

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 8, 2019

Planning Commission
Attn: Jonas Ionin
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On July 30, 2019, the following substitute legislation was introduced:

File No. 181215

Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Planning Advisory Committee to advise City officials and agencies on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA Community Stabilization Fund Community Advisory Committee and the Eastern Neighborhoods Citizens Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b) for public hearing and recommendation. The ordinance is pending before the Rules Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Clerk
Rules Committee

Attachment

c: John Rahaim, Director
Dan Sider, Director of Executive Programs

Aaron Starr, Manager of Legislative Affairs
AnMarie Rodgers, Director of Citywide Planning
Scott Sanchez, Acting Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Administrative, Planning Codes - South of Market Advisory Committees]

2
3 **Ordinance amending the Administrative and Planning Codes to establish the South of**
4 **Market Community Planning Advisory Committee to advise City officials and agencies**
5 **on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa**
6 **Area Plan; to revise the membership and duties of the SOMA Community Stabilization**
7 **Fund Community Advisory Committee and the Eastern Neighborhoods Citizens**
8 **Advisory Committee; affirming the Planning Department’s determination under the**
9 **California Environmental Quality Act; making findings of consistency with the General**
10 **Plan, and the eight priority policies of Planning Code, Section 101.1; and making**
11 **findings of public necessity, convenience, and welfare under Planning Code, Section**
12 **302.**

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

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

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
determination.

1 (b) On _____, the Planning Commission, in Resolution No. _____,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
7 Planning Code amendments will serve the public necessity, convenience, and welfare for the
8 reasons set forth in Planning Commission Resolution No. _____, and the Board
9 incorporates such reasons herein by reference. A copy of said Resolution is on file with the
10 Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
11 reference.

12
13 Section 2. Chapter 5 of the Administrative Code is hereby amended by adding Article
14 XXVI, consisting of Sections 5.26-1, 5.26-2, 5.26-3, 5.26-4, 5.26-5, and 5.26-6, to read as
15 follows:

16 **ARTICLE XXVI:**

17 **SOUTH OF MARKET COMMUNITY PLANNING ADVISORY COMMITTEE**

18 **SEC. 5.26-1. CREATION OF COMMITTEE.**

19 The Board of Supervisors hereby establishes the South of Market Community Planning Advisory
20 Committee ("Committee").

21 **SEC. 5.26-2. MEMBERSHIP AND QUALIFICATIONS.**

22 (a) The Committee shall consist of 11 voting members. Together, the members of the Committee
23 shall represent the cultural diversity of the East SoMa, Central SoMa, and Western SoMa
24 neighborhoods, and ideally would include renters of residences in the neighborhoods, resident
25 homeowners in the neighborhoods, low-income residents, local merchants, and representatives of

1 established neighborhood groups within the East SoMa, Central SoMa, and Western SoMa Plan Areas.
2 All members shall live, work, or own a business within the boundaries of the East SoMa, Central SoMa,
3 or Western SoMa Area Plans. When fully constituted, at least three members shall live within the
4 boundaries of the East SoMa, Central SoMa, or Western SoMa Area Plans.

5 (b) Seats 1, 2, 3, 4, 5, 6, and 7 shall be held by individuals nominated by the District 6
6 Supervisor and appointed by the Board of Supervisors.

7 (1) Seat 1 shall be held by an individual who has small business expertise.

8 (2) Seat 2 shall be held by an individual with familiarity and experience in infrastructure
9 and/or safety, as relating to pedestrians, bicyclists, or transit.

10 (3) Seat 3 shall be held by an individual who has familiarity and experience in historic
11 preservation and/or cultural preservation.

12 (4) Seat 4 shall be held by an individual who has familiarity and experience in
13 development and/or management of affordable housing.

14 (5) Seat 5 shall be held by an individual who provides direct social services to SoMa
15 residents.

16 (6) Seats 6 and 7 shall have no additional required qualifications.

17 (c) Seats 8, 9, 10, and 11 shall be held by individuals appointed by the Mayor.

18 (1) Seat 8 shall be held by an individual with a record of advocacy for parks, recreation,
19 and open space in San Francisco.

20 (2) Seat 9 shall be held by an individual who has expertise in employment development
21 or represents labor interests.

22 (3) Seats 10 and 11 shall have no additional required qualifications.

23 (d) There shall be 11 alternate members of the Committee, one designated for each of the 11
24 seats. Alternate members shall be appointed for their respective seats in the same manner prescribed in
25 subsections (b) and (c). The alternate members of the Committee would ideally meet the requirements

1 set forth in subsections (b) and (c) for their respective seats. An alternate shall temporarily serve on the
2 Committee as a voting member when there is a vacancy in the seat, or when the seat is filled but the
3 member holding the seat is absent from the meeting; the same holds true for an alternate serving on a
4 subcommittee or working group.

5 **SEC. 5.26-3. ORGANIZATION AND TERMS OF OFFICE.**

6 (a) Members of the Committee shall serve three-year terms; provided, however, that the term of
7 the initial appointees, including alternates, in Seats 1, 2, 7, and 8 shall expire at noon on August 1,
8 2021; the term of the initial appointees in Seats 3, 4, 9, and 10, including alternates, shall expire at
9 noon on August 1, 2022; and the term of the initial appointees in Seats 5, 6, and 11, including
10 alternates, shall expire at noon on August 1, 2023. There shall be no limits on the number of terms a
11 member may serve on the Committee, as either a voting member or an alternate.

12 (b) Service on the Committee shall be voluntary and members shall receive no compensation
13 from the City.

14 (c) Any voting member who misses three regular meetings of the Committee within a six-month
15 period without the express approval of the Committee by majority vote at or before each missed
16 meeting shall be deemed to have resigned from the Committee 10 days after the third unapproved
17 absence. The Committee shall inform the Clerk of the Board of Supervisors in the case of a Board
18 appointee, and the Mayor's Office, in the case of a Mayoral appointee, of any such resignation. Any
19 absence of a voting member of the Committee shall be deemed approved by the Committee, and shall
20 not count as an unapproved absence, if the alternate member of the Committee designated for the seat
21 attends a meeting in place of the absent voting member.

22 (d) The Planning Department, in consultation with other members of the Interagency Plan
23 Implementation Committee described in Chapter 36 of the Administrative Code as appropriate, shall
24 provide expertise to the Committee as appropriate. The Planning Department shall provide
25 administrative and clerical support for the Committee.

1 **SEC. 5.26-4. DUTIES.**

2 (a) The general purpose of the Committee shall be to provide input to the Board of Supervisors,
3 the Mayor, and City agencies regarding the implementation of the Central SoMa Plan, Western SoMa
4 Area Plan, and East SoMa Area Plan. The City agencies to which the Committee may provide input
5 include, but are not limited to, the Planning Department, the Mayor's Office of Housing and
6 Community Development, the Office of Economic and Workforce Development, the Municipal
7 Transportation Agency, the Recreation and Park Department, the Department of Public Works, the
8 Arts Commission, and the Interagency Planning and Implementation Committee. Prioritization of
9 revenue expenditures described in subsection (b) below that are collected from development projects in
10 the Central SoMa Plan Area shall be consistent with the Central SoMa Implementation Program
11 document.

12 (b) The Committee may provide advice regarding the following:

13 (1) Prioritization of community improvement projects and other public investments
14 funded by the Central SoMa Infrastructure Impact Fund, established in Planning Code Section 433.4,
15 including review of any proposed In-Kind Agreements;

16 (2) Prioritization of community improvement projects and other public investments
17 related to transit, parks and recreation, complete streets, and environmental sustainability that are
18 funded by proceeds of the Central SoMa Community Facilities District special tax, as described in
19 Planning Code Section 434;

20 (3) Prioritization of community improvement projects and other public investments
21 funded with Eastern Neighborhoods Impact Fee revenues collected from development projects within
22 East SoMa, Central SoMa, and Western SoMa pursuant to Planning Code Section 423, including
23 review of any proposed In-Kind Agreements;

24 (4) Proposed revisions or updates to the Central SoMa Implementation Program
25 Document;

1 (5) Proposed revisions to the sections of the Planning Code or other Codes that are
2 related to implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area
3 Plan; and

4 (6) Monitoring implementation of the Central SoMa Plan, Western SoMa Area Plan,
5 and East SoMa Area Plan.

6 (c) The Committee also may provide advice on the following issues regarding development
7 projects and proposals within the boundaries of the East SoMa, Central SoMa, or Western SoMa Area
8 Plans, or within 0.25 miles of the boundaries of said area plans but outside the boundaries of the
9 Showplace Square/Potrero Hill, Mission, Central Waterfront, and Market and Octavia Area Plans:

10 (1) Individual development proposals;

11 (2) Compliance by individual development projects with specific conditions of project
12 approvals;

13 (3) Design and programming of open spaces, including Privately-Owned Public Open
14 Spaces (POPOS); and

15 (4) Development proposals for public properties.

16 (d) City agencies may seek input from the Committee on policy matters regarding land use and
17 zoning changes, capital improvement plans, and other activities that implement the Central SoMa Plan,
18 Western SoMa Plan, and East SoMa Plan.

19 (e) The Committee shall collaborate with the Planning Department and relevant city agencies
20 in monitoring implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa
21 Area Plan at approximately every fifth year, in coordination with the duties required by this Section
22 5.26-4 and Administrative Code Section 10.E; and provide input to Plan Area monitoring efforts for
23 required time-series reporting.

24 ///

25 ///

1 (f) The Committee shall coordinate with the SoMa Community Stabilization Fund Community
2 Advisory Committee when providing advice on matters within the programmatic jurisdiction of both
3 committees.

4 **SEC. 5.26-5. MEETINGS AND PROCEDURES.**

5 (a) The Board of Supervisors and Mayor shall make initial appointments to the Committee by
6 no later than three months after the effective date of the ordinance in Board File No. 181215
7 establishing the Committee. The Committee shall hold its inaugural meeting not more than 30 days
8 after voting members have been appointed to six seats. There shall be at least 10 days' notice of the
9 inaugural meeting. Following the inaugural meeting, the Committee shall hold a regular meeting not
10 less than once every three months until the sunset date set forth in Section 5.26-6.

11 (b) The Committee shall elect its officers and may establish bylaws and rules for its
12 organization and procedures. The Committee may establish subcommittees or working groups. Each
13 such subcommittee or working group shall include at least two voting Committee members, but may
14 also include other individuals selected by the Committee who are not voting members of the Committee.

15 **SEC. 5.26-6. SUNSET.**

16 Unless the Board of Supervisors by ordinance extends the term of the Committee, this Article
17 XXVI, and hence the Committee, shall expire by operation of law, and the Committee shall terminate,
18 on January 1, 2035. After that date, the City Attorney shall cause this Article XVI to be removed from
19 the Administrative Code. Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which
20 provides that advisory bodies created by the Board should sunset within three years, the Board intends
21 the Committee to exist for longer than three years.

22
23 Section 3. Chapter 5 of the Administrative Code is hereby amended by adding Article
24 XXVII, consisting of Sections 5.27-1, 5.27-2, 5.27-3, 5.27-4, and 5.27-5, to read as follows:

25 ///

1 ARTICLE XXVII:

2 SOMA COMMUNITY STABILIZATION FUND COMMUNITY ADVISORY COMMITTEE

3 SEC. 5.27-1. DUTIES.

4 (a) The SOMA Community Stabilization Fund Community Advisory Committee ("Committee"),
5 initially codified at Section 418.7(d) of the Planning Code but now codified in this Article XXVII of the
6 Administrative Code, shall advise the Mayor's Office of Housing and Community Development
7 ("MOHCD"), other City agencies, and the Board of Supervisors regarding the following:

8 (1) Administration of the SOMA Community Stabilization Fund described in Section
9 418.7 of the Planning Code;

10 (2) Prioritization of funding for social services related to cultural preservation that are
11 funded by proceeds of the Central SoMa Community Facilities District special tax, as defined in
12 Planning Code Section 434 and the Central SoMa Implementation Program;

13 (3) Prioritization of community improvement projects and other public investments
14 funded by the Central SoMa Community Services Facilities Fund, established in Planning Code Section
15 432.4; and

16 (4) Expenditure of affordable housing fees collected pursuant to Planning Code Section
17 415, and Jobs-Housing Linkage Fees collected pursuant to Planning Code Section 413, generated from
18 development projects within the boundaries of the East SoMa, Central SoMa, or Western SoMa Area
19 Plans, or within 0.25 miles of the boundaries of said area plans but outside the boundaries of the
20 Showplace Square/Potrero Hill, Mission, Central Waterfront, and Market and Octavia Area Plans.

21 (b) The Committee shall collaborate with the Planning Department and relevant city agencies
22 in monitoring implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa
23 Area Plan at approximately every fifth year, in coordination with the duties required by this Section
24 5.27-1 and Administrative Code Section 10.E; and provide input to Plan Area monitoring efforts for
25 required time-series reporting.

1 (c) The Committee shall develop annual recommendations to MOHCD on the Expenditure Plan
2 referenced in Section 418.5(d) of this Code.

3 **SEC. 5.27-2. MEMBERSHIP.**

4 (a) The Committee shall be composed of seven voting members appointed by the Board of
5 Supervisors. The Board of Supervisors shall appoint one alternate member of the Committee for each
6 of the seats of the seven voting members. An alternate shall temporarily serve on the Committee as a
7 voting member when there is a vacancy in the seat or when the seat is filled but the individual holding
8 the seat is absent from the meeting; the same holds true for an alternate serving on a subcommittee or
9 working group.

10 (b) No fewer than four voting members and four alternate members shall live within the
11 boundaries of the East SoMa, Central SoMa, or Western SoMa Area Plans. Taken as a whole, the
12 Committee shall meet the membership requirements set forth below. Taken as a whole, the alternate
13 members of the Committee would ideally meet these requirements. A single voting member or single
14 alternate member may fulfill more than one of these requirements. Each voting member and each
15 alternate member shall satisfy at least one of these requirements.

16 (1) One member representing low-income residents of SOMA.

17 (2) One member who has expertise in employment development and/or
18 represents labor.

19 (3) One member who is a senior or disabled resident of SOMA.

20 (4) One member with affordable housing expertise and familiarity with the
21 SOMA neighborhood.

22 (5) One member who represents an arts or cultural organization or a cultural
23 district in SOMA.

24 (6) One member who provides direct services to SOMA residents.

25 ///

1 (7) One member who has small business expertise and a familiarity with the
2 SOMA neighborhood.

3 (8) One member who is a youth or who represents a youth-development
4 organization.

5 **SEC. 5.27-3. ORGANIZATION AND TERMS OF OFFICE.**

6 (a) The voting members of the Committee shall be appointed for a term of four years. Voting
7 members may serve no more than two consecutive terms.

8 (b) Annually, the Committee shall select a chair and such other officer or officers as it deems
9 necessary.

10 (c) The Committee shall promulgate such rules or regulations as are necessary for the conduct
11 of its business.

12 (d) In the event a vacancy occurs, a successor shall be appointed by the Board of Supervisors
13 to fill the vacancy consistent with the requirements of Section 5.27-2. When a vacancy occurs for any
14 reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office
15 for the unexpired term of the appointee's predecessor. Any voting member who misses four meetings
16 within a twelve-month period, without the approval of the Committee by majority vote, shall be deemed
17 to have resigned from the Committee. The Committee shall inform the Clerk of the Board of
18 Supervisors of any such resignation. Any absence of a voting member of the Committee shall be deemed
19 approved by the Committee, and shall not count as an unapproved absence, if the alternate member of
20 the Committee designated for the seat attends a meeting in place of the absent voting member.

21 **SEC. 5.27-4. IMPLEMENTATION AND PROCEDURES.**

22 (a) The Committee shall be subject to the Conflict of Interest provisions of the City's Charter
23 and Administrative Code.

24 (b) MOHCD shall provide administrative and clerical support to the Committee.

25 ///

1 (c) The Committee shall coordinate with the South of Market Community Planning Advisory
2 Committee when providing advice on matters within the programmatic jurisdiction of both committees.

3 **SEC. 5.27-5. SUNSET.**

4 Unless the Board of Supervisors by ordinance extends the term of the Committee, this Article
5 XXVII shall expire by operation of law, and the Committee shall terminate, on January 1, 2035. After
6 that date, the City Attorney shall cause this Article XXVII to be removed from the Administrative Code.
7 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory
8 bodies created by the Board should sunset within three years, the Board intends the Committee to exist
9 for longer than three years.

10
11 Section 4. Chapter 10E of the Administrative Code is hereby amended by relocating
12 existing Section 10E.2(d) to Chapter 5 of the Administrative Code, renumbering it as new
13 Article XXXII, consisting of Sections 5.32-1, 5.32-2, 5.32-3, and 5.32-4, and revising it as
14 indicated below by additions, deletions, Board amendment additions, and Board amendment
15 deletions conforming to the "Note" that appears under the official title of the ordinance. The
16 relocation and renumbering of existing Section 10E.2(d) is made for codification purposes
17 only, and is not in itself intended to change the meaning of the text.

18 The new Article XXXII of Chapter 5 shall read as follows:

19 **ARTICLE XXXII:**

20 **EASTERN NEIGHBORHOODS COMMUNITY ADVISORY COMMITTEE**

21 ~~(d) — EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.~~

22 **SEC. 5.32-1. ESTABLISHMENT AND PURPOSE.** — ~~(1) — Establishment and Purpose.~~

23 (a) An Eastern Neighborhoods ~~Community~~Citizens Advisory Committee
24 (“~~Committee~~”AC) is hereby established. Within ~~six~~ months of adoption of the Eastern
25

1 Neighborhoods Area Plan and related Planning Code changes, the Mayor and the Board of
2 Supervisors shall have appointed all members to the CommitteeAC.

3 (b) The CommitteeAC shall be the central community advisory body charged with
4 providing input to City agencies and decision makers with regard to all activities related to
5 implementation of three of the Eastern Neighborhoods Area Plans: Showplace Square/Potrero
6 Hill, Mission, and Central Waterfront. The CommitteeAC is established for the purposes of
7 providing input on the prioritization of Public Benefits funded with revenues collected from
8 development projects within the Showplace Square/Potrero Hill, Mission, and Central Waterfront Area
9 Plans, updating the Public Benefits program, relaying information to community members in
10 each of these threefour neighborhoods regarding the status of development proposals in these
11 three Eastern Neighborhoods Plan Areas, and providing input to Plan Area monitoring efforts
12 as appropriate. The CommitteeAC shall be advisory, as appropriate, to the Planning
13 Department, the Interagency Planning & Implementation Committee (IPIC) described in Chapter
14 36 of the Administrative Code, the Planning Commission, and the Board of Supervisors.

15 (c) The CommitteeAC may perform the following functions as needed:

16 ~~————(1A) Provide written recommendations to Collaborate with the Planning~~
17 ~~Department and the Interagency Plan Implementation Committee on prioritizing the~~
18 ~~community improvement projects and identifying implementation details as part of annual~~
19 ~~expenditure program that is adopted by the Board of Supervisors, and request written responses~~
20 ~~to said recommendations from the Interagency Plan Implementation Committee;~~

21 ~~————(2B) Provide an advisory role in a report-back process from the Planning~~
22 ~~Department on enforcement of individual projects' compliance with the Area Plans standards and on~~
23 ~~specific conditions of project approvals so that those agreements will be more effectively implemented;~~

24 ~~(C) Collaborate with the Planning Department and relevant city~~
25 ~~agencies in the monitoring of the Showplace Square/Potrero Hill, Mission, and Central Waterfront~~

1 Area Plans' implementation program at approximately every fifth year, in coordination with the
2 Monitoring Program required by ~~the~~ Administrative Code Section 10.E; and provide input to
3 Plan Area monitoring efforts for required time-series reporting; and

4 (3) Provide written recommendations to the Planning Commission regarding the
5 approval of In-Kind Agreements, monitor compliance with the requirements of In-Kind Agreements,
6 report non-compliance to appropriate City agencies, and request appropriate enforcement of
7 compliance by appropriate City agencies.

8 **SEC. 5.32-2. REPRESENTATION AND APPOINTMENTS.**

9 ~~————(2) Representation and Appointments.~~

10 ~~————(aA) The CommitteeAC shall consist of 119 members representing the~~
11 ~~diversity of the Eastern Neighborhoods; key stakeholders, including resident renters, resident~~
12 ~~homeowners, low-income residents, local merchants, established neighborhood groups within~~
13 ~~the Showplace Square/Potrero Hill, Mission, and Central Waterfront Plan Areas; and other groups~~
14 ~~identified through refinement of the CommitteeAC process.~~

15 ~~————(bB) All members shall live, work, ~~own property~~ or own a business in~~
16 ~~the Eastern Neighborhoods Plan Area they are appointed to represent.~~

17 ~~————(cC) The Board of Supervisors shall appoint a total of seventeen~~
18 ~~members to the CommitteeAC, from nominations submitted as follows. Based on the Supervisorial~~
19 ~~District boundaries, the District ~~6 and~~ 10 Supervisors shall nominate ~~4~~ four CommitteeAC~~
20 ~~members, the District 9 Supervisor shall nominate two CommitteeAC members, and the District~~
21 ~~8 Supervisor shall nominate one CommitteeAC member. The appointment of each of the Board's~~
22 ~~CAC nominees shall be confirmed by the full Board of Supervisors. The seats formerly appointed by the~~
23 ~~District 6 Supervisor shall terminate on the effective date of the ordinance in Board File No. 181215.~~
24 ~~The terms for all other seats on the Committee appointed by the Board of Supervisors shall continue~~
25 ~~following the effective date of the ordinance in Board File No. 181215.~~

1 ~~_____~~(~~dD~~) The Mayor shall appoint a total of ~~four~~~~eight~~ members, with one
2 ~~voting~~ member representing each of the Showplace Square/Potrero Hill, Mission, and Central
3 Waterfront~~five~~ neighborhoods, and ~~one~~~~three~~ ~~voting~~-at-large members. The seats formerly
4 appointed by the Mayor representing the Western SoMa and East SoMa neighborhoods shall terminate
5 on the effective date of the ordinance in Board File No. 181215. The seats for which the Mayor last
6 appointed an at-large member on February 12, 2018 and October 16, 2017 shall terminate on the
7 effective date of the ordinance in Board File No. 181215. The terms for all other seats on the
8 Committee appointed by the Mayor shall continue following the effective date of that ordinance.

9 ~~_____~~(~~eE~~) Members shall serve for two-year terms, ~~but those terms shall be~~
10 ~~staggered such that, of the initial membership, some members will be randomly selected to serve four~~
11 ~~year terms and some will serve two year terms.~~

12 ~~_____~~(~~fF~~) ~~At the first official meeting of the CAC, which shall not occur until at~~
13 ~~least 13 voting members of the CAC have been appointed by the respective appointment process, a~~
14 ~~lottery shall be conducted in order to randomly select four Board of Supervisors appointees and two~~
15 ~~Mayoral appointees to serve four-year terms. At a subsequent meeting, when the final two voting~~
16 ~~members of the CAC have been appointed by the respective appointment process, a lottery shall be~~
17 ~~conducted in order to randomly select which member shall serve a four-year term.~~

18 (~~G~~)—The Board of Supervisors and Mayor may renew a member's term
19 by repeating the respective appointment process.

20 **SEC. 5.32-3. IMPLEMENTATION AND PROCEDURES.**

21 ~~(3)~~—~~Committees or Working Groups of the CAC.~~

22 (~~a~~) According to procedures set forth in bylaws adopted by the Committee~~AC~~, the
23 Committee~~AC~~ may, at its discretion create subcommittees or working groups based around
24 geographic areas or functional issues. Each of these subcommittees or working groups shall
25 contain at least one Committee~~AC~~ member ~~who is eligible to vote~~, but may also be comprised of

1 individuals who are not members of the CommitteeAC. ~~If a non-voting member of the CAC serves~~
2 ~~on a subcommittee or working group that individual may act as a voting member of the subcommittee~~
3 ~~or working group.~~

4 (b4) ~~Staffing for Eastern Neighborhoods Citizens Advisory Committee.~~ The Planning
5 Department or Interagency Plan Implementation Committee shall designate necessary
6 staffing from relevant agencies to the CommitteeAC, as needed to complete its~~the~~
7 responsibilities and functions ~~of the CAC described in this code~~. To the extent permitted by law,
8 staffing and administrative costs for the CommitteeAC shall be funded through the Eastern
9 Neighborhoods Public Benefits Fund. Staff shall participate in the Interagency Planning and
10 Implementation Committee as set forth in Administrative Code Section 36.3.

11 **SEC. 5.32-4. SUNSET.**

12 ~~(5) Termination. The Eastern Neighborhoods CAC~~This Article XXXII, and hence the
13 Committee, shall~~will~~ automatically terminate on January~~December~~ 31, 2024~~0~~, unless the Board
14 of Supervisors extends this Article XXXII~~the CAC's term~~ by ~~0~~ordinance. After that date, the City
15 Attorney shall cause this Article to be removed from the Administrative Code. Notwithstanding Rule
16 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the
17 Board should sunset within three years, the Board intends the Committee to exist for longer than three
18 years.

19
20
21 Section 5. The Administrative Code is hereby amended by revising Chapter 10E, to
22 read as follows:

23 **CHAPTER 10E:**
24 **PLANNING MONITORING**

25 * * * *

1 **SEC. 10E.2. EASTERN NEIGHBORHOODS AREA PLANS MONITORING**
2 **PROGRAM.**

3 * * * *

4 **(b) REPORTING REQUIREMENTS.**

5 (1) **Report.** By July 1~~st~~ two years after Plan adoption, and on July 1~~st~~ every five
6 years thereafter, the Planning Department shall prepare a report detailing development
7 activity, housing construction, and infrastructure improvements in the Eastern Neighborhoods
8 Plan Area. The information shall be presented to the Board of Supervisors, Planning
9 Commission, the South of Market Community Planning Advisory Committee, the Eastern
10 Neighborhoods CommunityCitizens Advisory Committee, and the Mayor, and shall also include
11 recommendations for measures deemed appropriate to deal with the impacts of neighborhood
12 growth.

13 * * * *

14 **(c) EASTERN NEIGHBORHOODS CAPITAL EXPENDITURE EVALUATION.**

15 * * * *

16 **(2) Controls.**

17 **(A) Reporting Requirements.** By July 1~~st~~ five years after Plan adoption, and
18 every five years thereafter, the Planning Department shall submit to the Board of Supervisors
19 and the Office of the Controller an Eastern Neighborhoods Capital Expenditure Evaluation
20 Report. The Eastern Neighborhoods Capital Expenditure Evaluation Report shall specifically
21 report the amount of funds collected to date from the Eastern Neighborhoods Impact Fee,
22 Central SoMa Infrastructure Impact Fee, Central SoMa Community Services Facilities Fee, and
23 Central SoMa Community Facilities District special tax. The Capital Expenditure Evaluation
24 Report shall also describe how these funds have been allocated or spent for the purpose of
25 developing capital projects as identified in the Eastern Neighborhoods Priority Capital Project

1 list. The Capital Expenditure Evaluation shall specifically report on allocations of funds or
2 expenditures, based on their percentages share of the total fees collected to date, toward the
3 following Eastern Neighborhoods Priority Capital Project development activities: planning,
4 design, environmental review, approval, and implementation. For the purposes of this section,
5 the "Eastern Neighborhoods Priority Capital Project List" shall mean a list of capital projects
6 which are a priority subset of the full Eastern Neighborhoods Public Benefits Program as set
7 forth in the Eastern Neighborhoods Interdepartmental Memorandum of Understanding and the
8 Central SoMa Implementation Program and amended from time to time by the Planning
9 Commission with advice from the Eastern Neighborhoods CommunityCitizens Advisory
10 Committee and the South of Market Community Planning Advisory Committee. A draft copy of said
11 memorandum is on file with the Clerk of the Board of Supervisors in File No. 081446 and is
12 incorporated herein by reference.

13 * * * *

14 **(d) EASTERN NEIGHBORHOODS COMMUNITY ADVISORY COMMITTEE.**

15 The Eastern Neighborhoods Community Advisory Committee, in Article XXXII of Chapter 5 of
16 the Administrative Code, shall serve the purposes and functions stated in that Article XXXII, in the
17 manner described therein.

18 ~~(d) — EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.~~

19 ~~——(1) — Establishment and Purpose. An Eastern Neighborhoods Citizens Advisory~~
20 ~~Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern Neighborhoods~~
21 ~~Area Plan and related Planning Code changes, the Mayor and the Board of Supervisors shall have~~
22 ~~appointed all members to the CAC. The CAC shall be the central community advisory body charged~~
23 ~~with providing input to City agencies and decision makers with regard to all activities related to~~
24 ~~implementation of the Eastern Neighborhoods Area Plans. The CAC is established for the purposes of~~
25 ~~providing input on the prioritization of Public Benefits, updating the Public Benefits program, relaying~~

1 ~~information to community members in each of the four neighborhoods regarding the status of~~
2 ~~development proposals in the Eastern Neighborhoods, and providing input to Plan Area monitoring~~
3 ~~efforts as appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the~~
4 ~~Interagency Planning & Implementation Committee (IPIC), the Planning Commission, and the Board~~
5 ~~of Supervisors. The CAC may perform the following functions as needed:~~

6 ~~————— (A) — Collaborate with the Planning Department and the Interagency Plan~~
7 ~~Implementation Committee on prioritizing the community improvement projects and identifying~~
8 ~~implementation details as part of annual expenditure program that is adopted by the Board of~~
9 ~~Supervisors;~~

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

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

17 ~~————— (2) — Representation and Appointments.~~

18 ~~————— (A) — The CAC shall consist 19 members representing the diversity of the~~
19 ~~Eastern Neighborhoods; key stakeholders, including resident renters, resident homeowners, low-~~
20 ~~income residents, local merchants, established neighborhood groups within the Plan Area; and other~~
21 ~~groups identified through refinement of the CAC process.~~

22 ~~————— (B) — All members shall live, work, own property or own a business in the~~
23 ~~Eastern Neighborhoods Plan Area they are appointed to represent.~~

24 ~~————— (C) — The Board of Supervisors shall appoint a total of eleven members to the~~
25 ~~CAC. Based on the Supervisorial District boundaries, the District 6 and 10 Supervisors shall nominate~~

1 ~~4 four CAC members, the District 9 Supervisor shall nominate two CAC members, and the District 8~~
2 ~~Supervisor shall nominate one CAC member. The appointment of each of the Board's CAC nominees~~
3 ~~shall be confirmed by the full Board of Supervisors.~~

4 ~~_____ (D) The Mayor shall appoint a total of eight members, with one voting~~
5 ~~member representing each of the five neighborhoods, and three voting at-large members.~~

6 ~~_____ (E) Members shall serve for two-year terms, but those terms shall be~~
7 ~~staggered such that, of the initial membership, some members will be randomly selected to serve four~~
8 ~~year terms and some will serve two-year terms.~~

9 ~~_____ (F) At the first official meeting of the CAC, which shall not occur until at~~
10 ~~least 13 voting members of the CAC have been appointed by the respective appointment process, a~~
11 ~~lottery shall be conducted in order to randomly select four Board of Supervisors appointees and two~~
12 ~~Mayoral appointees to serve four-year terms. At a subsequent meeting, when the final two voting~~
13 ~~members of the CAC have been appointed by the respective appointment process, a lottery shall be~~
14 ~~conducted in order to randomly select which member shall serve a four-year term.~~

15 ~~_____ (G) The Board of Supervisors and Mayor may renew a member's term by~~
16 ~~repeating the respective appointment process.~~

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

24 ~~_____ (4) Staffing for Eastern Neighborhoods Citizens Advisory Committee. The Planning~~
25 ~~Department or Interagency Plan Implementation Committee shall designate necessary staffing from~~

1 ~~relevant agencies to the CAC, as needed to complete the responsibilities and functions of the CAC~~
2 ~~described in this code. To the extent permitted by law, staffing and administrative costs for the CAC~~
3 ~~shall be funded through the Eastern Neighborhoods Public Benefits Fund. Staff shall participate in the~~
4 ~~Interagency Planning and Implementation Committee as set forth in Administrative Code Section 36.~~

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

7
8 Section 6. Article 4 of the Planning Code is hereby amended by revising Section
9 418.7, to read as follows:

10 **SEC. 418.7. SOMA COMMUNITY STABILIZATION FUND.**

11 (a) **Purpose.** There is hereby established a separate fund set aside for a special
12 purpose entitled the SOMA Community Stabilization Fund ("Fund"), and within the Fund an
13 account related to the Community Facilities District defined in Section 434 called the SoMa
14 Community Facilities District Account ("Community Facilities District Account"). The Fund and
15 the Community Facilities District Account shall be held and maintained by the Controller. All
16 monies collected by DBI pursuant to Section 418.3 shall be deposited in the Fund, to be
17 maintained by the Controller. The Controller may direct certain proceeds of the Community
18 Facilities District special tax, as defined in Section 434, collected pursuant to Section 434, to
19 be deposited into the Community Facilities District Account. Proceeds of bonds issued for the
20 Community Facilities District shall not be deposited into the Community Facilities District
21 Account. The receipts in the Fund and the Community Facilities District Account are hereby
22 appropriated in accordance with law to be used solely to address the effects of destabilization
23 on residents and businesses in SOMA subject to the conditions of this Section 418.7.

24 (b) **Use of Funds.**

25 ///

1 (1) All monies deposited in the Fund shall be used to address the impacts of
2 destabilization on residents and businesses in SOMA including assistance for: affordable
3 housing and community asset building, small business rental assistance, development of new
4 affordable homes for rental units for low income households, rental subsidies for low income
5 households, down payment assistance for home ownership for low income households,
6 eviction prevention, employment development and capacity building for SOMA residents, job
7 growth and job placement, small business assistance, leadership development, community
8 cohesion, civic participation, cultural preservation, and community based programs and
9 economic development. Monies in the Community Facilities District Account may be used for
10 the purposes specified in this subsection (b) that are authorized uses of Community Facilities
11 District revenues under the proceedings for the Community Facilities District and that are
12 described in the Central SoMa Implementation Program Document.

13 (2) Monies from the Fund may be appropriated by *the Mayor's Office of*
14 *Housing and Community Development ("MOHCD")* without additional approval by the Board of
15 Supervisors to the Planning Commission or other City department or office to commission
16 economic analyses for the purpose of revising the fee, to complete a nexus study to
17 demonstrate the relationship between residential development and the need for stabilization
18 assistance if this is deemed necessary, provided these expenses do not exceed a total of
19 \$100,000. The receipts in the Fund may be used to pay the expenses of MOHCD in
20 connection with administering the Fund and monitoring the use of the Funds. Before
21 expending funds on administration, MOHCD must obtain the approval of the Board of
22 Supervisors by Resolution. Monies in the Community Facilities District Account may not be
23 used for the purposes described in this subsection (b)(2).

24 (c) **Reporting.** The Controller's Office shall file a report with the Board of Supervisors
25 in even-numbered years, which report shall set forth the amount of money collected in the

1 Fund. The Fund shall be administered and expended by MOHCD, but all expenditures shall
2 first be approved by the Board of Supervisors through the legislative process. In approving
3 expenditures from the Fund, MOHCD and the Board of Supervisors shall accept any
4 comments from the SOMA Community Stabilization Fund Community Advisory Committee *in*
5 Article XXVII of Chapter 5 of the Administrative Code, the public, and any relevant City
6 departments or offices. With respect to the Community Facilities District Account, the
7 Controller's Office also shall comply with the reporting requirements set forth in the Special
8 Tax Financing Law and Government Code Section 50075 et seq.

9 ~~(d) Oversight. There shall be a SOMA Community Stabilization Fund Community Advisory~~
10 ~~Committee to advise MOHCD and the Board of Supervisors on the administration of the Fund;~~
11 ~~prioritization of community improvement projects and other public investments related to cultural~~
12 ~~preservation that are funded by proceeds of the Central SoMa Community Facilities District special~~
13 ~~tax, as defined in Planning Code Section 434; prioritization of community improvement projects and~~
14 ~~other public investments funded by the Central SoMa Community Services Facilities Fund, established~~
15 ~~in Planning Code Section 432.4; and the expenditure of affordable housing fees collected pursuant to~~
16 ~~Planning Code Section 415, and Jobs-Housing Linkage Fees collected pursuant to Planning Code~~
17 ~~Section 413, generated from development projects within the boundaries of the East SoMa, Central~~
18 ~~SoMa, or Western SoMa Area Plans.~~

19 ~~—————(1)———— The Community Advisory Committee shall be composed of seven members~~
20 ~~appointed as follows:~~

21 ~~—————(A)———— One member representing low-income residents of families who lives with~~
22 ~~his or her family in SOMA, appointed by the Board of Supervisors.~~

23 ~~—————(B)———— One member who has expertise in employment development and/or~~
24 ~~represents labor, appointed by the Board of Supervisors.~~

1 ~~_____ (C) — One member who is a senior or disabled resident of SOMA, appointed by~~
2 ~~the Board of Supervisors.~~

3 ~~_____ (D) — One member with affordable housing expertise and familiarity with the~~
4 ~~SOMA neighborhood, appointed by the Board of Supervisors~~

5 ~~_____ (E) — One member who represents an arts or cultural community based~~
6 ~~organization or cultural district in SOMA, appointed by the Board of Supervisors.~~

7 ~~_____ (F) — One member who provides direct services to SOMA residents/families,~~
8 ~~appointed by the Board of Supervisors.~~

9 ~~_____ (G) — One member who has small business expertise and a familiarity with the~~
10 ~~SOMA neighborhood, appointed by the Board of Supervisors.~~

11 ~~_____ (2) — The Community Advisory Committee shall comply with all applicable public~~
12 ~~records and meetings laws and shall be subject to the Conflict of Interest provisions of the City's~~
13 ~~Charter and Administrative Code. The initial meeting of the Advisory Committee shall be called within~~
14 ~~30 days from the day the Board of Supervisors completes its initial appointments. MOHCD shall~~
15 ~~provide administrative support to the Committee. The Committee shall develop annual~~
16 ~~recommendations to MOHCD on the Expenditure Plan.~~

17 ~~_____ (3) — The members of the Community Advisory Committee shall be appointed for a~~
18 ~~term of two years; provided, however, that the members first appointed shall by lot at the first meeting,~~
19 ~~classify their terms so that three shall serve for a term of one year and four shall serve for a term of two~~
20 ~~years. At the initial meeting of the Committee and yearly thereafter, the Committee members shall~~
21 ~~select such officer or officers as deemed necessary by the Committee. The Committee shall promulgate~~
22 ~~such rules or regulations as are necessary for the conduct of its business under this Section. In the~~
23 ~~event a vacancy occurs, a successor shall be appointed to fill the vacancy consistent with the process~~
24 ~~and requirements to appoint the previous appointee. When a vacancy occurs for an reason other than~~
25 ~~the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired~~

1 ~~term of his or her predecessor. Any appointee who misses four meetings within a twelve-month period,~~
2 ~~without the approval of the Committee, shall be deemed to have resigned from the Committee.~~

3
4 Section 7. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8
9 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: 
19 PETER R. MILJANICH
20 Deputy City Attorney

21 n:\leganalas2019\1800589\01380389.docx