

Amendment of the Whole
as amended in committee
October 26, 2005.

FILE NO. 051508

ORDINANCE NO.

1 [Establishing a Visitacion Valley Community Facilities and Infrastructure Fee and Fund.]

2
3 **Ordinance adding Planning Code Sections 319 through 319.7 to impose a \$4.58 per**
4 **square foot fee on new residential development in the Visitacion Valley area, to**
5 **establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate**
6 **impacts from residential development on public infrastructure in Visitacion Valley**
7 **including libraries, streets, playgrounds, recreational facilities, and community centers,**
8 **and making findings including findings under the California Environmental Quality Act.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strikethrough italics Times New Roman*~~.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
15 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
16 Planning Commission Resolution No. 17123, and incorporates such reasons herein by
17 reference. A copy of said Planning Commission Resolution is on file with the Clerk of the
18 Board of Supervisors in File No. 051508.

19 (b) The Board of Supervisors finds that this ordinance is in conformity with the
20 General Plan, amended in the companion legislation, and the Priority Policies of Planning
21 Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 17123,
22 and hereby incorporates those reasons by reference.

23 (c) The Planning Department has determined that the actions contemplated in this
24 ordinance are in compliance with the California Environmental Quality Act (California Public
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1 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
2 Board of Supervisors in File No. 051508 and is incorporated herein by reference.

3 Section 2. The San Francisco Planning Code is hereby amended by adding Section
4 319, to read as follows:

5 **SEC. 319. VISITACION VALLEY COMMUNITY FACILITIES AND INFRASTRUCTURE**
6 **FEE AND FUND**

7 Sections 319 through 319.7 set forth the requirements and procedures for the Visitacion Valley
8 Community Facilities and Infrastructure Fee and Fund.

9 **SEC. 319.1. FINDINGS AND POLICY.**

10 (a) A number of large sites in Visitacion Valley are targeted for substantial changes of use.
11 Currently there are three applications pending at the City's Planning Department to develop Executive
12 Park, originally planned as an office complex, into a large housing development. In addition, the City
13 has drafted plans for Schlage Lock, long an industrial site, to be transformed into a major mixed-use
14 housing development. Together, these sites would represent over 2,000 new units of housing in areas
15 previously contemplated for office and industrial activities.

16 For the past thirty years, Executive Park has been the subject of several proposals and
17 development plans. The first Executive Park Development Plan, developed in 1978, considered a
18 development of 833,000 square feet of office space, 174,000 square feet of hotel/meeting space, and
19 75,000 square feet of retail space. Building permits were issued for the construction of four office
20 buildings and a restaurant under this plan. Three of the office buildings were constructed by 1985, for
21 a total of about 320,000 square feet of office space and 2,500 square feet of retail space. The fourth
22 office building and the restaurant have yet to be constructed.

23 In 1983, a revised development plan was proposed to amend the previous 1978 Development
24 Plan by adding additional office space and hotel space, and by adding residential use. Overall, and
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1 including the four office buildings and the restaurant previously approved, the 1984 Development Plan
2 Amendment called for 1,644,00 square feet of office space, 234,000 square feet of hotel space, 50,000
3 square feet of retail/restaurant spaces, and 600 residential units.

4 A 1992 Development Plan added 25,000 square feet of health club space, 10,000 square feet of
5 childcare space, and an additional 10,000 square feet of restaurant space. Following this approval,
6 building permits were issued for the construction of five residential buildings, containing about 287
7 units. Only two of the residential buildings, containing 128 units, have been constructed.

8 At present, Executive Park consists of three office buildings containing 320,000 square feet of
9 office space and 2,500 square feet of retail space, and two residential buildings containing 128
10 residential units. Since 2003, three project sponsors have filed applications to develop over 1,300 new
11 units of housing, totaling 1,709,000 square feet of residential use. To accommodate these projects, the
12 Planning Commission has forwarded a General Plan Amendment to the Board of Supervisors that
13 would allow for an additional 499 residential units while eliminating 1,324,000 square feet of office
14 space, 10,000 square feet of retail space, and 25,000 square feet of health club use. In addition, the
15 General Plan Amendment would reduce the allowable square footage of childcare use from 13,240
16 square feet to 10,000 square feet.

17 At the Schlage Lock site, this company operated a large industrial plant for the better part of a
18 century, providing jobs for area residents and serving as a key part of the community. Ingersoll Rand,
19 the parent company of Schlage Lock, closed the plant in 1999, indicating a wish to sell the property.
20 Since that time, the site has remained vacant and under-utilized.

21 In 2002, the City sponsored a series of community planning workshops to formulate a
22 community plan for the re-use of the 20-acre site. The community planning workshops, involving
23 several hundred residents of Visitacion Valley and surrounding neighborhoods, produced a written
24 report, "The Visitacion Valley Schlage Lock Community Planning Workshop: Strategic Concept Plan
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1 and Workshop Summary." This plan calls for a mix of housing, open space, community-oriented retail
2 and community-oriented institutional uses. The plan contemplates 740 new units of housing on the
3 residential portions of the site. Using a planning standard of 1,000 square feet per unit, the projected
4 square footage of new residential development at the site is 740,000 square feet.

5 Projected New Visitacion Valley Residential Development

6	<u>Signature Properties (Executive Park)</u>	<u>433 units</u>	<u>615,000 square feet</u>
7	<u>Top Vision (Executive Park)</u>	<u>410 units</u>	<u>618,000 square feet</u>
8	<u>Yerby (Executive Park)</u>	<u>496 units</u>	<u>476,000 square feet</u>
9	<u>Schlage Lock</u>	<u>740 units</u>	<u>740,000 square feet</u>
10	<u>Total</u>	<u>2,079 units</u>	<u>2,449,000 square feet</u>

11 In its environmental review of the Signature Properties application, the San Francisco Planning
12 Department estimates 3,340 new residents at the three Executive Park sites. For the Schlage Lock site,
13 a planning standard of 2.2 new residents per unit is applied to the development, or 1,628 new residents.
14 Together, therefore, these four proposals are expected to introduce 4,968 new residents to the
15 neighborhood.

16 According to the 2000 Census, there are currently 16,482 residents in Visitacion Valley. With
17 the 4,968 new residents expected through the above projects, the new Visitacion Valley population
18 would be 21,450 residents. Therefore, 23.2% of all Visitacion Valley residents would be new residents
19 at these four project sites.

20 (b) San Francisco's growing population and severe housing crisis requires the development
21 of new housing. To respond to this need for housing, the City is considering granting Conditional Use
22 Authorization, re-zonings, and/or General Plan Amendments for a number of large development sites in
23 Visitacion Valley. These areas are currently occupied primarily by office or industrial uses with
24 minimal community facilities and infrastructure to support a significant residential population. In
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1 addition, very few residents currently reside in these areas. New residential development in these areas
2 will impact Visitacion Valley's community facilities and infrastructure and will generate a substantial
3 need for community improvements as the neighborhood's population grows as a result of new
4 residential development. Substantial new investments in community infrastructure, including active
5 recreational spaces, community facilities, and other public services are necessary to mitigate the
6 impacts of new development at these sites.

7 The amendments to the General Plan, Planning Code and/or Zoning Maps that are necessary to
8 facilitate residential developments at these sites will permit a substantial amount of new residents.
9 More than 2,050 new units representing approximately 5,000 new residents would be anticipated in the
10 Visitacion Valley neighborhood, resulting in a 30% increase in the neighborhood's residential
11 population. The new development will have a profound impact on the neighborhood's dated
12 infrastructure. A comprehensive program of community facilities and public infrastructure is
13 necessary to mitigate the impacts of the proposed new development and to provide these basic
14 community improvements to the neighborhood's growing residential population.

15 As a result of this new development, property tax revenue is projected to increase. These
16 revenues will fund improvements and expansions to general city services, including police, fire,
17 emergency, and other services needed to partially meet the increased demand associated with new
18 development. Local impacts on the need for community facilities and infrastructure will be heightened
19 in Visitacion Valley, compared to those typically funded by city government through property tax
20 revenues. The relative cost of capital improvements, along with the reduced role of state and federal
21 funding sources, increases the necessity for development impact fees to cover these costs. General
22 property tax revenues will not be adequate to fully fund the costs of the community facilities and
23 infrastructure necessary to mitigate the impacts of new development in the Visitacion Valley
24 neighborhood.

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1 Development impact fees are a more cost-effective, realistic way to implement mitigations to a
2 local neighborhood associated with particular developments' impacts. As important, the proposed
3 Visitacion Valley Community Facilities and Infrastructure Fee would be dedicated to the Visitacion
4 Valley area, directing benefits of the fund directly to those who pay into the fund.

5 While this fee will increase the overall burden on new development in the neighborhood, the
6 burden is typically reflected in a reduced sale price for developable land, or passed on to the
7 buyers/renters of housing in the neighborhood and thus is borne primarily by those who have caused
8 the impact and who will ultimately enjoy the benefits of the community improvements it pays for.

9 The purpose of the Visitacion Valley Community Facilities and Infrastructure Fee is to provide
10 specific improvements, including active recreational spaces, pedestrian and streetscape improvements,
11 and other facilities and services. The Visitacion Valley Community Facilities and Infrastructure Fee
12 will create the necessary financial mechanism to fund these improvements in proportion to the need
13 generated by new development.

14 The capital improvements that the fee would fund are clearly described in the ordinance. The
15 fee would be solely used to fund the acquisition, design, and construction of community facilities in the
16 Visitacion Valley neighborhood. The proposed fees only cover impacts caused by new development
17 and are not intended to remedy already existing deficiencies; those costs will be paid for by other
18 sources.

19 The City has existing plans for the community facility and infrastructure projects to be funded
20 through this fee. The San Francisco Public Library has an account established, initial funds
21 appropriated, and adopted plans and a preliminary construction schedule for the Visitacion Valley
22 Branch Library. The San Francisco Department of Recreation and Parks has accounts established,
23 initial funds appropriated, and adopted plans and a preliminary construction schedule for the
24 Visitacion Valley projects identified herein. The Department of Public Works, in coordination with the
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1 Planning Department, has an account established and adopted plans and a preliminary construction
2 schedule for the Leland Avenue street improvements. It is anticipated that the remaining community
3 facility and infrastructure projects would be at a similar stage of development in terms of having
4 accounts established and plans adopted as the projects listed above when the final developments
5 covered by this ordinance are to apply for City permits.

6 (c) In order to enable the City and County of San Francisco to create a unified, attractive,
7 and safe residential Visitacion Valley neighborhood, and to mitigate the impacts of potential new large
8 developments on community amenities, it is necessary to upgrade existing streets and streetscaping and
9 to develop neighborhood public services, active recreational spaces, and community facilities. To fund
10 such community infrastructure and amenities, new residential development in the neighborhood shall
11 be assessed development impact fees proportionate to the increased demand for such infrastructure and
12 amenities created by the new housing. The City will use the proceeds of the fee to develop community
13 facilities and infrastructure within Visitacion Valley that provides direct benefits to the new housing.

14 The development of community facilities and infrastructure in the Visitacion Valley
15 neighborhood will provide a benefit to new residents beyond the provision of services. It is anticipated
16 that new residents will realize an increase in property values due to the enhanced neighborhood
17 amenities financed with the proceeds of the fee. A Visitacion Valley Community Facilities and
18 Infrastructure Fee shall be established for new residential development within Visitacion Valley as set
19 forth herein.

20 The proposed improvements described below are necessary to serve the new population at the
21 anticipated densities. Cost estimates are based on an assessment of the potential cost to the City of
22 providing the specific improvements. Developer contributions are based upon the percentage of new
23 residents expected in Visitacion Valley at these four project sites, or 23.2%, with the exception of

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1 improvements necessary to mitigate impacts that are created entirely by the developers. In these cases,
2 developer contributions are set at 100%.

3 The proposed Visitacion Valley Community Facilities and Infrastructure Fee would fund
4 mitigations of the impacts of new development on:

- 5 • Active Recreational Spaces: development of neighborhood playground, pool, and outdoor
6 education center
- 7 • Library Facilities: construction of a new neighborhood library
- 8 • Community Facilities: development of community spaces available for public uses
- 9 • Streetscape Improvements: Blanken Avenue sidewalk widening and lighting improvements;
10 Leland Avenue streetscape improvements

11 Active Recreational Space: The San Francisco Recreation and Park Department has provided
12 a cost estimate of necessary improvements to the Kelloch-Velasco Playground (\$2,222,500), the
13 Coffman Pool (\$10,600,000), and the Visitacion Valley Greenway – Educational Center for the
14 Sciences and Arts at Tioga Avenue (\$2,054,000). The total developer contribution is deemed to be
15 \$3,451,348.

16 Library Facilities: The San Francisco Public Library has provided a cost estimate for the
17 construction of the Visitacion Valley Branch Library (\$9,350,000). The total developer contribution is
18 deemed to be \$2,169,200.

19 Community Facilities: In the Rincon Hill Plan adopted by the Board of Supervisors, the San
20 Francisco Planning Department determined a need of community facilities space at 2.29 square feet for
21 every new resident. Based upon the 4,968 new residents projected for Visitacion Valley from
22 residential development in large opportunity sites, there would be a need for 11,376 square feet of new
23 community center space.

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1 For a comparable land cost, the San Francisco Public Library acquired its current development
2 site on Leland Avenue for \$135 per square foot. For comparable improvement costs, the San
3 Francisco Planning Department estimated a cost of \$400 per square foot to build a new community
4 center in Rincon Hill. Taken together, the cost to build a new community center in Visitacion Valley
5 for the new residents is estimated to be \$6,086,160, a cost to be entirely borne by the developers.

6 Streetscape Improvements: The San Francisco Department of Public Works and San Francisco
7 Public Utilities Commission estimate the cost to upgrade the Blanken Avenue tunnel to make it more
8 accessible for pedestrians, to be \$152,755. This estimate includes widening the sidewalk and
9 improving the lighting in the tunnel. Because these improvements are necessary to accommodate new
10 pedestrian traffic – and to minimize automobile use – in the new developments, this cost is to be
11 entirely borne by the developers.

12 The San Francisco Department of Public Works and the San Francisco Planning Department
13 have provided a cost estimate for improvements to Leland Avenue, the commercial core of Visitacion
14 Valley (\$2,621,730). The total developer contribution is deemed to be \$608,241.

15 Total Developer Contribution: The total developer contribution for Visitacion Valley
16 community facilities and infrastructure improvements is \$12,467,704. At an estimated 2,449,000
17 square feet of new residential development, the developer contribution is \$5.09 per square foot. The
18 Visitacion Valley Community Facilities and Infrastructure Fee shall be established at \$4.58 per square
19 foot, or 90% of the estimated costs of the community improvements. By charging developers less than
20 the maximum amount of the justified impact fee, the City avoids any need to refund money to
21 developers if fees collected exceed costs.

22 (d) The Board of Supervisors finds that the Fees imposed in this ordinance as impact fees to
23 fund specific improvements, including active recreational spaces, pedestrian and streetscape
24 improvements, and other facilities and services, are proportionate to the need generated by residential
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1 development projects in Visitacion Valley. It shall be the policy of the Board of Supervisors that no
2 additional development impact fees specific to Visitacion Valley will be imposed to fund the specific
3 improvements described above. It is the policy of the Board of Supervisors that any future changes to
4 citywide impact fees or other exactions will apply equally to Visitacion Valley as to other areas of the
5 City, unless otherwise excepted by the Board.

6 **SEC. 319.2. DEFINITIONS**

7 The following definitions shall govern this ordinance:

8 (a) "Community facilities" shall mean all uses as defined under Section 209.4(a) of this
9 Code.

10 (b) "Net addition of occupiable square feet of residential use" shall mean occupied floor
11 area, as defined in Section 102.10 of this Code, including bathrooms provided as part of dwelling units,
12 to be occupied by or primarily serving, residential use excluding common areas such as hallways,
13 fitness centers and lobbies, less the occupied floor area in any structure demolished or rehabilitated as
14 part of the proposed residential development project which occupied floor area was used primarily and
15 continuously for residential use and was not accessory to any use other than residential use for at least
16 five years prior to Planning Department approval of the residential development project subject to this
17 Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

18 (c) "Residential development project" shall mean any new construction, addition, extension,
19 conversion or enlargement, or combination thereof, of an existing structure which includes any
20 occupied floor area of residential use and which has twenty (20) residential units or more; provided,
21 however, that for projects that solely comprise an addition to an existing structure which would add
22 occupied floor area in an amount less than 20 percent of the occupied floor area of the existing
23 structure, the provisions of this Section shall only apply to the new occupied square footage.

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1 (d) "Residential use" shall mean any structure or portion thereof intended for occupancy by
2 uses as defined in Section 890.88 of this Code and shall not include any use which qualifies as an
3 accessory use, as defined and regulated in Sections 204 through 204.5.

4 (e) "Sponsor" shall mean an applicant seeking approval for construction of a residential
5 development project subject to this Section and such applicant's successors and assigns.

6 (f) "Townhome" shall mean a dwelling unit that: (i) either is a freestanding building, or
7 shares only walls with other dwelling units; and (ii) has an entrance directly on a sidewalk used by
8 members of the public or residents of the residential development project. "Townhome" shall not mean
9 a dwelling unit of any type located on a podium over garage, community facility, commercial or other
10 space.

11 (g) "Visitacion Valley" shall mean the area bounded by Carter Street and McLaren Park to
12 the west, Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard to the
13 northeast, Bayview Park to the north, Candlestick Park and Candlestick Point Recreation Area to the
14 east, the San Francisco Bay to the southeast, and the San Francisco County line to the south.

15 **SEC. 319.3. APPLICATION.**

16 (a) General Application: This ordinance shall apply to all residential development projects
17 that

18 (1) are located in Visitacion Valley; and

19 (2) have both not filed an application for a building permit, site permit, conditional use,
20 planned unit development, environmental evaluation, zoning map amendment or general plan
21 amendment prior to September 1, 2003, and have filed an application for a building permit, site
22 permit, conditional use, planned unit development, environmental evaluation, zoning map
23 amendment or general plan amendment on or after September 1, 2003.

1 (b) Application to Townhomes: Prior to the issuance by the Director of DBI of the first
2 building permit for a Townhome that is part of a residential development project, the Sponsor shall pay
3 to the Treasurer half of the Visitacion Valley Community Facilities and Infrastructure Fee ("Fee") of
4 \$4.58 for each net addition of occupiable square feet of residential use within the Townhome for which
5 the building permit is sought. The Sponsor shall pay to the Treasurer the other half of the Fee prior to
6 the issuance by the Director of DBI of the first certificate of occupancy for such Townhome

7 (c) Application to Other Residential Development Projects: Prior to the issuance by the
8 Director of DBI of the first certificate of occupancy for any building other than a Townhome that is
9 part of a residential development project, the Sponsor shall pay to the Treasurer the entire Fee of \$4.58
10 for each net addition of occupiable square feet of residential use within the building for which the
11 certificate of occupancy is sought.

12 (d) Credits for In-kind Improvements:

13 (1) Credit for On-Site Community Facilities: In its review of a proposed residential
14 development project subject to this ordinance, the Planning Commission and Board of Supervisors
15 shall apply the planning standard of 2.29 square feet of community facilities space for each new
16 resident projected at the residential development project to calculate the residential development
17 project's allocation of community facilities space. The Sponsor shall receive a credit against the Fee of
18 \$535 per square foot of community facilities space provided on-site within the boundaries of the
19 residential development project, provided that such credit shall not exceed \$2.24 multiplied by the net
20 addition of occupiable square feet of residential use in the residential development project. To qualify
21 for a credit, the community facilities shall be open and available to the general public on the
22 same terms and conditions as to residents of the residential development project in which the
23 community facilities are located.

1 (2) Credit for Improvements to Blanken Avenue: The Planning Commission may reduce the
2 Fee described in this Section for specific residential development proposals in cases where the Sponsor
3 has entered into an agreement with the City, in form acceptable to the City Attorneys' Office, to provide
4 in-kind improvements to Blanken Avenue. For the purposes of calculating the total value of the in-kind
5 community improvements, the project sponsor shall provide the Planning Department with a cost
6 estimate for the proposed in-kind improvements from two independent contractors. Based on these
7 estimates, the Director of Planning shall determine their appropriate value and the Planning
8 Commission may reduce the Fee assessed to that project proportionally. The Planning Commission
9 may not reduce the fee by an amount greater than the amount that would be the Sponsor's contribution
10 toward the Blanken Avenue improvements if the Sponsor were to pay the Fee.

11 (e) Treasure's Certification: Upon payment of the Fee to the Treasurer as required under
12 this Section and upon request of the Sponsor, the Treasurer shall issue a certification that the Fee has
13 been half or fully paid, as the case may be. The Sponsor shall present such certification to the
14 Planning Department and DBI prior to the issuance by DBI of (i) the first site permit for each
15 Townhome that is part of a residential development project, and (ii) the first certificate of occupancy
16 for each building that is part of a residential development project, as the case may be. DBI shall not
17 issue such building permit or first certificate of occupancy without the Treasurer's certification as
18 described above. Any failure of the Treasurer, DBI, or the Planning Department to give any notice
19 under this Section shall not relieve a Sponsor from compliance with this Section. Where DBI
20 inadvertently issues a building permit or a first certificate of occupancy without payment of the Fee or
21 portion thereof as required by this Section, DBI shall not issue any further certificates of occupancy for
22 the residential development project without notification from the Treasurer that the Fee or portion
23 thereof as required by this Section has been paid. The procedure set forth in this Subsection is not

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1 intended to preclude enforcement of the provisions of this Section under any other section of this Code,
2 or other authority under the laws of the State of California.

3 (f) Waiver or Reduction:

4 (1) A project applicant of any project subject to the requirements in this Section may appeal
5 to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the
6 absence of any reasonable relationship or nexus between the impact of development and the amount of
7 the fee charged.

8 (2) A project applicant subject to the requirements of this Section who has received an
9 approved building permit, conditional use permit or similar discretionary approval and who submits a
10 new or revised building permit, conditional use permit or similar discretionary approval for the same
11 property may appeal for a reduction, adjustment or waiver of the requirements with respect to the
12 square footage of construction previously approved.

13 (3) Any such appeal shall be made in writing and filed with the Clerk of the Board no later
14 than 15 days after the date the Sponsor is required to pay to the Treasurer the fee as required in this
15 Section. The appeal shall set forth in detail the factual and legal basis for the claim of waiver,
16 reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60
17 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial
18 evidence to support the appeal, including comparable technical information to support appellant's
19 position. The decision of the Board shall be by a simple majority vote and shall be final. If a
20 reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the
21 waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver, the
22 Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver
23 to the Treasurer.

24 **SEC. 319.4. LIEN PROCEEDINGS.**

1 (a) A Sponsor's failure to comply with the requirements of Sections 319.3, shall constitute
2 cause for the City to record a lien against the housing development project in the sum of the Fee
3 required under Section 319.3. If, for any reason,(i) more than 50% of the Fee remains unpaid
4 following issuance of the first site or building permit for a Townhome that is part of a residential
5 development project, or (ii) any portion of the Fee remains unpaid following issuance of the first
6 certificate of occupancy for any building that is part of a residential development project, any amount
7 then due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof,
8 from the date of issuance of the permit or certificate, as the case may be, until the date of final payment
9 in the unpaid but due amount.

10 (b) If, for any reason, the Fee or portion thereof imposed pursuant to this ordinance
11 remains unpaid following issuance of the permit or certificate of occupancy as applicable, the
12 Treasurer shall initiate proceedings in accordance with Article XX of Chapter 10 of the San Francisco
13 Administrative Code to make the entire unpaid balance of the Fee, including interest, a lien against all
14 parcels used for the residential development project and shall send all notices required by that Article
15 to the owner of the property as well as the Sponsor. The Treasurer shall also prepare a preliminary
16 report notifying the Sponsor of a hearing to confirm such report by the Board of Supervisors at least 10
17 days before the date of the hearing. The report to the Sponsor shall contain the Sponsor's name, a
18 description of the Sponsor's housing development project, a description of the parcels of real property
19 to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the
20 alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The Treasurer
21 shall cause this report to be mailed to the Sponsor and each owner of record of the parcels of real
22 property subject to lien. Except for the release of lien recording fee authorize by Administrative Code
23 Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust
24 by the Treasurer and deposited in the Fund established in Section 319.6.

1 (c) Any notice required to be given to a sponsor or owner shall be sufficiently given or
2 served upon the Sponsor or owner for all purposes hereunder if personally served upon the sponsor or
3 owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the Sponsor
4 or owner at the official address of the Sponsor or owner maintained by the Tax Collector for the
5 mailing of tax bills or, if no such address is available, to the Sponsor at the address of the residential
6 development project, and to the applicant for the building permit or certificate of occupancy, as the
7 case may be, at the address on the permit application.

8 **SEC. 319.5. FEE REFUND WHEN BUILDING PERMIT EXPIRES PRIOR TO**
9 **COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.**

10 In the event a building permit expires prior to completion of the work on and commencement of
11 occupancy of a residential development project so that it will be necessary to obtain a new permit to
12 carry out any development, the obligation to comply with this ordinance shall be cancelled, and any
13 Fee previously paid to the Treasurer shall be refunded. If and when the Sponsor applies for a new
14 building permit, the procedures set forth in this ordinance regarding payment of the Fee shall be
15 followed.

16 **SEC. 319.6. VISITACION VALLEY COMMUNITY FACILITIES AND**
17 **INFRASTRUCTURE FUND.**

18 (a) There is hereby established a separate fund set aside for a special purpose entitled the
19 Visitacion Valley Community Facilities and Infrastructure Fund ("Fund"). All monies collected by the
20 Treasurer pursuant to Section 319.3(b) shall be deposited in the Fund which shall be maintained by the
21 Controller.

22 (b) The receipts in the Fund are, subject to the budgetary and fiscal provisions of the
23 Charter, to be used solely to fund community facilities and infrastructure in Visitacion Valley,
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1 including but not limited to capital improvements to library facilities, playgrounds, recreational
2 facilities, and major streets.

3 (c) No portion of the Fund may be used, by way of loan or otherwise, to pay any
4 administrative, general overhead, or similar expense of any public entity.

5 (d) The Controller shall not release any monies from the Fund without prior approval of the
6 Board of Supervisors for an expenditure. City Agencies responsible for the construction or
7 improvement of public infrastructure subject to this ordinance, including but not limited to the San
8 Francisco Public Library, the Department of Public Works, and the Department of Recreation and
9 Parks, shall request funds from the Board of Supervisors as necessary. Before approving any
10 expenditures, the Board of Supervisors shall determine the relative impact from the residential
11 development on public infrastructure in Visitacion Valley described in 319.6(b) and shall insure that
12 the expenditures are consistent with mitigating the impacts from the development.

13 (e) The Controller's Office shall file an annual report with the Board of Supervisors
14 beginning one year after the effective date of this ordinance, which report shall set forth the amount of
15 money collected in the Fund.

16 **SEC. 319.7. PARTIAL INVALIDITY AND SEVERABILITY.**

17 If any provision of this ordinance, or its application to any residential development project is
18 held invalid, the remainder of the ordinance, or the application of such provision to other residential
19 development projects shall not be affected thereby.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 Susan Cleveland-Knowles
25 Deputy City Attorney

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