

FILE NO. 130225

ORDINANCE NO. 157-13

[Administrative Code - Bayview Hunters Point Citizens Advisory Committee]

Ordinance amending the Administrative Code to establish the Bayview Hunters Point Citizens Advisory Committee to provide policy advice to the City on planning and land use matters for Zone 2 of the Bayview Hunters Point Redevelopment Project Area.

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

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

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130225 and is incorporated herein by reference.

Section 2. The Administrative Code is hereby amended by adding Article VIII, entitled "Bayview Hunters Point Citizens Advisory Committee" and consisting of Sections 5.70 and 5.71 as follows:

SEC. 5.70. GENERAL FINDINGS.

(a) In 1995, the Board of Supervisors established the Bayview Hunters Point Redevelopment Survey Area. On May 23, 2006, the Board approved and adopted, by Ordinance No. 113-06, the Redevelopment Plan for the Bayview Hunters Point Redevelopment Project ("Redevelopment Plan"), which expanded and renamed the Hunters Point Redevelopment Project Area. The Plan included an Area A, which had been in a 1969 Hunters Point Redevelopment Plan and

1 an Area B. Project Area A expired, and with its expiration, the area added by the 2006 expansion
2 constitutes the Bayview Hunters Point Redevelopment Project Area (the "Project Area"). A portion of
3 Area B was the Candlestick Point Activity Node.

4 (b) On August 3, 2010, this Board of Supervisors adopted an amended Redevelopment Plan
5 (the "Amended Redevelopment Plan") by Ordinance No. 210-10. The Amended Redevelopment Plan
6 designated the Candlestick Point Activity Node as Zone 1, and the balance of the Project Area as Zone
7 2. The Candlestick Point Activity Node is part of the Hunters Point Shipyard/Candlestick Point
8 Project, a major approved development project that the Redevelopment Agency of the City and County
9 of San Francisco (the "Redevelopment Agency") was charged with implementing. The Amended
10 Redevelopment Plan is on file with the Clerk of the Board of Supervisors in File No. 100658, and is
11 incorporated herein as if fully set forth. Map 1 of the Amended Redevelopment Plan identifies the
12 Project Area and Map 2 identifies Zone 1 and Zone 2.

13 (c) Under the Amended Redevelopment Plan, the Redevelopment Agency retained land use
14 authority within Zone 1. The Redevelopment Agency and the City, through its Planning Department,
15 entered into a Planning Cooperative Agreement, dated for reference purposes as of June 3, 2010, to
16 provide for cooperation between the City and the Redevelopment Agency in carrying out the
17 development of Zone 1.

18 (d) On September 19, 2006, the Redevelopment Agency and the City, through its Planning
19 Commission, entered into a delegation agreement that provided for implementation of the
20 Redevelopment Plan in Zone 2. The Planning Cooperative Agreement of 2010 provided that
21 development in Zone 2 would continue to be governed by the delegation agreement. Zone 2 is a mixed
22 residential, industrial and commercial area that has suffered from severe economic decline for many
23 years with the closure of the Hunters Point Naval Shipyard, the shrinking of heavy and light industrial
24 bases, and the lingering effects of long-term environmental pollution.

1 (e) The Bayview community was long involved in the planning process that brought about
2 the Amended Redevelopment Plan. It has also previously engaged in a yet unfinished planning process
3 for the area within India Basin Shoreline, not included in the Amended Redevelopment Plan, but
4 referred to in the plan as Survey Area C. Survey Area C is shown on Map 3 of the Amended
5 Redevelopment Plan. In the event that future planning efforts can be carried out in Zone 2 or Survey
6 Area C, community involvement is desirable to help create a structured, and interactive relationship
7 between City agencies, developers, and the community regarding land use and planning affairs in Zone
8 2 and Survey Area C.

9
10 **SEC. 5.71. THE BAYVIEW HUNTERS POINT CITIZENS ADVISORY COMMITTEE.**

11 (a) Establishment and Purpose. A Bayview Hunters Point Citizens Advisory Committee (the
12 “CAC”) is hereby established. The purpose of the CAC shall be to provide policy advice to the Board
13 of Supervisors, City boards, commissions and departments, including the Planning Commission and
14 Planning Department, on planning and land use matters in Zone 2. The CAC shall provide advice on
15 the appropriateness of projects, and land use and zoning designations for projects in Zone 2 or Survey
16 Area C, and provide community guidance on the extent to which a development project furthers
17 General Plan policies in Zone 2.

18 The CAC shall serve for the duration of the Amended Redevelopment Plan, including any
19 extensions of the plan by that the Board of Supervisors approves. To perform its duties, the CAC may
20 do the following:

21 (1) review proposed development projects, amendments to a redevelopment plan
22 requiring approval of the Board of Supervisors and zoning changes, and advise the Planning
23 Commission and Department and the Board of Supervisors on those matters;

24 (2) collaborate with the Planning Department on planning efforts; and
25

1 (3) collaborate with City boards, commissions and departments to (A) provide
2 information to the community on planning efforts, development projects, amendments to a
3 redevelopment plan requiring approval of the Board of Supervisors, and zoning changes, and (B) seek
4 input from the community.

5 (b) Members of the Bayview Hunters Point Citizens Advisory Committee

6 (1) Appointments.

7 (A) Appointing Authorities. The CAC shall consist of 12 members. The
8 Supervisor of District 10, the Mayor, and the City Administrator (the "appointing authorities") shall
9 each appoint 4 members. Of the 4 members appointed by each of the appointing authorities, 3 shall
10 have the power to vote on committee actions (voting members), and one shall not have the power to
11 vote on committee actions (a non-voting member). An employee of the City may not be appointed as a
12 voting member of the CAC but may be appointed as a non-voting member. Each appointing authority
13 shall notify the Clerk of the Board of Supervisors in writing of each of its appointments to the
14 committee, including which appointees shall be voting members.

15 (B) Quorum. Five voting members shall constitute a quorum. The CAC shall
16 approve matters by an affirmative vote of at least 5 voting-members.

17 (C) Compensation. Members of the CAC shall serve at the pleasure of their
18 appointing authority without compensation or benefits.

19 (D) Terms. Each member shall serve a term of two years. The term of the 12
20 members first appointed to fill the seats on the committee shall commence on the effective date of
21 Ordinance No. _____.

22 (2) Qualifications of Members. Each member shall have a capacity for volunteerism,
23 and the ability to commit a minimum of 10 hours per week to the review of documents, meetings and
24 planning sessions, and coordination with community members or City representatives. In addition,
25 each member shall have one or more of the following qualifications:

1 (A) Experience working with multiple City boards, commissions, or department,
2 or their representatives;

3 (B) A workman-like understanding of, or high level of interest in the land use
4 policies and requirements, zoning issues for Zone 2, and a high level of interest in the review of
5 projects in that area; or

6 (C) Familiarity with architecture, engineering, construction, historic
7 preservation, public art, transportation and city planning, community benefits, low-income housing
8 development or land use in San Francisco or other urban areas.

9 (3) Additional Qualifications of Non-voting Members. In addition to the qualifications
10 stated in subparagraph (b)(2) (Qualifications of Members) above, non-voting members must have
11 professional expertise or training in disciplines such as architecture, land use, or urban planning,
12 that would be helpful to the CAC in the performance of its duties; such as in architecture, land use,
13 or planning.

14 (4) Residency. A member must be at least one of the following: (A) a resident of the
15 Project Area; (B) a person who owns a business with a fixed office in the City or real property in the
16 City; (C) a representative of a neighborhood group in the Project Area; or (D) a resident of San
17 Francisco who has experience working on architecture, planning, or land use issues in San Francisco.

18 (5) Conflicts.

19 (A) During his or her tenure, ~~no~~ a member of the CAC shall ~~may not~~ receive
20 income from, have any financial investments in, or be a party to any contracts with any person or entity
21 who is seeking project approvals, or who receives a project approval from the City during the
22 member's tenure regarding a property within Zone 2 or Survey Area C from the City. For the
23 purpose of this Subsection, "project approvals" shall include conditional use authorizations,
24 variances, certificates of appropriateness, and building permits.

1 (B) During his or her tenure, ~~no~~ a member of the CAC shall may not enter into,
2 submit a bid for, negotiate for, or otherwise attempt to enter into, any contract with the City, or obtain
3 a subcontract of any tier to a contract with the City for services, a real estate interest, or other benefits
4 in Zone 2 or Survey Area C.

5 (C) Any member of the CAC who violates this Subsections shall be deemed to
6 have thereby vacated ~~resigned~~ his or her position on the CAC.

7 (6) Support. Subject to the budgetary and fiscal provisions of the Charter, the City
8 Administrator's Office shall provide staff to assist the CAC to organize and conduct its public meetings
9 and perform related responsibilities.

10 (7) Absences. If a member is absent from more than 3 scheduled meetings of the CAC
11 in a twelve-month period, the chairperson shall notify the member's appointing authority of the
12 absences. The appointing authority may exercise its authority over the member, including, without
13 limitation, removing the member from the committee and ~~electing~~ appointing a new member to serve
14 out the term of the member that is removed.

15 (8) Bylaws. The CAC shall adopt bylaws, subject to the approval of the City
16 Administrator, to ensure the orderly conduct of its meetings.

17 (c) Cooperation with the CAC. At the request of the CAC, City boards, commissions and
18 departments shall cooperate with the CAC in the performance of its duties by providing information
19 within the scope of the body's jurisdiction, assisting in answering questions pertinent to the CAC's
20 duties, referring matters under its jurisdiction to the CAC that are pertinent to the CAC's duties, and
21 considering recommendations of the CAC.

22 (d) Interaction of Planning Department with the CAC. In addition to its duty to cooperate with
23 the CAC under subsection (c) above, the Planning Department shall:

24 (1) On a regular and timely basis, ~~notify the CAC,~~ in accordance with subsection
25 (e) below, of all permit applications that it has received for new construction or substantial

1 rehabilitation in Zone 2, and work with the CAC to consider community input and guidance for the
2 following projects in Zone 2 prior to:

3 (A) Approval of a commercial project of 25,000 square feet or greater or
4 residential project consisting of 10 or more dwelling units;

5 (B) Approval of any conditional use permit in Zone 2;

6 (C) Approval of any new construction or substantial rehabilitation project
7 on Third Street and other Neighborhood Commercial ("NC") districts in Zone 2;

8 (D) Approval of any significant land use proposals such as zoning
9 amendments; and

10 (E) Any Planning Commission hearing on other projects, if requested by
11 the CAC;

12 (1) Residential projects that create 6 or more residential units, and/or projects
13 that include construction of a new building or addition to an existing building of 10,000 square
14 feet or more of non-residential space;

15 (2) Projects that include an alteration or change of use that:

16 (A) is subject to Planning Code Section 311 (Residential Permit Review
17 Procedures for RH, RM, and RTO Districts) and includes vertical additions of 7 feet or more to
18 the existing building height or 10 feet or more to the existing building depth at any level;

19 (B) is in any zoning district and includes a facility or activity identified in
20 Planning Code Section 312(c) (Change of Use);

21 (C) is subject to a conditional use authorization or discretionary review
22 under Section 317 of the Planning Code (Loss of Dwelling Units Through Merger, Conversion
23 or Demolition); or

24 (D) is subject to a pre-application meeting under Section 313 of the
25 Planning Code (PDR-1-B (Light Industrial Buffer));

1 (3) Projects that require a conditional use authorization;
2 (4) Projects that require a zoning map amendment; and
3 (5) Any streetscape improvements or public realm plans led by the Planning
4 Department. For the purpose of this Section, "streetscape improvements" are improvements
5 to the streetscape elements identified in Section 98.1 of the Administrative Code, and a
6 "public realm plan" means a plan to improve public space, including, without limitation, rights
7 of way, sidewalks and public plazas, to enhance the public's enjoyment of the space.

8 (e) Notification to the CAC. The Director of Planning shall provide the CAC notice of
9 the projects or changes described in subsection (d) above (the "Project Notice") as follows:

10 (1) The Director of Planning shall send the CAC a copy of any written
11 preliminary assessment of the approval process that the department prepares and submits to
12 a person or entity seeking approval of a project (the "Project Applicant") before the Project
13 Applicant has filed an application for environmental review and/or entitlement at the same
14 time that the department sends such written preliminary assessment to the Project Applicant.

15 (2) If the Director of Planning does not provide a written preliminary assessment
16 to the Project Applicant prior to the filing of an application for environmental review and/or
17 entitlement, the Director of Planning shall notify the CAC of the project in writing when the
18 project application is filed with the department.

19 (f) CAC Hearings on Projects.

20 (1) Notice to Project Applicant. The CAC shall notify the Project Applicant in
21 writing within 30 days of its receipt of the Project Notice if it would like the Project Applicant to
22 make a presentation on the project before the CAC (the "Project Applicant's Presentation"). If
23 the CAC does not so notify the Project Applicant, the Planning Commission or Planning
24 Department may consider approval of the Project without a CAC hearing.

1 (2) Project Applicant's Presentation. Upon the request of the CAC, the Project
2 Applicant shall request from the CAC a date on which to make the Project Applicant's
3 Presentation. The CAC shall schedule the date for the Project Applicant's Presentation as
4 follows:

5 (A) If a public hearing on the final approval action on the project before
6 the Planning Commission is required, the Project Applicant's Presentation shall be on a date
7 that is at least 60 days prior to the Planning Commission's public hearing.

8 (B) If no public hearing on the final approval action on the project before
9 the Planning Commission is required, the CAC may set a date for the Project Applicant's
10 Presentation that would enable an efficient project review and approval process, but the date
11 for the Project Applicant's Presentation shall occur on a date that is at least 60 days before
12 the Planning Department acts on the permit application. The Planning Department shall
13 timely notify the CAC of the date it intends to act on the permit application to enable the CAC
14 to schedule the Project Applicant's Presentation.

15 (3) Submittal of Comments. The CAC shall submit any comments on the
16 project that the CAC wishes the Planning Commission to consider to the Director of Planning
17 within 30 days after the date scheduled for the Project Applicant's Presentation as required by
18 Subsection (f)(2) above.

19 (4) Additional Time. The Director of Planning or the Planning
20 Commission may allow additional time for the CAC hearing and comments if the Director of
21 Planning or the Planning Commission finds that additional time is needed given the
22 complexity of the project and feasible given the timing of required hearings or action on other
23 projects. The Project Applicant shall make a good faith effort to inform the CAC of any
24 changes to the project after the CAC has issued its comments to the Director of Planning.
25

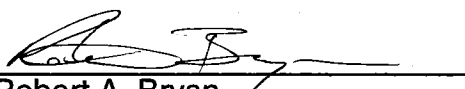
1 ~~_____ (2g) Report on CAC Comments. When reviewing and considering approvals of~~
2 a The Planning Department shall describe the comments and recommendations of the CAC in its
3 report to the Planning Commission prior to the Planning Commission's approval of the project. In
4 addition, the CAC may present its views on the project in a separate report at the Planning
5 Commission's public hearing on approval of the project which shall not preclude the CAC from
6 presenting its views on the project in a separate report at a public hearing of the Planning
7 Commission; and

8 ~~_____ (3h) Providing Information. The Planning Department shall provide information~~
9 about permit applications and other proposed development activity in Zone 2 to the CAC as promptly
10 as is reasonably feasible prior to any CAC meeting.

11 (i) Subject to the Charter. Nothing in this Section is intended to interfere with the
12 authority of the Planning Department or Planning Commission under the Charter.

13
14 Section 3. Effective Date. This ordinance shall become effective 30 days from the
15 date of passage.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 Robert A. Bryan
21 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

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

File Number: 130225

Date Passed: July 16, 2013

Ordinance amending the Administrative Code to establish the Bayview Hunters Point Citizens Advisory Committee to provide policy advice to the City and County of San Francisco on planning and land use matters for Zone 2 of the Bayview Hunters Point Redevelopment Project Area.

June 06, 2013 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 06, 2013 Rules Committee - CONTINUED TO CALL OF THE CHAIR AS AMENDED

June 20, 2013 Rules Committee - RECOMMENDED

July 09, 2013 Board of Supervisors - PASSED, ON FIRST READING

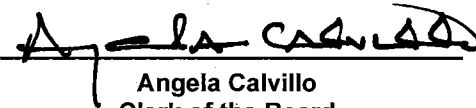
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 16, 2013 Board of Supervisors - FINALLY PASSED

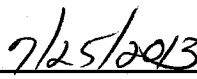
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 130225

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/16/2013 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved