



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution 19291 Planning Code Text Change DECEMBER 11, 2014

Project Name: Adopting Nexus Analysis for Certain Development Fees
Case Number: 2014.0966T
Staff Contact: Kearstin Dischinger
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Reviewed by: Adam Varat, Senior Planner
Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO ADOPT THE SAN FRANCISCO CITYWIDE NEXUS ANALYSIS SUPPORTING EXISTING DEVELOPMENT FEES, INCLUDING FEES IN THE DOWNTOWN AND OTHER AREA PLANS, TO COVER IMPACTS OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT IN THE AREAS OF RECREATION AND OPEN SPACE; PEDESTRIAN AND STREETScape IMPROVEMENTS; CHILDCARE FACILITIES; AND BICYCLE INFRASTRUCTURE; MAKING FINDINGS RELATED TO ALL OF THE FEES IN ARTICLE IV GENERALLY AND CERTAIN DEVELOPMENT FEES SUPPORTED BY THE NEXUS ANALYSIS SPECIFICALLY.

WHEREAS, the City of San Francisco's Planning Code includes several development impact fees, that support Pedestrian and Streetscape improvements, Childcare facilities, Recreation and Open Space facilities, Bicycle Improvements, and program administration;

WHEREAS, Planning Code section 410 calls for the City to conduct a comprehensive five-year evaluation of all development fees and development impact requirements; and,

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to on October 2, 2014 and initiated the legislation; and,

WHEREAS, the proposed Ordinance has been determined to be not defined as a project under CEQA Guidelines Sections 15738 and 15060(c)(2) because it does not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented by Department staff and other interested parties, including a duly noticed informational hearing on December 11, 2014; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The City and County of San Francisco must update the nexus analysis for all impact fees in good faith and consistent with all State and local requirements.
2. This ordinance allows the City to further implement all area plans, including implementing infrastructure improvements to support new growth.
3. The Planning Commission directs staff, in consultation with the City Attorney's Office to add to the legislation amendments to all other sections of Article IV that relate to the timing of fee payments to clarify that payments must be made at the same time as and no later than the issuance by DBI of the first construction document. This language shall replace current language that states that such fees shall be paid "prior to" the issuance of the first construction document. Amendments should be made to all sections in Article IV including this language, including but not limited to: Sections: 411.3(b); 412.6; 413.7(c); 414.8(b); 416.3(d); 417.3(d); 418.3(g); 419.3(c); 420.3(d); 421.3(f); 422.3(e); 423.3(e); 424.6.2(e); 424.7.2(e); 425; 426; 427; 428; 429.3(d)(1); 429.3(d)(2)(B); 429.3(d)(2)(C); 430(d).
4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the Objectives and Policies of the General Plan:

BALBOA PARK STATION AREA PLAN

OBJECTIVE 5.1 CREATE A SYSTEM OF PUBLIC PARKS, PLAZAS AND OPEN SPACES IN THE PLAN AREA.

OBJECTIVE 2.1 EMPHASIZE TRANSIT IMPROVEMENTS THAT SUPPORT THE NEIGHBORHOOD.

CENTRAL WATERFRONT AREA PLAN

OBJECTIVE 4.1 IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN CENTRAL WATERFRONT

OBJECTIVE 5.1 PROVIDE PUBLIC PARKS AND OPEN SPACES THAT MEET THE NEEDS OF RESIDENTS, WORKERS AND VISITORS

OBJECTIVE 7.1 PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

EAST SOMA (SOUTH OF MARKET) AREA PLAN

OBJECTIVE 4.1 IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN THE SOUTH OF MARKET

OBJECTIVE 5.1 PROVIDE PUBLIC PARKS AND OPEN SPACES THAT MEET THE NEEDS OF RESIDENTS, WORKERS AND VISITORS

OBJECTIVE 7.1 PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

MISSION AREA PLAN

OBJECTIVE 4.1 IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN THE MISSION

OBJECTIVE 5.1 PROVIDE PUBLIC PARKS AND OPEN SPACES THAT MEET THE NEEDS OF RESIDENTS, WORKERS AND VISITORS

OBJECTIVE 7.1 PROVIDE ESSENTIAL COMMUNITY SERVICES AND FACILITIES

MARKET AND OCTAVIA AREA PLAN

OBJECTIVE 4.1 Provide safe and comfortable public rights-of-way for pedestrian use and improve the public life of the neighborhood.

OBJECTIVE 5.1 Improve public transit to make it more reliable, attractive, convenient, and responsive to increasing demand.

RINCON HILL AREA PLAN

OBJECTIVE 4.1 CREATE A VARIETY OF NEW OPEN SPACES AND COMMUNITY FACILITIES FOR ACTIVE AND PASSIVE RECREATION TO MEET THE NEEDS OF A SIGNIFICANT NEW RESIDENTIAL POPULATION.

OBJECTIVE 4.3 LINK THE AREA VIA PEDESTRIAN IMPROVEMENTS TO OTHER PUBLIC OPEN SPACES SUCH AS THE WATERFRONT PROMENADE AT THE FOOT OF THE HILL AND PLANNED OPEN SPACES IN THE TRANSBAY DISTRICT.

The proposed ordinance will enable the City to continue to administer development impact fee programs and implement infrastructure improvements as called for in the Area Plans cited above as well as several other area plans and general plan elements.

1. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:
 1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative impact on neighborhood serving retail uses and will not impact opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character. The new units would be built within the existing building envelope and therefore would impose minimal impact on the existing housing and neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have a negative effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an impact on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have a negative impact on the City's Landmarks and historic buildings as the new units would be added under the guidance of local law and policy protecting historic resources, when appropriate.


8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an impact on the City's parks and open space and their access to sunlight and vistas.

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 11, 2014.



Jonas P. Ionin
Commission Secretary

AYES: Wu, Fong, Antonini, Moore, Richards, Johnson

NOES: None

ABSENT: Hillis

ADOPTED: December 11, 2014