19 **IMPROVEMENT IMPACT FEE AND FUND.**

20 Sections 424.7.1 through 424.7.4 set forth the requirements and procedures for the  
 21 Transit Center District Transportation and Street Improvement Impact Fee and Fund. The  
 22 effective date of these requirements shall be either the effective date of this Ordinance or the  
 23 date a subsequent modification, if any, became effective.

1 **SEC. 424.7.2. APPLICATION OF TRANSIT CENTER DISTRICT TRANSPORTATION AND**  
2 **STREET IMPROVEMENT IMPACT FEE.**

3 (a) **Application.** Sections 424.7 et seq. shall apply to any development project  
4 located in the C-3-O(SD) District and meeting the requirements of subsection (b) below.

5 (b) **Projects subject to the Transit Center District Transportation and Street**  
6 **Improvement Impact Fee.** The Transit Center District Transportation and Street  
7 Improvement Impact Fee is applicable to any development project in the C-3-O(SD) District  
8 which results in:

- 9 (1) At least one net new residential unit,
- 10 (2) Addition of space to an existing residential unit of more than 800 gross  
11 square feet,
- 12 (3) At least one net new group housing facility or residential care facility,
- 13 (4) Addition of space to an existing group housing or residential care facility of  
14 more than 800 gross square feet,
- 15 (5) New construction of a non-residential use, ~~or~~
- 16 (6) Addition of non-residential space in excess of 800 gross square feet to an  
17 existing structure, or
- 18 (7) Conversion of existing space to a different use where the project's total fee  
19 as calculated according to subsection (c) below would exceed the total fee for the uses being  
20 replaced.

21 (c) **Fee Calculation for the Transit Center District Transportation and Street**  
22 **Improvement Impact Fee.** For development projects for which the Transit Center District  
23 Transportation and Street Improvement Impact Fee is applicable, the corresponding fee for  
24 net addition of gross square feet is listed in Table 424.7A. Where a development project  
25 includes more than one land use, the overall proportion of each use relative to other uses on

1 the lot shall be used to calculate the applicable fees regardless of the physical distribution or  
 2 location of each use on the lot. Notwithstanding the foregoing provisions of this subsection (c), there  
 3 shall be no fee for any portion of a project that constitutes a change of use from PDR to any Non-  
 4 Residential use that is not a Hotel or Office use. If necessary, the Director shall issue a Guidance  
 5 Statement clarifying the methodology of calculating fees.

6 (1) **Transit Delay Mitigation Fee.** The fee listed in Column A shall be  
 7 assessed on all applicable gross square footage for the entire development project.

8 (2) **Base Fee.** The fee listed in Column B shall be assessed on all applicable  
 9 gross square footage for the entire development project.

10 (3) **Projects Exceeding FAR of 9:1.** For development projects that result in  
 11 the Floor Area Ratio on the lot exceeding 9:1, the fee listed in Column C shall be assessed on  
 12 all applicable gross square footage on the lot above an FAR of 9:1.

13 (4) **Projects Exceeding FAR of 18:1.** For development projects that result in  
 14 the Floor Area Ratio on the lot exceeding 18:1, the fee listed in Column D shall be assessed  
 15 on all applicable gross square footage on the lot above an FAR of 18:1.

16 **TABLE 424.7A**  
 17 **FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE TRANSIT**  
 18 **CENTER DISTRICT AREA**

Use	Column A (Transit Delay Mitigation Fee)	Column B (Base Fee)	Column C (GSF Above 9:1)	Column D (GSF Above 18:1)
Residential	\$0.06/gsf	\$3.94/gsf	\$6.00/gsf	\$3.00/gsf
Office	\$0.20/gsf	\$3.80/gsf	\$19.50/gsf	\$10.00/gsf
Retail	\$1.95/gsf*	\$2.05/gsf*	\$19.50/gsf*	\$10.00/gsf*
Hotel	\$0.10/gsf	\$3.90/gsf	\$8.00/gsf	\$3.00/gsf
Institutional/ Cultural/Medical	\$0.30/gsf*	\$3.70/gsf*	\$19.50/gsf*	\$10.00/gsf*
Industrial	N/A*	\$4.00/gsf*	N/A*	N/A*

1 \* There is no fee for any portion of a project that constitutes a change of use from PDR to any Non-  
2 Residential use that is not a Hotel or Office.

3 \* \* \* \*

4  
5 **SEC. 432. CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE AND FUND.**

6 Sections 432.1 through 432.4 set forth the requirements and procedures for the Central  
7 SoMa Community Services Facilities Fee and Fund.

8  
9 **SEC. 432.2. APPLICATION OF FEES.**

10 (a) **Applicable Projects.** The Central SoMa Community Services Facilities Fee is  
11 applicable to any development project in the Central SoMa Special Use District that:

- 12 (1) Is in any Central SoMa Fee Tier, pursuant to Section 423; and
- 13 (2) Includes new construction or an addition of space in excess of 800 gross  
14 square feet.

15 (b) **Fee Calculation.** For applicable projects, the Fee is as follows:

16 (1) For Residential uses, \$1.30 per gross square foot of net additional gross  
17 square feet, net replacement of gross square feet from PDR uses, or net change of use of  
18 gross square feet from PDR uses.

19 (2) For Non-residential uses,

20 (A) \$1.75 per gross square foot of net additional gross square feet, ~~or~~  
21 net replacement of gross square feet from PDR uses, ~~or net change of use of gross square feet~~  
22 ~~from PDR uses.~~ There shall be no fee for any portion of a project that constitutes a change of use from  
23 PDR to any Non-Residential use that is not a Hotel or Office use.

24 (B) \$0.45 per gross square foot of net replacement of gross square feet  
25 from Residential uses or net change of use of gross square feet from Residential uses.

1           \* \* \* \*

2  
3       **SEC. 433. CENTRAL SOMA INFRASTRUCTURE IMPACT FEE AND FUND.**

4           Sections 433.1 through 433.4 set forth the requirements and procedures for the Central  
5 SoMa Infrastructure Impact Fee and Fund.

6  
7       **SEC. 433.2. APPLICATION OF FEES.**

8           (a) **Applicable Projects.** The Central SoMa Infrastructure Impact Fee is applicable to  
9 any development project in the Central SoMa Special Use District that:

10                   (1) Is in any Central SoMa Tier, pursuant to Section 423; and

11                   (2) Includes new construction or an addition of space in excess of 800 gross  
12 square feet.

13           (b) **Fee Calculation.** For applicable projects, the Fee is as follows:

14                   (1) For Residential uses in Central SoMa Fee Tier B:

15                           (A) For Owned Units, as defined in Section 415.2, ~~\$20.00~~ per gross  
16 square foot of net additional gross square feet, net replacement of gross square feet from  
17 PDR uses, or net change of use of gross square feet from PDR uses.

18                           (B) For Rental Units, defined as units that are not Owned Units as  
19 defined in Section 415.2, ~~\$10.00~~ per gross square foot of net additional gross square feet, net  
20 replacement of gross square feet from PDR uses, or net change of use of gross square feet  
21 from PDR uses.

22                   (2) For Non-residential uses in Central SoMa Fee Tier A that are seeking an  
23 Office Allocation of 50,000 gross square feet or more pursuant to the requirements of  
24 Planning Code Section 321, \$21.50 per gross square foot of net additional gross square  
25 feet; or net replacement of gross square feet from PDR uses; ~~or net change of use of gross~~



1 square feet from PDR uses. There shall be no fee for any portion of a project that constitutes a change  
2 of use from PDR to any Non-Residential use that is not a Hotel or Office use.

3 (3) For Non-residential uses in Central SoMa Fee Tier A that are not seeking  
4 an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of  
5 Planning Code Section 321:

6 (A) \$41.50 per gross square foot of net additional gross square feet, or  
7 net replacement of gross square feet from PDR uses, ~~or net change of use of gross square feet~~  
8 ~~from PDR uses;~~ There shall be no fee for any portion of a project that constitutes a change of use from  
9 PDR to any Non-Residential use that is not a Hotel or Office use.

10 (B) \$21.50 per gross square foot of net replacement of gross square feet  
11 from Residential uses or net change of use of gross square feet from Residential uses.

12 (4) For Non-residential uses in Central SoMa Fee Tier C that are not seeking  
13 an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of  
14 Planning Code Section 321, \$20.00 per gross square foot of net additional gross square  
15 feet, or net replacement of gross square feet from PDR uses, ~~or net change of use of gross~~  
16 ~~square feet from PDR uses.~~ There shall be no fee for any portion of a project that constitutes a change  
17 of use from PDR to any Non-Residential use that is not a Hotel or Office use.

18 \* \* \* \*

19  
20 Section 3. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

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

7

8 APPROVED AS TO FORM:  
9 DAVID CHIU, City Attorney

10 By: /s/ HEATHER GOODMAN  
11 HEATHER GOODMAN  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Planning Code - Impact Fees for Changes of Use From Production, Distribution, and Repair to Other Non-Residential Uses]

**Ordinance amending the Planning Code to eliminate impact fees for changes of use from PDR (Production, Distribution, and Repair) to other Non-Residential Uses, as specified; 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 findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302**

### Existing Law

The Planning Code requires the payment of certain impact fees associated with development projects. Typically, the fees are calculated based on the nature and the size of the development. Several different impact fees may be assessed for developments that change the existing use of property from PDR to another non-residential use. Such fees are assessed under the following programs and funds, among others: Jobs-Housing Linkage, Market and Octavia Community Improvements, Balboa Park Community Improvements, Eastern Neighborhoods Impact Fees and Public Benefits, Transit Center District Open Space, Transportation Center District Transportation and Street Improvement, Central SoMa Community Services Facilities, and Central SoMa Infrastructure (collectively, the “Impact Fee Programs”).

### Amendments to Current Law

The ordinance amends the Impact Fee Programs to eliminate fees for that portion of a development project that constitutes a change of use from PDR to any other non-residential use, except hotel or office uses. For a change of use from PDR to a hotel or office use, the existing fee for a change in use from PDR to a non-residential use would continue to apply.