

REVISED LEGISLATIVE DIGEST
(Revised in Committee: 12/13/2010)

[Planning Code - The Visitacion Valley Community Facilities and Infrastructure Fee and Fund.]

Ordinance amending Planning Code Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver); and making findings, including environmental findings.

Existing Law

The Board adopted the Visitacion Valley Community Facilities and Infrastructure Fee and Fund in November 2005 (the "Program"). The fee of \$4.58 applies to all residential developments of 20 units or more in the Visitacion Valley area to mitigate impacts from development on recreational space, library facilities, community facilities, streetscape improvements. The fee was imposed on each net addition of "occupiable" square feet. The Program allowed credit for in-kind improvements, but only for on-site community facilities and improvements to Blanken Avenue. The Program did not permit fees to be used for administrative costs.

Amendments to Current Law

The proposed legislation would update the findings supporting the Program. In addition, subsequent to the adoption of the Program, the Board adopted other, similar fees in Area Plans such as Balboa Park, Market and Octavia and the Eastern Neighborhoods. In recent amendments the Board adopted legislation moving all of the area plan fees into a new Article IV of the Planning Code, and in the process removed many inconsistencies in the fee programs. Some inconsistencies still remain. For example, while other fee programs apply to residential and commercial developments of almost any size, this Program continues to apply only to residential developments and only to developments of 20 units or more. The legislation does harmonize the Program by including a new process for in-kind improvements that allows in-kind improvements for any portion of the fee with the approval of the Planning Commission and allows for up to 4% of the fee proceeds to be used for administration of the Program. The legislation maintains a provision that allows project sponsors to provide community facilities or child care in-kind improvements in lieu of the fee without Planning Commission approval for a maximum amount equal to one quarter of the required fee (the previous provision allowed for up to half of the amount of the fee without Commission approval). The legislation makes additional changes so that this fee program is consistent with other programs including providing an exact fee to be applied for projects involving the conversion of non-residential to residential uses, and changing the administration of the Program, including the process to prioritize projects to be funded by the fee. ~~The legislation also changes the calculation of the fee from a calculation based on "occupiable square feet" to "gross square feet" that is the method used by the other fee programs. Due to the different method of calculation, the fee is reduced to \$4.12 per gross square foot.~~