
From: Kearstin Dischinger <kdischinger@bridgehousing.com>
Sent: Friday, January 26, 2018 2:36 PM
To: Teague, Corey (CPC); Shaw, Jeremy (CPC)
Cc: Lesk, Emily (ECN)
Subject: RE: TSP and Balboa - so many questions

Thank you for the speedy response!

For now we'll assume these fees do apply -- Emily I think we'll book mark them in the model with Corey's notes thoughts. Once we run the model a few times we may start looking at these notes and thinking about how it might inform the DD>

k

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From: Teague, Corey (CPC) [mailto:corey.teague@sfgov.org]
Sent: Friday, January 26, 2018 2:30 PM
To: Kearstin Dischinger <kdischinger@bridgehousing.com>; Shaw, Jeremy (CPC) <jeremy.shaw@sfgov.org>
Cc: Lesk, Emily (ECN) <emily.lesk@sfgov.org>
Subject: RE: TSP and Balboa - so many questions

Thanks for making me use my brain on a Friday afternoon. For No. 1, Gross Floor Area excludes open parking lots. As such, we have not given impact fee credits to projects in the past that have converted public parking lots to other "enclosed" uses. However, I understand the nexus argument. But the only way to get around not getting credit for an existing parking lot is to either 1) appeal the impact fee assessment to the Board of Supervisors due to an "Absence of Reasonable Relationship," or 2) amend the Planning Code to address this situation specifically. For what it's worth, nobody has ever gone down BoS appeal path, to my knowledge. Finally, this is only an issue if the existing parking is its own principal use, and is not considered accessory parking to another use.

Regarding No. 2, that is a much more challenging question. There is Code language for TSF that states "A project sponsor shall not seek multiple applications for building permits to evade paying the TSF for a single Development Project." That would imply that even if certain phases of a project meet at exemption, we should look at the total Development Project in making that determination. However, I can see an argument for projects of a certain size, where the individual phases/buildings could be viewed as individual projects for the purposes of impact fees. Long story short, this issue will require additional analysis and conversation. And I'm happy to participate.

I hope that helps. Have a great weekend.

Corey A. Teague, AICP, LEED AP
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From: Kearstin Dischinger [mailto:kdischinger@bridgehousing.com]
Sent: Friday, January 26, 2018 2:16 PM

To: Shaw, Jeremy (CPC); Teague, Corey (CPC)
Cc: Lesk, Emily (ECN)
Subject: RE: TSP and Balboa - so many questions

Thanks Jeremy! I mistyped Corey's last name!
K

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From: Shaw, Jeremy (CPC) [<mailto:jeremy.shaw@sfgov.org>]
Sent: Friday, January 26, 2018 2:15 PM
To: Kearstin Dischinger <kdischinger@bridgehousing.com>; Teague, Corey (CPC) <corey.teague@sfgov.org>
Cc: Lesk, Emily (ECN) <emily.lesk@sfgov.org>
Subject: RE: TSP and Balboa - so many questions

Hi Corey,
Just wanted to make sure you saw this.
Jeremy

JEREMY SHAW | Senior Planner | SF PLANNING | 415.575.9135

From: Kearstin Dischinger [<mailto:kdischinger@bridgehousing.com>]
Sent: Friday, January 26, 2018 2:11 PM
To: corey.teague@sfgov.org
Cc: Shaw, Jeremy (CPC); Lesk, Emily (ECN)
Subject: TSP and Balboa - so many questions

Hi Corey,

I'm hoping you can help the Balboa team work out how TSP would apply to Balboa – based on the code. I'm writing you because you are the department's EXPERT on all things TSP and even I can't decipher this complicated fee code.

Ok – here are my two main questions

1. Shared commercial and residential parking garage. Yesterday you indicated it would pay the non-res fee. However thinking about it further if the commercial garage is replacing a larger surface parking lot that is currently a commercial lot – I think the fee would not apply? From nexus land logic, the transportation impact of the existing parking would give us 'credit' for the GSF or spaces of commercial parking. How would we do this math – based on GSF v GSF or based on total number of parking spaces? At the moment we are most interested in understanding how the ZA would interpret this calc. Assuming a parking lot, though not a structure would still 'count' as existing GSF.
2. In the case of Balboa we have a master development with multiple buildings – each with varying AMIs. Some of the buildings are 100% affordable at or below 80% AMI so they get a waiver based on 406(b)(1). Also we propose some buildings which will be part of the master development but then later an individual 'project' which will target 120% AMI. So they meet the affordability requirements of 406(b)(4): "(4) Residential uses within projects where all residential units are affordable to households at or below 150% of the Area Median Income (as published by HUD) shall not be subject to the TSF" However I'm not sure if they meet the threshold of "projects where all res. Units are affordable at or below 150% AMI" as the buildings are meeting that but they are part of a master development which includes 100% market buildings as well. Please opine on the intent and interp of the drafters of this fine code. I know it was hotly debated and thought through.

Thanks a million,
Happy Friday.

Kearstin

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