

1 [Planning Code - Increasing the Transportation Sustainability Fee for Large Non-Residential
2 Projects]

3 **Ordinance amending the Planning Code to increase the Transportation Sustainability**
4 **Fee by \$5 (to \$24.04) for Non-Residential Projects larger than 99,999 gross square feet,**
5 **except in the Central South of Market Area Plan area, where the fee for such projects**
6 **would be increased by \$2 (to \$21.04); affirming the Planning Department’s**
7 **determination under the California Environmental Quality Act; and making findings of**
8 **public necessity, convenience and welfare, and findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

18 Section 1. Findings. The Board of Supervisors of the City and County of San
19 Francisco hereby finds and determines that:

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 Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 180117 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On September 10, 2015, the Planning Commission, in Resolution No. 19454,
adopted findings that the actions contemplated in ~~this~~ the ordinance adopting the original

1 Transportation Sustainability Fee, Ordinance No. 200-15, are were consistent, on balance,
2 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
3 Board adopts these findings as its own and extends them to this ordinance, because this
4 ordinance increases the Transportation Sustainability Fee by a moderate amount, the fee as
5 increased is supported by the nexus study prepared for Ordinance No. 200-15, and the fee as
6 increased is within the recommendations of the feasibility study also prepared for Ordinance
7 No. 200-15. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in
8 File No. 180117, and is incorporated herein by reference.

9 (c) On September 10, 2015, the Planning Commission, in Resolution No. 19454,
10 approved ~~this~~ legislation adopting the original Transportation Sustainability Fee, Ordinance
11 No. 200-15, recommended it for adoption by the Board of Supervisors, and adopted findings
12 that it will serve the public necessity, convenience and welfare. Pursuant to Planning Code
13 Section 302, the Board adopts these findings as its own, and extends them to this ordinance,
14 because this ordinance increases the Transportation Sustainability Fee by a moderate
15 amount, the fee as increased is supported by the nexus study prepared for Ordinance 200-15,
16 and the fee as increased is within the recommendations of the feasibility study also prepared
17 for Ordinance No. 200-15. A copy of said Resolution is on file with the Clerk of the Board of
18 Supervisors in File No. 180117, and is incorporated by reference herein.

19
20 Section 2. The Planning Code is hereby amended by revising Section 411A.5, to read
21 as follows:

22 **SEC. 411A.5. TSF SCHEDULE.**

23 Development Projects subject to the TSF shall pay the following fees, as adjusted
24 annually in accordance with Planning Code Section 409(b).

Table 411A.5. TSF Schedule	
Land Use Categories	TSF
Residential, 21-99 units	\$7.74 for all gsf of Residential use in the first 99 dwelling units (see Section 411A.4(c) above).
Residential, all units above 99 units	\$8.74 for all gsf of Residential use in all dwelling units at and above the 100th unit (see Section 411A.4(c) above).
Non-Residential, except Hospitals and Health Services, 800-99,999 gsf	\$18.04 for all gsf of Non-Residential uses less than 100,000 gsf.
Non-Residential, except Hospitals and Health Services, all gsf above 99,999 gsf, <u>in all areas of the City except the Central South of Market Area Plan</u>	\$19.04 <u>\$24.04</u> for all gsf of Non-Residential use greater than 99,999 gsf.
<u>Non-Residential, except Hospitals and Health Services, all gsf above 99,999 gsf, in the Central South of Market Area Plan</u>	<u>\$21.04 for all gsf of Non-Residential use greater than 99,999 gsf.</u>
Hospitals	\$18.74 per calculation method set forth in Section 411A.4(d).
Health Services, all gsf above 12,000 gsf	\$11.00 for all gsf above 12,000 gsf
Production, Distribution and Repair	\$7.61

Section 3. Effective Date: Operative Dates.

(a) 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.

(b) This ordinance shall become operative on its effective date, with the following exception: The amendments set forth in Section 2 of this ordinance, in the Table 411A.5. TSF

1 Schedule, pertaining to the Central South of Market Area Plan, shall become operative on the
2 effective date of this ordinance or the effective date of the ordinance in Board File No.
3 180184, whichever is later. If the ordinance in Board File No. 180184 does not become
4 effective, all references to the Central South of Market Area Plan in the Table 411A.5. TSE
5 Schedule in Section 2 of this ordinance shall not become operative.

6
7 Section 4. This section is uncodified. This Ordinance shall not apply to projects that
8 have Development Agreements approved before June 5, 2018.

9
10 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 ANDREA RUIZ-ESQUIDE
21 Deputy City Attorney

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