

1 [Eastern Neighborhoods Citizens Advisory Committee.]

2
3 **Ordinance amending the Administrative Code Section 10E.2 concerning the**
4 **qualifications for and number of members on the Eastern Neighborhoods Citizens**
5 **Advisory Committee.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are *strike-through italics Times New Roman*.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.

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

10 Section 1. The San Francisco Administrative Code is hereby amended by amending
11 Section 10E.2 as follows:

12 SEC. 10E.2. EASTERN NEIGHBORHOODS AREA PLANS MONITORING
13 PROGRAM.

14 (a) FINDINGS.

15 (1) The Board of Supervisors and the Planning Commission have adopted the Eastern
16 Neighborhoods Area Plans as part of the General Plan of the City and County of San
17 Francisco as further described in Ordinance Nos. 297-08, 298-08, 299-08, copies of which are
18 on file with the Clerk of the Board of Supervisors in File Nos. 081152, 081153, 081154 and
19 are incorporated herein by reference. The Area Plans outline specific goals that cumulatively
20 frame the community's vision for the management of growth and development in the Eastern
21 Neighborhoods (East SoMa, Mission, Showplace Square/Potrero Hill, and Central
22 Waterfront).

23 (2) The Eastern Neighborhoods Area Plans introduce innovative policies and land use
24 controls to achieve the Plan goals. Successful realization of the Plan's goals requires a
25

1 coordinated implementation of land use controls, community and public service delivery, key
2 policies, and community infrastructure improvements.

3 (3) The Eastern Neighborhoods Area Plans also establish general public improvements
4 and amenities needed to meet the needs of both existing residents, as well as those needs
5 generated by new development, and identified these in the Eastern Neighborhoods Needs
6 Assessment. A copy of this document is on file with the Clerk of the Board of Supervisors in
7 File No. 081155 and is incorporated herein by reference.

8 (4) In order to ensure a Citywide commitment to implementation of the Eastern
9 Neighborhoods Area Plans, the implementing agencies identified in each Plan's
10 Implementation Matrix, including the Arts Commission, Department of Building Inspection
11 (DBI), Department of Public Health (DPH), Division of Emergency Services (DEM), Capital
12 Planning Committee, City Administrator's Office, Controller's Office, Department of Public
13 Works (DPW), Human Services Agency (HSA), Mayor's Office on Community Investment
14 (MOCI), Mayor's Office of Education, Mayor's Office of Housing (MOH), Office of Economic
15 and Workforce Development (OEWD), or successor offices, Planning Department, Port of San
16 Francisco, Public Utilities Commission (PUC), Recreation and Park Department (RPD), San
17 Francisco County Transportation Authority (SFCTA), San Francisco Unified School District
18 (SFUSD), San Francisco Municipal Transportation Agency (SFMTA), and other necessary
19 agencies, shall be responsible for making progress towards the Plan's policies and
20 implementation measures; for budgeting revenue towards such implementation where
21 possible; and for cooperating with the Planning Department to report on such progress.

22 (5) In order to ensure a balanced implementation of the Eastern Neighborhoods Area
23 Plans, the Planning Department shall institute a formal monitoring program for the Area Plan
24 policies and implementation measures. This monitoring program shall provide basic statistics
25 on development activity, housing construction, and infrastructure improvements in the Eastern

1 Neighborhoods Plan Areas, and shall evaluate the effectiveness of the Plans' implementation
2 according to growth in the Plan Areas.

3 (6) The purpose of this Monitoring Program shall be to provide rigorous monitoring and
4 review of the effectiveness of the Eastern Neighborhoods Area Plans, to ensure rational
5 growth in these neighborhoods, and to ensure implementation of improvements to accompany
6 this growth. The program shall monitor progress towards the Eastern Neighborhoods Area
7 Plans' objectives and policies, by evaluating advancement according to each Plan's matrix of
8 implementation actions; and measure the balance of growth against needed improvements,
9 according to standards established in the Eastern Neighborhoods Needs Assessment.

10 (b) REPORTING REQUIREMENTS.

11 (1) By July 1st two years after Plan adoption, and on July 1st every five years
12 thereafter, the Planning Department shall prepare a report detailing development activity,
13 housing construction, and infrastructure improvements in the Eastern Neighborhoods Plan
14 Area. The information shall be presented to the Board of Supervisors, Planning Commission,
15 the Citizens Advisory Committee, and Mayor, and shall also include recommendations for
16 measures deemed appropriate to deal with the impacts of neighborhood growth.

17 (2) Time Period and Due Date. Reporting shall be presented by July 1st two years after
18 Plan adoption to address the time period since Plan adoption; and by July 1st during each
19 required year thereafter to address the five calendar years immediately preceding.

20 (3) Data Source. The Planning Department shall assemble data for the purpose of
21 providing the reports. City records shall be used wherever possible. Outside sources shall be
22 used when data from such sources are reliable, readily available and necessary in order to
23 supplement City records. When data is not available for the exact boundaries of the Plan
24 Area, a similar geography will be used and noted.

1 (4) Eastern Neighborhoods Implementation Matrix. The report shall review progress
2 toward each implementation measure specified in each Plan's Implementation Matrix. Copies
3 of these matrices are on file with the Clerk of the Board of Supervisors in File No. 081155 and
4 are incorporated herein by reference. It shall evaluate the actions of each responsible
5 agency/ies according to the timeline specified in the Implementation Matrix, and recommend
6 amendments to implementation measures where relevant. All departments responsible for
7 implementation measures shall cooperate and furnish information relating to their
8 responsibilities as stated in the matrices.

9 (5) Development Activity. The report shall detail all development activity in the Plan
10 Area over the Monitoring Period, including additions and deletions of residential and
11 commercial space, and shall include unit size and bedroom count of units constructed, retail
12 space and employment generated, conversions and other development statistics. The
13 monitoring program shall include the following categories of information:

14 (A) Office Space. Amount of office space constructed in preceding years and related
15 employment.

16 (B) Visitor and Hotel Space. Amount of hotel rooms constructed in preceding years and
17 related employment.

18 (C) Retail Space. Amount of retail space constructed in preceding years and related
19 employment.

20 (D) Business Formation and Relocation. An estimate of the rate of the establishment of
21 new businesses and business and employment relocation trends and patterns within the City
22 and the Bay Area.

23 (E) Housing. An estimate of the number of housing units newly constructed,
24 demolished, or converted to other uses.

1 (6) Public Benefit. The report shall detail the construction of any improvements or
2 infrastructure as described in the Eastern Neighborhoods Public Benefits Program, a copy of
3 which is on file with the Clerk of the Board of Supervisors in File No. 081155 and is
4 incorporated herein by reference. The report shall include the following categories of
5 information:

6 (A) Inclusionary Housing Program. A summary of the number and income mix of units
7 constructed or assisted through this program, an analysis of units constructed within each
8 alternative, including new alternatives established for the Eastern Neighborhoods UMU
9 districts.

10 (B) Jobs/Housing Linkage Program. A summary of the operation of the Jobs/Housing
11 Linkage Program (formerly the Office Affordable Housing Production Program) and the
12 Housing Affordability Fund, identifying the number and income mix of units constructed or
13 assisted with these monies.

14 (C) Streetscape, Transportation, and Public Realm. A detailed description of any
15 transportation serving infrastructure completed in the preceding five years, including transit,
16 pedestrian, bike, traffic and other modes of transportation.

17 (D) Open Space and Recreational Facilities. A summary of new parks, trails, public
18 rights-of-way, recreational facilities or activity space completed to serve the purposes of
19 recreation in the preceding five years, as well as any improvements to parks or recreational
20 facilities.

21 (E) Community facilities. An assessment of the existing service capacity of community
22 services and facilities, and of any new services or facilities joining the neighborhood in the
23 past five years. This shall include a review of child care, library services and any other
24 categories deemed relevant, such as health care centers, human services, and cultural
25 centers.

1 (F) Neighborhood Serving Businesses. An assessment of neighborhood serving
2 businesses in the area, including their establishment, displacement, and economic health.

3 (7) Fees and Revenues. The report shall monitor expenditure of all implemented fees,
4 including the Eastern Neighborhoods Impact Fee and all Citywide fees, and tax revenue, as
5 listed below. It shall report on studies and implementation strategies for additional fees and
6 programming.

7 (A) Impact Fee. A summary of the collected funds from the Eastern Neighborhoods
8 Impact Fee collected from development, and a detailed accounting of its expenditure over that
9 same period.

10 (B) Fiscal Revenues. An estimate of the net increment of revenues by type (property
11 tax, business taxes, hotel and sales taxes) from all uses.

12 (C) Fee Adjustments.

13 (i) The Planning Department shall review the amount of the Eastern
14 Neighborhoods fee against any increases in construction costs, according to changes
15 published in the Construction Cost Index published by Engineering News Record, or
16 according to another similar cost index should there be improvements to be funded through
17 the Eastern Neighborhoods Impact Fee as listed in the Eastern Neighborhoods Program.

18 (ii) The Planning Department shall review the level of the Eastern
19 Neighborhoods housing requirements and fees to ensure they are not so high as to prevent
20 needed housing or commercial development.

21 (8) Agency Responsibilities. All implementing agencies identified in the Eastern
22 Neighborhoods Implementation Matrix shall be responsible for:

23 (A) Reporting to the Planning Department, for incorporation into the Monitoring report,
24 on action undertaken in the previous reporting period to complete the implementation actions
25 under their jurisdiction, as referenced in the Eastern Neighborhoods Implementation Matrix.

1 (B) Providing an analysis of the actions to be completed in the next reporting period, for
2 incorporation into the Monitoring report, including a description of the integrated approach that
3 will be used to complete those tasks.

4 (i) To the extent the Agencies identified in the Implementation Matrix are outside
5 the jurisdiction of this Board, this Board hereby urges such Agencies to participate in this
6 process.

7 (9) Budget Implications. In cooperation with the Annual Progress reports required by
8 Administrative Code Chapter 36.4, and prior to the annual budget process, the Board shall
9 receive a presentation by the Interagency Planning and Implementation Committee and its
10 member agencies to describe how each agency's proposed annual budget advances the
11 Plans' objectives, including specific projects called for by this section. The Board of
12 Supervisors shall give particular consideration to proposed agency budgets that meet the
13 implementation responsibilities as assigned by the City's General Plan, including the Eastern
14 Neighborhoods Implementation Matrix. Budget proposals that do not include items to meet
15 these implementation responsibilities shall respond to Board inquiries as to why inclusion was
16 not possible.

17 (c) EASTERN NEIGHBORHOODS CAPITAL EXPENDITURE EVALUATION.

18 (1) Purpose. The Board of Supervisors and the Planning Commission have adopted
19 the Eastern Neighborhoods Area Plans in part to further the implementation of capital
20 improvements within the neighborhoods affected by new development, as described in the
21 Eastern Neighborhoods Public Benefits Program and incorporated herein by reference. A
22 Capital Expenditure Evaluation, in conjunction with the Plan's Monitoring Programs, will
23 provide a means to measure the balance of growth against these needed improvements, and
24 to evaluate the effectiveness of the Plans' implementation as growth occurs.

25 (2) Controls.

1 (A) Reporting requirements. By July 1st five years after Plan adoption, and every five
2 years thereafter, the Planning Department shall submit to the Board of Supervisors and the
3 Office of the Controller an Eastern Neighborhoods Capital Expenditure Evaluation Report.
4 The Eastern Neighborhoods Capital Expenditure Evaluation Report shall specifically report
5 the amount of funds collected to date from the Eastern Neighborhoods Impact Fee. The
6 Capital Expenditure Evaluation Report shall also describe how these funds have been
7 allocated or spent for the purpose of developing capital projects as identified in the Eastern
8 Neighborhoods Priority Capital Project list. The Capital Expenditure Evaluation shall
9 specifically report on allocations of funds or expenditures, based on their percentages share
10 of the total fees collected to date, toward the following Eastern Neighborhoods Priority Capital
11 Project development activities: planning, design, environmental review, approval, and
12 implementation. For the purposes of this section, the "Eastern Neighborhoods Priority Capital
13 Project List" shall mean a list of capital projects which are a priority subset of the full Eastern
14 Neighborhoods Public Benefits Program as set forth in the Eastern Neighborhoods
15 Interdepartmental Memorandum of Understanding and amended from time to time by the
16 Planning Commission with advice from the Eastern Neighborhoods Citizens Advisory
17 Committee. A draft copy of said memorandum is on file with the Clerk of the Board of
18 Supervisors in File No. 081446 and is incorporated herein by reference,

19 (B) Office of Controller Assessment. Within 60 days of receiving the Eastern
20 Neighborhoods Capital Expenditure Evaluation Report, the Controller shall assess whether
21 funds collected from the Eastern Neighborhoods Impact Fee are being effectively utilized for
22 capital projects included on the Eastern Neighborhoods Priority Capital Project List, and
23 whether such projects are successfully advancing towards implementation. For the purposes
24 of this section, "effectively utilized" shall mean approximately eighty percent of total Eastern
25 Neighborhoods impact fees collected upon issuance of the Eastern Neighborhoods Capital

1 Expenditure Evaluation Report have been allocated to one or more of the projects identified in
2 the Eastern Neighborhoods Priority Capital Projects list, whether or not such projects have
3 been approved or completed. On or after the ten-year anniversary of Plan Adoption the
4 Controller shall also consider whether projects that were initially funded by the issuance of the
5 five year report, or any subsequent updated or revised report, have been fully funded and/or
6 completed, assuming sufficient funds are available from the Eastern Neighborhoods impact
7 fees collected to date.

8 (C) Each year the Planning Department shall submit for inclusion into the City and
9 County of San Francisco Proposed Capital Plan for the current fiscal year, in accordance with
10 Sections 3.20 et seq., a schedule of capital improvements to be funded, developed and
11 implemented within the Eastern Neighborhoods, by neighborhood. That schedule shall
12 illustrate costs and revenue streams, total projects costs and the proposed timeline for
13 implementation.

14 (d) INTEGRATED PDR REPORTING.

15 (1) The owner of any property subject to an Integrated PDR Notice of Special
16 Restrictions (NSR) recorded pursuant to Planning Code Section 328 is required to ensure
17 that any new tenants or new occupants of any space that is permitted as Integrated PDR
18 contact the Integrated PDR Program of the Office of Economic and Workforce Development
19 (OEWD), or its successor, to register their respective Integrated PDR business with OEWD's
20 Integrated PDR Program Database and that these same businesses continually update
21 OEWD's PDR Program Database on an annual basis.

22 (2) Upon successful registration of a new Integrated PDR business, OEWD will
23 provide each individual Integrated PDR business registrant with a dated receipt
24 acknowledging that the subject Integrated PDR business has newly registered or updated
25 their existing registration with OEWD. This receipt shall be referred to as an "Integrated PDR

1 Registration Record” for purposes of this Section and Planning Code Section 328. If an
2 Integrated PDR business failed to register for an Integrated PDR Registration Record as of
3 December 31st of the subject year, the OEWD is prohibited from issuing a receipt for that
4 year.

5 (3) It is the responsibility of the owner of any property subject to an Integrated PDR
6 NSR recorded pursuant to Planning Code Sections 328 to collect and retain copies of any
7 Integrated PDR Registration Records obtained by any tenant or occupant in a property
8 subject to this Section.

9 (4) Property owners who cannot provide sufficient evidence in the form of Integrated
10 PDR Registration Records to demonstrate to the Planning Department that current and former
11 occupants of any Integrated PDR space have satisfied the initial registration and annual
12 reporting requirements outlined in this Section will not be eligible for any waivers or reductions
13 of Outstanding Discount-Program Fees as set forth in Planning Code Section 328.

14 (5) OEWD, or its successor, shall make available summary reports of any and all
15 Integrated PDR business data collected pursuant to this program at the request of the
16 Planning Department staff or the Planning Commission, as necessary for their enforcement of
17 any provisions of the Planning Code or for general information.

18 (6) OEWD, or its successor, shall provide a 5-year summary report on the status of
19 employment of disadvantaged workers, as defined in Planning Code Section 328(b)(2) and
20 the profile of all businesses registered under this program within 6 months of the 5-year
21 anniversary of the adoption of this Section. This summary report shall contain data on the
22 total number and types of businesses occupying Integrated PDR space, as well the total
23 percentage share of the total workforce employed by businesses occupying Integrated PDR
24 space that qualify as disadvantaged workers as of the 5-year anniversary of the effective date
25 of this Section.

1 (e) EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.

2 (1) Establishment and Purpose. An Eastern Neighborhoods Citizens Advisory
3 Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern
4 Neighborhoods Area Plan and related planning code changes, the Mayor and the Board of
5 Supervisors shall have appointed all members to the CAC. The CAC shall be the central
6 community advisory body charged with providing input to City agencies and decision makers
7 with regard to all activities related to implementation of the Eastern Neighborhoods Area
8 Plans. The CAC is established for the purposes of providing input on the prioritization of
9 Public Benefits, updating the Public Benefits program, relaying information to community
10 members in each of the four neighborhoods regarding the status of development proposals in
11 the Eastern Neighborhoods, and providing input to Plan Area monitoring efforts as
12 appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the
13 Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the
14 Board of Supervisors. The CAC may perform the following functions as needed:

15 (A) Collaborate with the Planning Department and the Interagency Plan Implementation
16 Committee on prioritizing the community improvement projects and identifying implementation
17 details as part of annual expenditure program that is adopted by the Board of Supervisors;

18 (B) Provide an advisory role in a report-back process from the Planning Department
19 on enforcement of individual projects' compliance with the Area Plans standards and on
20 specific conditions of project approvals so that those agreements will be more effectively
21 implemented;

22 (C) Collaborate with the Planning Department and relevant city agencies in the
23 monitoring of the Plans' implementation program at approximately every fifth year, in
24 coordination with the Monitoring Program required by the Administrative Code Section 10.E;
25 and provide input to Plan Area monitoring efforts for required time-series reporting.

1 (2) Representation and Appointments.

2 (A) The CAC shall consist of ~~13~~ 14 ~~19~~ members representing the diversity of the
3 Eastern Neighborhoods; key stakeholders, including resident renters, resident homeowners,
4 low-income residents, local merchants, established neighborhood groups within the Plan
5 Area; and other groups identified through refinement of the CAC process. The 19 members of
6 the CAC shall be comprised of 15 voting members and 4 non-voting members as set forth
7 below.

8 (B) All members shall live, work, own property or own a business in the Eastern
9 Neighborhoods Plan Area they are appointed to represent. For purposes of this Subsection, the
10 Eastern Neighborhoods Plan Area also shall include the Western SoMa Planning Area Special Use
11 District as set forth in Planning Code Section 823.

12 (C) The Board of Supervisors shall appoint a total of ~~eight~~ nine members to the CAC,
13 with two members representing each of the four Eastern Neighborhoods Plan Areas. Based
14 on this representational requirement and the Supervisorial District boundaries, the District 10
15 Supervisor shall nominate ~~4~~ four CAC members, the District 6 and District 9 Supervisors shall
16 nominate ~~2~~ two CAC members, and the District 8 ~~and District 9~~ Supervisors each shall
17 nominate ~~4~~ one CAC member. The appointment of each of the Board's CAC nominees shall
18 be confirmed by the full Board of Supervisors.

19 (D) The Mayor shall appoint a total of ~~five~~ six members, with one voting member
20 representing each of the four neighborhoods, and ~~one~~ two voting at-large members. In
21 addition, the Mayor shall appoint two non-voting at-large members.

22 (E) The Western SoMa Planning Area Task Force shall appoint ~~one~~ two non-voting
23 members representing the Western SoMa Planning Area Special Use District. Should the Task Force
24 be terminated or otherwise stop meeting for a period of 6 months or more, the Board President shall
25

1 appoint the members representing the Western SoMa Planning Area Special Use District. In either
2 case, this these CAC members shall be confirmed by the full Board of Supervisors.

3 (F) Members shall serve for two-year terms, but those terms shall be staggered such
4 that, of the initial membership, some members will be randomly selected to serve four year
5 terms and some will serve two year terms. ~~Notwithstanding the above, the first Western~~
6 ~~SoMa Planning Area Special Use District CAC member shall serve a four-year term.~~

7 (FG) At the first official meeting of the CAC, which shall not occur until the entire 13 14
8 at least 13 voting members of the CAC is have been appointed by the respective appointment
9 process, a lottery shall be conducted in order to randomly select four Board of Supervisors
10 appointees and two Mayoral appointees to serve four-year terms. At a subsequent meeting,
11 when the final two voting members of the CAC have been appointed by the respective
12 appointment process, a lottery shall be conducted in order to randomly select which member
13 shall serve a four-year term. At a subsequent meeting, when the four non-voting members of
14 the CAC have been appointed by the respective appointment process, a lottery shall be
15 conducted in order to randomly select one Western SoMa Planning Area Special Use District
16 member and one Mayoral appointee to serve a four-year term. The terms of the final two
17 voting members and all non-voting members shall be deemed to start on the date of the first
18 official meeting of the CAC.

19 (GH) The Board of Supervisors, ~~or Mayor, or Western SoMa Planning Area Task Force~~
20 may renew a member's term by repeating the respective appointment process.

21 (I) If the Board of Supervisors approves legislation to establish an area-specific impact
22 fee for all or a portion of the Western SoMa Planning Area Special Use District and the fee is
23 integrated into the Eastern Neighborhoods Impact Fee, the four non-voting members of the
24 CAC shall automatically become voting members on the effective date of said legislation.
25


1 (3) Committees or Working Groups of the CAC: According to procedures set forth in
2 bylaws adopted by the CAC, the CAC may, at its discretion create subcommittees or working
3 groups based around geographic areas or functional issues. Each of these subcommittees or
4 working groups shall contain at least one CAC member who is eligible to vote, but may also
5 be comprised of individuals who are not members of the CAC. If a non-voting member of the
6 CAC serves on a subcommittee or working group that individual may act as a voting member
7 of the subcommittee or working group.

8 (4) Staffing for Eastern Neighborhoods Citizens Advisory Committee: The Planning
9 Department or Interagency Plan Implementation Committee shall designate necessary
10 staffing from relevant agencies to the CAC, as needed to complete the responsibilities and
11 functions of the CAC described in this code. To the extent permitted by law, staffing and
12 administrative costs for the CAC shall be funded through the Eastern Neighborhoods Public
13 Benefits Fund. Staff shall participate in the Interagency Planning and Implementation
14 Committee as set forth in Administrative Code Section 36.

15 (5) The Eastern Neighborhoods CAC will automatically terminate on December 31,
16 2020, unless the Board of Supervisors extends the CAC's term by Ordinance.

17
18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:


22 John D. Malamut
23 Deputy City Attorney

24
25
Supervisor Daly
BOARD OF SUPERVISORS

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10/14/2009



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090523

Date Passed:

Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

October 27, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

November 3, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090523

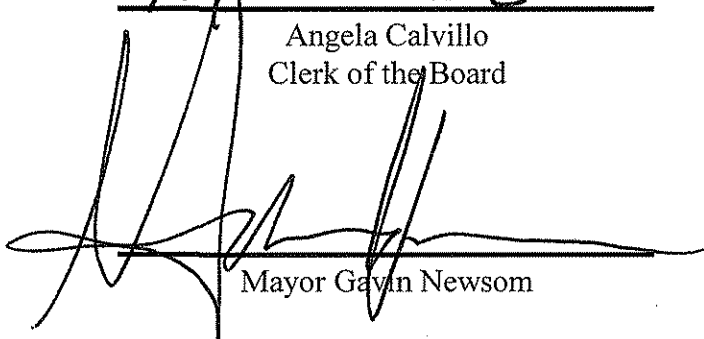
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 3, 2009 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

11-10-09

Date Approved



Mayor Gavin Newsom