

File No. 160019

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date April 24, 2017

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEDA Determinations</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 19495</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Youth Commission Recommendation</u> |
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Completed by: Alisa Somera Date April 20, 2017

Completed by: _____ Date _____

1 [Administrative Code, Planning Code - Designated Child Care Units]

2
3 **Ordinance amending the Administrative Code and the Planning Code to provide that if**
4 **a developer of a project with 10 or more affordable units elects to provide one or more**
5 **Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee,**
6 **Designated Child Care Unit(s) may be affordable unit(s); and affirming the Planning**
7 **Department's determination under the California Environmental Quality Act, making**
8 **findings of consistency with the General Plan, and the eight priority policies of**
9 **Planning Code, Section 101.1, and making a finding of public necessity, convenience,**
10 **and welfare pursuant to Planning Code, 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. 160019, and is incorporated herein by reference. The Board affirms
24 this 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
City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 150793, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
4 proposed Planning Code and Administrative Code amendments will serve the public
5 necessity, convenience, and welfare for the reasons set forth in Planning Commission
6 Resolution No. 19495, and the Board incorporates such reasons herein by reference.

7
8 Section 2. The Administrative Code is hereby amended by revising Sections 47.2 and
9 47.3, to read as follows:

10 **SEC. 47.2. DEFINITIONS.**

11 * * * *

12 "Displaced Tenant" shall mean any person who applies to MOHCD and who MOHCD
13 determines qualifies under any of the categories below. If a person disputes MOHCD's
14 determination that he or she does not qualify as a "Displaced Tenant" under this Section 47.2,
15 such person shall have the right to a hearing conducted by a Rent Board Administrative Law
16 Judge (as defined in Administrative Code Section 37.2(f)), with MOHCD as the responding
17 party:

18 Category 1: A tenant residing in San Francisco who on or after January 1, 2010
19 receives a Notice of Intent to Withdraw Rental Units ("Notice of Intent to Withdraw") pursuant
20 to the Ellis Act, Government Code Section 7060 et seq., and corresponding provisions of the
21 Rent Ordinance. MOHCD shall establish a process for a tenant to verify his or her status as a
22 "Displaced Tenant" under Category 1 that, at a minimum, shall require a tenant to show: (a)
23 the landlord filed with the Rent Board a Notice of Intent to Withdraw; and (b) the tenant either:
24 (1) is listed on the Notice of Intent to Withdraw; (2) is listed on the lease for the unit in
25 question; or (3) has other evidence sufficient to establish, in MOHCD's reasonable discretion,

1 that he or she resided in the unit at the time the Notice of Intent to Withdraw was filed. If the
2 Rent Board grants a landlord's request to rescind the Notice of Intent to Withdraw before a
3 tenant moves out of his or her unit, such tenant shall no longer qualify as a "Displaced
4 Tenant."

5 Category 2: A tenant residing in San Francisco who on or after January 1, 2010
6 receives a notice that his or her landlord plans to recover possession of the unit under Section
7 37.9(a)(8) of the Rent Ordinance. MOHCD shall establish a process for a tenant to verify his
8 or her status as a "Displaced Tenant" under Category 2 that, at a minimum, shall require a
9 tenant to show: (a) the landlord filed with the Rent Board the notice to vacate, as required
10 under Rent Ordinance Section 37.9(c); and (b) the tenant either: (1) is listed on the notice to
11 vacate; (2) is listed on the lease for the unit in question; or (3) has other evidence sufficient to
12 establish, in MOHCD's reasonable discretion, that he or she resided in the unit at the time the
13 notice to vacate was filed; and (c) that the tenant has resided in the unit for 10 years as of the
14 date of receipt of the notice of withdrawal from the rental market.

15 Category 3: A tenant residing in San Francisco who is required to vacate his or
16 her unit by a public safety official due to fire, and who can provide sufficient evidence to
17 MOHCD that demonstrates that he or she cannot return to the unit within a period of six
18 months from the date of the order to vacate the unit. MOHCD shall establish a process for a
19 tenant to verify his or her status as a "Displaced Tenant" under Category 3 that, at a
20 minimum, shall require a tenant to show: (a) a public safety official provided an order to
21 vacate the unit to such tenant or to the owner of the unit; and (b) the tenant either: (1) is listed
22 on the order to vacate; (2) is listed on the lease for the unit in question; or (3) has other
23 evidence sufficient to establish, in MOHCD's reasonable discretion, that he or she resided in
24 the unit at the time the order was provided. This Category 3 "Displaced Tenant" preference
25 shall expire by operation of law on December 31, 2020, provided, however, that MOHCD may

1 determine after December 31, 2020 that a person who applied to MOHCD under Category 3
2 on or prior to December 31, 2020 qualifies as a Displaced Tenant.

3 "Designated Child Care Unit" shall mean any On-site or Off-site Unit, as defined in Planning
4 Code Section 415 et seq., establishing the Inclusionary Affordable Housing Program, designated for
5 occupancy by an Operator as provided in Planning Code Section 414A.

6 "MOHCD" shall mean the Mayor's Office of Housing and Community Development or
7 its successor.

8 * * * *

9 "Neighborhood Resident" shall mean any person who has a primary residence in a
10 certain Neighborhood at the time he or she applies for a unit or assistance. MOHCD shall
11 establish a process for a person to verify status as a "Neighborhood Resident" for a particular
12 Neighborhood, which, at a minimum, shall require a person to show: (a) that he or she is listed
13 on the lease for a unit in that Neighborhood; or (b) other evidence sufficient to establish, in
14 MOHCD's reasonable discretion, that the person resides in a unit in that Neighborhood. If a
15 person disputes a MOHCD determination that he or she does not qualify as a "Neighborhood
16 Resident" under this Section 47.2, such person shall have the right to a hearing conducted by
17 a Rent Board Administrative Law Judge (as defined in Administrative Code Section 37.2(f)),
18 with MOHCD as the responding party.

19 "Operator" shall mean a licensed provider of a Small Family Daycare Home, as determined by
20 the Office of Early Care and Education.

21 "Rent Board" shall mean the Residential Rent Stabilization and Arbitration Board.

22 * * * *

23 **SEC. 47.3. APPLICATION OF PREFERENCE.**

24 Except to the extent prohibited by an applicable State or Federal funding source,
25 MOHCD shall give, or require project sponsors or their successors in interest funded through

1 MOHCD to give, preference in occupying units or receiving assistance under all City
2 Affordable Housing Programs. Each preference enumerated below shall be applied as of the
3 effective date of the legislation establishing each preference. The City established preference
4 for holders of Certificates of Preference in Ordinance 232-08, Displaced Tenants, Category 1
5 in Ordinance 277-13, and Displaced Tenants, Category 2 and Neighborhood Residents in
6 legislation adding this Chapter 47. The preference requirements are intended to have
7 prospective effect only, and shall not be interpreted to impair the obligations of any pre-
8 existing contract entered into by the City. Notwithstanding the prior sentence, the preference
9 requirements shall apply to contracts entered into by the City on or after the effective date of
10 the legislation establishing each preference, including contracts materially amended on or
11 after the effective date. Preference shall be given:

12 (a) First, to Operators who meet all of the qualifications for a Designated Child Care
13 Unit and have previous experience as licensed child care providers, as determined by the Office of
14 Early Care and Education.

15 (b) Second, to Operators who meet all of the qualifications for a Designated Child Care
16 Unit, as determined by the Office of Early Care and Education.

17 (c) Third, to Residential Certificate of Preference Holders, who meet all of the
18 qualifications for the unit or assistance. Preference under this subsection ~~(a)~~(c) shall be given
19 in 100% of the all units remaining after preferences (a) and (b) above in all initial sales, re-sales,
20 initial leases, and subsequent leases.

21 ~~(b) Second~~(d) Fourth, to any Displaced Tenant who meets all of the qualifications
22 for the unit or assistance. For any Displaced Tenant displaced prior to the effective date of this
23 Chapter 47, preference under this subsection ~~(b)~~(d) shall expire six years from the effective
24 date of this Chapter 47. For any Displaced Tenant displaced after the effective date of this
25 Chapter 47, preference under this subsection ~~(b)~~(d) shall expire, for Category 1, six years from

1 the date the landlord filed with the Rent Board a Notice of Intent to Withdraw, for Category 2,
2 six years from the date the landlord filed with the Rent Board the notice to vacate pursuant to
3 the Rent Ordinance Section 37.9(c), or, for Category 3, three years from the date of the order
4 to vacate. Preference under this subsection ~~(b)~~(d) shall be applicable to:

5 (1) 20% of the units in any new residential development that is part of a
6 City Affordable Housing Program going through the initial occupancy or sale process; and

7 (2) units in all re-sales and subsequent leases until 20% of all units that
8 are part of a City Affordable Housing Program in a building are occupied by tenants who have
9 exercised this preference.

10 The Displaced Tenant's preference shall still apply even if such Displaced
11 Tenant declines a unit offered through application of the preference, but upon accepting and
12 occupying a unit obtained using the preference, such Displaced Tenant's preference
13 terminates.

14 ~~(e)~~ Third(e) Fifth, to a Neighborhood Resident, who meets all of the
15 qualifications for the unit or assistance. Preference under this subsection ~~(e)~~(e) shall be given:

16 (1) for units located in the same Neighborhood as the person resides;

17 (2) only for any new residential development in that Neighborhood going
18 through the initial occupancy or sale process, and only to 40% of the units in such
19 development.

20 ~~(d)~~ Fourth(f) Sixth, to any person who lives or works in San Francisco who
21 meets all of the qualifications for the unit or assistance. Preference under this subsection ~~(d)~~(f)
22 shall be applicable to:

23 (1) any unit in any new residential development that is part of a City
24 Affordable Housing Program going through the initial occupancy or sale process; and

25 (2) units in all re-sales and subsequent leases.

1 Section 3. The Planning Code is hereby amended by revising Section 414A, to read as
2 follows:

3 **SEC. 414A. CHILD CARE REQUIREMENTS FOR RESIDENTIAL PROJECTS.**

4 **SEC. 414A.1. PURPOSE AND FINDINGS.**

5 (a) **Purpose.** Residential developments in the City are benefitted by the availability of
6 childcare for persons residing in such developments. However, the supply of childcare in the
7 City has not kept pace with the demand for childcare created by new residents. The difficulty in
8 securing stable, affordable housing has also impacted the ability for childcare providers to continue
9 operating and living in San Francisco. Due to this shortage of childcare, residents unable to find
10 accessible and affordable quality childcare will be forced either to live where such services are
11 available outside of San Francisco or leave the work force, in some cases seeking public
12 assistance to support their children. In either case, there will be a detrimental effect on San
13 Francisco's economy and its quality of life.

14 The San Francisco General Plan requires that the City "balance housing growth with
15 adequate infrastructure that serves the city's growing population." In light of this provision, the
16 City should impose requirements on developers of certain residential projects designed to
17 mitigate the adverse effects of the increase in population facilitated by such projects.

18 (b) **Findings.** In adopting Ordinance No. 50-15, the Board of Supervisors reviewed the
19 San Francisco Citywide Nexus Analysis prepared by AECOM dated March 2014 ("Nexus
20 Analysis"), and the San Francisco Infrastructure Level of Service Analysis prepared by
21 AECOM dated March 2014, both on file with the Clerk of the Board of Supervisors in File No.
22 150149. The Board of Supervisors reaffirms the findings and conclusions of those studies as
23 they relate to the impact of residential development on childcare and hereby readopts the
24 findings contained in Ordinance 50-15, including the General Findings in Section 401A(a) of
25

1 the Planning Code and the Specific Findings in Section 401A(b) of the Planning Code relating
2 to childcare.

3 **SEC. 414A.2. DEFINITIONS.**

4 See Section 401 of this Article for definitions applicable to Section 414A et seq.

5 **SEC. 414A.3. APPLICATION OF RESIDENTIAL CHILD CARE IMPACT FEE.**

6 (a) **Application.**

7 (1) Section 414A.1 et seq. shall apply to any residential development project that
8 results in:

9 (A) At least one net new residential unit;

10 (B) Additional space in an existing residential unit of more than 800 gross
11 square feet;

12 (C) At least one net new group housing facility or residential care facility;

13 or

14 (D) Additional space in an existing group housing or residential care
15 facility of more than 800 gross square feet.

16 (2) Section 414A.1 et seq. shall not apply to:

17 (A) That portion of a residential development project consisting of a retail
18 use;

19 (B) That portion of a residential development project located on property
20 owned by the United States or any of its agencies;

21 (C) That portion of a residential development project located on property
22 owned by the State of California or any of its agencies, with the exception of such property not
23 used for a governmental purpose;

24 (D) That portion of a residential development project located on property
25 under the jurisdiction of the Port of San Francisco or the San Francisco Office of Community

1 Investment and Infrastructure where the application of this Section ~~414A.1-1441~~ is prohibited
2 by State or local law; and

3 (E) Any residential development project that has obtained its First
4 Construction Document prior to the effective date of Section 414A.1et seq.

5 **SEC. 414A.4. IMPOSITION OF RESIDENTIAL CHILD CARE IMPACT FEE**
6 **REQUIREMENT.**

7 (a) **Determination of Requirements.** The Department shall determine the applicability
8 of Section 414A to any development project requiring a First Construction Document and, if
9 Section 414A is applicable, the number of gross square feet of space subject to its
10 requirements, and shall impose these requirements as a condition of approval for issuance of
11 the First Construction Document for the development project to mitigate the impact on the
12 availability of child-care facilities that will be caused by the residents attracted to the proposed
13 development project. The project sponsor shall supply any information necessary to assist the
14 Department in this determination.

15 (b) **Department Notice to Development Fee Collection Unit at DBI.** After the
16 Department has made its final determination of the net addition of gross square feet of the
17 space subject to Section 414A.1et seq., it shall immediately notify the Development Fee
18 Collection Unit at the Department of Building Inspection (DBI) of its determination in addition
19 to the other information required by Section 402(b) of this Article.

20 (c) **Timing of Fee Payments.** The Residential Child Care Impact Fee shall be paid at
21 the time of and in no event later than the City issues a First Construction Document.

22 (d) **Development Fee Collection Unit Notice to Department Prior to Issuance of**
23 **the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall
24 provide notice in writing or electronically to the Department prior to issuing the First Certificate
25 of Occupancy for any development project subject to this Section 414A whether the project

1 sponsor has paid the required Residential Child Care Impact Fee. If the Department notifies
 2 the Unit at such time that the sponsor has not paid this fee in full, the Director of DBI shall
 3 deny any and all Certificates of Occupancy until the subject project is brought into compliance
 4 with the requirements of this Section 414A.

5 (e) **Process for Revisions of Determination of Requirements.** In the event that the
 6 Department or Commission takes action affecting any development project subject to Section
 7 414A, and such action is subsequently modified, superseded, vacated, or reversed by the
 8 Board of Appeals, the Board of Supervisors, or by a court, the procedures of Section 402(c) of
 9 this Article 4 shall be followed.

10 (f) **Waiver or Reduction.** Development projects may be eligible for a waiver or
 11 reduction of impact fees, per Section 406 of this Article 4, including Section 406(d), in the
 12 event a project located in an Area Plan may be assessed a child care fee.

13 **SEC. 414A.5. CALCULATION OF THE RESIDENTIAL CHILD CARE IMPACT FEE.**

14 (a) For development projects for which the Residential Child Care Impact Fee is
 15 applicable:

16 (1) Any net addition of gross square feet shall pay per the Fee Schedule in
 17 Table 414A.5A; and

18 (2) Any replacement of gross square feet or change of use shall pay per the
 19 Fee Schedule in Table 414A.5B.

20

TABLE 414A.5A	
FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET	
Residential projects of 10 or more units	Residential Projects <i>Projects</i> of up to 9 units
\$1.83/gsf	\$0.91/gsf

24

TABLE 414A.5B

25

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE			
	Residential Use to Residential Use	Non-Residential to Residential	PDR to Residential
Residential Projects of 10 or more units	\$0/gsf	\$0.26/gsf	\$0.26/gsf
Residential Projects of up to 9 units	\$0/gsf	\$0.13/gsf	\$0.13/gsf

(b) **Credit for On-Site Childcare Facilities.** A project may be eligible for a credit for on-site Childcare Facilities: The project sponsor must apply to the Planning Department to receive a credit for on-site child care facilities. To qualify for a credit, the facility shall be open and available to the general public on the same terms and conditions as to residents of the residential development project in which the facilities are located. Subject to the review and approval of the Planning Commission, the project sponsor may apply for a credit up to 100% of the required fee. The City shall enter into an In-Kind Agreement with the Project Sponsor under the conditions described for In-Kind Agreements in Section 421.3(d), subsections (2) through (5).

SEC. 414A.6. OPTION TO PROVIDE ONSITE SMALL FAMILY DAYCARE HOME IN LIEU OF FEE.

(a) **Election to Provide Designated Child Care Units in Lieu of Residential Child Care Impact Fee.** Consistent with the timing to elect the option to provide On- or Off-site Units under Section 415.5(g), the sponsor of a development project subject to the requirements of Section 414A.1 et seq., may elect to fulfill all or a portion of the Residential Child Care *Impact* Fee requirement imposed as a condition of approval by creating one or more Designated Child Care Units in the project, as follows:

(1) A Designated Child Care Unit(s) may be an On-site or Off-site Unit(s), as defined in Section 415 et seq., establishing the Inclusionary Affordable Housing Program, if the development project provides 10 or more On-site or Off-site units. If the development project provides fewer than 10 On-site or Off-site units, a Designated Child Care Unit may not be an On-site or Off-site Unit.

(2) The number of Designated Child Care Units in a project subject to this Section 414A shall be as follows:

<u>TABLE 414A.6A</u>	
<u>NUMBER OF DESIGNATED CHILD CARE UNITS</u>	
<u>Residential Project Size</u>	Maximum allowable Designated Child Care Units
<i>Residential Projects of 25-100 Residential Units</i>	1 Unit
<i>Residential Projects of 101-200 Residential Units</i>	2 Units
<i>Residential Projects of 201 or more Residential Units</i>	3 Units

~~(2)~~(3) A Designated Child Care Unit shall have two or more bedrooms and shall be 1,000 square feet or more;

~~(3)~~(4) A Designated Child Care Unit would preferably be located at or close to the ground floor;

(5) A Designated Child Care Unit shall be offered only for rent and only to a tenant who agrees to operate a licensed Small Family Daycare Home in the Unit;

~~(4)~~(6) A Designated Child Care Unit shall be reserved for a period of at least ten years from the date the Designated Unit is first leased to a tenant for use as a licensed Small Family Daycare Home; and

1 ~~(5)(7) A Designated Child Care Unit may not be an On-site or Off-site Unit, as defined~~
2 ~~in Planning Code Section 415 et seq. establishing the Inclusionary Affordable Housing Program.~~
3 ~~Applicants with previous experience as licensed childcare providers shall receive a preference.~~

4 **(b) Calculation of Value of Designated Child Care Unit in Lieu of Residential**
5 **Child Care Impact Fee.** For purposes of determining the value of a Designated Child Care
6 Unit to calculate a waiver of the Child Care Fee, the City shall calculate the number
7 Designated Child Care Units being provided multiplied by the average number of children per
8 Unit multiplied by the cost per childcare space. The following formula, using numbers derived
9 from the 2014 San Francisco Citywide Nexus Study shall be used:

10 (Total number of gross square feet of the residential unit or units designated as
11 Designated Child Care Units) * (Residential Child Care Impact Fee) * ~~2015~~.

12 This value shall be deducted from the amount of the Residential Child Care Impact
13 Fee owed.

14 **(c) Responsibilities of Operators of Small Family Daycare Homes in Designated**
15 **Child Care Units.** The Office of Early Care and Education shall monitor Designated Child
16 Care Units and refer any instances of noncompliance to the Planning Department for
17 enforcement. A tenant of any Designated Child Care Unit shall agree to operate a licensed
18 Small Family Daycare Home in the unit for a minimum of 10 years as follows:

19 ~~(1) If, in the determination of the Office of Early Care and Education, the tenant does~~
20 ~~not begin to operate a licensed Small Family Daycare Home in the unit within nine months of~~
21 ~~occupying the unit, or if the tenant ceases to operate a licensed Small Family Daycare Home at any~~
22 ~~point in time within ten years from the date the Designated Unit is first leased to a tenant to operate a~~
23 ~~licensed Small Family Daycare Home, all tenants in the Unit shall be required to vacate the unit within~~
24 ~~180 days;~~
25

1 ~~(2)~~ At least 1/3 of the children served by the Small Family Daycare Home shall
2 be from Households of Low- or Moderate-income, as defined in Section 401; and

3 ~~(3)~~(2) The Small Family Daycare Home established in any Designated Child
4 Care Unit shall serve at least four children of whom the operator of the Small Family Daycare
5 Home is not a parent or guardian, based on an average over the previous 12 months.

6 (d) Replacement of Operator and/or Designated Unit. Notwithstanding anything to the
7 contrary in this Section 414A, if a Designated Unit no longer provides a licensed Small Family
8 Daycare Home in the unit, the owner of the project in which the unit is located shall provide notice to
9 MOHCD and the Office of Early Care and Education of the next unit available for rent and allow
10 MOHCD, as assisted by the Office of Early Care and Education, to attempt to fill that unit with a
11 tenant eligible under the Inclusionary Affordable Housing Program who is also an eligible operator of
12 a Small Family Daycare Home. If, in the determination of the Office of Early Care and Education, the
13 tenant fraudulently did not intend to operate a licensed Small Family Daycare Home in the unit within
14 nine months of occupying the unit, all tenants in the Unit shall be required to vacate the unit within 60
15 days. If the Designated Unit is an On-site or Off-site unit, within the meaning of Section 415 et seq., for
16 the initial and any subsequent vacancies of such unit, the Mayor's Office of Housing and Community
17 Development (MOHCD) shall use its best efforts to fill such vacated unit with a tenant registered with
18 the Office of Early Care and Education and licensed to provide Small Family Daycare Home who is
19 also an eligible tenant under the City's Inclusionary Affordable Housing Program. If MOHCD is
20 unable to do so within 60 days, the vacated unit shall become available to other eligible tenants
21 pursuant to the City's Inclusionary Affordable Housing Program.

22 **SEC. 414A.7. USE OF FEES.**

23 All monies contributed pursuant to the provisions of Section 414A shall be deposited in
24 the Child Care Capital Fund established by Section 414.14 of this Code.

25 **SEC. 414A.8. NOTICE OF AVAILABLE DESIGNATED UNITS.**


1 Whenever a Designated Child Care Unit becomes available for rent, within five
2 business days, the owner of the Unit shall notify governmental and nonprofit entities that can
3 assist in publicizing the availability of the Unit, including, at a minimum, the following entities:
4 the Office of Early Care and Education, the Family Child Care Association of San Francisco,
5 the Children's Council, and Wu Yee Children's Services.
6

7 Section 4. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.
11

12 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.
18

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

21 By:


22 MARLENA BYRNE
Deputy City Attorney

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24
25

REVISED LEGISLATIVE DIGEST
(Substituted, 4/18/2017)

[Administrative Code, Planning Code - Designated Child Care Units]

Ordinance amending the Administrative Code and the Planning Code to provide that if a developer of a project with 10 or more affordable units elects to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, Designated Child Care Unit(s) may be affordable unit(s); and 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, Section 414.A.6(a)(5) provides that a Designated Child Care Unit may not also be a residential unit that is required to meet the affordable housing requirements of Planning Code Section 415 et seq., which establishes the City's Inclusionary Affordable Housing Program. These affordable housing units are also referred to as "On-site" or "Off-site" units because they can be provided on the project site or at a different location from the proposed project.

Administrative Code Chapter 47 establishes preferences for affordable housing in the City's Inclusionary Housing Program. Currently, preferences exist for holders of residential certificates under the former San Francisco Redevelopment Agency's Owner and Occupant Preference Program, certain displaced tenants, and certain neighborhood residents.

Amendments to Current Law

This ordinance would amend the Administrative Code and the Planning Code to allow a project developer to use required affordable housing units (aka an "On-site" or "Off-site" units) as Designated Child Care Units if the developer opts to provide Designated Child Care Unit(s) on the project site instead of paying the Residential Child Care Impact Fee. This option to use an affordable unit as a Designated Child Care Unit only applies if the project provides 10 or more affordable housing unit. If the project provides fewer than 10 affordable housing units, then a Designated Child Care Unit may not also be an affordable housing unit.

The ordinance would also amend the Administrative Code to provide that operators of licensed Small Family Daycare Homes would get preference in affordable housing units if those units are used to provide child care under this program.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2016

File No. 160019

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

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.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for Alisa Somera

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

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a physical change in the environment.

Joy Navarrete 11/10/16

BOARD of SUPERVISORS



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This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for Alisa Somera

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

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org,
c=US
Date: 2016.11.02 15:03:02 -07'00'

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
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TDD/TTY No. 554-5227

July 29, 2015

File No. 150793

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On July 21, 2015, Supervisor Yee introduced the following legislation:

File No. 150793

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Statutory Exemption under CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges - the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges...

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2015.08.13 09:48:12 -07'00'



SAN FRANCISCO PLANNING DEPARTMENT

November 9, 2015

Ms. Angela Calvillo, Clerk of the Board
Honorable Supervisor Yee
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
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Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2015-009771PCA
Child Care in Lieu Fee Increase and Application
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Yee:

On October 21, 2015 the Planning Commission conducted a duly noticed public hearing at regularly scheduled meetings to consider the proposed Ordinance that would amend Planning Code Sections 401, 406, and 414 introduced by Supervisor Yee. At the hearing the Planning Commission recommended approval with modifications.

The Commission's proposed modifications were as follows:

1. Remove the Designated Child Care Unit (DCCU) from this ordinance and consider the DCCU section as a separate piece of legislation.
2. Clarify in the proposed ordinance that Child Care Fees levied in Area Plans are to remain in Area Plans.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) (2) and 15378 because they do not result in a physical change in the environment.

Supervisors Yee, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Starr", with a long horizontal line extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

Transmittal Materials

CASE NO. 2015-008208PCA
Clarifying/Creating Preferences for Affordable Housing Units

cc:

Matthias Mormino, Aide to Supervisor Yee
Susan Cleveland Knowles, Deputy City Attorney
Alisa Somera, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No.19495

HEARING DATE OCTOBER 15, 2015

1650 Mission St.
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Project Name: Child Care in Lieu Fee Increase and Application
Case Number: 2015-009771PCA [Board File No. 150793]
Initiated by: Supervisor Yee / Introduced July 29, 2015
Staff Contact: Menaka Mohan, Legislative Affairs
Menaka.mohan@sfgov.org, 415-575-9141
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Recommend Approval with Modifications

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO INCREASE THE CHILD CARE IN LIEU FEE FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS OF UP TO \$1.57 PER GROSS SQUARE FOOT AND APPLY THE FEE TO PROJECTS OF 25,000 OR MORE GROSS SQUARE FEET; TO IMPOSE A TIERED CHILD CARE FEE FOR RESIDENTIAL DEVELOPMENT PROJECTS OF UP TO \$1.83 PER GROSS SQUARE FEET; TO ALLOW DEVELOPERS THE OPTION TO PROVIDE ONSITE SMALL FAMILY DAYCARE HOMES IN LIEU OF THE FEE; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1

WHEREAS, on July 29, 2015, Supervisor Yee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150793, which would amend the Planning Code to increase the increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee (hereinafter "Fee") for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee and;

WHEREAS, the proposed fee is based on the 2014 San Francisco Citywide Nexus Analysis adjusted fee rates for 2015 and;

WHEREAS, the proposed ordinance adds a new Citywide tiered Residential Child Care Fee (hereinafter "Fee") where projects up to nine units would be subject to \$0.91/GSF and projects of ten or more would be subject to \$1.83/GSF and;

WHEREAS, the proposed ordinance provides the option for developers to add a Designated Child Care Unit, which would provide Small Family Day Care Homes defined in California Health and Safety Code Section 1596.78(c) in lieu of a portion or the full Fee and would count towards the requirements of Planning Code Section 415 and;

WHEREAS, the proposed ordinance provides the option for developers to receive credit for providing on-site childcare facilities subject to the In-kind Agreement rules outlined in Planning Code Section 421.3(d), subsections (2) through (5) and;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 15, 2015; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 150152723 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 on behalf of Department staff and other interested parties; 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 with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Remove the Designated Child Care Unit (DCCU) from this ordinance and consider the DCCU section as a separate piece of legislation.
2. Clarify Child Care Fees levied in Area Plans remain in Area Plans.

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. Residential developments in the City are benefited by the availability of childcare for persons residing in such developments. However, the supply of childcare in the City has not kept pace with the demand for childcare created by new residents. Due to this shortage of childcare, residents unable to find accessible and affordable quality childcare will be forced either to live where such services are available outside of San Francisco or leave the work force, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.
2. The San Francisco General Plan requires that the City "balance housing growth with adequate infrastructure that serves the city's growing population." In light of this provision, the City should impose requirements on developers of certain residential projects designed to mitigate the adverse effects of the increase in population facilitated by such projects.
3. In adopting Ordinance No. 50-15, the Board of Supervisors reviewed the San Francisco Citywide Nexus Analysis prepared by AECOM dated March 2014 ("Nexus Analysis"), and the San

Francisco Infrastructure Level of Service Analysis prepared by AECOM dated March 2014, both on file with the Clerk of the Board of Supervisors in File No. 150149. The Board of Supervisors reaffirms the findings and conclusions of those studies as they relate to the impact of residential development on childcare and hereby readopts the findings contained in Ordinance 50-15, including the General Findings in Section 401A(a) of the Planning Code and the Specific Findings in Section 401A(b) of the Planning Code relating to childcare.

4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are, *on balance*, consistent with the Objectives and Policies of the General Plan (Staff discussion is added in *italic font* below):

COMMUNITY FACILITIES

OBJECTIVE 3

Assure that neighborhood residents have access to needed services and a focus for neighborhood activities.

The proposed fee would be applied to new residential development, hotel and office use, which in turn will be used to fund child care facilities.

HOUSING ELEMENT

OBJECTIVE 12

Balance housing growth with adequate infrastructure that serves the City's growing population.

POLICY 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The proposed fee would be applied to new residential development, hotel and office use, which in turn will be used to fund child care facilities.

BAYVIEW HUNTERS POINT

OBJECTIVE 15

Combine social revitalization with physical and economic revitalization efforts.

The proposed fee will be applied to new residential development which in turn will be used to fund child care facilities.

CENTRAL WATERFRONT

OBJECTIVE 2.3

Require that a significant number of units in new developments have two or more bedrooms except senior housing and SRO developments unless all below market rate units are two or more bedroom units.

POLICY 2.3.4

Encourage the creation of family supportive services, such as child care facilities, parks and recreation, or other facilities, in affordable housing or mixed-use developments.

The proposed legislation would provide the option for developers to provide an on-site child care facility in lieu of the proposed fee.

EAST SOMA (SOUTH OF MARKET)

OBJECTIVE 2.3

Ensure that new residential developments satisfy an array of housing needs with respect to tenure, unit mix and community services.

Policy 2.3.4

Encourage the creation of family supportive services, such as childcare facilities, parks and recreation, or other facilities, in affordable housing or mixed use developments.

OBJECTIVE 7.1

Provide essential community services and facilities

The proposed legislation would provide the option for developers to provide an on-site child care facility in lieu of the proposed fee.

EXECUTIVE PARK

OBJECTIVE 9

Provide and enhance community facilities to serve existing and future residents.

Policy 9.1

Encourage development that provides the necessary community facilities to serve the intended population and to create a livable neighborhood.

The proposed legislation would provide the option for developers to provide an on-site child care facility in lieu of the proposed fee.

MISSION

OBJECTIVE 2.3

Ensure that new residential developments satisfy an array of housing needs with respect to tenure, unit mix and community services.

OBJECTIVE 7.2

Ensure continued support for human service providers throughout the Eastern Neighborhoods.

SHOWPLACE SQUARE

OBJECTIVE 2.3

Require that a significant number of units in new developments have two or more bedrooms except senior housing and SRO developments unless all below market rate units are two or more bedroom units.

Policy 2.3.4

Encourage the creation of family supportive services, such as childcare facilities, parks and recreation, or other facilities, in affordable housing or mixed use developments.

OBJECTIVE 7.1

Provide essential community services and facilities.

OBJECTIVE 7.2

Ensure continued support for human service providers throughout the Eastern Neighborhoods.

The proposed legislation would provide the option for developers to provide an on-site child care facility in lieu of the proposed fee.

WESTERN SOMA (SOUTH OF MARKET)

OBJECTIVE 3.5

Ensure that new residential developments satisfy an array of housing needs with respect to tenure, unit mix and community services.

Policy 3.5.4

In affordable housing and mixed-use developments, encourage the creation of family supportive services, such as childcare facilities, parks and recreation, or other facilities.

OBJECTIVE 9.2

Provide neighborhood childcare services where they will best serve local residents and workers.

POLICY 9.2.2

Locate childcare near residential areas, on-site in new residential complexes, near transit facilities, or near employment centers to support families by reducing the time spent going to and from daycare, and to support other plan goals of traffic reduction and increased transit ridership.

The proposed legislation would provide the option for developers to provide an on-site child care facility in lieu of the proposed fee.

5. **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 amendments will not have a negative effect on neighborhood serving retail uses and will not affect 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 amendments will not affect existing housing and neighborhood character.

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

The proposed amendments will not affect the supply of affordable housing.

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

The proposed amendments will 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 amendments 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 negatively affect preparedness in the case of an earthquake.

7. That the landmarks and historic buildings be preserved;

Landmarks and historic buildings would not be negatively affected by the proposed amendments.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments.

6. **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 with the modification as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 15, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Wu, Antonini, Johnson, Richards

NOES:

ABSENT: Hillis, Moore

ADOPTED: October 15, 2015



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Child Care In Lieu Fee Amendment HEARING DATE: OCTOBER 15, 2015

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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Planning
Information:
415.558.6377

Project Name: Child Care in Lieu Fee Increase and Application
Case Number: 2015-009771PCA [Board File No. 150793]
Initiated by: Supervisor Yee / Introduced July 29, 2015
Staff Contact: Menaka Mohan, Legislative Affairs
 Menaka.mohan@sfgov.org, 415-575-9141
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee.

The Way It Is Now:

Currently the City charges child care fees for downtown commercial development and residential development in Plan Areas per the table below:

Child Care Fee	Amount
Residential Fees (\$/Gross Square Feet (GSF))	
Balboa Park	\$1.46
Eastern Neighborhoods*	\$1.26
Market and Octavia	\$0.87
Visitacion Valley	\$1.11
Commercial Fees (\$/Gross Square Feet (GSF))	
Citywide-Office/Hotel (50,000 GSF or more)	\$1.21
Balboa Park	\$0.27
Eastern Neighborhoods*	\$0.34

*Note that the table highlights the maximum fee charged in each infrastructure category.

The child care fees associated with Area Plans must be spent within the Area Plans borders, while the Citywide Fee can be spent throughout the City. As with all impact fees, the funding must be spent on capital costs associated with the anticipated growth in child care need.

In general, fees are applicable to development projects which result in:

1. At least one net residential unit
2. Additional space in an existing residential unit of more than 800 gross square feet,
3. At least one net new group housing facility or residential care facility,
4. Additional space in an existing group housing or residential care facility of more than 800 gross square feet,
5. New construction of a non-residential use, or
6. Additional non-residential space in excess of 800 gross square feet in an existing structure.

The Way It Would Be:

The new Residential Child Care Impact Fee would apply Citywide. The legislation would also change the child care requirement for office and hotel development projects (section 414.1) by applying to projects proposing the net addition of 25,000 or more gross square feet of office or hotel space. New commercial and residential fees would be charged based on the number of units provided per table below.

Child care Fee	Amount
Residential Fees (\$/Gross Square Feet (GSF))	
Balboa Park*	\$1.46
Eastern Neighborhoods	\$1.26
Market and Octavia	\$0.87
Visitacion Valley	\$1.11
Citywide Projects of 10 or more units	\$1.83
Citywide Projects of up to 9 units	\$0.91
Commercial Fees (\$/Gross Square Feet (GSF))	
Citywide-Office/Hotel (25,000 GSF or more)	\$1.57
Balboa Park	\$0.27
Eastern Neighborhoods*	\$0.34

The Residential Child Care Impact Fee (Fee) would apply to development projects which result in:

1. At least one net residential unit
2. Additional space in an existing residential unit of more than 800 gross square feet,
3. At least one net new group housing facility or residential care facility,
4. Additional space in an existing group housing or residential care facility of more than 800 gross square feet.

Note that the fee rates in Area Plans would remain the same with the difference in the fee deposited into the newly created Child Care Facilities Fund. Exceptions to the new fee would not apply to retail portions of a residential project, government owned properties, and any project that has obtained its First Construction Document prior to the effective date of Section 414A.1. There are additional fees for the conversion of non-residential space to residential determined by the number of units as well from PDR to residential.

Projects may also choose to provide a small family daycare home known as a Designated Child Care Unit in lieu of a portion or 100 percent of the fee as follows:

Residential Project	Maximum Allowable Designated Child Care Units
25-100 units	1 unit
101-200 units	2 units
201 or more units	3 units

Designated Child Care Unit would only be offered for rents and to a tenant who agrees to operate a licensed small Family Daycare Home in the unit. The unit would have two or more bedrooms and would be reserved as a Daycare Home for at least ten years.

BACKGROUND

The Planning Code contains over 20 different development impact fees, including several single-purpose fees as well as several community infrastructure fees that the City established as a part of various area plan efforts. In 2013, the consultant company AECOM began to update the City's nexus analysis with direction from the San Francisco Planning Department, the San Francisco Capital Improvements Program with direction from the City Attorney's Office.

The nexus analysis studied the connection of new growth (nexus) to facilities for recreation and open space, child care, streetscape and pedestrian infrastructure, and bicycle infrastructure. The nexus study and accompanying Level of Service (LOS) report¹ developed a standards-based methodology for existing impact fees and served as the five year update to the nexus studies as outlined in Planning Code section 410.

ISSUES AND CONSIDERATIONS

Development Impact Fees

Cities are authorized to levy development impact fees through the California Mitigation Fee Act², (hereinafter the Fee Act) that establishes requirements and principles for local jurisdictions to impose fees as a condition of approval. One of the requirements set by the Fee Act requires local jurisdictions establish a "nexus" between the impacts of new development and the proposed fee. While not all fees in Article Four of the Planning Code are subject to the Fee Act, it is the City's practice to establish a nexus for any fee imposed as a condition of development.

The San Francisco Citywide Nexus Analysis established a residential fee for child care of \$1.86/GSF for residential and \$1.58/GSF for commercial using data from 2013. The current legislation proposes to charge 90% of the San Francisco Citywide Nexus Analysis-adjusted for 2015 rates for the commercial fee (\$1.57/GSF) and 90% of the Nexus (\$1.83/GSF) of the residential fee for projects with 10 or more units and 45% of Nexus (\$0.91) of the fee for projects with 0-9 units. Note that funds generated from the impact fee may only be used to fund capital child care projects and facilities.

Currently, impact fees levied in the Area Plans are spent within the borders of each Plan. The Planning Department worked extensively with the Office of Early Care and Education to develop a Notice of

¹Found at <http://www.sf-planning.org/index.aspx?page=2893> and in BOS File No. 150149)

² California Government Code Section 66000 et. seq.

Funding Availability for Market Octavia for child care funds accrued and will do the same when enough funds have accrued in Eastern Neighborhoods.

Note that the Transportation Sustainability Fee (TSF) rate proposed by the Land Use Committee of the Board of Supervisors (BOS) for projects over 100 units and more than 100,000 GSF may make some projects infeasible with the proposed Residential Child Care Fee in this ordinance-please see table below. The TSF Feasibility study notes that at 150% of the Base Case TSF (rates that were proposed in 2012) the fee does not impact the overall feasibility for the majority of prototypes, but could impact the feasibility of some projects.³

Use	Current TIDF	Proposed TSF Rate	150% of Base TSF (\$/GSF)	Proposed Child Care Fee	BOS TSF less than 100 units and less than 100k	BOS TSF less than 100 units and less than 100k + Proposed Child Care Fee	BOS TSF more than 100 units and more than 100k	BOS TSF more than 100 units and more than 100k+Proposed Child Care Fee
Residential	\$0	\$7.74	\$9.29	\$1.83	\$7.74	\$9.57	\$8.74	\$10.57
Nonresidential	\$13.87 - \$14.59	\$18.04	\$21.65	\$1.57	\$18.04	\$19.61	\$19.04	\$20.61

Note that the TSF was supported by a feasibility study which was not completed for the proposed child care fee. The Department believes the proposed fee recommendation is justifiable, given that the TSF rate increases only for projects that are more than 100 units or more than 100 GSF.

Child Care Need

As of 2010, 79,210 children ages 0-12 call San Francisco home, with approximately 25,186 under the age of 12 in families with income levels eligible for a subsidy for early care, which represent 35% of the City's young child population.

The demand for child care is mostly generated by those who live in San Francisco. A smaller percentage is generated by those who work in the City but do not reside in San Francisco. Child care demand is calculated by the estimating the pool of children who would require licensed child care based on the labor force and an estimated percentage of parents who use formal licensed care.

The child care nexus was established on the Level of Service (LOS) metric, which is based on projected demographics of the City in 2020. The LOS is determined by the percent of infant and toddler (ages 0-2) child care demand served by available licensed slots. The same formula is used to determine the LOS for preschoolers. Childcare LOS is currently provided for 37% of demand for infants and toddler (ages 0-2)

³ The Transportation Sustainability Fee: Economic Feasibility Study can be found at: http://www.sf-planning.org/ftp/files/plans-and-programs/emerging_issues/tsp/TSF_EconomicFeasibilityStudy_Spring2015.pdf

and child care LOS is currently provided for 99.6% of child care demand for preschoolers (ages 3-5). The nexus study analyzed the same LOS metrics-37% of demand for infants and toddlers and 99.6% for preschoolers-for the year 2020.

The 2012-2013 San Francisco Early Care and Education Needs Assessment⁴ was overseen by the Child Care Planning and Advisory Council (CPAC), the Assessment provides an overview of the demographic needs for child care in the City as well as outlines capacity for early care and the unmet need for subsidized care. The report also provides a detailed overview of the early care and education landscape in San Francisco. Of particular note in the report is the creation of the Office of Early Care and Education (OECE), which coordinates and consolidates services, improves policy coordination, and provides a single line of authority for the City's investments in early care and education services. This office also sits on the interagency Plan Implementation Committee which programs the City's impact fees. This office would also oversee the new Child Care Capital Fund established in the proposed ordinance.

Child Care Facilities

Provision of child care can be divided into two categories, licensed and unlicensed. Unlicensed child care could be more formal child care administered through programs like the Boys and Girls Club or more informal care such as stay-at-home parents. Unlicensed child care is largely beyond the scope or control of the City.

Licensed child care takes two forms, child care centers that are often located in commercial buildings, and family child care homes (FCCH) that are typically located within private residences. FCCH have a lower capacity with a maximum of 12-14 children, and are principally permitted throughout the City, except in most PDR districts. Facilities with 15 or more children are considered child care centers and often require conditional use authorization as larger institutional uses.

Both FCCH and child care centers require licensing from the City and the City only provides capital costs to licensed facilities. Impact fees, including the one proposed in this ordinance, are used for child care centers that are serving infants, toddlers, and preschooler care. School-age care is generally provided for within the schools facilities' built by the School District; therefore the Citywide Nexus Study limited the LOS to children ages 0-5.

The current child care fees collected at occupancy from new office and hotel developments above 50,000 square feet of \$1 per square foot were established in 1985. These development fees are spent on child care facility capital and infrastructure as part of the Child Care Facilities Fund, administered by the Low Income Investment Fund under contract with the Office of Early Care and Education. The fees are used to increase and/or retain child care capacity in San Francisco. Funding available to child care agencies for facility development include: pre-development grants, new capital grants, move-in grants, start-up capacity grants and emergency renovation and repair grants. Priority for funding is given to child care programs that are part of City funded development projects, especially as part of affordable housing such as HOPE SF, public/private partnerships, those serving a higher percentage of low/moderate income families, and those providing increased access to infants, toddlers and children with special needs.

The increased revenue generated by the Residential Child Care fees will supplement the current Child Care Facilities Fund and enable the City to support more of the child care facility projects currently in the pipeline, using the same application process and priorities for funding. Examples of projects in the

⁴ The 2012-2013 San Francisco Early Care and Education Needs Assessment can be found at <http://38.106.4.155/modules/showdocument.aspx?documentid=1932>

pipeline include Hunter's View Block 10, the Transbay Block 7, HOPE SF Alice Griffiths, 1500 Mission Street, Mission Neighborhood Centers, and Nihonmachi Little Friends. Estimated costs of confirmed and potential child care facility projects and grants requested show a projected need of approximately \$12 million from 2015-17 and beyond.

On-Site Child Care Facilities and Designated Child Care Center

The legislation provides credit for on-site child care facilities if the project sponsor applies to the Planning Department to receive a credit for an on-site child care facility. To qualify for the credit, the facility shall be open and available to the general public on the same terms and conditions as to residents of the residential development project in which the facilities are located. The credit is subject to the review and approval of the Planning Commission, who may apply a credit of up to 100% of the required fee. Project Sponsors who proposed an on-site child care facility for credit shall enter into an In-Kind Agreement with the City. In-Kind Agreements are subject to a valuation at the discretion of the Director of Planning. Project Sponsors must provide two cost estimates from independent sources of the proposed improvement. The actual agreement includes a description of the type and timeline of the proposed improvement, the appropriate value, and the legal remedies in case of failure of the project sponsor to provide an in-kind improvement according to the specified timeline and terms in the agreement.

This legislation also created a Designated Child Care Unit (DCCU) which is an on- or off-site unit provided by the developer that is designated for use as a Small Family Daycare Home, where Small Family Day Care Home is defined by the California Health and Safety Code⁵. Projects that provide a DCCU are eligible for a partial or full fee waiver of the Residential Child Care Fee requirement if the per the table below:

Residential Project	Maximum Allowable Designated Child Care Units
25-100 units	1 unit
101-200 units	2 units
201 or more units	3 units

In order to qualify for a fee waiver, the DCCU must be a rental unit, have two or more bedrooms, must operate as a Family Child Care Home for at least ten years, and be created within nine months of the tenant occupying the unit. The Designated Child Care Unit would occupy one of the development's required inclusionary units and would be income restricted through section 415. In effect, this would create a new preference for inclusionary units for people who are licensed child care providers that also meet the income restrictions for the unit. The Designated Child Care Unit is also subject to the following:

- If the OECE determines that a tenant has not begun to operate a Small Family Day Care Home within nine months or that the Day Care Home ceases to operate at any point in time within ten years from the date of the DCCU, than all tenants would be required to vacate the unit within 180 days

⁵ Note that A Designated Child Care Unit is defined as an on-or off-site unit provided by a project that is designated for use as a Small Family Day Care Home. A Small Family Daycare Home is defined by the California & Safety Code Section 1596.78(c) and is amended from time to time. To date, the definition of a Small Family Day Care Home is a home that provides family day care for eight or fewer children, including children under the age of ten years who reside at the home.

- At least 1/3 of the children served by the Small Family Day Care Home must be from households of low or moderate income
- The Small Family Day Care home established in a DCCU shall serve at least four children of whom the operator of the Day Care is not a parent or guardian, based on an average over the previous 12 months.

If a project elects to complete a DCCU the fee reduction is based on the total number of gross square feet of the unit or units designated as DCCUs multiplied by the Residential Child care Impact Fee multiplied by 20. This formula is derived from the 2014 San Francisco Citywide Nexus Study. An example of how the calculation and fee waiver is provided per the table below:

Total Residential GSF	50,000
Residential Child Care Fee (Fee)	\$1.83
Child Care Fee	\$91,500
Total Units	150
BMR Rental (55% AMI)Units	18
Designated Child Care Units (DCCUs)	2
GSF of DCCUs	2,000
Fee waiver (GSF of DCCUs * Fee *20)	\$73,200
Total Residential Child Care Fee	\$18,300

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Remove the Designated Child Care Unit (DCCU) from the Inclusionary Program and create a separate program for the DCCU.
2. Clarify Child Care Fees levied in Area Plans remain in Area Plans.
3. The Office of Early Child Care (OECE) should be the Enforcement Agency.

BASIS FOR RECOMMENDATION

The Department recommends that the Commission recommend approval with modifications of the proposed Ordinance and adopt the attached Draft Resolution to that effect. Providing the funding for adequate child care facilities is a documented need in the City. Furthermore, there is an unmet capital

need of approximately \$12 million in the current pipeline for child care facilities that could be met with the proposed fee.

Recommendation 1: Remove the Designated Child Care Unit (DCCU) from the Inclusionary Program and Create a Separate Program for the DCCU

The City applauds efforts to create more facilities for child care especially small family daycare homes; however the implementation of a Designated Child Care Unit (DCCU) presents several questions and concerns regarding implementation. Based on input from Mayor's Office of Housing and Community Development (MOHCD) the Department has concerns about tying the inclusionary program to the DCCU. MOHCD and the Planning Department support the creation of more child care facilities and believe establishing a program, independent of the inclusionary program, is more appropriate.

The creation of a DCCU results in a full or partial credit for the child care fee and counts towards the City's inclusionary requirement. A DCCU could setup a bad precedent in that a project sponsor would be "double dipping" in that a sponsor would receive credit for both affordable housing and child care.

This program would also create a new inclusionary unit preference for child care providers. The City is in the process of reevaluating its preference for inclusionary units, and while it may make sense to have a preference for child care providers this has not been part of the discussion until now, and the Department isn't entirely clear on how this will impact the inclusionary program.

The inclusionary program is also tied to individuals making 55% of the AMI (\$56,050 for a family of four) and requiring that low income tenants also be able to start a family child care center in the home within the nine month period could become onerous. Additionally, if the family home day care is unable to run for 10 years or if the tenant is unable to start a family home day care within nine months of occupying the units, the City could be put in the situation of evicting a low income tenant.

For these reasons the Department recommends that the DCCU be a separate program from the inclusionary program that is not tied to an individual's income. This would encourage the provision of child care services by allowing for a fee reduction that benefits the project sponsor without further burdening the inclusionary occupant. In order to test that the program's feasibility the Department proposes a monitoring the program to ensure the creation of units and if after one year a DCCU has not been designated we would recommend increasing the fee waiver from the current legislative proposal. Alternatively, if the program is determined infeasible the Department recommends eliminating the DCCU requirement altogether.

Recommendation 2: Clarify Child Care Fees levied in Area Plans remain in Area Plans.

Currently it is unclear that the fees levied in Area Plans would be unchanged in the current legislation. The intent is to have the Area Plan fees remain the same and the different in the fee would be deposited into the Child Care Facilities Fund.

Recommendation 3: The Office of Early Child Care (OECE) should be the Enforcement Agency.

Currently the Planning Department is named as the enforcement agency to ensure that a designated child care unit is running a family child care home for at least 10 years. Given that the Planning Department does not regulate child care or is equipped to determine what constitutes a legal family day care in the home, enforcement of the unit should remain with the Office of Early Child Care (OECE).

ENVIRONMENTAL REVIEW

The proposed Ordinance would result in no physical impact on the environment. The proposed amendments are statutory exempt from environmental review under CEQA Guidelines Section 152723-Rates, Tolls, Fares, and Charges.

PUBLIC COMMENT

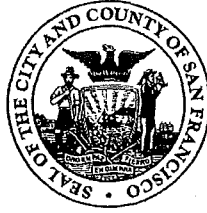
As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Recommendation of Approval with Modification

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 150793

Youth Commission
 City Hall ~ Room 345
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102-4532



(415) 554-6446
 (415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION
MEMORANDUM

TO: Alisa Somera, Clerk, Land Use & Transportation Committee
FROM: Youth Commission
DATE: Wednesday, November 23, 2016
RE: Referral response to BOS File No. 160019 [Planning Code - Child Care Requirements for Office and Residential Projects and Associated Fees]

At our **Monday, November 21, 2016 meeting**, the Youth Commission voted to unanimously support the following motion:

To support BOS 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.

Youth Commissioners thank Mayor Lee and the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Chair, Madeleine Matz
 Adopted on November 21, 2016
 2016-2017 San Francisco Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, December 7, 2015

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 150793. Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If the legislation passes, the existing in lieu fee charged to office and hotel development projects to meet certain child care requirements pursuant to Planning Code, Sections 414.1 et seq., shall be revised, as follows:

- Increased from \$1.00/gross square feet (gsf) to \$1.57/gsf; and
- Project gsf threshold shall be lowered from 50,000 gsf to 25,000 gsf.

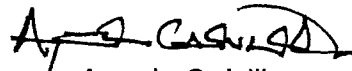
A new Residential Child Care Impact Fee shall be charged to residential projects, calculated as follows:

- Net additions of gsf to projects of 10 or more units: \$1.83/gsf;
- Net additions of gsf to projects of up to 9 units: \$0.91/gsf;
- Projects of 10 or more units that changes its use from "Non-Residential" to "Residential:" \$0.26/gsf;

- Projects of up to 9 units that changes its use from "Non-Residential" to "Residential:" \$0.13/gsf;
- Projects of 10 or more units that changes its use from "Production, Distribution and Repair (PDR)" to "Residential:" \$0.26/gsf; or
- Projects of up to 9 units that changes its use from "PDR" to "Residential:" \$0.13/gsf.

All monies collected through these fees shall be deposited into the Child Care Capital Fund and used solely to increase and/or improve the supply of child care facilities that are affordable to low and moderate income households.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 4, 2015.


Angela Calvillo
Clerk of the Board

DATED: November 24, 2015
PUBLISHED: November 27 and December 3, 2015

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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NOTIFICACIÓN DE AUDIENCIA PÚBLICA

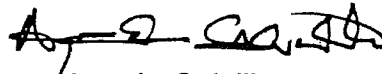
JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO
COMITÉ SOBRE USO DE SUELOS Y TRANSPORTE

Fecha: Lunes, 7 de diciembre de 2015

Hora: 1:30 p.m.

Lugar: Cámara Legislativa, Sala 250, localizada dentro del Ayuntamiento
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Asunto: Núm. de Expediente 150793. Ordenanza que enmienda el Código de Planificación relacionado con el Pago en vez de Cuidado Infantil de los proyectos de urbanización para oficinas y hoteles para aumentarlo hasta un \$1.57 por pie cuadrado bruto y asignar los pagos relacionados a los proyectos de 25,000 o más pies cuadrados; se impone un sistema de pago por niveles de Cuidado Infantil para los proyectos de urbanización residencial hasta \$1.83 por pie cuadrado bruto; para permitir que los desarrolladores tengan la opción de proporcionar en sitio Pequeñas Guarderías Infantiles Familiares en vez de dar el pago; afirma la determinación del Departamento de Planificación bajo la Ley de Calidad Medioambiental de California; y hace hallazgos conforme con la Sección 101.1 del Plan General, y las ocho políticas prioritarias del Código de Planificación.


Angela Calvillo
Secretaria de la Junta

FECHADO: 24 de noviembre de 2015
PUBLICADO: 27 de noviembre y 3 de diciembre de 2015



公聽會通知

三藩市市及縣市參事委員會
土地使用與交通運輸委員會

日期: 2015年12月7日星期一

時間: 下午1時30分

地點: 市政廳，立法會議廳 250 室，1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102

議題: 檔案號碼 150793。該項條例修訂規劃法規旨在對寫字樓及酒店開發項目提高託兒替代費用 (Child Care In Lieu Fee) 達至每平方英尺 (總面積) \$1.57和對總面積達25,000平方英尺或以上的項目實行此收費規定；對住宅開發項目進行分層徵收託兒費用達至每平方英尺 (總面積) \$1.83；允許開發商選擇就地提供小型家庭日間託兒設施 (Small Family Daycare Homes) 以代替應繳費用；依據「加州環境質量法」 (California Environmental Quality Act) 確認規劃局的裁定；以及作出與總體計劃及規劃法規第101.1條款的八項優先政策相一致的裁斷。


Angela Calvillo
市參事委員會書記

CALIFORNIA NEWSPAPER SERVICE BUREAU

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Alisa Somera
CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description AS - 12.7.15 Land Use - 150793 Fee Ad

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

11/27/2015 , 12/03/2015

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Table with 2 columns: Description, Amount. Rows: Publication \$930.00, Publication \$-93.00, Total \$837.00

EXM# 2820433

NOTICE OF PUBLIC HEARING
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

LAND USE AND TRANSPORTATION COMMITTEE
MONDAY, DECEMBER 7, 2015 - 1:30 PM
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150793. Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. - If the legislation passes, the existing in lieu fee charged to office and hotel development projects to meet certain child care requirements pursuant to Planning Code, Sections 414.1 et seq., shall be revised, as follows: increased from \$1.00/gross square feet (gsf) to \$1.57/gsf; and project gsf threshold shall be lowered from 50,000 gsf to 25,000 gsf. A new Residential Child Care Impact Fee shall be charged to residential projects, calculated as follows: net additions of gsf to projects of 10 or more units: \$1.83/gsf; net additions of gsf to projects of up to 9 units: \$0.91/gsf; projects of 10 or more units that changes its use from "Non-Residential" to "Residential:" \$0.26/gsf; projects of up to 9 units that changes its use from "Non-Residential" to "Residential:" \$0.13/gsf; projects of 10 or

more units that changes its use from "Production, Distribution and Repair (PDR)" to "Residential:" \$0.26/gsf; or projects of up to 9 units that changes its use from "PDR" to "Residential:" \$0.13/gsf. All monies collected through these fees shall be deposited into the Child Care Capital Fund and used solely to increase and/or improve the supply of child care facilities that are affordable to low and moderate income households. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, December 4, 2015. - Angela Calvillo, Clerk of the Board



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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: April 19, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following **substitute** legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160019-3

Ordinance amending the Administrative Code and the Planning Code to provide that if a developer of a project with 10 or more affordable units elects to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, Designated Child Care Unit(s) may be affordable unit(s); and 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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment

Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 19, 2017

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

Dear Commissioners:

On April 18, 2017, Supervisor Yee introduced the following **substitute** legislation:

File No. 160019-3

Ordinance amending the Administrative Code and the Planning Code to provide that if a developer of a project with 10 or more affordable units elects to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, Designated Child Care Unit(s) may be affordable unit(s); and 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.

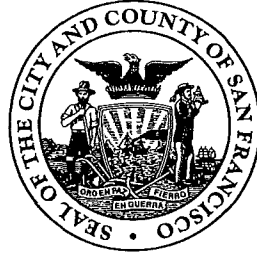
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "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


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Trent Rhorer, Executive Director, Human Services Agency
Todd Rufo, Director, Office of Economic and Workforce Development

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

DATE: April 19, 2017

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following **substitute** legislation, introduced by Supervisor Yee on April 19, 2017:

File No. 160019-3

Ordinance amending the Administrative Code and the Planning Code to provide that if a developer of a project with 10 or more affordable units elects to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, Designated Child Care Unit(s) may be affordable unit(s); and 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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Krista Ballard, Human Services Agency
Lisa Pagan, Office of Economic and Workforce Development

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 19, 2017

File No. 160019-3

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 18, 2017, Supervisor Yee introduced the following **substitute** legislation:

File No. 160019-3

Ordinance amending the Administrative Code and the Planning Code to provide that if a developer of a project with 10 or more affordable units elects to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, Designated Child Care Unit(s) may be affordable unit(s); and 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.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

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

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Adele Carpenter, Director
Youth Commission

FROM:  Angela Calvillo, Clerk of the Board

DATE: April 19, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following **substitute** legislation which is being referred to the Youth Commission per Charter, Section 4.124, for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160019-3

Ordinance amending the Administrative Code and the Planning Code to provide that if a developer of a project with 10 or more affordable units elects to provide one or more Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee, Designated Child Care Unit(s) may be affordable unit(s); and 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.

Please return this cover sheet with the Commission's response to Alisa Somera, Land Use and Transportation Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

No Comment

Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2016

File No. 160019

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

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.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for Alisa Somera

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

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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.

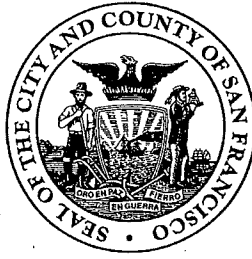
Angela Calvillo, Clerk of the Board

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

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: *AS* Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 1, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission

c: Menaka Mahajan, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Adele Carpenter, Director
Youth Commission

FROM: *AC* Angela Calvillo, Clerk of the Board

DATE: November 1, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following substitute legislation which is being referred to the Youth Commission as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

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.

Please return this cover sheet with the Commission's response to Alisa Somera, Land Use and Transportation Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

- No Comment
- Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Trent Rhorer, Executive Director, Human Services Agency
Todd Rufo, Director, Office of Economic and Workforce Development

FROM: *el*
fr Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

DATE: November 1, 2016

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Yee on October 25, 2016:

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.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Krista Ballard, Human Services Agency
Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

January 19, 2016

File No. 160019

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Jones:

On January 12, 2016, the Board of Supervisors **duplicated** the following legislation from File No. 150793 (same subject):

File No. 160019

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

January 19, 2016

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

Dear Commissioners:

On January 12, 2016, the Board of Supervisors **duplicated** the following legislation from File No. 150793 (same subject):

File No. 160019

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The Planning Commission held a public hearing on the original legislation (File No. 150793) on October 21, 2015 and provided a recommendation.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), in the event the Commission wants to hold an additional public hearing and provide an additional recommendation.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM:  Alisa Somera, Assistant Clerk, Land Use and Transportation Committee
Board of Supervisors

DATE: January 19, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors **duplicated** the following legislation from File No. 150793 (same subject), which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160019

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

No Comment
 Recommendation Attached

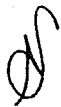
Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Youth Commission
FROM:  Alisa Somera, Assistant Clerk
Land Use and Transportation Committee
DATE: January 19, 2016

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

On January 12, 2016, the Board of Supervisors **duplicated** the following legislation from File No. 150793 (same subject):

File No. 160019

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

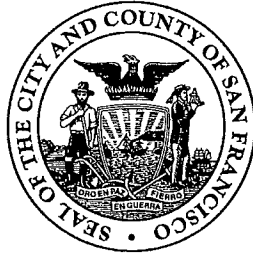
Please return this cover sheet with the Commission's response to **Alisa Somera, Clerk, Land Use and Transportation Committee.**

RESPONSE FROM YOUTH COMMISSION Date: _____

- No Comment
- Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Trent Rhorer, Director, Human Services Agency
Todd Rufo, Director, Office of Economic and Workforce Development

FROM:  Alisa Somera, Assistant Clerk, Board of Supervisors

DATE: January 19, 2016

SUBJECT: DUPLICATED LEGISLATION

On January 12, 2016, the Board of Supervisors **duplicated** the following legislation from File No. 150793 (same subject):

File No. 160019

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This matter is being referred to you since it may affect your department.

If you have any comments or reports to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.somera@sfgov.org.

c: William Straw, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee
Board of Supervisors

DATE: July 29, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150793

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

- No Comment
- Recommendation Attached

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 29, 2015

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

Dear Commissioners:

On July 21, 2015, Supervisor Yee introduced the following legislation:

File No. 150793

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed 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

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
AnMarie Rodgers, Senior Policy Manager
Scott Sanchez, Zoning Administrator
Sarah Jones, Chief, Major Environmental Analysis
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Adele Carpenter, Director, Youth Commission
Todd Rufo, Director, Office of Economic and Workforce Development
Trent Rhorer, Executive Director, Human Services Agency

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,
Board of Supervisors

DATE: July 29, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Yee on July 21, 2015:

File No. 150793

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Ken Rich, Director of Development
Lisa Pagan, Liaison to the Board of Supervisors
Louise Rainey, Commission Secretary

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 29, 2015

File No. 150793

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On July 21, 2015, Supervisor Yee introduced the following legislation:

File No. 150793

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk
Land Use & Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,
Board of Supervisors

DATE: July 29, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Transportation Committee has received the following legislation, introduced by Supervisor Yee on July 21, 2015:

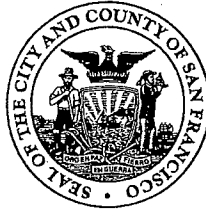
File No. 150793

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

The proposed legislation is being for informational purposes. This ordinance is pending before the Land Use & Economic Development Committee.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



1516-RBM-01

(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION
MEMORANDUM

TO: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee
FROM: Youth Commission
DATE: Wednesday September 23, 2015
RE: Referral response to BOS Files No. 150793

At our **Monday, September 21, 2015** meeting, the Youth Commission voted unanimously to support the following motion:

To support BOS File No. 150793 – Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Youth commissioners also approved the following comments regarding this legislation:

The Youth Commission recommends that the Board of Supervisors set a goal for the number of family daycares to be established through the use of the in lieu on-site option established in this legislation.

The Youth Commission recommends that the Board of Supervisors request an analysis of the distribution of need for affordable childcare, as well as the usage of the childcare slots created through centers or family daycares established as a result of the impact fee and in lieu options set forth in this legislation in order to ensure the slots are reaching the areas and communities with the highest need for affordable childcare options.

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Handwritten signature of Luis Avalos-Nunez in cursive.

Chair, Luis Avalos-Nunez
Adopted on September 21, 2015
2015-2016 San Francisco Youth Commission

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 APR 18 PM 4:25

BY B Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

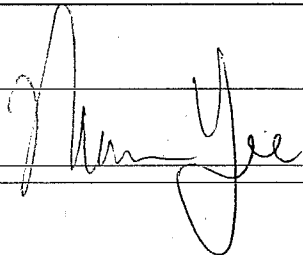
- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

BOARD OF SUPERVISORS
 SAN FRANCISCO
 2016 OCT 25 PM 3:14
 Time stamp
 or meeting date *BJ*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

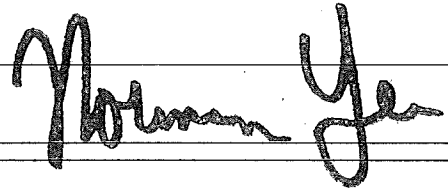
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

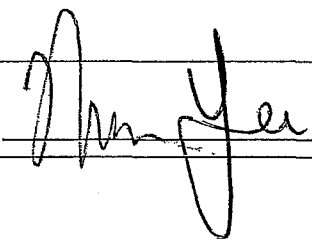
Supervisor Yee

Subject:

Planning Code - Child Care Requirements for Office and Residential Projects

The text is listed below or attached:

See attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

