

1 [Eastern Neighborhoods Area Plan – Capital Expenditure Evaluation.]

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3 **Ordinance amending the Administrative Code by adding section 10E.7 to establish the**  
4 **Eastern Neighborhoods Capital Expenditure Evaluation and making environmental**  
5 **findings.**

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

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

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

15 Section 2. The San Francisco Administrative Code is hereby amended by adding  
16 Section 10E.7 as follows:

17 **SEC. 10E.7 EASTERN NEIGHBORHOODS CAPITAL EXPENDITURE**  
18 **EVALUATION.**

19 (a) Purpose: The Board of Supervisors and the Planning Commission have adopted  
20 the Eastern Neighborhoods Area Plans in part to further the implementation of capital  
21 improvements within the neighborhoods, as described in the Eastern Neighborhoods Public  
22 Benefits Program and incorporated herein by reference. A Capital Expenditure Evaluation, in  
23 conjunction with the Plan’s Monitoring Programs, will provide a means to measure the  
24 balance of growth against these needed improvements, and to evaluate the effectiveness of  
25 the Plans’ implementation as growth occurs.

1           (b) Controls.

2           (1) Reporting requirements. By July 1st five years after Plan adoption, and every five  
3 years thereafter, until 20 years after Plan adoption, the Planning Department shall submit to  
4 the Board of Supervisors an Eastern Neighborhoods Capital Expenditure Evaluation Report.  
5 The Eastern Neighborhoods Capital Expenditure Evaluation Report shall specifically report  
6 the amount of funds collected to date from the Eastern Neighborhoods Impact Fee. The  
7 Capital Expenditure Evaluation Report shall also describe how these funds have been  
8 allocated or spent for the purpose of developing capital projects as identified in the Eastern  
9 Neighborhoods Priority Capital Project list. The Capital Expenditure Evaluation shall  
10 specifically report on fund expenditures, based on percentages of the total fees collected to  
11 date, toward the following Eastern Neighborhoods Priority Capital Project development  
12 activities: planning, design, environmental review, approval, and implementation. For the  
13 purposes of this section, the “Eastern Neighborhoods Priority Capital Project List” shall mean  
14 a list of capital projects which are a priority subset of the full Eastern Neighborhoods Public  
15 Benefits Program as set forth in the Eastern Neighborhoods Interdepartmental Memorandum of  
16 Understanding and amended from time to time by the Planning Commission with advice from  
17 the Eastern Neighborhoods Citizens Advisory Committee. A draft copy of said memorandum  
18 is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is  
19 incorporated herein by reference.

20           (2) Board of Supervisors Assessment. Upon receipt of the Eastern Neighborhoods  
21 Capital Expenditure Evaluation Report, the Board of Supervisors shall assess whether funds  
22 collected from the Eastern Neighborhoods Impact Fee are being effectively utilized for capital  
23 projects serving the Eastern Neighborhoods, and whether such projects are successfully  
24 advancing towards implementation. For the purposes of this section, “effectively utilized” shall  
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1 mean approximately eighty percent of total Eastern Neighborhoods impact fees collected  
2 have been allocated to one or more of the projects identified in the Eastern Neighborhoods  
3 Priority Capital Projects list, whether or not such projects have been approved or completed.  
4 On or after the ten-year anniversary of Plan Adoption the Board shall also consider whether  
5 projects that were initially funded by the issuance of the five year report, have been fully  
6 funded and/or completed, assuming sufficient funds are available from the Eastern  
7 Neighborhoods impact fee collected to date.

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

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

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By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney

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