

1 [Planning Code - Increasing Transportation Sustainability Fee for Nonresidential Projects]

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3 **Ordinance amending the Planning Code to increase the Transportation Sustainability**
4 **Fee for Non-residential projects larger than 99,999 gross square feet, and to require**
5 **Non-residential or Production, Distribution and Repair (PDR) projects that filed**
6 **development or environmental applications on or before July 21, 2015, but that have**
7 **not yet received approvals, to pay the Transportation Sustainability Fee with a partial**
8 **refund; affirming the Planning Department's determination under the California**
9 **Environmental Quality Act; and making findings, including general findings, findings of**
10 **public necessity, convenience and welfare, and findings of consistency with the**
11 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

20 Section 1. Findings. The Board of Supervisors of the City and County of San
21 Francisco hereby finds and determines that:

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 151257 and is incorporated herein by reference. The Board affirms
this determination.

1 (b) On September 10, 2015, the Planning Commission, in Resolution No. 19454,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. 151257, and is incorporated herein by reference.

6 (c) On September 10, 2015, the Planning Commission, in Resolution No. 19454,
7 approved this legislation, recommended it for adoption by the Board of Supervisors, and
8 adopted findings that it will serve the public necessity, convenience and welfare. Pursuant to
9 Planning Code Section 302, the Board adopts these findings as its own. A copy of said
10 Resolution is on file with the Clerk of the Board of Supervisors in File No. 151257, and is
11 incorporated by reference herein.

12
13 Section 2. The Planning Code is hereby amended by revising Sections 411A.3 and
14 411A.5, to read as follows:

15 **SEC. 411A.3. APPLICATION OF TSF.**

16 * * * *

17 (d) Application of the TSF to Projects in the Approval Process at the Effective Date
18 of Section 411A. The TSF shall apply to Development Projects that are in the approval
19 process ~~at the effective date of Section 411A~~ on December 26, 2015, except as modified
20 below:

21 (1) Projects that have a Development Application approved before ~~the~~
22 ~~effective date of this Section~~ December 26, 2015 shall not be subject to the TSF, but shall be
23 subject to the TIDF at the rate applicable per Planning Code Sections 411.3(e) and 409, as
24 well as any other applicable fees.

1 (2) Projects that receive approval of their first approved Development
2 Application after December 26, 2015, but before the effective date of Ordinance No. _____the
3 Ordinance in Board File No. 151257, adding Section 411A.3(d)(3)(B), shall be subject to the
4 TSF as follows:

5 (1)(A) The Residential Uses subject to the TSF shall pay 50% of the
6 applicable residential TSF rate, as well as any other applicable fees.

7 (2)(B) The Non-residential or PDR portion shall be subject to the TSF but
8 pay the applicable TIDF rate per Planning Code Sections 411.3(e) and 409, as well as any
9 other applicable fees.

10 (23) Projects that have filed a Development Application or environmental
11 review application on or before July 21, 2015, and have not received approval of any such
12 application before the effective date of Ordinance No. _____the Ordinance in Board File No.
13 151257, adding Section 411A.3(d)(3)(B), shall be subject to the TSF as follows:

14 (A) Residential Uses subject to the TSF shall pay 50% of the
15 applicable residential TSF rate, as well as any other applicable fees.

16 (B) The Non-residential or PDR portion shall be subject to the TSF,
17 as well as any other applicable fees, but shall receive a reduction in the TSF rate equivalent to
18 50% of the difference between the applicable TSF rate and the pay the applicable TIDF rate
19 per Planning Code Sections 411.3(e) and 409, as well as any other applicable fees.

20 (34) Projects that have not filed a Development Application or environmental
21 review application before July 22, 2015, and file the first such application on or after July 22,
22 2015, and have not received approval of any such application, shall be subject to the TSF as
23 follows:

24 (A) Residential Uses subject to the TSF shall pay 100% of the
25 applicable residential TSF rate, as well as any other applicable fees.

(B) The Non-residential or PDR portion of any project shall pay 100% of the applicable Non-residential or PDR TSF rate, as well as any other applicable fees.

The different applicability scenarios established above are summarized in this Table:

TSF Applicability to Projects in the Approval Process

<u>Date of Approval of First Development Application</u>	<u>Applied Before 7/22/15 (date of TSF introduction)</u>	<u>Applied After 7/22/15 (date of TSF introduction)</u>
<u>Approved Before 12/25/15 (TSF Effective Date)</u>	<u>Residential: No fee</u> <u>Non-Residential: TIDE</u> <u>PDR: TIDE</u>	<u>Residential: No fee</u> <u>Non-Residential: TIDE</u> <u>PDR: TIDE</u>
<u>Approved Between 12/25/15 and the Effective Date of Ordinance in File No. _____</u>	<u>Residential: 50% of the applicable TSF rate</u> <u>Non-Residential: TIDE</u> <u>PDR: TIDE</u>	<u>Residential: TSF</u> <u>Non-Residential: TSF</u> <u>PDR: TSF</u>
<u>Approved After the Effective Date of Ordinance in File No. _____</u>	<u>Residential: 50% of the applicable TSF rate</u> <u>Non-Residential: TSF, with a reduction of 50% of the difference between TIDE/TSF</u> <u>PDR: TIDE</u>	<u>Residential: TSF</u> <u>Non-Residential: TSF</u> <u>PDR: TSF</u>

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2 **SEC. 411A.5. TSF SCHEDULE.**

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

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

Land Use Categories	TSF
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 100 th 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	\$ 21.04 <u>\$ 19.04</u> for all gsf of Non-Residential use greater than 99,999 gsf.
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

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

5
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 ANDREA RUIZ-ESQUIDE
16 Deputy City Attorney

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