

1 [Administrative Code - Adding the Western South of Market Area Plan to the Eastern
2 Neighborhoods Area Plan Monitoring Program]

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Ordinance amending the Administrative Code, Section 10E.2, to integrate the Western South of Market (SoMa) Area Plan into the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Western SoMa Area Plan and inclusion of the Western SoMa Area Plan into the Eastern Neighborhoods reporting requirement, Eastern Neighborhoods capital expenditures plan, and the Eastern Neighborhoods Citizens Advisory Committee; and making environmental findings.

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 ~~strike through normal~~.

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

Section 1. In accordance with the actions contemplated herein, this Board adopted Ordinance No. _____, that included findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 130001 and is incorporated by reference herein.

Section 2. The San Francisco Administrative Code is hereby amended by amending Section 10E.2, to read as follows:

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

(a) FINDINGS.

1 (1) The Board of Supervisors and the Planning Commission have adopted the
2 Eastern Neighborhoods Area Plans as part of the General Plan of the City and County of San
3 Francisco as further described in Ordinance Nos. 297-08, 298-08, 299-08, *and* _____ copies
4 of which are on file with the Clerk of the Board of Supervisors in File Nos. 081152, 081153,
5 081154, *and 130001*, and are incorporated herein by reference. The Area Plans outline specific
6 goals that cumulatively frame the community's vision for the management of growth and
7 development in the Eastern Neighborhoods (East SoMa, *Western SoMa*, Mission, Showplace
8 Square/Potrero Hill, and Central Waterfront).

9 (2) The Eastern Neighborhoods Area Plans introduce innovative policies and
10 land use controls to achieve the Plan goals. Successful realization of the Plan's goals requires
11 a coordinated implementation of land use controls, community and public service delivery, key
12 policies, and community infrastructure improvements.

13 (3) The Eastern Neighborhoods Area Plans also establish general public
14 improvements and amenities needed to meet the needs of both existing residents, as well as
15 those needs generated by new development, and identified these in the Eastern
16 Neighborhoods Needs Assessment ~~and Western SoMa Needs Assessment~~. A copy of ~~this~~
17 ~~these~~ this documents ~~is~~ is are on file with the Clerk of the Board of Supervisors in File No.
18 081155 ~~and~~ _____ and is incorporated herein by reference.

19 (4) In order to ensure a Citywide commitment to implementation of the Eastern
20 Neighborhoods Area Plans, the implementing agencies identified in each Plan's
21 Implementation Matrix, including the Arts Commission, Department of Building Inspection
22 (DBI), Department of Public Health (DPH), Division of Emergency Services (DEM), Capital
23 Planning Committee, City Administrator's Office, Controller's Office, Department of Public
24 Works (DPW), Human Services Agency (HSA), Mayor's Office on Community Investment
25 (MOCI), Mayor's Office of Education, Mayor's Office of Housing (MOH), Office of Economic

1 and Workforce Development (OEWD), or successor offices, Planning Department, Port of San
2 Francisco, Public Utilities Commission (PUC), Recreation and Park Department (RPD), San
3 Francisco County Transportation Authority (SFCTA), San Francisco Unified School District
4 (SFUSD), San Francisco Municipal Transportation Agency (SFMTA), and other necessary
5 agencies, shall be responsible for making progress towards the Plan's policies and
6 implementation measures; for budgeting revenue towards such implementation where
7 possible; and for cooperating with the Planning Department to report on such progress.

8 (5) In order to ensure a balanced implementation of the Eastern
9 Neighborhoods Area Plans, the Planning Department shall institute a formal monitoring
10 program for the Area Plan policies and implementation measures. This monitoring program
11 shall provide basic statistics on development activity, housing construction, and infrastructure
12 improvements in the Eastern Neighborhoods Plan Areas, and shall evaluate the effectiveness
13 of the Plans' implementation according to growth in the Plan Areas.

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

22 (b) REPORTING REQUIREMENTS.

23 (1) **Report.** By July 1st two years after Plan adoption, and on July 1st every
24 five years thereafter, the Planning Department shall prepare a report detailing development
25 activity, housing construction, and infrastructure improvements in the Eastern Neighborhoods

1 Plan Area. The information shall be presented to the Board of Supervisors, Planning
2 Commission, the Citizens Advisory Committee, and Mayor, and shall also include
3 recommendations for measures deemed appropriate to deal with the impacts of neighborhood
4 growth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (C) Fee Adjustments.

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

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

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

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

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

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

24 (9) Budget Implications. In cooperation with the Annual Progress reports
25 required by Administrative Code Chapter 36.4, and prior to the annual budget process, the

1 Board shall receive a presentation by the Interagency Planning and Implementation
2 Committee and its member agencies to describe how each agency's proposed annual budget
3 advances the Plans' objectives, including specific projects called for by this section. The
4 Board of Supervisors shall give particular consideration to proposed agency budgets that
5 meet the implementation responsibilities as assigned by the City's General Plan, including the
6 Eastern Neighborhoods Implementation Matrix. Budget proposals that do not include items to
7 meet these implementation responsibilities shall respond to Board inquiries as to why
8 inclusion was not possible.

9 (c) EASTERN NEIGHBORHOODS CAPITAL EXPENDITURE EVALUATION.

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

17 (2) Controls.

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

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

11 (B) Office of Controller Assessment. Within 60 days of receiving the
12 Eastern Neighborhoods Capital Expenditure Evaluation Report, the Controller shall assess
13 whether funds collected from the Eastern Neighborhoods Impact Fee are being effectively
14 utilized for capital projects included on the Eastern Neighborhoods Priority Capital Project List,
15 and whether such projects are successfully advancing towards implementation. For the
16 purposes of this section, "effectively utilized" shall mean approximately eighty percent of total
17 Eastern Neighborhoods impact fees collected in each Improvement Type category (as
18 identified in Tables 423.5 and 423.5A) upon issuance of the Eastern Neighborhoods Capital
19 Expenditure Evaluation Report have been allocated to one or more of the projects identified in
20 the Eastern Neighborhoods Priority Capital Projects list, whether or not such projects have
21 been approved or completed, or that all projects in that Improvement Type category have
22 been funded. On or after the ten-year anniversary of Plan Adoption the Controller shall also
23 consider whether projects that were initially funded by the issuance of the five year report, or
24 any subsequent updated or revised report, have been fully funded and/or completed,

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1 assuming sufficient funds are available from the Eastern Neighborhoods impact fees collected
2 to date.

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

9 (d) **INTEGRATED PDR REPORTING.**

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

17 (2) Upon successful registration of a new Integrated PDR business, OEWD
18 will provide each individual Integrated PDR business registrant with a dated receipt
19 acknowledging that the subject Integrated PDR business has newly registered or updated
20 their existing registration with OEWD. This receipt shall be referred to as an "Integrated PDR
21 Registration Record" for purposes of this Section and Planning Code Section 328. If an
22 Integrated PDR business failed to register for an Integrated PDR Registration Record as of
23 December 31st of the subject year, the OEWD is prohibited from issuing a receipt for that
24 year.

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

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

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

14 (6) OEWD, or its successor, shall provide a 5-year summary report on the
15 status of employment of disadvantaged workers, as defined in Planning Code Section
16 328(b)(2) and the profile of all businesses registered under this program within 6 months of
17 the 5-year anniversary of the adoption of this Section. This summary report shall contain data
18 on the total number and types of businesses occupying Integrated PDR space, as well the
19 total percentage share of the total workforce employed by businesses occupying Integrated
20 PDR space that qualify as disadvantaged workers as of the 5-year anniversary of the effective
21 date of this Section.

22 (e) EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.

23 (1) Establishment and Purpose. An Eastern Neighborhoods Citizens Advisory
24 Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern
25 Neighborhoods Area Plan and related Planning Code changes, the Mayor and the Board of

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

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

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

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

23 (2) Representation and Appointments.

24 (A) The CAC shall consist 19 members representing the diversity of the
25 Eastern Neighborhoods; key stakeholders, including resident renters, resident homeowners,

1 low-income residents, local merchants, established neighborhood groups within the Plan
2 Area; and other groups identified through refinement of the CAC process. ~~The 19 members of~~
3 ~~the CAC shall be comprised of 15 voting members and 4 non-voting members as set forth below.~~

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

8 (C) The Board of Supervisors shall appoint a total of eleven~~nine~~ members to
9 the CAC, ~~with two members representing each of the four Eastern Neighborhoods Plan Areas.~~ Based
10 ~~on this representational requirement and~~ the Supervisorial District boundaries, the District 6 and
11 ~~10~~ Supervisor~~s~~ shall nominate 4 ~~four~~ CAC members, the ~~District 6 and~~ District 9 Supervisor~~s~~
12 shall nominate two CAC members, and the District 8 Supervisor shall nominate one CAC
13 member. The appointment of each of the Board's CAC nominees shall be confirmed by the
14 full Board of Supervisors.

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

18 (EF) Members shall serve for two-year terms, but those terms shall be
19 staggered such that, of the initial membership, some members will be randomly selected to
20 serve four year terms and some will serve two year terms.

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

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

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

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

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

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

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

10
11 Section 3. Effective Date. This ordinance shall become effective 30 days from the
12 date of passage.

13
14 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
15 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
16 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that
17 are explicitly shown in this legislation as additions, deletions, Board amendment additions,
18 and Board amendment deletions in accordance with the "Note" that appears under the official
19 title of the legislation.

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

23 By: _____
24 ANDREA RUIZ-ESQUIDE
25 Deputy City Attorney