

1 [Administrative Code - Establishing Balboa Reservoir Community Advisory Committee]

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3 **Ordinance amending the Administrative Code to establish the Balboa Reservoir**  
4 **Community Advisory Committee to advise the Board of Supervisors, the Mayor, and**  
5 **City departments regarding any proposed development under the Public Land for**  
6 **Housing Program at the portion of the Balboa Reservoir owned by the San Francisco**  
7 **Public Utilities Commission; and setting forth the membership and duties of the**  
8 **Advisory Committee.**

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10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
13 **Board amendment additions** are in double-underlined Arial font.  
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
16 subsections or parts of tables.

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

18 The Administrative Code is hereby amended by adding Chapter 5, Article XVII,  
19 Sections 5.17-1 through 5.17-7, to read as follows:

20 **ARTICLE XVII:**

21 **BALBOA RESERVOIR COMMUNITY ADVISORY COMMITTEE**

22 *Sec. 5.17-1. Creation of Advisory Committee.*

23 *Sec. 5.17-2. Findings and Purposes.*

24 *Sec. 5.17-3. Membership.*

25 *Sec. 5.17-4. Organization and Terms of Office.*

*Sec. 5.17-5. Powers and Duties.*

1           Sec. 5.17-6. Meetings and Procedures.

2           Sec. 5.17-7. Sunset.

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4           **SEC. 5.17-1. CREATION OF ADVISORY COMMITTEE.**

5           The Mayor and Board of Supervisors hereby establish the Balboa Reservoir Community  
6 Advisory Committee (the “Advisory Committee”) of the City and County of San Francisco.

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8           **SEC. 5.17-2. FINDINGS AND PURPOSES.**

9           (a) The City and County of San Francisco, acting through its Public Utilities Commission,  
10 owns approximately 18 acres of the western portion of the Balboa Reservoir located off of Ocean and  
11 Phelan Avenues in Balboa Park (the land owned by the City referred to in this Article XVII as the  
12 “Site”). The Site is currently used for short-term parking accommodating up to about 1,000  
13 automobiles. The City has chosen the Site as a potential location under the Public Land for Housing  
14 Program, an interdepartmental program to coordinate development of certain of the City’s public land  
15 assets with the goal of providing affordable housing and other benefits for the public while ensuring  
16 that City agencies meet their core needs. In the case of development at the Site, there is an opportunity  
17 for the City to realize a substantial amount of new affordable housing, as well as other community  
18 benefits, while still allowing the Public Utilities Commission to receive fair market value for the land.

19           (b) To ensure the success of any development at the Site, City agencies must receive input  
20 from the individuals and communities that will be most directly impacted by the project, including  
21 residents, businesses, and educational institutions in the area immediately surrounding the Site.

22           (c) Due to the large size and physical complexity of the Balboa Reservoir site, an Advisory  
23 Committee is warranted.

24           (d) In light of the passage of Proposition K in November 2014, the City is assessing all  
25 public sites’ ability to meet the City’s affordable housing goals.

1            (e) The purpose of the Advisory Committee is to provide a community voice and function as  
2 a central clearinghouse for community input in the process as the City considers options for  
3 development of the Site.

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5            **SEC. 5.17-3. MEMBERSHIP.**

6            (a) The Advisory Committee shall consist of nine members, appointed as follows:

7                    (1) Seat 1 shall be held by the President of the Sunnyside Neighborhood Association  
8 or his or her designee.

9                    (2) Seat 2 shall be held by the President of the Westwood Park Neighborhood  
10 Association or his or her designee.

11                   (3) Seat 3 shall be held by a resident of the OMI (Oceanview-Merced-Ingleside)  
12 neighborhood, appointed by the Supervisor for District 7

13                   (4) Seat 4 shall be held by an employee or trustee of City College of San Francisco,  
14 appointed by the Supervisor for District 7.

15                   (5) Seat 5 shall be held by a member of the Balboa Park Station Community  
16 Advisory Committee, appointed the Supervisor for District 7. If the Balboa Park Station Community  
17 Advisory Committee sunsets before the Advisory Committee, then Seat 5 shall be held by a ~~member of~~  
18 ~~the general public~~ resident of District 7 or by a person who owns a business located in District  
19 7, appointed by the Supervisor for District 7.

20                   (6) Seat 6 shall be held by a person who owns a business located on Ocean Avenue  
21 in District 7, appointed by the Mayor.

22                   (7) Seat 7 shall be held by a member of the San Francisco Public Utilities  
23 Commission Citizens Advisory Committee, appointed by the Mayor.

24                   (8) Seats 8 through 9 shall be at-large seats, appointed by the Mayor.

1           **(b) If at any time the neighborhood association representative designated for Seat 1 or 2**  
2 **declines to serve as a member of the Advisory Committee or to appoint a designee, and leaves that seat**  
3 **vacant for 60 days or longer, the Board of Supervisors may appoint a member of the public to fill the**  
4 **seat until such time as the neighborhood association representative joins the Advisory Committee or**  
5 **designates a person to serve in the seat.**

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7           **SEC. 5.17-4. ORGANIZATION AND TERMS OF OFFICE.**

8           **(a) Each member shall serve at the pleasure of the member’s appointing authority, and**  
9 **shall serve for the life of the Advisory Committee unless removed by the appointing authority.**

10           **(b) If a vacancy occurs in any seat on the Advisory Committee, the appointing authority for**  
11 **the vacated seat shall appoint a successor to that seat.**

12           **(c) Service on the Advisory Committee shall be voluntary and members shall receive no**  
13 **compensation.**

14           **(d) Any member who misses three regular meetings of the Advisory Committee within a six-**  
15 **month period without the express ~~prior or subsequent~~ approval of the Advisory Committee ~~at or~~**  
16 **before each missed meeting shall be deemed to have resigned from the Advisory Committee ~~30~~**  
17 **days after the third unapproved absence ~~ten days after the third unapproved absence.~~ The**  
18 **Advisory Committee shall inform the appointing authority of the resignation, and for**  
19 **resignations in Seats 1 through 5, the Advisory Committee shall also inform the Clerk of the**  
20 **Board.**

21           **(e) The Mayor’s Office of Economic and Workforce Development or any successor office**  
22 **and the Planning Department shall provide clerical and administrative support and staffing for the**  
23 **Advisory Committee.**

1           **SEC. 5.17-5. POWERS AND DUTIES.**

2           (a) The general purpose of the Advisory Committee shall be to provide a regular venue for  
3 interested community stakeholders and the general public to discuss any proposed development on the  
4 Site, and to ask questions of and give input to City officers and staff and to developers, once selected.

5           (b) The Advisory Committee shall provide feedback on what development objectives should  
6 be included in the Request for Proposals to be issued by the City for development of the Site. This  
7 feedback shall include, but need not be limited to, the following issues: (1) Development economics and  
8 housing affordability; (2) Transportation, including site access, parking, and congestion management;  
9 (3) Open space and other community benefits; (4) Interactions with City College; and (5) Good  
10 neighbor policies to serve existing residents and small businesses around the Site.

11           (c) The Advisory Committee shall have no authority to exercise the sovereign powers of the  
12 City, including the authority to select or negotiate with potential developers of the Site.

13           (d) No later than one year after the inaugural meeting of the Advisory Committee, and at  
14 least once every 12 months thereafter, the Advisory Committee shall submit to the Board of Supervisors  
15 and the Mayor a report describing the Advisory Committee's activities and recommendations.

16           (e) All City departments, commissions, boards, and agencies shall cooperate with the  
17 Advisory Committee in conducting its business.

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19           **SEC. 5.17-6. MEETINGS AND PROCEDURES.**

20           (a) The Advisory Committee shall hold its inaugural meeting not more than 30 days after a  
21 quorum of the Advisory Committee, defined as a majority of seats, has been appointed. There shall be  
22 at least ten days' notice of the inaugural meeting. From the inaugural meeting until March 2016, the  
23 Advisory Committee shall hold a regular meeting not less than once every month, unless a majority of  
24 members agree that a meeting need not occur in any particular month. After March 2016, the Advisory  
25 Committee may hold regular meetings less frequently than once a month.

1           **(b) The Advisory Committee shall elect its own officers and may establish rules for its own**  
2 **organization and procedures.**

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4           **SEC. 5.17-7. SUNSET.**

5           **The Board of Supervisors and Mayor intend the Advisory Committee to last until development**  
6 **entitlements have been issued for the Site. Accordingly, this Article XVII shall expire by operation of**  
7 **law, and the Advisory Committee shall terminate, five years after the effective date of Ordinance No.**  
8 **\_\_\_\_\_ establishing the Advisory Committee, provided that the Board of Supervisors may extend the**  
9 **expiration date by ordinance. After the expiration of the Advisory Committee, the City Attorney shall**  
10 **cause this Article to be removed from the Administrative Code. Notwithstanding Rule 2.21 of the**  
11 **Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board should**  
12 **sunset within three years, the Board intends the Advisory Committee to exist for longer than three**  
13 **years.**

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15           Section 2. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

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

22 By: \_\_\_\_\_  
23 JON GIVNER  
24 Deputy City Attorney

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