

BOARD of SUPERVISORS



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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *ll*
br Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: February 6, 2018

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 180117

Ordinance amending the Planning Code to increase the Transportation Sustainability Fee by \$5 for Non-Residential Projects larger than 99,999 gross square feet; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Small Business Commission

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 for Non-Residential Projects larger than 99,999 gross square feet; affirming**
5 **the Planning Department’s determination under the California Environmental Quality**
6 **Act; and making findings of public necessity, convenience and welfare, and findings of**
7 **consistency with the General Plan, and the eight priority policies of Planning Code,**
8 **Section 101.1.**

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 *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough 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. Findings. The Board of Supervisors of the City and County of San
18 Francisco hereby finds and determines that:

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

24 (b) On _____, the Planning Commission, in Resolution No. _____,
25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
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) On _____, the Planning Commission, in Resolution No. _____,
4 approved this legislation, recommended it for adoption by the Board of Supervisors, and
5 adopted findings that it will serve the public necessity, convenience and welfare. Pursuant to
6 Planning Code Section 302, the Board adopts these findings as its own. A copy of said
7 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is
8 incorporated by reference herein.

9
10 Section 2. The Planning Code is hereby amended by revising Section 411A.5, to read
11 as follows:

12 SEC. 411A.5. TSF SCHEDULE.

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

15
16 **Table 411A.5. TSF Schedule**

<i>Land Use Categories</i>	<i>TSF</i>
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	\$19.04 <u>\$24.04</u> for all gsf of Non-Residential use greater than 99,999 gsf.

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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. 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: 

ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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LEGISLATIVE DIGEST

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

Ordinance amending the Planning Code to increase the Transportation Sustainability Fee by \$5 for Non-Residential Projects larger than 99,999 gross square feet; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

On November 17, 2015, the Board of Supervisors passed Ordinance No. 200-15, creating the new Transportation Sustainability Fee, or TSF. The TSF became effective on December 25, 2015.

The TSF requires Residential, Non-Residential and Production, Distribution and Repair (PDR) Development Projects in the City to pay a fee, to contribute to the City's provision of transit service necessary to accommodate the population growth related to such Development Projects.

Amendments to Current Law

This Ordinance amends the TSF to increase the fee rate for a particular subgroup of Non-residential projects, those larger than 99,999 gross square feet (gsf). The Ordinance increases the fee for these projects by \$5.00 per square feet, from \$19.04 to \$24.04.

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