

1 [Eastern Neighborhoods Area Plans – duration of authorizations.]

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3 **Ordinance amending the San Francisco Planning Code by adding section 175.9**  
4 **concerning the duration and expiration of various Planning Code authorizations in the**  
5 **Eastern Neighborhoods Area Plans; and making various findings, including**  
6 **environmental findings and findings of consistency with the General Plan and priority**  
7 **policies of Planning Code Section 101.1.**

8 Note: Additions are single-underline italics Times New Roman;  
9 deletions are ~~strikethrough italics Times New Roman~~.  
10 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Findings. The Board of Supervisors of the City and County of San  
13 Francisco hereby finds and determines that:

14 (a) Under Planning Code Section 302, the Board of Supervisors finds that this  
15 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
16 Planning Commission Resolution No. \_\_\_\_\_ recommending the approval of this  
17 Planning Code Amendment and incorporates such reasons by this reference thereto. A copy  
18 of said resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
19 and is incorporated here by reference.

20 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this  
21 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the  
22 Planning Code and with the General Plan as proposed to be amended in companion  
23 legislation and hereby adopts the findings of the Planning Commission, as set forth in  
24 Planning Commission Resolution No. \_\_\_\_\_. A copy of said Resolution is on file with  
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1 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
2 reference.

3 (c) In accordance with the actions contemplated herein, this Board adopted  
4 Resolution No. \_\_\_\_\_, concerning findings pursuant to the California Environmental  
5 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said  
6 Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
7 incorporated by reference herein.

8 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
9 175.9, to read as follows:

10 **SEC. 175.9. DURATION OF AUTHORIZATION IN THE EASTERN**  
11 **NEIGHBORHOODS.**

12 (a) This Section shall apply only to property located in any Eastern Neighborhoods  
13 Mixed Use District, the SLI District, or any NCT, RTO or PDR District which is located within  
14 the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(l).

15 (b) Notwithstanding any contrary provision in Section 175.6, should ~~Should~~ a project  
16 not receive its first building or site permit within 36 months after receiving the ~~latter~~ last of any  
17 required authorization under Sections 303, 305, or 329, authorization, then any such  
18 authorization shall ~~expire~~ be subject to the Eastern Neighborhoods Public Benefit Fee set  
19 forth in Sections 327 et seq. at the date it receives its first building or site permit.

20 (c) Any residential project subject to Subsection (b) also shall provide the Planning  
21 Code's affordable housing requirements in the zoning district where the subject property is  
22 located.

23 (d) Notwithstanding any contrary provision of Subsection (c) above, if a residential  
24 project submitted its first application, including an environmental evaluation application or any  
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1 other Planning Department or Building Department application before July 1, 2006 and the  
2 project is in compliance with Section 175.6(c)(4), then it shall provide the lesser of:

3 (1) Three additional percentage points (3%) above the Residential Inclusionary  
4 Affordable Housing Program requirements that would have applied to the subject project  
5 pursuant to Sections 315 et seq. at the time of first application submittal or

6 (2) The Planning Code's affordable housing requirements in the zoning district  
7 where the subject property is located.

8 ~~These provisions are This provision~~

9 (e) The time period in Subsection (b) is subject to the following requirements: (1) the  
10 required authorization must be final and effective; and (2) the 36-month time period shall be  
11 tolled until the expiration of the any appeal period if no appeal is filed, or if an appeal is filed,  
12 final resolution of the any appeal. This time period also shall be tolled until a final judgment is  
13 issued in any litigation challenging the project authorization. The Planning Commission shall  
14 hold a public hearing on any expired authorization in order to finalize the expiration or, upon  
15 presentation of evidence documenting extraordinary or unusual circumstances, extend the  
16 duration of validity of the authorization.

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

19 By: \_\_\_\_\_  
20 John D. Malamut  
21 Deputy City Attorney