

BOARD of SUPERVISORS



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November 1, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 25, 2016, Supervisor Yee introduced the following substitute legislation:

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.

The substitute ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

for Alisa Somera

By: Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator
Lisa Gibson, Acting Environmental Review Officer
AnMarie Rodgers, Senior Policy Advisor
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

1 [Planning Code - Designated Child Care Units]

2
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.

8
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.*

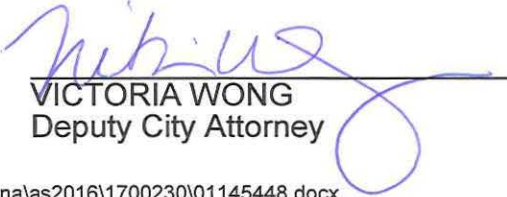
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2
3 Section 3. Effective Date. This ordinance shall become effective 30 days after
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
6 of Supervisors overrides the Mayor's veto of the ordinance.

7
8 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the "Note" that appears under
13 the official title of the ordinance.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By:


18 VICTORIA WONG
19 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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