Ordinance adding Planning Code Sections 319 through 319.7 to impose a $4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act.

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

Section 1. Findings.

(a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 17123, and incorporates such reasons herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 051508.

(b) The Board of Supervisors finds that this ordinance is in conformity with the General Plan, amended in the companion legislation, and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 17123, and hereby incorporates those reasons by reference.

(c) The Planning Department has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 051508.
Board of Supervisors in File No. 051508 and is incorporated herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by adding Section 319, to read as follows:

**SEC. 319. VISITACION VALLEY COMMUNITY FACILITIES AND INFRASTRUCTURE FEE AND FUND**

Sections 319 through 319.7 set forth the requirements and procedures for the Visitacion Valley Community Facilities and Infrastructure Fee and Fund.

**SEC. 319.1. FINDINGS AND POLICY.**

(a) A number of large sites in Visitacion Valley are targeted for substantial changes of use. Currently there are three applications pending at the City’s Planning Department to develop Executive Park, originally planned as an office complex, into a large housing development. In addition, the City has drafted plans for Schlage Lock, long an industrial site, to be transformed into a major mixed-use housing development. Together, these sites would represent over 2,000 new units of housing in areas previously contemplated for office and industrial activities.

For the past thirty years, Executive Park has been the subject of several proposals and development plans. The first Executive Park Development Plan, developed in 1978, considered a development of 833,000 square feet of office space, 174,000 square feet of hotel/meeting space, and 75,000 square feet of retail space. Building permits were issued for the construction of four office buildings and a restaurant under this plan. Three of the office buildings were constructed by 1985, for a total of about 320,000 square feet of office space and 2,500 square feet of retail space. The fourth office building and the restaurant have yet to be constructed.

In 1983, a revised development plan was proposed to amend the previous 1978 Development Plan by adding additional office space and hotel space, and by adding residential use. Overall, and
including the four office buildings and the restaurant previously approved, the 1984 Development Plan Amendment called for 1,644,000 square feet of office space, 234,000 square feet of hotel space, 50,000 square feet of retail/restaurant spaces, and 600 residential units.

A 1992 Development Plan added 25,000 square feet of health club space, 10,000 square feet of childcare space, and an additional 10,000 square feet of restaurant space. Following this approval, building permits were issued for the construction of five residential buildings, containing about 287 units. Only two of the residential buildings, containing 128 units, have been constructed.

At present, Executive Park consists of three office buildings containing 320,000 square feet of office space and 2,500 square feet of retail space, and two residential buildings containing 128 residential units. Since 2003, three project sponsors have filed applications to develop over 1,300 new units of housing, totaling 1,709,000 square feet of residential use. To accommodate these projects, the Planning Commission has forwarded a General Plan Amendment to the Board of Supervisors that would allow for an additional 499 residential units while eliminating 1,324,000 square feet of office space, 10,000 square feet of retail space, and 25,000 square feet of health club use. In addition, the General Plan Amendment would reduce the allowable square footage of childcare use from 13,240 square feet to 10,000 square feet.

At the Schlage Lock site, this company operated a large industrial plant for the better part of a century, providing jobs for area residents and serving as a key part of the community. Ingersoll Rand, the parent company of Schlage Lock, closed the plant in 1999, indicating a wish to sell the property. Since that time, the site has remained vacant and under-utilized.

In 2002, the City sponsored a series of community planning workshops to formulate a community plan for the re-use of the 20-acre site. The community planning workshops, involving several hundred residents of Visitacion Valley and surrounding neighborhoods, produced a written report, "The Visitacion Valley Schlage Lock Community Planning Workshop: Strategic Concept Plan"
and Workshop Summary." This plan calls for a mix of housing, open space, community-oriented retail and community-oriented institutional uses. The plan contemplates 740 new units of housing on the residential portions of the site. Using a planning standard of 1,000 square feet per unit, the projected square footage of new residential development at the site is 740,000 square feet.

Projected New Visitacion Valley Residential Development

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Units</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature Properties</td>
<td>433</td>
<td>615,000</td>
</tr>
<tr>
<td>Top Vision</td>
<td>410</td>
<td>618,000</td>
</tr>
<tr>
<td>Yerby</td>
<td>496</td>
<td>476,000</td>
</tr>
<tr>
<td>Schlage Lock</td>
<td>740</td>
<td>740,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,079</strong></td>
<td><strong>2,449,000</strong></td>
</tr>
</tbody>
</table>

In its environmental review of the Signature Properties application, the San Francisco Planning Department estimates 3,340 new residents at the three Executive Park sites. For the Schlage Lock site, a planning standard of 2.2 new residents per unit is applied to the development, or 1,628 new residents. Together, therefore, these four proposals are expected to introduce 4,968 new residents to the neighborhood.

According to the 2000 Census, there are currently 16,482 residents in Visitacion Valley. With the 4,968 new residents expected through the above projects, the new Visitacion Valley population would be 21,450 residents. Therefore, 23.2% of all Visitacion Valley residents would be new residents at these four project sites.

(b) San Francisco's growing population and severe housing crisis requires the development of new housing. To respond to this need for housing, the City is considering granting Conditional Use Authorization, re-zonings, and/or General Plan Amendments for a number of large development sites in Visitacion Valley. These areas are currently occupied primarily by office or industrial uses with minimal community facilities and infrastructure to support a significant residential population. In
addition, very few residents currently reside in these areas. New residential development in these areas will impact Visitacion Valley’s community facilities and infrastructure and will generate a substantial need for community improvements as the neighborhood’s population grows as a result of new residential development. Substantial new investments in community infrastructure, including active recreational spaces, community facilities, and other public services are necessary to mitigate the impacts of new development at these sites.

The amendments to the General Plan, Planning Code and/or Zoning Maps that are necessary to facilitate residential developments at these sites will permit a substantial amount of new residents. More than 2,050 new units representing approximately 5,000 new residents would be anticipated in the Visitacion Valley neighborhood, resulting in a 30% increase in the neighborhood’s residential population. The new development will have a profound impact on the neighborhood’s dated infrastructure. A comprehensive program of community facilities and public infrastructure is necessary to mitigate the impacts of the proposed new development and to provide these basic community improvements to the neighborhood’s growing residential population.

As a result of this new development, property tax revenue is projected to increase. These revenues will fund improvements and expansions to general city services, including police, fire, emergency, and other services needed to partially meet the increased demand associated with new development. Local impacts on the need for community facilities and infrastructure will be heightened in Visitacion Valley, compared to those typically funded by city government through property tax revenues. The relative cost of capital improvements, along with the reduced role of state and federal funding sources, increases the necessity for development impact fees to cover these costs. General property tax revenues will not be adequate to fully fund the costs of the community facilities and infrastructure necessary to mitigate the impacts of new development in the Visitacion Valley neighborhood.
Development impact fees are a more cost-effective, realistic way to implement mitigations to a local neighborhood associated with particular developments' impacts. As important, the proposed Visitacion Valley Community Facilities and Infrastructure Fee would be dedicated to the Visitacion Valley area, directing benefits of the fund directly to those who pay into the fund.

While this fee will increase the overall burden on new development in the neighborhood, the burden is typically reflected in a reduced sale price for developable land or passed on to the buyers/renters of housing in the neighborhood and thus is borne primarily by those who have caused the impact and who will ultimately enjoy the benefits of the community improvements it pays for.

The purpose of the Visitacion Valley Community Facilities and Infrastructure Fee is to provide specific improvements, including active recreational spaces, pedestrian and streetscape improvements, and other facilities and services. The Visitacion Valley Community Facilities and Infrastructure Fee will create the necessary financial mechanism to fund these improvements in proportion to the need generated by new development.

The capital improvements that the fee would fund are clearly described in the ordinance. The fee would be solely used to fund the acquisition, design, and construction of community facilities in the Visitacion Valley neighborhood. The proposed fees only cover impacts caused by new development and are not intended to remedy already existing deficiencies; those costs will be paid for by other sources.

The City has existing plans for the community facility and infrastructure projects to be funded through this fee. The San Francisco Public Library has an account established, initial funds appropriated, and adopted plans and a preliminary construction schedule for the Visitacion Valley Branch Library. The San Francisco Department of Recreation and Parks has accounts established, initial funds appropriated, and adopted plans and a preliminary construction schedule for the Visitacion Valley projects identified herein. The Department of Public Works, in coordination with the
Planning Department, has an account established and adopted plans and a preliminary construction schedule for the Leland Avenue street improvements. It is anticipated that the remaining community facility and infrastructure projects would be at a similar stage of development in terms of having accounts established and plans adopted as the projects listed above when the final developments covered by this ordinance are to apply for City permits.

(c) In order to enable the City and County of San Francisco to create a unified, attractive, and safe residential Visitacion Valley neighborhood, and to mitigate the impacts of potential new large developments on community amenities, it is necessary to upgrade existing streets and streetscaping and to develop neighborhood public services, active recreational spaces, and community facilities. To fund such community infrastructure and amenities, new residential development in the neighborhood shall be assessed development impact fees proportionate to the increased demand for such infrastructure and amenities created by the new housing. The City will use the proceeds of the fee to develop community facilities and infrastructure within Visitacion Valley that provides direct benefits to the new housing.

The development of community facilities and infrastructure in the Visitacion Valley neighborhood will provide a benefit to new residents beyond the provision of services. It is anticipated that new residents will realize an increase in property values due to the enhanced neighborhood amenities financed with the proceeds of the fee. A Visitacion Valley Community Facilities and Infrastructure Fee shall be established for new residential development within Visitacion Valley as set forth herein.

The proposed improvements described below are necessary to serve the new population at the anticipated densities. Cost estimates are based on an assessment of the potential cost to the City of providing the specific improvements. Developer contributions are based upon the percentage of new residents expected in Visitacion Valley at these four project sites, or 23.2%, with the exception of...
improvements necessary to mitigate impacts that are created entirely by the developers. In these cases, developer contributions are set at 100%.

The proposed Visitacion Valley Community Facilities and Infrastructure Fee would fund mitigations of the impacts of new development on:

- **Active Recreational Spaces**: development of neighborhood playground, pool, and outdoor education center
- **Library Facilities**: construction of a new neighborhood library
- **Community Facilities**: development of community spaces available for public uses
- **Streetscape Improvements**: Blanken Avenue sidewalk widening and lighting improvements; Leland Avenue streetscape improvements

**Active Recreational Space**: The San Francisco Recreation and Park Department has provided a cost estimate of necessary improvements to the Kellogg-Velasco Playground ($2,222,500), the Coffman Pool ($10,600,000), and the Visitacion Valley Greenway – Educational Center for the Sciences and Arts at Tioga Avenue ($2,054,000). The total developer contribution is deemed to be $3,451,348.

**Library Facilities**: The San Francisco Public Library has provided a cost estimate for the construction of the Visitacion Valley Branch Library ($9,350,000). The total developer contribution is deemed to be $2,169,200.

**Community Facilities**: In the Rincon Hill Plan adopted by the Board of Supervisors, the San Francisco Planning Department determined a need of community facilities space at 2.29 square feet for every new resident. Based upon the 4,968 new residents projected for Visitacion Valley from residential development in large opportunity sites, there would be a need for 11,376 square feet of new community center space.
For a comparable land cost, the San Francisco Public Library acquired its current development site on Leland Avenue for $135 per square foot. For comparable improvement costs, the San Francisco Planning Department estimated a cost of $400 per square foot to build a new community center in Rincon Hill. Taken together, the cost to build a new community center in Visitacion Valley for the new residents is estimated to be $6,086,160, a cost to be entirely borne by the developers.

Streetscape Improvements: The San Francisco Department of Public Works and San Francisco Public Utilities Commission estimate the cost to upgrade the Blanken Avenue tunnel to make it more accessible for pedestrians, to be $152,755. This estimate includes widening the sidewalk and improving the lighting in the tunnel. Because these improvements are necessary to accommodate new pedestrian traffic—and to minimize automobile use—in the new developments, this cost is to be entirely borne by the developers.

The San Francisco Department of Public Works and the San Francisco Planning Department have provided a cost estimate for improvements to Leland Avenue, the commercial core of Visitacion Valley ($2,621,730). The total developer contribution is deemed to be $608,241.

Total Developer Contribution: The total developer contribution for Visitacion Valley community facilities and infrastructure improvements is $12,467,704. At an estimated 2,449,000 square feet of new residential development, the developer contribution is $5.09 per square foot. The Visitacion Valley Community Facilities and Infrastructure Fee shall be established at $4.58 per square foot, or 90% of the estimated costs of the community improvements. By charging developers less than the maximum amount of the justified impact fee, the City avoids any need to refund money to developers if fees collected exceed costs.

(d) The Board of Supervisors finds that the Fees imposed in this ordinance as impact fees to fund specific improvements, including active recreational spaces, pedestrian and streetscape improvements, and other facilities and services, are proportionate to the need generated by residential Supervisor Maxwell
BOARD OF SUPERVISORS
development projects in Visitacion Valley. It shall be the policy of the Board of Supervisors that no additional development impact fees specific to Visitacion Valley will be imposed to fund the specific improvements described above. It is the policy of the Board of Supervisors that any future changes to citywide impact fees or other exactions will apply equally to Visitacion Valley as to other areas of the City, unless otherwise excepted by the Board.

SEC. 319.2. DEFINITIONS

The following definitions shall govern this ordinance:

(a) "Community facilities" shall mean all uses as defined under Section 209.4(a) of this Code.

(b) "Net addition of occupiable square feet of residential use" shall mean occupied floor area, as defined in Section 102.10 of this Code, including bathrooms provided as part of dwelling units, to be occupied by or primarily serving, residential use excluding common areas such as hallways, fitness centers and lobbies, less the occupied floor area in any structure demolished or rehabilitated as part of the proposed residential development project which occupied floor area was used primarily and continuously for residential use and was not accessory to any use other than residential use for at least five years prior to Planning Department approval of the residential development project subject to this Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.

(c) "Residential development project" shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of an existing structure which includes any occupied floor area of residential use and which has twenty (20) residential units or more; provided, however, that for projects that solely comprise an addition to an existing structure which would add occupied floor area in an amount less than 20 percent of the occupied floor area of the existing structure, the provisions of this Section shall only apply to the new occupied square footage.
(d) "Residential use" shall mean any structure or portion thereof intended for occupancy by uses as defined in Section 890.88 of this Code and shall not include any use which qualifies as an accessory use, as defined and regulated in Sections 204 through 204.5.

(e) "Sponsor" shall mean an applicant seeking approval for construction of a residential development project subject to this Section and such applicant’s successors and assigns.

(f) "Townhome" shall mean a dwelling unit that: (i) either is a freestanding building, or shares only walls with other dwelling units; and (ii) has an entrance directly on a sidewalk used by members of the public or residents of the residential development project. "Townhome" shall not mean a dwelling unit of any type located on a podium over garage, community facility, commercial or other space.

(g) "Visitacion Valley" shall mean the area bounded by Carter Street and McLaren Park to the west, Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard to the northeast, Bayview Park to the north, Candlestick Park and Candlestick Point Recreation Area to the east, the San Francisco Bay to the southeast, and the San Francisco County line to the south.

SEC. 319.3. APPLICATION.

(a) General Application: This ordinance shall apply to all residential development projects that

(1) are located in Visitacion Valley; and

(2) have both not filed an application for a building permit, site permit, conditional use, planned unit development, environmental evaluation, zoning map amendment or general plan amendment prior to September 1, 2003, and have filed an application for a building permit, site permit, conditional use, planned unit development, environmental evaluation, zoning map amendment or general plan amendment on or after September 1, 2003.
(b) Application to Townhomes: Prior to the issuance by the Director of DBI of the first building permit for a Townhome that is part of a residential development project, the Sponsor shall pay to the Treasurer half of the Visitacion Valley Community Facilities and Infrastructure Fee ("Fee") of $4.58 for each net addition of occupiable square feet of residential use within the Townhome for which the building permit is sought. The Sponsor shall pay to the Treasurer the other half of the Fee prior to the issuance by the Director of DBI of the first certificate of occupancy for such Townhome.

(c) Application to Other Residential Development Projects: Prior to the issuance by the Director of DBI of the first certificate of occupancy for any building other than a Townhome that is part of a residential development project, the Sponsor shall pay to the Treasurer the entire Fee of $4.58 for each net addition of occupiable square feet of residential use within the building for which the certificate of occupancy is sought.

(d) Credits for In-kind Improvements:

(i) Credit for On-Site Community Facilities: In its review of a proposed residential development project subject to this ordinance, the Planning Commission and Board of Supervisors shall apply the planning standard of 2.29 square feet of community facilities space for each new resident projected at the residential development project to calculate the residential development project's allocation of community facilities space. The Sponsor shall receive a credit against the Fee of $535 per square foot of community facilities space provided on-site within the boundaries of the residential development project, provided that such credit shall not exceed $2.24 multiplied by the net addition of occupiable square feet of residential use in the residential development project. To qualify for a credit, the community facilities 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 community facilities are located.
(2) Credit for Improvements to Blanken Avenue: The Planning Commission may reduce the Fee described in this Section for specific residential development proposals in cases where the Sponsor has entered into an agreement with the City, in form acceptable to the City Attorneys' Office, to provide in-kind improvements to Blanken Avenue. For the purposes of calculating the total value of the in-kind community improvements, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvements from two independent contractors. Based on these estimates, the Director of Planning shall determine their appropriate value and the Planning Commission may reduce the Fee assessed to that project proportionally. The Planning Commission may not reduce the fee by an amount greater than the amount that would be the Sponsor's contribution toward the Blanken Avenue improvements if the Sponsor were to pay the Fee.

(e) Treasurer's Certification: Upon payment of the Fee to the Treasurer as required under this Section and upon request of the Sponsor, the Treasurer shall issue a certification that the Fee has been half or fully paid, as the case may be. The Sponsor shall present such certification to the Planning Department and DBI prior to the issuance by DBI of (i) the first site permit for each Townhome that is part of a residential development project, and (ii) the first certificate of occupancy for each building that is part of a residential development project, as the case may be. DBI shall not issue such building permit or first certificate of occupancy without the Treasurer's certification as described above. Any failure of the Treasurer, DBI, or the Planning Department to give any notice under this Section shall not relieve a Sponsor from compliance with this Section. Where DBI inadvertently issues a building permit or a first certificate of occupancy without payment of the Fee or portion thereof as required by this Section, DBI shall not issue any further certificates of occupancy for the residential development project without notification from the Treasurer that the Fee or portion thereof as required by this Section has been paid. The procedure set forth in this Subsection is not
intended to preclude enforcement of the provisions of this Section under any other section of this Code, or other authority under the laws of the State of California.

(f) **Waiver or Reduction:**

(1) A project applicant of any project subject to the requirements in this Section may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship or nexus between the impact of development and the amount of the fee charged.

(2) A project applicant subject to the requirements of this Section who has received an approved building permit, conditional use permit or similar discretionary approval and who submits a new or revised building permit, conditional use permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the square footage of construction previously approved.

(3) Any such appeal shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the Sponsor is required to pay to the Treasurer the fee as required in this Section. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal at the hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant’s position. The decision of the Board shall be by a simple majority vote and shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver to the Treasurer.

**SEC. 319.4. LIEN PROCEEDINGS.**
A Sponsor's failure to comply with the requirements of Sections 319.3, shall constitute reason to cause for the City to record a lien against the housing development project in the sum of the Fee required under Section 319.3. If, for any reason, (i) more than 50% of the Fee remains unpaid following issuance of the first site or building permit for a Townhome that is part of a residential development project, or (ii) any portion of the Fee remains unpaid following issuance of the first certificate of occupancy for any building that is part of a residential development project, any amount then due shall accrue interest at the rate of one and one-half percent per month, or fraction thereof, from the date of issuance of the permit or certificate, as the case may be, until the date of final payment in the unpaid but due amount.

(b) If, for any reason, the Fee or portion thereof imposed pursuant to this ordinance remains unpaid following issuance of the permit or certificate of occupancy as applicable, the Treasurer shall initiate proceedings in accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the Fee, including interest, a lien against all parcels used for the residential development project and shall send all notices required by that Article to the owner of the property as well as the Sponsor. The Treasurer shall also prepare a preliminary report notifying the Sponsor of a hearing to confirm such report by the Board of Supervisors at least 10 days before the date of the hearing. The report to the Sponsor shall contain the Sponsor's name, a description of the Sponsor's housing development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to be mailed to the Sponsor and each owner of record of the parcels of real property subject to lien. Except for the release of lien recording fee authorize by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall be held in trust by the Treasurer and deposited in the Fund established in Section 319.6.
(c) Any notice required to be given to a sponsor or owner shall be sufficiently given or
served upon the Sponsor or owner for all purposes hereunder if personally served upon the sponsor or
owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the Sponsor
or owner at the official address of the Sponsor or owner maintained by the Tax Collector for the
mailing of tax bills or, if no such address is available, to the Sponsor at the address of the residential
development project, and to the applicant for the building permit or certificate of occupancy, as the
case may be, at the address on the permit application.

SEC. 319.5. FEE REFUND WHEN BUILDING PERMIT EXPIRES PRIOR TO
COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.

In the event a building permit expires prior to completion of the work on and commencement of
occupancy of a residential development project so that it will be necessary to obtain a new permit to
carry out any development, the obligation to comply with this ordinance shall be cancelled, and any
Fee previously paid to the Treasurer shall be refunded. If and when the Sponsor applies for a new
building permit, the procedures set forth in this ordinance regarding payment of the Fee shall be
followed.

SEC. 319.6. VISITACION VALLEY COMMUNITY FACILITIES AND
INFRASTRUCTURE FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the
Visitacion Valley Community Facilities and Infrastructure Fund ("Fund"). All monies collected by the
Treasurer pursuant to Section 319.3(b) shall be deposited in the Fund which shall be maintained by the
Controller.

(b) The receipts in the Fund are, subject to the budgetary and fiscal provisions of the
Charter, to be used solely to fund community facilities and infrastructure in Visitacion Valley.
including but not limited to capital improvements to library facilities, playgrounds, recreational facilities, and major streets.

(c) No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity.

(d) The Controller shall not release any monies from the Fund without prior approval of the Board of Supervisors for an expenditure. City Agencies responsible for the construction or improvement of public infrastructure subject to this ordinance, including but not limited to the San Francisco Public Library, the Department of Public Works, and the Department of Recreation and Parks, shall request funds from the Board of Supervisors as necessary. Before approving any expenditures, the Board of Supervisors shall determine the relative impact from the residential development on public infrastructure in Visitacion Valley described in 319.6(b) and shall insure that the expenditures are consistent with mitigating the impacts from the development.

(e) The Controller’s Office shall file an annual report with the Board of Supervisors beginning one year after the effective date of this ordinance, which report shall set forth the amount of money collected in the Fund.

SEC. 319.7. PARTIAL INVALIDITY AND SEVERABILITY.

If any provision of this ordinance, or its application to any residential development project is held invalid, the remainder of the ordinance, or the application of such provision to other residential development projects shall not be affected thereby.

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

By:

Susan Cleveland-Knowles
Deputy City Attorney
Ordinance adding Planning Code Sections 319 through 319.7 to impose a $4.58 per square foot fee on new residential development in the Visitacion Valley area, to establish a Visitacion Valley Community Facilities and Infrastructure Fund to mitigate impacts from residential development on public infrastructure in Visitacion Valley including libraries, streets, playgrounds, recreational facilities, and community centers, and making findings including findings under the California Environmental Quality Act.

November 1, 2005 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 8, 2005 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 8, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Date Approved

NOV 18 2005

Mayor Gavin Newsom

Date: November 18, 2005

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Clerk of the Board