1	[Establishing a Visitacion Valley Community Facilities and Infrastructure Fee and Fund.]
2	
3	Ordinance adding Planning Code Sections 319 through 319.7 to impose a \$4.58 per
4	square foot fee on new residential development in the Visitacion Valley area, to
5	establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate
6	impacts from residential development on public infrastructure in Visitacion Valley
7	including libraries, streets, playgrounds, recreational facilities, and community centers
8	and making findings including findings under the California Environmental Quality Act
9	Note: Additions are <u>single-underline italics Times New Roman</u> ; deletions are <u>strikethrough italics Times New Roman</u> .
10	Board amendment additions are double underlined.
11	Board amendment deletions are strikethrough normal.
12	Be it ordained by the People of the City and County of San Francisco:
13	Section 1. Findings.
14	(a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
15	ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
16	Planning Commission Resolution No, and incorporates such reason
17	herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk
18	of the Board of Supervisors in File No
19	(b) The Board of Supervisors finds that this ordinance is in conformity with the
20	General Plan, amended in the companion legislation, and the Priority Policies of Planning
21	Code Section 101.1 for the reasons set forth in Planning Commission Resolution No.
22	, and hereby incorporates those reasons by reference.
23	(c) The Planning Department has determined that the actions contemplated in this
24	ordinance are in compliance with the California Environmental Quality Act (California Public
25	Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the

4	Poord of Supervisors in File No.	and is incorporated baroin by
1	Board of Supervisors in File No.	and is incorporated herein by
2	reference.	
3	Section 2. The San Francisco Planning Code is h	ereby amended by adding Section
4	319, to read as follows:	
5	SEC. 319. VISITACION VALLEY COMMUNITY F	ACILITIES AND INFRASTRUCTURE
6	FEE AND FUND	
7	Sections 319 through 319.7 set forth the requirements	and procedures for the Visitacion Valley
8	Community Facilities and Infrastructure Fee and Fund.	
9	SEC. 319.1. FINDINGS.	
10	(a) A number of large sites in Visitacion Valley are	e targeted for substantial changes of use.
11	Currently there are three applications pending at the City's P.	lanning Department to develop Executive
12	Park, originally planned as an office complex, into a large how	using development. In addition, the City
13	has drafted plans for Schlage Lock, long an industrial site, to	be transformed into a major mixed-use
14	housing development. Together, these sites would represent o	ver 2,000 new units of housing in areas
15	previously contemplated for office and industrial activities.	
16	For the past thirty years, Executive Park has been the	subject of several proposals and
17	development plans. The first Executive Park Development Plans	an, developed in 1978, considered a
18	development of 833,000 square feet of office space, 174,000 sa	quare feet of hotel/meeting space, and
19	75,000 square feet of retail space. Building permits were issu	ed for the construction of four office
20	building and a restaurant under this plan. Three of the office	buildings were constructed by 1985, for a
21	total of about 320,000 square feet of office space and 2,500 sq	nuare feet of retail space. The fourth
22	office building and the restaurant have yet to be constructed.	
23	In 1983, a revised development plan was proposed to a	amend the previous 1978 Development
24	Plan by adding additional office space and hotel space, and b	y adding residential use. Overall, and

1	including the four office buildings and the restaurant previously approved, the 1984 Development Plan
2	Amendment called for 1,644,00 square feet of office space, 234,000 square feet of hotel space, 50,000
3	square feet of retail/restaurant spaces, and 600 residential units.
4	A 1992 Development Plan added 25,000 square feet of health club space, 10,000 square feet of
5	childcare space, and an additional 10,000 square feet of restaurant space. Following this approval,
6	building permits were issued for the construction of five residential buildings, containing about 287
7	units. Only two of the residential buildings, containing 128 units, have been constructed.
8	At present, Executive Park consists of three office buildings containing 320,000 square feet of
9	office space and 2,500 square feet of retail space, and two residential buildings containing 128
10	residential units. Since 2003, three project sponsors have filed applications to develop over 1,300 new
11	units of housing, totaling 1,709,000 square feet of residential use. To accommodate these projects, the
12	Planning Commission has forwarded a General Plan Amendment to the Board of Supervisors that
13	would allow for an additional 499 residential units while eliminating 1,324,000 square feet of office
14	space, 10,000 square feet of retail space, and 25,000 square feet of health club use. In addition, the
15	General Plan Amendment would reduce the allowable square footage of childcare use from 13,240
16	square feet to 10,000 square feet.
17	At the Schlage Lock site, this company operated a large industrial plant for the better part of a
18	century, providing jobs for areas residents and serving as a key part of the community. Ingersoll Rand
19	the parent company of Schlage Lock, closed the plant in 1999, indicating a wish to sell the property.
20	Since that time, the site has remained vacant and under-utilized.
21	In 2002, the City sponsored a series of community planning workshops to formulate a
22	community plan for the re-use of the 20-acre site. The community planning workshops, involving
23	several hundred residents of Visitacion Valley and surrounding neighborhoods, produced a written
24	report, The Visitacion Valley Schlage Lock Community Planning Workshop: Strategic Concept Plan

1	and Workshop Summary. This plan calls for a mix of housing, open space, community-oriented retail
2	and community-oriented institutional uses. The plan contemplates 740 new units of housing on the
3	residential portions of the site. Using a planning standard of 1,000 square feet per unit, the projected
4	square footage of new residential development at the site is 740,000 square feet.
5	Projected New Visitacion Valley Residential Development
6	Signature Properties (Executive Park) 433 units 615,000 square feet
7	Top Vision (Executive Park) 410 units 618,000 square feet
8	Yerby (Executive Park) 496 units 476,000 square feet
9	Schlage Lock 740 units 740,000 square feet
10	Total 2,079 units 2,449,000 square feet
11	In its environmental review of the Signature Properties application, the San Francisco Planning
12	<u>Department estimates 3,340 new residents at the three Executive Park sites. For the Schlage Lock site,</u>
13	a planning standard of 2.2 new residents per unit is applied to the development, or 1,628 new residents.
14	Together, therefore, these four proposals are expected to introduce 4,968 new residents to the
15	<u>neighborhood.</u>
16	According to the 2000 Census, there are currently 16,482 residents in Visitacion Valley. With
17	the 4,968 new residents expected through the above projects, the new Visitacion Valley population
18	would be 21,450 residents. Therefore, 23.2% of all Visitacion Valley residents would be new residents
19	at these four project sites.
20	(b) San Francisco's growing population and severe housing crisis requires the development
21	of new housing. To respond to this need for housing, the City is considering granting Conditional Use
22	Authorization, re-zonings, and/or General Plan Amendments for a number of large development sites in
23	<u>Visitacion Valley. These areas are currently occupied primarily by office or industrial uses with</u>
24	minimal community facilities and infrastructure to support a significant residential population. In

1	addition, very few residents currently reside in these areas. New residential development in these areas
2	will impact Visitacion Valley's community facilities and infrastructure and will generate a substantial
3	need for community improvements as the neighborhood's population grows as a result of new
4	residential development. Substantial new investments in community infrastructure, including active
5	recreational spaces, community facilities, and other public services are necessary to mitigate the
6	impacts of new development at these sites.
7	The amendments to the General Plan, Planning Code and/or Zoning Maps that are necessary to
8	facilitate residential developments at these sites will permit a substantial amount of new residents.
9	More than 2,050 new units representing approximately 5,000 new residents would be anticipated in the
10	Visitacion Valley neighborhood, resulting in a 30% increase in the neighborhood's residential
11	population. The new development will have a profound impact on the neighborhood's dated
12	infrastructure. A comprehensive program of community facilities and public infrastructure is
13	necessary to mitigate the impacts of the proposed new development and to provide these basic
14	community improvements to the neighborhood's growing residential population.
15	As a result of this new development, property tax revenue is projected to increase. These
16	revenues will fund improvements and expansions to general city services, including police, fire,
17	emergency, and other services needed to partially meet the increased demand associated with new
18	development. Local impacts on the need for community facilities and infrastructure will be heightened
19	in Visitacion Valley, compared to those typically funded by city government through property tax
20	revenues. The relative cost of capital improvements, along with the reduced role of state and federal
21	funding sources, increases the necessity for development impact fees to cover these costs. General
22	property tax revenues will not be adequate to fully fund the costs of the community facilities and
23	infrastructure necessary to mitigate the impacts of new development in the Visitacion Valley
24	neighborhood.

1	Development impact fees are a more cost-effective, realistic way to implement mitigations to a
2	local neighborhood associated with particular developments' impacts. As important, the proposed
3	Visitacion Valley Community Facilities and Infrastructure Fee would be dedicated to the Visitacion
4	Valley area, directing benefits of the fund directly to those who pay into the fund.
5	While this fee will increase the overall burden on new development in the neighborhood, the
6	burden is typically reflected in a reduced sale price for developable land, or passed on to the
7	buyers/renters of housing in the neighborhood and thus is borne primarily by those who have caused
8	the impact and who will ultimately enjoy the benefits of the community improvements it pays for.
9	The purpose of the Visitacion Valley Community Facilities and Infrastructure Fee is to provide
10	specific improvements, including active recreational spaces, pedestrian and streetscape improvements,
11	and other facilities and services. The Visitacion Valley Community Facilities and Infrastructure Fee
12	will create the necessary financial mechanism to fund these improvements in proportion to the need
13	generated by new development.
14	The capital improvements that the fee would fund are clearly described in the Ordinance. The
15	fee would be solely used to fund the acquisition, design, and construction of community facilities in the
16	Visitacion Valley neighborhood. The proposed fees only cover impacts caused by new development
17	and are not intended to remedy already existing deficiencies; those costs will be paid for by other
18	sources.
19	The City has existing plans for the community facility and infrastructure projects to be funded
20	through this fee. The San Francisco Public Library has an account established, initial funds
21	appropriated, and adopted plans and a preliminary construction schedule for the Visitacion Valley
22	Branch Library. The San Francisco Department of Recreation and Parks has accounts established,
23	initial funds appropriated, and adopted plans and a preliminary construction schedule for the
24	Visitacion Valley projects identified herein. The Department of Public Works, in coordination with the

1	Planning Department, has an account established and adopted plans and a preliminary construction
2	schedule for the Leland Avenue street improvements. It is anticipated that the remaining community
3	facility and infrastructure projects would have an equal level of maturation when the final
4	developments covered by this ordinance were to apply for City permits.
5	(c) In order to enable the City and County of San Francisco to create a unified, attractive,
6	and safe residential Visitacion Valley neighborhood, and to mitigate the impacts of potential new large
7	developments on community amenities, it is necessary to upgrade existing streets and streetscaping and
8	to develop neighborhood public services, active recreational spaces, and community facilities. To fund
9	such community infrastructure and amenities, new residential development in the neighborhood shall
10	be assessed development impact fees proportionate to the increased demand for such infrastructure and
11	amenities created by the new housing. The City will use the proceeds of the fee to develop community
12	facilities and infrastructure within Visitacion Valley that provides direct benefits to the new housing.
13	The development of community facilities and infrastructure in the Visitacion Valley
14	neighborhood will provide a benefit to new residents beyond the provision of services. It is anticipated
15	that new residents will realize an increase in property values due to the enhanced neighborhood
16	amenities financed with the proceeds of the fee. A Visitacion Valley Community Facilities and
17	Infrastructure Fee shall be established for new residential development within Visitacion Valley as set
18	forth herein.
19	The proposed improvements described below are necessary to serve the new population at the
20	anticipated densities. Cost estimates are based on an assessment of the potential cost to the City of
21	providing the specific improvements. Developer contributions are based upon the percentage of new
22	residents expected in Visitacion Valley at these four project sites, or 23.2%, with the exception of
23	improvements necessary to mitigate impacts that are created entirely by the developers. In these cases,
24	developer contributions are set at 100%.

1	The proposed Visitacion Valley Community Facilities and Infrastructure Fee would fund
2	mitigations of the impacts of new development on:
3	• Active Recreational Spaces: development of neighborhood playground, pool, and outdoor
4	education center
5	• <u>Library Facilities: construction of a new neighborhood library</u>
6	• Community Facilities: development of community spaces available for public uses
7	• Streetscape Improvements: Blanken Avenue sidewalk widening and lighting improvements;
8	Leland Avenue streetscape improvements
9	The San Francisco Recreation and Park Department has provided a cost estimate of necessary
10	improvements to the Kelloch-Velasco Playground (\$2,222,500), the Coffman Pool (\$10,600,000), and
11	the Visitacion Valley Greenway - Educational Center for the Sciences and Arts at Tioga Avenue
12	(\$2,054,000). The total developer contribution is deemed to be \$3,451,348.
13	Library Facilities: The San Francisco Public Library has provided a cost estimate for the
14	construction of the Visitacion Valley Branch Library (\$9,350,000). The total developer contribution is
15	deemed to be \$2,169,200.
16	Community Facilities: In the Rincon Hill Plan adopted by the Board of Supervisors, the San
17	Francisco Planning Department determined a need of community center space at 2.29 square feet for
18	every new resident. Based upon the 4,968 new residents projected for Visitacion Valley from
19	residential development in large opportunity sites, there would be a need for 11,376 square feet of new
20	community center space.
21	For a comparable land cost, the San Francisco Public Library acquired its current development
22	site on Leland Avenue for \$135 per square foot. For comparable improvement costs, the San
23	Francisco Planning Department estimated a cost of \$400 per square foot to build a new community
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1	center in Rincon Hill. Taken together, the cost to build a new community center in Visitacion Valley
2	for the new residents is estimated to be \$6,086,160, a cost to be entirely borne by the developers.
3	Streetscape Improvements: The San Francisco Department of Public Works and San Francisco
4	Public Utilities Commission estimate the cost to upgrade the Blanken Avenue tunnel to make it more
5	accessible for pedestrians, to be \$152,755. This estimate includes widening the sidewalk and
6	improving the lighting in the tunnel. Because these improvements are necessary to accommodate new
7	pedestrian traffic – and to minimize automobile use – in the new developments, this cost is to be
8	entirely borne by the developers.
9	The San Francisco Department of Public Works and the San Francisco Planning Department
10	have provided a cost estimate for improvements to Leland Avenue, the commercial core of Visitacion
11	Valley (\$2,621,730). The total developer contribution is deemed to be \$608,241.
12	Total Developer Contribution: The total developer contribution for Visitacion Valley
13	community facilities and infrastructure improvements is \$12,467,704. At an estimated 2,449,000
14	square feet of new residential development, the developer contribution is \$5.09 per square foot. The
15	<u>Visitacion Valley Community Facilities and Infrastructure Fee shall be established at \$4.58 per square</u>
16	foot, or 90% of the estimated costs of the community improvements. By charging developers less than
17	the maximum amount of the justified impact fee, the City avoids any need to refund money to
18	developers if fees collected exceed costs.
19	SEC. 319.2. DEFINITIONS
20	The following definitions shall govern this ordinance:
21	(a) "Net addition of occupiable square feet of residential use" shall mean occupied floor
22	area, as defined in Section 102.10 of this Code, including bathrooms provided as part of dwelling units,
23	to be occupied by or primarily serving, residential use excluding common areas such as hallways,
24	fitness centers and lobbies, less the occupied floor area in any structure demolished or rehabilitated as

1	part of the proposed residential development project which occupied floor area was used primarily and
2	continuously for residential use and was not accessory to any use other than residential use for at least
3	five years prior to Planning Department approval of the residential development project subject to this
4	Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.
5	(b) "Residential development project" shall mean any new construction, addition, extension
6	conversion or enlargement, or combination thereof, of an existing structure which includes any
7	occupied floor area of residential use and which has twenty (20) residential units or more; provided,
8	however, that for projects that solely comprise an addition to an existing structure which would add
9	occupied floor area in an amount less than 20 percent of the occupied floor area of the existing
10	structure, the provisions of this Section shall only apply to the new occupied square footage.
11	(c) "Residential use" shall mean any structure or portion thereof intended for occupancy by
12	uses as defined in Section 890.88 of this Code and shall not include any use which qualifies as an
13	accessory use, as defined and regulated in Sections 204 through 204.5.
14	(d) "Sponsor" shall mean an applicant seeking approval for construction of a residential
15	development project subject to this Section and such applicant's successors and assigns.
16	(e) "Visitacion Valley" shall mean the area bounded by Carter Street and McLaren Park to
17	the west, Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard to the
18	northeast, Bayview Park to the north, Candlestick Park and Candlestick Point Recreation Area to the
19	east, the San Francisco Bay to the southeast, and the San Francisco County line to the south.
20	SEC. 319.3. APPLICATION.
21	(a) This ordinance shall apply to all residential development projects that
22	(1) are located in Visitacion Valley; and
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1	(2) have filed an application for a building permit, site permit, conditional use, planned unit
2	development, environmental evaluation, zoning map amendment or general plan amendment on or
3	after September 1, 2003.
4	(b) Prior to the issuance by the Director of DBI of a first site or building permit for a
5	residential development project, the Sponsor shall pay to the Treasurer a Visitacion Valley Community
6	Facilities and Infrastructure Fee ("Fee") of \$4.58 for each net addition of occupiable square feet of
7	residential use.
8	(c) Upon payment of the Fee in Section 319.3(b) in full to the Treasurer and upon request of
9	the sponsor, the Treasurer shall issue a certification that the Fee has been paid. The sponsor shall
10	present such certification to the Planning Department and DBI prior to the issuance by DBI of the first
11	site or building permit for the residential development project. DBI shall not issue the first site or
12	building premit without the Treasurer's certification. Any failure of the Treasurer, DBI, or the
13	Planning Department to give any notice under this Section shall not relieve a sponsor from compliance
14	with this Section. Where DBI inadvertently issues a first site or building permit without payment of the
15	fee, DBI shall not issue any certificate of occupancy for the project without notification from the
16	Treasurer that the Fee required by this Section has been paid. The procedure set forth in this
17	Subsection is not intended to preclude enforcement of the provisions of this Section under any other
18	section of this Code, or other authority under the laws of the State of California.
19	(d) Waiver or Reduction:
20	(1) A project applicant of any project subject to the requirements in this Section may appeal
21	to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the
22	absence of any reasonable relationship or nexus between the impact of development and the amount of
23	the fee charged.
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1	(2) A project applicant subject to the requirements of this Section who has received an
2	approved building permit, conditional use permit or similar discretionary approval and who submits a
3	new or revised building permit, conditional use permit or similar discretionary approval for the same
4	property may appeal for a reduction, adjustment or waiver of the requirements with respect to the
5	square footage of construction previously approved.
6	(3) Any such appeal shall be made in writing and filed with the Clerk of the Board no later
7	than 15 days after the date the sponsor is required to pay to the Treasurer the fee as required in Section
8	319.3(b). The appeal shall set forth in detail the factual and legal basis for the claim of waiver,
9	reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60
10	days after the filing of the appeal. The appellant shall bear the burden of presenting substantial
11	evidence to support the appeal, including comparable technical information to support appellant's
12	position. The decision of the Board shall be by a simple majority vote and shall be final. If a
13	reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the
14	waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver, the
15	Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver
16	to the Treasurer.
17	SEC. 319.4. LIEN PROCEEDINGS.
18	(a) A sponsor's failure to comply with the requirements of Sections 319.3, shall constitute
19	cause for the City to record a lien against the housing development project in the sum of the Fee
20	required under this ordinance, as adjusted under Section 319.3. The Fee required by Section 319.3(b)
21	of this ordinance is due and payable to the Treasurer prior to issuance of the first site or building
22	permit for the development project. If, for any reason, the Fee remains unpaid following issuance of
23	the first site or building permit, any amount due shall accrue interest at the rate of one and one-half
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1	percent per month, or fraction thereof, from the date of issuance of the permit until the date of final
2	payment.
3	(b) If, for any reason, the Fee imposed pursuant to this ordinance remains unpaid following
4	issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of
5	Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the Fee,
6	including interest, a lien against all parcels used for the housing development project and shall send all
7	notices required by that Article to the owner of the property as well as the sponsor. The Treasurer
8	shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the
9	Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall
10	contain the sponsor's name, a description of the sponsor's housing development project, a description
11	of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the
12	current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and
13	place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of
14	record of the parcels of real property subject to lien. Except for the release of lien recording fee
15	authorize by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to
16	this ordinance shall be held in trust by the Treasurer and deposited in the Fund established in Section
17	<u>319.6</u> .
18	(c) Any notice required to be given to a sponsor or owner shall be sufficiently given or
19	served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or
20	owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor
21	or owner at the official address of the sponsor or owner maintained by the Tax Collector for the
22	mailing of tax bills or, if no such address is available, to the sponsor at the address of the housing
23	development project, and to the applicant for the site or building permit at the address on the permit
24	application.

1	SEC. 319.5. FEE REFUND WHEN BUILDING PERMIT EXPIRES PRIOR TO
2	COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.
3	In the event a building permit expires prior to completion of the work on and commencement of
4	occupancy of a residential development project so that it will be necessary to obtain a new permit to
5	carry out any development, the obligation to comply with this ordinance shall be cancelled, and any
6	Fee previously paid to the Treasurer shall be refunded. If and when the sponsor applies for a new
7	permit, the procedures set forth in this ordinance regarding payment of the Fee shall be followed.
8	SEC. 319.6. VISITACION VALLEY COMMUNITY FACILITIES AND
9	INFRASTRUCTURE FUND.
10	(a) There is hereby established a separate fund set aside for a special purpose entitled the
11	Visitacion Valley Community Facilities and Infrastructure Fund ("Fund"). All monies collected by the
12	Treasurer pursuant to Section 319.3(b) shall be deposited in the Fund which shall be maintained by the
13	Controller.
14	(b) The receipts in the Fund are, subject to the budgetary and fiscal provisions of the
15	Charter, to be used solely to fund community facilities and infrastructure in Visitacion Valley,
16	including but not limited to capital improvements to library facilities, playgrounds, recreational
17	facilities, and major streets.
18	(c) No portion of the Fund may be used, by way of loan or otherwise, to pay any
19	administrative, general overhead, or similar expense of any public entity.
20	(d) The Controller shall not release any monies from the Fund without prior approval of the
21	Board of Supervisors for an expenditure. City Agencies responsible for the construction or
22	improvement of public infrastructure subject to this ordinance, including but not limited to the San
23	Francisco Public Library, the Department of Public Works, and the Department of Recreation and
24	Parks, shall request funds from the Board of Supervisors as necessary. Before approving any
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1	expenditures, the Board of Supervisors shall determine the relative impact from the residential
2	development on public infrastructure in Visitacion Valley described in 319.6(b) and shall insure that
3	the expenditures are consistent with mitigating the impacts from the development.
4	(e) The Controller's Office shall file an annual report with the Board of Supervisors
5	beginning one year after the effective date of this ordinance, which report shall set forth the amount of
6	money collected in the Fund.
7	SEC. 319.7. PARTIAL INVALIDITY AND SEVERABILITY.
8	If any provision of this ordinance, or its application to any residential development project is
9	held invalid, the remainder of the ordinance, or the application of such provision to other residential
10	development projects shall not be affected thereby.
11	APPROVED AS TO FORM:
12	DENNIS J. HERRERA, City Attorney
13	By:
14	Susan Cleveland-Knowles Deputy City Attorney
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