

## [Better Neighborhoods Planning and Implementation Process.]

Ordinance amending the Administrative Code to add Chapter 36 to establish uniform procedures for developing comprehensive neighborhood plans (the "Better Neighborhoods Planning and Implementation Process"); amending Administrative Code Section 3.4 to provide for integrated Better Neighborhoods Plan budget documents; amending the Planning Code to add Section 312A regarding discretionary review for projects proposed in Better Neighborhoods Plan areas, and Section 312B to establish permit review procedures for certain projects within Better Neighborhoods Plan areas; and making environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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

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

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## Section 1. Findings. The Board of Supervisors of the City and County of San

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Francisco hereby finds and determines:

(a) Pursuant to Planning Code Section 302, that the provisions of this ordinance amending the Planning Code will serve the public necessity, convenience and welfare.

(b) Pursuant to Planning Code Section 101.1, that the provisions of this ordinance amending the Planning Code are consistent with the Priority Policies of Section 101.1(b) of the Planning Code and with the General Plan and hereby incorporates a report containing

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Board of Supervisors in File No. 050601

1                   Section 2. The San Francisco Administrative Code is hereby amended by adding  
2                   Chapter 36 to read as follows:

3                   **CHAPTER 36**

4                   **SEC. 36.1. APPLICATION**

5                   (a) *Policy. It shall be the policy of the City and County of San Francisco that future*  
6                   *substantial changes by the City in land use policies and controls that will govern specific*  
7                   *neighborhoods (i.e. geographic sub-areas of the City larger than 40 contiguous acres in size)*  
8                   *the areas of the city listed in Section 36.1(e)(1) and (e)(2) below be undertaken in coordination*  
9                   *with a comprehensive planning and implementation process. This Chapter outlines the process and*  
10                   *content of that planning, and the products to be produced.*

11                   This Chapter shall only apply in areas of the city that are listed in Section 36.1(g)(1) and  
12                   (g)(2) below and areas in which a Better Neighborhoods Planning and Implementation  
13                   Process has been initiated by the Planning Commission or Board of Supervisors pursuant to  
14                   Section 36.1(f) below. This Chapter shall not apply to the planning activities described in  
15                   Section 36.1(h) below.

16                   This Chapter does not modify or restrict any notice or appeal provisions of the Planning Code  
17                   or other Municipal Codes except that Section 4 of the ordinance enacting this Chapter adds a new  
18                   Planning Code Section 312A relating to discretionary review where a Better Neighborhoods Plan has  
19                   been adopted and Section 312B to establish permit review procedures for certain projects within  
20                   Better Neighborhoods Plan areas for which a Better Neighborhoods Plan has been adopted  
21                   pursuant to the provisions of this Chapter.

22                   It is the intent of the Board of Supervisors that in the implementation of this ordinance  
23                   the Planning Department use, to the extent possible, in-house staff where staff has the  
24                   necessary expertise or there are positions available to hire new staff.

1        (b)     Process. The process shall be referred to as the Better Neighborhoods Planning and  
2        Implementation Process. A Better Neighborhoods Planning and Implementation Process shall consist  
3        of the following elements:

4        (1)     A Public Input Process, as provided in Section 36.2;

5        (2)     A Planning Management and Accountability Process, as provided in Section 36.3;

6        (3)     Preparation of a Neighborhood Baseline Conditions and Needs Analysis, as provided in  
7        Section. 36.4;

8        (4)     Preparation of a New Development Impacts Analysis, as provided in Section 36.5;

9        (5)     Preparation and adoption of a Better Neighborhoods Plan, as provided in Section 36.7,  
10        including

11        (i)     recommendation of an area plan

12        (ii)     recommendation of appropriate General Plan, Planning Code and Zoning Map  
13        amendments, and

14        (iii)     recommendation of a Public Improvements Plan and Funding Strategy, including  
15        proposed funding mechanisms, if any.

16        (6)     After adoption of a Better Neighborhoods Plan, preparation of semi-annual State-of-the-  
17        Neighborhood Plan Reports, as provided in Section 36.9.2.

18        (c)     Resources and Timing. It is the intent of the Board of Supervisors to provide sufficient  
19        resources, human and financial, to the Planning Department and other involved city agencies to enable  
20        them to carry out the provisions of this Chapter. It is the further intent of the Board of Supervisors that  
21        the scope of work and budget for the preparation of a Better Neighborhoods Plan and its implementing  
22        documents, and the preparation of the required environmental review document for the Inner Geary  
23        Better Neighborhoods Plan will enable its completion within twenty-four thirty-six months.

1                   (d) *Interpretation. The Planning Commission shall be the sole body authorized to interpret*  
2 *and enforce the provisions of this Chapter and its determination that the requirements of this Chapter*  
3 *have been satisfied shall be final, binding and non-appealable.*

4                   (e) ~~Planning Activities Subject to this Chapter. Commencing on the effective date of~~  
5 ~~this ordinance, and except as otherwise provided in this Chapter, the Better Neighborhoods~~  
6 ~~Planning and Implementation Process shall apply to all planning activities of the Planning~~  
7 ~~Department focused on geographic sub-areas of the City containing 40 or more acres that are~~  
8 ~~intended to result in recommendations for amendments to the General Plan, Planning Code,~~  
9 ~~and/or Zoning Maps. These sub-areas of the City shall be referred to in this Chapter as~~  
10 ~~"Neighborhoods."~~ Each individual Better Neighborhoods Planning and Implementation  
11 Process shall result in a plan to be known as a Better Neighborhoods Plan.

12                   (f) ~~Initiation. A Better Neighborhoods Planning and Implementation Process may~~  
13 ~~be initiated either by resolution of the Planning Commission or the Board of Supervisors on~~  
14 ~~the following conditions:~~

15                   (1) ~~Need and Neighborhood Support: The Planning Commission determines, after~~  
16 ~~public hearing, that:~~

17                   (i) ~~A need exists for such a process. In determining need, the Planning~~  
18 ~~Commission shall consider each of the following eight elements: the ease of pedestrian~~  
19 ~~access to a variety of shops and stores; the safety of streets; the variety of transportation~~  
20 ~~choices; the variety of housing choices; adequacy of public gathering places; the range of~~  
21 ~~available city services; any special character of the neighborhood; and the extent to which the~~  
22 ~~neighborhood complements the structure of a larger neighborhood of which it is a part; and~~

1       (ii) There is sufficient neighborhood support to justify undertaking a Better  
2       Neighborhoods Planning and Implementation Process in the sub-area of the City proposed for  
3       planning.

4       (2) Work Program and Budget: The Board of Supervisors may not adopt a  
5       resolution of initiation until the Planning Department has prepared and presented to the  
6       appropriate committee of the Board of Supervisors for its approval a work program and  
7       budget detailing the anticipated tasks required to be undertaken to carry out a Better  
8       Neighborhoods Planning and Implementation Process, and the anticipated time and costs of  
9       Planning Department staff, staff of other departments involved in the Better Neighborhoods  
10      Planning and Implementation Process, consultants, and other resources associated with each  
11      task.

12      In the case of initiation by the Planning Commission, the work program and budget  
13      described above must be submitted to the Board of Supervisors prior to any final action by the  
14      Planning Commission to initiate a Better Neighborhoods Planning and Implementation  
15      Process.

16      (g) Planning Activities Subject to this Chapter.

17      (1) Application to Existing Planning Activities. The Better Neighborhoods Planning  
18      and Implementation Process This Chapter shall apply to certain planning activities efforts that are  
19      currently being carried out by the Planning Department as follows:

20      (1)(a) Substantial planning activities have taken place in the Rincon Hill, Central  
21      Waterfront, Balboa Park, and Market/Octavia areas and a draft plans has ve been published and  
22      circulated. In light of those activities To avoid the necessity of having to redo this planning the  
23      provisions of Sections 36.2, 36.3, 36.4, 36.5, and 36.7.1 shall not apply to those plans. The proposed  
24      long-term and other public improvement projects as currently described in the Draft

1    Environmental Impact Report for the Market & Octavia Neighborhood Plan will satisfy the  
2    requirements of Section 36.7.3. Subsequent to the adoption of the Better Neighborhoods  
3    Plan for the Market & Octavia area, the Planning Department will more fully describe the long  
4    term and other public improvements and will undertake environmental evaluation of the  
5    proposed public improvement projects. It is the intent of the Board of Supervisors to make  
6    funding available for such environmental evaluation.

7        (2)(b) The Planning Department is currently conducting planning activities in the Central  
8    Waterfront, Mission, Lower Potrero Hill/Showplace Square, and East SoMa areas with the intent of  
9    proposing new plan policies and zoning controls for those areas. While it is desired that zoning  
10   controls for those areas be accompanied by plans and implementing measures that substantially  
11   comply with the provisions of this Chapter, considerable planning work has already been done and an  
12   environmental impact analysis is underway. Therefore, it is the intent of this Chapter that it only be  
13   applied in a manner that compliance will not significantly delay adoption of plans and implementing  
14   measures, including zoning controls, for those areas. To that end, the requirements of this Chapter are  
15   modified for those areas as follows:

16        (i) The requirements of section 36.2 shall not apply.

17        (ii) The requirement in Section 36.7.1 that a Better Neighborhood Plan be designed to  
18   qualify as a Specific Plan shall not apply.

19        The Central Waterfront, Market/Octavia, Mission, Lower Petrero Hill/Showplace Square, and  
20   East SoMa Plans may rely on existing surveys of cultural and historic resources. This does not,  
21   however, eliminate an independent or CEQA-based responsibility to conduct cultural and historic  
22   resource analyses of a development site if the Planning Department has not completed a current  
23   detailed survey of the area in which a proposed project is located. In areas where current detailed

1 surveys have not been done, it is desirable, as funding becomes available, to conduct such surveys in  
2 the future and amend the Plans to incorporate the survey findings.

3 ~~Prior to adoption of this ordinance or within 30 days thereafter, the Planning~~  
4 ~~Department shall prepare and submit to the Planning Commission for its consideration a~~  
5 ~~scope of work and a work program and budget detailing the anticipated tasks still to be~~  
6 ~~undertaken to complete a Better Neighborhoods Planning and Implementation Process for the~~  
7 ~~Mission, Lower Potrero Hill/Showplace Square, and East SoMa areas, and the anticipated~~  
8 ~~time and costs of Planning Department staff, staff of other departments involved in the~~  
9 ~~planning process, consultants, and other resources associated with each task still to be~~  
10 ~~undertaken in substantial compliance with this ordinance. The work program and budget shall~~  
11 ~~be reviewed by the Planning Commission which shall afterwards promptly submit the work~~  
12 ~~program and budget to the appropriate committee of the Board of Supervisors for its approval.~~

13 (2) Application to New Planning Activities:

14 (a) All of the provisions of this Chapter shall apply to the preparation and  
15 implementation of a Better Neighborhoods Plan and its implementing documents in a  
16 contiguous area of forty or more acres adjacent to Geary Boulevard generally between  
17 Franklin Street and Masonic Avenue. The Planning Department shall initially propose the  
18 boundaries of the proposed plan area and initiate the public input process described in Sec.  
19 36.2 below in that area. The Planning Commission shall determine the final boundaries as  
20 part of the Public Input Process.

21 (b) Within 30 days after adoption of this ordinance the Planning Department shall  
22 prepare and submit to the Planning Commission for its consideration a scope of work and a  
23 work program and budget detailing the anticipated tasks to be undertaken to carry out a Better  
24 Neighborhoods Planning and Implementation Process for the Inner Geary Boulevard area and

1       the anticipated time and costs of Planning Department staff, staff of other departments  
2       involved in the planning process, consultants, and other resources associated with each task  
3       still to be undertaken in substantial compliance with this ordinance. In addition to the other  
4       requirements of this Chapter the Planning Department shall prepare or cause to be prepared  
5       a detailed survey of cultural and historic resources Historic and Cultural Resources Survey as  
6       provided in Section 36.6A shall be undertaken for the Inner Geary Plan Area. The work  
7       program and budget shall be reviewed by the Planning Commission which shall afterwards  
8       promptly submit the work program and budget to the appropriate committee of the Board of  
9       Supervisors.

10       (h) — Non-applicability to Certain Planning Activities. This Chapter shall not apply to  
11       the following:

12       (1) — General Plan Amendments, Zoning Map amendments, or Planning Code  
13       amendments for single development sites, even if the development site is 40 acres or larger in  
14       size.

15       (2) — Amendments to the General Plan, Planning Code, and/or Zoning Map focused  
16       on an area 40 acres or larger in size that are limited in scope such as the creation of an  
17       historic district, changes in commercial use categories in zoning districts, Planning Code  
18       amendments that apply to the entire City, or the amendment of a General Plan policy.

19       (3) — Planning activities that do not include land use and zoning changes focused on  
20       a geographic area 40 acres or larger, such as transportation systems plans.

21       (4) — Planning activities that are being carried out in conjunction with the San  
22       Francisco Redevelopment Agency that relate to a redevelopment project survey area and are  
23       to be incorporated into a proposed Redevelopment Project Area Plan and its implementing

1 documents unless otherwise provided in a Cooperation Agreement between the  
2 ~~Redevelopment Agency and the Planning Department.~~

3 (5) Planning activities that have been or are currently being carried out in areas  
4 ~~within the South Bayshore Redevelopment Survey Area and the Transbay Redevelopment~~  
5 ~~Survey Area that are not proposed for inclusion in a redevelopment project area.~~

6 (6) Periodic revisions and updates of elements (but not Area Plans) of the General  
7 ~~Plan, such as updates to the Housing Element.~~

8 (7) Those Planning activities already completed with respect to the former Schlage  
9 ~~Lock Company site in Visitacion Valley and the published November 2003 Glen Park~~  
10 ~~Community Plan.~~

11 (8) Planning activities in the area referred to as West SoMa are subject to a  
12 ~~different process, as described in Resolution No 731-04, establishing the Western SoMa~~  
13 ~~Citizens Planning Task Force, and are not subject to the provisions of this Chapter.~~

14 SEC. 36.2. PUBLIC INPUT PROCESS.

15 Each Better Neighborhoods Planning and Implementation Process shall begin with the  
16 establishment by the Planning Department of a Public Input Process that includes the following  
17 elements:

18 (a) Community Outreach Program: In order to establish a Community Outreach Program  
19 for a Better Neighborhoods Planning and Implementation Process, the Planning Department shall first  
20 identify and actively seek to engage the full spectrum of residents, commercial tenants, property  
21 owners, community and neighborhood-based organizations, developers, faith-based, community, and  
22 public service and facility providers, as well as other organizations and individuals interested in the  
23 specific Better Neighborhoods Planning and Implementation Process and shall craft a Community  
24 Outreach Program designed to encourage their active participation in the community planning

1     process. In addition to outreach within the specific Better Neighborhoods Plan Area, the Community  
2     Outreach Program shall include outreach designed to bring a citywide perspective to the Better  
3     Neighborhoods Planning and Implementation Process. Such citywide outreach efforts may include, but  
4     are not limited to, notification of neighborhood and interest groups in other areas of the City, random  
5     sampling mailings or other notification to individuals citywide, and efforts to contact and notify  
6     individuals or organizations interested in citywide planning issues.

7             This Community Outreach Program shall involve the identified community through such means  
8     as neighborhood workshops, informational presentations, public dialogues, planning charettes,  
9     newsletters, and web pages. This listing shall not preclude other forms or means of public  
10    participation as part of a public input process. The Planning Department shall establish a public  
11    noticing scheme for all public meetings and hearings held in furtherance of each Better Neighborhoods  
12    Planning and Implementation Process. The cost of the Community Outreach Program shall include a  
13    budget for conducting outreach, including the cost of facilitation of meetings and meeting logistics.  
14    The Community Outreach Program shall be reviewed in the scoping session described in paragraph (b)  
15    below.

16             (b) Scoping. Before commencing a Better Neighborhoods Planning and Implementation  
17    Process in a Neighborhood of the City, the Planning Department shall hold a Public Scoping Session to  
18    receive public input, including but not limited to, the scope of the Community Outreach Program, the  
19    scope of Neighborhood Baseline Conditions and Needs Analysis, and the New Development Impacts  
20    Analysis and the boundaries of the proposed area to be planned.

21             (1) Notice of the Public Scoping Session shall be provided at least 30 days prior to the  
22    meeting as follows: mailed notice shall be provided to all organizations and individuals who have  
23    specifically requested mailed notice; notice of the meeting shall be posted on signs conforming to the  
24    size and visibility requirements of Planning Code Section 306.8 in at least three dispersed locations in  
25

1        the Neighborhood and notice shall be published at least once in an official newspaper of general  
2        circulation.

3            (2)      Notice of the Public Scoping Session shall also include mailed notice to residents,  
4        including property owners and tenants, and businesses within the proposed planning area and within  
5        800 feet of the proposed planning area and to citywide organizations interested in planning activities  
6        The Planning Director shall determine the adequacy of this mailed notice.

7            (3)      After the Public Scoping Session, the Planning Commission shall hold a public hearing  
8        at a regular Planning Commission meeting on the proposed Community Outreach Program to receive  
9        public testimony on the scope and effectiveness of the proposal. The Planning Commission shall  
10        specifically evaluate outreach to the community within the Better Neighborhoods Plan Area and  
11        outreach citywide. If it deems it necessary and appropriate, the Planning Commission shall direct the  
12        Planning Department to revise the Community Outreach Program. Notice of the public hearing shall  
13        be provided at least 20 days prior to the hearing as follows: mailed notice shall be provided to all  
14        organizations and individuals who have specifically requested mailed notice; notice of the meeting  
15        shall be posted on signs conforming to the size and visibility requirements of Planning Code Section  
16        306.8 in at least three dispersed locations in the Neighborhood, and notice shall be published at least  
17        once in an official newspaper of general circulation.

18        **SEC. 36.3. PLANNING MANAGEMENT AND ACCOUNTABILITY.**

19            For each Better Neighborhoods Planning and Implementation Process undertaken, the  
20        Planning Department shall prepare a work program and budget to enable efficient project management  
21        and oversight during the process, as follows:

22            (a)      Content. A work program and budget shall:

1                   (1) Be designed to enable completion of the preparation of the Better Neighborhoods Plan  
2                   and implementing documents and the environmental evaluation document within twenty-four thirty  
3                   months from commencement of planning;

4                   (2) Detail the anticipated tasks required to be undertaken to carry out the specific Better  
5                   Neighborhoods Planning and Implementation Process, and the anticipated time and costs of Planning  
6                   Department staff, staff of other departments involved in the planning process, consultants, and other  
7                   resources associated with each task;

8                   (3) Present a date-specific schedule for carrying out the various tasks, including quarterly  
9                   targets regarding the extent, in percentage terms, of completion of the various tasks.

10                  (b) Inter-Agency Coordination and Updates on Development of Better Neighborhoods  
11                  Plans. All staff and consultants shall provide updates on plan development and implementation,  
12                  including extent of completion of tasks and plan-related expenditures to the Planning Director and the  
13                  Planning Director shall, in turn, provide Inter-Agency Better Neighborhoods Plan Development  
14                  Updates to the heads of all City departments affected by development of the Better Neighborhoods  
15                  Plan.

16                  (c) Semi-Annual Progress Reports to the Planning Commission and Board of Supervisors  
17                  on Development of Better Neighborhoods Plans. Up until final adoption of a Better Neighborhoods  
18                  Plan by the Board of Supervisors, the Planning Department staff shall prepare a report every six  
19                  months from the date of the first allocation of funds for the process on the status of the Work Program  
20                  and Budget indicating the extent of completion of the various tasks of Planning Department staff, staff  
21                  of other departments, and consultants and of expenditure of funds associated with those tasks. The  
22                  Department shall submit this six-month Better Neighborhoods Plan Progress Report to the Planning  
23                  Commission and to the appropriate committee of the Board of Supervisors. In order to enhance public  
24                  accountability and promote inter-agency coordination, the Department shall post the Better

1        Neighborhood Plan Progress Report and other relevant data to a project web-page on the Planning  
2        Department's official website.

3        (d) Record Keeping. In the event legislation is enacted to enable the City to recapture the  
4        costs of area plan and program environmental impact report preparation through fees imposed on  
5        projects benefiting from individual area plans and environmental impact reports, the Department shall  
6        maintain and use the records of each Better Neighborhoods Planning and Implementation Process to  
7        support the reimbursement of such funds. The Department is encouraged to use web-based technology  
8        to track work program and expenditures status on a real time basis.

9        (e) Semi-Annual State-of-the-Neighborhood Reports. During the development of a Better  
10        Neighborhood Plan and prior to its adoption by the Planning Commission, Planning Department staff  
11        shall identify appropriate performance indicators to measure future implementation of the plan that  
12        shall then be incorporated into future State-of-the-Neighborhood Reports. Once a final Better  
13        Neighborhood Plan is adopted by the Board of Supervisors, Planning Department staff shall present on  
14        a semi-annual basis at a duly-noticed public hearing to the appropriate Plan Implementation Advisory  
15        Committee a State-of-the-Neighborhood Report under Section 36.9.2. These semi-annual reports must  
16        be presented until, in the opinion of the Planning Commission, they are no longer necessary for  
17        monitoring implementation of the Better Neighborhood Plan.

18        (f) Fund Allocation. It shall be the policy of the Board of Supervisors to allocate funds  
19        from the municipal budget for each Better Neighborhoods Planning and Implementation Process based  
20        on the work program and budget developed by the Planning Department for the Better Neighborhoods  
21        Planning and Implementation Process. Funds appropriated for each Better Neighborhoods Planning  
22        and Implementation Process shall be placed in a separate account with the Controller and released in  
23        six-month increments by the Controller upon the Planning Commission's determination, after a duly-  
24        noticed public hearing on the Semi-Annual Progress Report prepared pursuant to subparagraph (c)

1        above, that the Planning Department is meeting established targets or has justified the needed  
2        modification of the targets.

3        **SEC. 36.4. NEIGHBORHOOD BASELINE CONDITIONS AND NEEDS ANALYSIS.**

4        (a)    Contents. The Planning Department shall conduct a study of Neighborhood Baseline  
5        Conditions and Needs which assesses the conditions of infrastructure and community amenities and the  
6        needs for improvements and/or additions. The study shall identify existing conditions of and  
7        deficiencies in public infrastructure, community amenities, and the public health, safety, and welfare in  
8        the area affected by a Better Neighborhood Plan. The topics for analysis may include, but are not  
9        limited to, any or all of the following:

10        (a)(1) Streets and Transportation: such as the need for improvements to all modes of  
11        transportation, including current access to public transportation, pedestrian routes, bicycle routes, and  
12        for improved streetscape design.

13        (b)(2) Economic Activity and Employment: such as the need for and types of employment and  
14        for increased educational/training opportunities, or need for economic development in the  
15        neighborhood.

16        (c)(3) Housing: such as the need for housing in the neighborhood at all income levels, and for  
17        housing targeted to specific groups such as seniors, families, persons with disabilities, and other  
18        special needs, and City-wide housing needs that can currently be accommodated in the neighborhood.

19        (d)(4) Community Facilities and Services: such as the need for additional or improved  
20        schools, libraries, recreation centers, child care, senior and community centers, health care, homeless  
21        supportive and substance abuse services, and youth centers.

22        (e)(5) Neighborhood-Serving Businesses: such as the need for Neighborhood-Serving  
23        Businesses as defined in Planning Code Section 790.68.

1           (f)(6) Open Space: such as the need for public open space, including parks and recreation  
2           facilities.

3           (g)(7) Historic and Cultural Resources: such as the need to identify, protect and enhance  
4           existing historic and cultural resources in the neighborhood. The results of any such analysis shall be  
5           reported to the Landmarks Preservation Advisory Board.

6           (h)(8) Environmental Improvements: such as the need for improved air quality conditions, and  
7           energy and water conservation.

8           (b) Process. The participants in the Public Scoping Process described in Section 36.2 of  
9           this Chapter and the Planning Department shall determine the specific topics for analysis. The nature,  
10           depth and extent of analysis to be undertaken and the manner in which the analysis is documented and  
11           reported for public review shall be determined by the Planning Department.

12           **SEC. 36.5       NEW DEVELOPMENT IMPACTS ANALYSIS.**

13           The Planning Department shall prepare or cause to be prepared an analysis of anticipated  
14           impacts, in nature and amount, of the build-out of the development allowed by the Better  
15           Neighborhoods Plan, using the priority policies of the General Plan as a framework for the analyses  
16           which shall be called the New Development Impacts Analysis.

17           (a) Nature of Impacts: Impacts shall include those impacts that exacerbate or increase  
18           needs identified in the Neighborhood Baseline Conditions and Needs Analysis as well as any other new  
19           impacts caused by the anticipated development allowed by a Better Neighborhood Plan. The New  
20           Development Impacts Analysis should reference the environmental review conducted for a Better  
21           Neighborhoods Plan under the California Environmental Quality Act. The topics for analysis may  
22           include, but are not limited to, any or all of the following:

1                   (1) City Costs and Revenues: such as any changes in the costs of public services and  
2                   infrastructure-maintenance associated with new development and changes in the permitted uses, and  
3                   any changes in property, transfer, and sales taxes in the Better Neighborhoods Plan area.

4                   (2) Streets and Transportation: such as impacts on all modes of transportation, traffic,  
5                   parking and streetscape and access to transit, pedestrian routes, and bicycle routes.

6                   (3) Employment: such as impacts on the number and type of jobs and employment rates in  
7                   the neighborhood and potential jobs resulting from or displaced by proposed development.

8                   (4) Housing: such as impacts on the number of units and affordability of rental and owned  
9                   housing in the neighborhood.

10                   (5) Community Facilities: such as impacts on community facilities and services including  
11                   schools, child care, senior and community centers, libraries, health and mental health care facilities,  
12                   homeless supportive and substance abuse services, cultural centers, and affordable community-serving  
13                   space.

14                   (6) Infrastructure: such as impacts on existing public infrastructure or new demand for  
15                   infrastructure within the neighborhood and/or other areas of the City, to implement the Better  
16                   Neighborhoods Plan or to accommodate the build-out of development anticipated in the Better  
17                   Neighborhoods Plan, including, but not limited to, streets, sewers and water systems.

18                   (7) Businesses: such as impacts on current businesses and industries, including  
19                   neighborhood-serving businesses, as defined in Planning Code Section 790.68.

20                   (8) Open Space: such as impacts on parks, open space, and recreational opportunities.

21                   (9) Historic and Cultural Resources: such as impacts on identified historic and cultural  
22                   resources.

23                   (10) Urban Design: such as shadow and wind impacts on sidewalks and open space.

1       (b) Amount of Impacts. *The New Development Impacts Analysis shall identify the amount of*  
2       *the impacts in each category if such impacts can be quantified. The purpose of this part of the New*  
3       *Developments Impact Analysis is to form the basis for a recommendation by the Planning Department*  
4       *to the Board of Supervisors regarding any proposed Area-Specific Development Impact fees as part of*  
5       *the Public Improvements Plan and Funding Strategy set forth in Section 36.7.3.*

6       (1) In quantifying the amount of the impacts, the New Development Impacts Analysis shall  
7       identify the cost of mitigating those impacts identified that are proposed to be mitigated by the Area-  
8       Specific Development Impact Fee. To the extent that the cost of mitigating impacts may include the  
9       cost to remedy existing deficiencies, the New Development Impacts Analysis shall segregate and state  
10       as separate line items those costs to mitigate the increment associated with the anticipated build-out of  
11       the development permitted under the Better Neighborhoods Plan from those costs required to remedy  
12       existing deficiencies.

13       (2) Financial Feasibility. *If the Planning Department proposes an Area-Specific*  
14       *Development Impact Fee, then the New Development Impacts Analysis shall also analyze the financial*  
15       *feasibility of any anticipated new development within the Better Neighborhood Plan area to absorb any*  
16       *impact fees, taking into account existing fees and exactions.*

17       (3) The New Development Impacts Analysis shall study methods for adjusting any proposed  
18       Area-Specific Development Impact Fee, based upon changes in an appropriate construction cost index  
19       or other appropriate index.

20       (c) Process and Methodology for the New Development Impacts Analysis: *The participants*  
21       *in the Scoping Process set forth in Sec. 36.2 and the Planning Department shall determine the specific*  
22       *areas for analysis. The nature, depth and extent of study to be undertaken and the manner in which the*  
23       *analysis is documented and reported for public review shall be determined by the Planning*  
24       *Department. The Planning Director shall take public comment regarding the methodology proposed*

1 for use in the New Development Impacts Analysis at a duly-noticed public meeting that must be held at  
2 least 20 days before the Planning Department commences any such study. Taking into account the  
3 comments received at this public meeting, the Planning Department shall ensure that the New  
4 Development Impacts Analysis is conducted pursuant to well-established industry-standard  
5 methodologies. The Planning Director shall also take public comment regarding any completed New  
6 Development Impacts Analysis at a duly-noticed meeting held no later than 45 days after publication  
7 and circulation of the New Development Impacts Analysis.

8 **SEC. 36.6 RELATIONSHIP TO ENVIRONMENTAL EVALUATION.**

9 The planning process for each Better Neighborhoods Plan shall to the maximum extent possible  
10 integrate the requirements of the California Environmental Quality Act ("CEQA") so that the  
11 appropriate review required by CEQA is conducted concurrently rather than consecutively. The  
12 objective is to enable the findings of ongoing environmental analysis to inform and influence the  
13 planning process while the Better Neighborhoods Plan is prepared. To that end, each Better  
14 Neighborhoods Planning and Implementation Process shall be funded and coordinated with the CEQA  
15 environmental review process.

16 **SEC. 36.6A HISTORIC AND CULTURAL RESOURCES SURVEY**

17 (a) For purposes of this legislation and its application to new planning activities as  
18 defined in Section 36.1(e)(2) only, the Planning Department shall prepare or cause to be  
19 prepared an Historic and Cultural Resources Survey which shall include the following  
20 minimum requirements:

21 (1) State of California DPR 523 A and B forms for each property within the survey  
22 area built before 1961, and district forms (DPR 523 D) form as needed;  
23 (2) a context statement describing the history of the survey area, with reference to  
24 associations with the historical development of San Francisco;

1        (3) an evaluation of potential local, state and national historic listing eligibility, based  
2        on context statement and architecture only;

3        (4) documentation for each building and/or parcel within the area, which must  
4        include: APN, address, Assessor's office date of construction, property type, previously  
5        assigned California Historical Resource Status Code (if any) and/or local historic  
6        categorization, and proposed status code through this initial assessment; and

7        (5) recommendations for additional research and evaluation.

8        (b) For new planning activities as defined in Section 36.1(e)(2), the Survey must be  
9        reviewed and approved by the Landmarks Preservation Advisory Board, the Planning  
10        Commission, and the Board of Supervisors in order for the Board of Supervisors to adopt a  
11        Better Neighborhoods Plan.

12        **SEC. 36.7        CONTENT OF BETTER NEIGHBORHOODS PLANS.**

13        *A proposed Better Neighborhoods Plan shall conform to the requirements of this Section.*

14        **SEC. 36.7.1. BETTER NEIGHBORHOODS PLANS AS COMPREHENSIVE AREA PLANS.**

15        *The Better Neighborhoods Planning and Implementation Process shall produce a Better*  
16        *Neighborhoods Plan that addresses the range of topics appropriate for a comprehensive plan of the*  
17        *particular neighborhood under study, including, but not limited to, land use, housing, recreation and*  
18        *open space, historic and cultural resources, transportation and circulation, noise effects on adjacent*  
19        *properties, commerce and industry, urban design, and community facilities and services. The Better*  
20        *Neighborhoods Plan shall also be designed such that it may be added to the General Plan of the City*  
21        *and County as an area plan through the process outlined in the Charter and in Section 340 of the*  
22        *Planning Code, and shall carry out the priority policies of the General Plan and Section 101.1 of the*  
23        *Planning Code. Except as provided in Section 36.1(f)(2), the Better Neighborhoods Plan shall be*  
24        *designed to qualify as a Specific Plan pursuant to California Government Code Section 65451.*

1        Finally, each Better Neighborhood Plan shall include a Neighborhood Baseline Conditions and Needs  
2        Analysis and a New Development Impacts Analysis as provided for in Sections 36.4 and 36.5.

3        SEC. 36.7.2. GENERAL PLAN AMENDMENTS, REZONING AND DESIGN GUIDELINES.

4        Each Better Neighborhoods Plan shall include recommended amendments to the General Plan,  
5        the Planning Code, and the Zoning Map, as well as design guidelines, if applicable, that will facilitate  
6        the implementation of the Better Neighborhoods Plan.

7        SEC. 36.7.3 BETTER NEIGHBORHOODS IMPROVEMENTS PLAN AND FUNDING STRATEGY.

8        A proposed Better Neighborhoods Plan shall include a Better Neighborhoods Public  
9        Improvements Plan and a Funding Strategy for that Plan.

10        (a) The Planning Department shall prepare a Better Neighborhoods Public Improvements  
11        Plan to address the conditions and needs identified in the Neighborhood Baseline Needs Analysis and  
12        to propose ways to mitigate impacts of new development identified in the New Development Impacts  
13        Analysis.

14        (b) A Funding Strategy shall summarize the estimated costs of various improvements  
15        identified and prioritized in the Better Neighborhoods Public Improvements Plan and propose specific  
16        funding strategies to finance them. The Funding Strategy may include, but is not limited to, an  
17        analysis of the feasibility of the following options:

18        (1) Public Resources. Identification of federal, state, and local public resources that could  
19        be used for implementation of a Better Neighborhoods Improvements Plan.

20        (2) Community Facility, Business Improvement or other forms of Assessment Districts.  
21        Establishment of a Mello-Roos Community Facility District or special benefit or other assessment  
22        district or districts.

23        (3) Area-Specific Development Impact Fees: Based on the results of the New Development  
24        Impacts Analysis, the Planning Department may propose an Area-Specific Development Impact Fee to

1        the Board of Supervisors which conforms to the requirements of the State Mitigation Fee Act,  
2        California Government Code Section 66000 et seq., as amended. Should the Board of Supervisors  
3        enact an Area-Specific Development Impact Fee for the Better Neighborhoods Plan Area, the amount  
4        of such fee or fees shall be clearly identified in the Better Neighborhoods Plan so that the fee or fees is  
5        a known component of future development costs. In proposing an Area-Specific Development Impact  
6        Fee to the Board of Supervisors, the Planning Department shall:

7                (A) demonstrate a reasonable relationship, in both nature and amount, between the  
8        proposed use of the Area-Specific Development Impact fee or fees and the type of development projects  
9        on which the fee is imposed;

10                (B) demonstrate that the fee or fees are proposed to be applied on a non-discriminatory  
11        basis, to all new development on privately-owned property within the Better Neighborhoods Plan area  
12        that has the same or similar use classification or other land use designation, so long as a substantial  
13        number of affected privately-owned properties would be subject to the fee, and so long as the fee is  
14        applied generally rather than on an ad hoc basis ("Generally Applicable Basis").

15                (C) demonstrate that the impact to be mitigated is not already mitigated by an existing City-  
16        wide impact fee or in-kind exaction;

17                (D) with reference to the Better Neighborhoods Public Improvement Plan identify public  
18        facilities (including public improvements, public services and community amenities) for which the  
19        Area-Specific Development Impact fee or fees will be spent;

20                (E) demonstrate that any proposed fees reflect a balance between the need for funds to  
21        mitigate impacts identified in the New Development Impacts Analysis and the desire to provide  
22        sufficient economic incentive to encourage the development permitted in the Better Neighborhoods  
23        Plan area. The Planning Department shall not propose any Area-Specific Development Impact Fee

1        which is greater than the amount of the fee determined to be feasible in the New Development Impacts  
2        Analysis.

3        (F) if payment of the fee will be required prior to the date of final inspection or issuance of  
4        the certificate of occupancy, discuss the rationale for the proposed early payment of the fee and  
5        conformance with Gov't Code Section 66007, as amended from time-to-time.

6        (G) if different fees are proposed for different subareas of the Better Neighborhood Plan  
7        Area, demonstrate that (i) there is a policy rationale for the distinction such as greater financial  
8        feasibility of projects developed in a particular subarea or subareas; (ii) the fees are applied on a  
9        Generally Applicable Basis, and (iii) none of the fees are greater than the maximum amount identified  
10      in the New Development Impacts Analysis.

11      (H) Propose a method for adjusting the fee over time, based upon changes in a construction  
12      cost index or other index appropriate for the fee to be adjusted as analyzed in the New Development  
13      Impacts Analysis.

14      (I) Propose a process to update any Area-Specific Development Fees imposed pursuant to  
15      this section to ensure that they remain sufficient to mitigate impacts identified in the New Development  
16      Impacts Analysis while also providing sufficient economic incentive to encourage the development  
17      permitted in the applicable Better Neighborhoods Plan area.

18      (J) Propose a process to provide for in-kind provision of public benefits in lieu of payment of a  
19      fee. Any proposal by the Planning Department regarding in-kind provision of public benefits shall  
20      include a requirement that a project sponsor demonstrate to the Planning Director the following  
21      elements: that the cost of the in-kind improvement is equal to or less than the proposed Area-Specific  
22      Development Impact Fee; that the in-kind improvement will, to the same degree as the proposed Area-  
23      Specific Development Impact Fee, mitigate the same impact for which the fee is proposed; include a  
24      plan to ensure long-term retention of the in-kind improvement; and demonstrate that the in-kind public

1       benefits identified in a Better Neighborhood Public Improvements Plan would be more efficient than  
2       payment of any Area-Specific Development Fees. The proposed process shall provide that where a  
3       project sponsor can demonstrate to the Planning Director the above elements, the Planning Director  
4       may approve such in-kind provision in-lieu of payment of any Area-Specific Development Fees. The  
5       proposed process shall also provide that the Planning Director's determination shall be subject to  
6       appeal to the Planning Commission pursuant to provisions set forth Section 312B.

7       (4)     Incentives to allow greater density and/or height in exchange for additional affordable  
8       units. As part of the Better Neighborhood Public Improvements Plan or Funding Strategy, the  
9       Planning Department and Commission may propose zoning controls that allow exceptions to the base  
10       density and/or height up to a higher density or height. If the Planning Commission recommends such  
11       incentives to the Board of Supervisors, it shall demonstrate that the exceptions are permitted provided  
12       that a percentage of the additional building area enabled by the additional density or height is used for  
13       units affordable to persons of low and/or moderate income based on a formula that relates the cost of  
14       making the units affordable to the value added to the development by the extra building area enabled  
15       by the additional density or height. A proposed formula shall be designed to balance the need for  
16       affordable housing with the need to provide sufficient economic incentive to encourage the development  
17       permitted by the additional density or height and shall take into account any required public  
18       contributions being proposed. The affordable units shall be in addition to those required by Section  
19       315 of the Planning Code. Any proposed zoning controls shall include the requirement that any  
20       developer receiving a density bonus under such controls must expressly waive any right to seek a  
21       density bonus under other programs set out in the Planning Code or Section 65915 of the California  
22       Government Code, and must expressly waive any right to challenge any development impact fees or  
23       other exactions imposed by the City on the property.

24       Sec. 36.8     BETTER NEIGHBORHOODS INTERAGENCY COMMITTEES (BNIC).

1        In order to facilitate the creation of an integrated public improvements planning and  
2        implementation process, the development and implementation of each Public Improvements  
3        Plan and Funding Strategy shall be participated in and coordinated by a Better  
4        Neighborhoods Interagency Committee (BNIC) comprised of representatives of the  
5        departments and agencies whose responsibilities include provision of one or more of the  
6        public improvements which are likely to be included in a Public Improvements Plan for that  
7        neighborhood. In addition to the Planning Department and, as relevant, these agencies may  
8        include, but are not limited to, the Municipal Transportation Authority, Municipal  
9        Transportation Agency, Department of Public Works, Library Commission, Redevelopment  
10        Agency, and Department of Parks and Recreation. The BNIC shall be chaired by the  
11        Planning Director or his or her designee.

12        **SEC. 36.89 BETTER NEIGHBORHOODS ENTITLEMENT PROCESS**

13        (a)        *Site Specific Approvals. A Better Neighborhoods Plan and its implementing documents*  
14        *shall seek to minimize uncertainty regarding approval of projects that conform to the Better*  
15        *Neighborhoods Plan by reducing conditional use approvals and discretionary review appeals while*  
16        *still retaining the transparency of the process, including public notice and input.*

17        (b)        *Discretionary Review. Provisions regarding discretionary review in Better*  
18        *Neighborhood Plan areas are contained in Section 312A of the Planning Code.*

19        (c)        *Limitations on Conditional Use Requirements in Better Neighborhood Plans. One of the*  
20        *primary goals of the Better Neighborhoods Planning and Implementation Process is to ensure extensive*  
21        *community involvement coupled with in-depth professional analysis during the development of the plan*  
22        *so that the maximum building envelope permitted and related physical design issues are clearly*  
23        *understood by the community and defined in the plan so they do not need to be re-visited on a project-*  
24        *by-project basis once a Better Neighborhoods Plan has been adopted by the Board of Supervisors.*

1     This approach should increase certainty for both the affected neighborhood and project sponsors.  
2     Accordingly, in Better Neighborhoods Plan areas proposed by the Planning Department to the Board  
3     of Supervisors, conditional use authorization shall not be required for approval of features related to  
4     the physical volume or design of new structures, including height, bulk, density and set-backs. Instead,  
5     conditional use authorizations shall be limited to addressing potential use-based conflicts which are  
6     difficult to foresee or resolve through specific zoning language, such as the location and size of  
7     traditional nuisance-generating activities including nighttime entertainment, bars, liquor stores, auto  
8     repair and garage services, high-volume retail, commercial and institutional uses where such new uses  
9     might present conflicts with existing neighboring uses. Nothing in this section shall be construed to  
10    limit the requirement of conditional use authorizations for the elimination or merger of existing  
11    residential units.

12    (d)    Limitations on Exceptions and P.U.D.s in Better Neighborhoods Plans. Better  
13    Neighborhoods Plans should minimize the number of project features that are subject to exceptions or  
14    P.U.D.s, instead emphasizing specific rules as to what is and what is not required. Specifically, the  
15    Plans proposed by the Planning Department to the Board of Supervisors shall not permit the volume of  
16    a building otherwise permitted within the zoning envelope established by a plan's height, bulk, setback  
17    and other dimensional requirements to be increased through exceptions and variances. The use of  
18    P.U.D.s shall be limited to providing open space/site planning flexibility in Better Neighborhoods Plan  
19    areas and not for increases in density or developable area.

20    SEC. 36.910 BETTER NEIGHBORHOODS PLAN IMPLEMENTATION PROCESS.

21    The Planning Department shall follow the procedures described in this Section to monitor an  
22    adopted Better Neighborhoods Plan.

23    SEC. 36.910.1 PLAN IMPLEMENTATION ADVISORY COMMITTEE (PIAC).

1       (a) Establishment. At the time of adoption of each Better Neighborhoods Plan, the Planning  
2       Commission shall establish a Plan Implementation Advisory Committee (PIAC), consisting of between  
3       9 and 15 members. The Planning Commission shall appoint, as members of each PIAC, interested  
4       property owners, residents, businesses, institutions, and community and neighborhood-based  
5       organizations in the Better Neighborhood Plan area, or their representatives who, through their  
6       participation in the public input process employed to prepare the Better Neighborhoods Plan and its  
7       implementing documents, or through other means, are familiar with their content, purposes and  
8       objectives. In its appointments the Commission shall seek to achieve a balance among the various  
9       interest groups. The Planning Commission may also appoint representatives from City departments to  
10       sit as non-voting members of each PIAC. Each PIAC shall be subject to all applicable public records,  
11       conflict of interest and public meeting laws. Once a year, at a regularly scheduled meeting, the  
12       Planning Commission shall determine whether each existing PIAC should be dissolved or should  
13       continue to exist given the current status of implementation of the Better Neighborhoods Plan in that  
14       area. The Planning Commission, the Planning Department, and the Board of Supervisors shall retain  
15       the ultimate authority and discretion over any decisions made regarding a Better Neighborhoods Plan  
16       as provided by the Charter, the Planning Code, the Administrative Code, and other City laws and  
17       regulations.

18       (b) Authority. Each PIAC shall be advisory to the Planning Commission and Department  
19       and to the Board of Supervisors. Its authority and responsibilities shall be limited to reviewing the  
20       content of semi-annual State-of-the-Neighborhood Reports prepared pursuant to Sec. 36.9.2 and  
21       providing advisory opinions to the City Planning Commission and the Planning Department regarding  
22       implementation of the specific provisions of the Plan, including the Public Improvements Plan. Each  
23       PIAC shall establish and publicize a time and date for its semi-annual meetings and shall carry out the  
24       committee's administrative tasks, such as providing public notice of its meetings and keeping minutes.

1    Notice of PIAC meetings shall be mailed at least 10 days prior to the meeting to PIAC members and to  
2    all individuals and organizations that have requested mailed notice, and shall be posted on the  
3    Planning Department web site at least 10 days prior to the meeting.

4    SEC. 36-910.2            STATE-OF-THE NEIGHBORHOOD REPORTS AND BUDGET REQUESTS

5       (a)    Preparation. After the final adoption of a Better Neighborhoods Plan, the Planning  
6    Department shall prepare, on a plan-by-plan basis, a brief semi-annual report on the status of  
7    implementation of each Better Neighborhoods Plan ("State-of-the-Neighborhood Reports"). Each  
8    State-of-the-Neighborhood Report shall include information regarding the progress made to date in  
9    implementing each Better Neighborhoods Plan and its various components and a summary of the types  
10    and character of individual development projects that have been approved during the report period.  
11    Concurrent with preparation of the Plan itself, the Planning Department shall develop a set of plan-  
12    based performance indicators quantifying and then monitoring progress towards implementation of  
13    each of the Plan's primary goals or elements, especially those elements that address existing  
14    deficiencies identified in the Neighborhood Baseline Needs Analysis and the specific mitigations  
15    proposed for impacts identified in the New Development Impact Analysis. These performance  
16    indicators in turn, shall be presented in a simple and uniform format in each State-of-the-  
17    Neighborhood Report to permit comparison between consecutive reports over time. On an annual  
18    basis, each State-of-the-Neighborhood Report shall include the proposed departmental budget for the  
19    applicable Better Neighborhoods Plan for the coming fiscal year ("Annual Progress Report"). The  
20    Planning Department shall consult with each department or agency having responsibility for  
21    implementing a portion of a Public Improvements Plan and Funding Strategy of a Better  
22    Neighborhoods Plan to determine that department or agency's work plan and proposed budget  
23    submission for the coming year and include that information in the Annual Progress Report. It shall be

1        the responsibility of each participating City department or agency to cooperate with the Planning  
2        Department in the preparation of the State-of-the-Neighborhood Report and related budget requests.

3        (b)      Inclusion of Annual Budget Proposals. Each State-of-the-Neighborhood Report,  
4        including the budget proposals of involved departments and agencies, shall be reviewed by the  
5        appropriate PIAC at a semi-annual public meeting, as set forth in subsection 36.9.1(b).

6        (c)      Annual State-of-the-Neighborhood Budget Hearing at Planning Commission. Prior to  
7        the annual submission of Planning Department budget requests to the Mayor's Budget Office, the  
8        Planning Commission shall hold a public hearing on all State-of-the-Neighborhood Reports, including  
9        the annual budget submissions of those departments and agencies involved in implementation of every  
10        active Better Neighborhood Plan. Notice of the hearing shall be provided at least 10 days prior to the  
11        meeting as follows: mailed notice to all organizations and individuals who have specifically requested  
12        mailed notice; mailed notice to members of the PIAC's; and published notice at least once in an official  
13        newspaper of general circulation. This hearing may be held as part of the Planning Commission's  
14        hearing on the Departmental budget request.

15        **Sec. 36.11. EVALUATION OF EFFECTIVENESS OF CHAPTER PROVISIONS AND**  
16        **APPLICABILITY TO OTHER AREAS.**

17        Thirty months after the effective date of this ordinance the Planning Department shall  
18        evaluate the utility and effectiveness of the provisions of this Chapter and recommend to the  
19        Planning Commission, and the Planning Commission shall recommend to the Board of  
20        Supervisors, any modifications that would improve their utility and effectiveness, recommend  
21        any deletions of provisions found to be unworkable and recommend whether the process  
22        provided for in this Chapter, however modified, should be applied to other areas of the City  
23        and under what conditions.

1           Section 3. The San Francisco Administrative Code is hereby amended by amending

2           Section 3.4 to read as follows:

3           SEC. 3.4       INTRODUCTION AND PUBLICATION OF BUDGET.

4           The proposed budget and appropriation ordinance for all departments and offices for  
5           each ensuing fiscal year, upon transmission to the Board of Supervisors by the Mayor by the  
6           first working day in June of each year, shall be deemed to have been regularly introduced and  
7           shall be published in a format which allows for the widest possible public understanding of the  
8           resources, uses and proposed programs. To further enhance public understanding, the budget  
9           format shall also include, for each City neighborhood for which there is an adopted Better  
10           Neighborhoods Plan pursuant to Chapter 36 of the Administrative Code, a consolidation of those  
11           portions of the budgets of various departments and agencies that relate to implementation of each  
12           Better Neighborhoods Plan for the ensuing year.

13           Section 4. The San Francisco Planning Code is hereby amended by adding Section  
14           312A and 312B to read as follows:

15           ~~SEC. 312A. DISCRETIONARY REVIEW WHERE A BETTER NEIGHBORHOODS PLAN HAS BEEN~~  
16           ADOPTED.

17           (a)       Where a Better Neighborhoods Plan has been adopted pursuant to Chapter 36 of the  
18           Administrative Code, the scope of discretionary review of projects within that Better Neighborhoods  
19           Plan area shall be limited to:

20           (1)       assuring that the project conforms with the appropriate Better Neighborhood Plan, its  
21           implementing documents and any relevant Planning Code provisions, or

22           (2)       requiring modifications in the building form and design to enhance a structure's  
23           compatibility with adjacent properties and the surrounding neighborhood consistent with any design

1 guidelines adopted by the Planning Commission and applicable in the appropriate Better  
2 Neighborhood Plan area.

3 (b) When discretionary review of a project in a Better Neighborhood Plan area  
4 occurs pursuant to subsections (a)(1) and (2) above the Planning Commission may only require  
5 modifications necessary to bring the project into conformity with the applicable Better Neighborhood  
6 Plan, its implementing documents, any relevant Planning Code provisions and any design guidelines  
7 adopted by the Planning Commission for the applicable Better Neighborhood Plan area. The Planning  
8 Commission may not require a reduction in excess of 5% of the volume of the building envelope of a  
9 structure that meets all applicable height, bulk, yard and setback requirements established in the  
10 applicable Better Neighborhood Plan, its implementing documents, and any relevant Planning Code  
11 provisions, and in the case of projects containing residential uses, may not require a net reduction in  
12 the number of dwelling units or a reduction in the proportion of family-sized (two- or more bedroom)  
13 units.

14 SEC. 312B. PERMIT REVIEW PROCEDURES FOR CERTAIN PROJECTS WITHIN BETTER  
15 NEIGHBORHOODS PLAN AREAS

16 (a) Purpose. The purpose of this Section is to establish procedures for reviewing building  
17 permit applications for certain projects within an area for which a Better Neighborhoods Plan has  
18 been adopted pursuant to Chapter 36 of the Administrative Code in order to determine compatibility of  
19 the proposal with the applicable Better Neighborhoods Plan and for providing notice to the applicable  
20 PIAC, property owners and residents neighboring the site of the proposed project and to interested  
21 neighborhood organizations, so that concerns about a project may be identified and resolved during  
22 the review of the permit.

23 (b) Applicability. For each Better Neighborhoods Plan, the Planning Commission, utilizing  
24 the guidance of the Planning Department, shall establish a threshold for projects, including new

1 construction and alteration of buildings, determined to be significant for that plan area and therefore  
2 subject to the provisions of this section. The threshold for significance shall be based on the specific  
3 principles of the Better Neighborhoods Plan and the unique aspects of its plan area, and shall take into  
4 account factors such as height, bulk and density; pre-existing code provisions and pre-existing  
5 thresholds for discretionary review; compatibility with the overall context of the project area; and its  
6 implications on the implementation of the plan. All building permit applications for projects within any  
7 area for which a Better Neighborhoods Plan has been adopted pursuant to Chapter 36 of the  
8 Administrative Code that meet or exceed the threshold of significance established by the Planning  
9 Commission for that plan area shall be subject to the notification and review procedures required by  
10 this Section instead of being subject to the procedures of Section 311 or 312. Subsection  
11 312B(e) regarding demolition permits and approval of replacement structures shall apply to all R  
12 Districts. For the purposes of this Section, an alteration shall be defined as any change in use of a  
13 building or an increase to the exterior dimensions of a building except those features listed in Section  
14 136(c)(1) through 136(c)(24) and 136(c)(26). Notwithstanding the foregoing, any project that does  
15 not meet the threshold for significance established by the Planning Commission for that plan area shall  
16 be subject to the procedures of Section 311 or 312 as applicable.

17 (c) Building Permit Review for Compliance with Better Neighborhood Plan. Upon  
18 acceptance of any building permit application subject to this Section, the Planning Department shall  
19 review the proposed project for compliance with the applicable Better Neighborhood Plan, its  
20 implementing documents, any relevant Planning Code provisions, and the applicable design guidelines  
21 approved by the Planning Commission. The Planning Department shall design and establish a simple  
22 and uniform report format to inform the public as to why a proposed project subject to this section  
23 complies with the applicable Better Neighborhood Plan, its implementing documents, any relevant  
24 Planning Code provisions, and the applicable design guidelines approved by the Planning

1       Commission. Applications determined not to be in compliance with the standards of Articles 1.2, 1.5, 2  
2       and 2.5 of the Planning Code, the applicable Better Neighborhood Plan, its implementing documents,  
3       any relevant Planning Code provisions, and any design guidelines adopted for the applicable Better  
4       Neighborhood Plan area by the Planning Commission, or with any applicable conditions of previous  
5       approvals affecting the project or project site, shall be held until either the application is revised and  
6       subsequently determined to be in compliance, is disapproved or a recommendation for cancellation is  
7       sent to the Department of Building Inspection.

8       (1)    Design Guidelines. The construction of new buildings and alteration of existing  
9       buildings in the Better Neighborhoods Plan area shall be consistent with the design policies and  
10       guidelines of the applicable Better Neighborhoods Plan as originally adopted and periodically  
11       amended by the Planning Commission. The Director of Planning may require modifications to the  
12       exterior of a proposed new building or proposed alteration of an existing building to bring it into  
13       conformity with the design policies and guidelines of the applicable Better Neighborhoods Plan. These  
14       modifications may include, but are not limited to, changes in siting, building envelope, scale, texture of  
15       materials, detailing, frequency and size of openings, and landscaping, subject however, to the  
16       limitations of Planning Code Sec. 312A.

17       (2)    Preparation of a Better Neighborhood Project Compliance Report. The Planning  
18       Department shall design and establish a simple and uniform report format to inform the public as to  
19       why a proposed project subject to this section complies with the applicable provisions of the Better  
20       Neighborhood Plan as codified in the Planning Code and the design policies and guidelines of the  
21       applicable Better Neighborhoods Plan as originally adopted and periodically amended by the City  
22       Planning Commission (the “Better Neighborhood Project Compliance Report”). This report shall  
23       include a brief description of the proposed project in relation to any existing improvements on the site  
24       provide a summary of the primary project features, including setback and yard area, building depth,  
25

1 height and number of stories, number of units and number of parking spaces; describe how the  
2 proposed project complies with relevant Planning Code sections; and explain how the specific project  
3 contributes toward implementation of the applicable Better Neighborhoods Plan. The project  
4 compliance report shall be accompanied by elevations and site plan of the proposed project including  
5 the position of any adjacent buildings, and a graphic reference scale.

6 The project sponsor of any building permit application subject to this Section shall submit a  
7 project compliance report to the Planning Department at the time of application. The Planning  
8 Department will review each report, and make a determination that an application is in compliance  
9 with the applicable Better Neighborhoods Plan. Where a report is incomplete, incorrect, or shows  
10 noncompliance, the project sponsor shall make revisions as directed by the Planning Department until  
11 it can be determined that the application is in compliance with the Plan.

12 (3) Neighborhood Notification. Upon determination that an application is in compliance  
13 with the development standards of the Planning Code, the Planning Department shall cause a notice to  
14 be posted on the site pursuant to rules established by the Zoning Administrator and shall cause copies  
15 of the Better Neighborhood Project Compliance Report to be sent in the manner described below. This  
16 notice shall be in addition to any notices required by the Building Code. This notice shall also describe  
17 the project review process and shall set forth the mailing date of the notice and the expiration date of  
18 the notification period. Written notice shall be mailed to the notification group which shall include the  
19 project sponsor, the relevant PIAC, any relevant neighborhood organizations as described in  
20 Subparagraph 311(c)(2)(C) below, all individuals having made a written request for notification for a  
21 specific parcel or parcels pursuant to Planning Code Section 351 and all owners and, to the extent  
22 practical, occupants, of properties in the notification area.

23 (A) The notification area shall be all properties within 150 feet of the subject lot in the same  
24 Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot,

1        the notification area shall further include all property on both block faces across from the subject lot,  
2        and the corner property diagonally across the street.

3        (B)    The latest City-wide Assessor's roll for names and addresses of owners shall be used for  
4        said notice.

5        (C)    The Planning Department shall maintain a list, available for public review, of  
6        neighborhood organizations which have indicated an interest in specific properties or areas. The  
7        organizations having indicated an interest in the subject lot or its area, shall be included in the  
8        notification group for the proposed project.

9        (3)    Notification Period. All building permit applications shall be held for a period of 30  
10      calendar days from the date of the mailed notice to allow review by residents and owners of  
11      neighboring properties and by neighborhood groups.

12      (4)    Elimination of Duplicate Notice. The notice provisions of this Section may be waived by  
13      the Zoning Administrator for building permit applications for projects that have been, or before  
14      approval will be, the subject of a duly noticed public hearing before the Planning Commission or  
15      Zoning Administrator, provided that the nature of work for which the building permit application is  
16      required is both substantially included in the hearing notice and is the subject of the hearing.

17      (d)    Requests for Planning Commission Review. A request for the Planning Commission to  
18      exercise its discretionary review powers as provided in Planning Code Section 312A over a specific  
19      building permit application shall be considered by the Planning Commission if received by the  
20      Planning Department no later than 5:00 p.m. of the last day of the notification period as described  
21      under Subsection (c)(3) above, subject to guidelines adopted by the Planning Commission.

22      The project sponsor of a building permit application may request discretionary review by the  
23      Planning Commission to resolve conflicts between the Director of Planning and the project sponsor

1        concerning requested modifications to comply with design guidelines adopted for the Better  
2        Neighborhoods Plan area.

3        (1)     Scheduling of Hearing. The Zoning Administrator shall set a time for hearing requests  
4        for discretionary review by the Planning Commission within a reasonable period.

5        (2)     Notice. Mailed notice of the discretionary review hearing by the Planning Commission  
6        shall be given not less than 10 days prior to the date of the hearing to the notification group as  
7        described in Paragraph 311(c)(2) above. Posted notice of the hearing shall be made as provided under  
8        Planning Code Section 306.8.

9        (e)     Demolition of Dwellings, Approval of Replacement Structure Required.

10       (1)     Unless the building is determined to pose a serious and imminent hazard as defined in  
11       the Building Code, an application authorizing demolition in any Better Neighborhoods Plan area of a  
12       building containing one or more dwelling units or determined to be historically or architecturally  
13       significant in a new or existing survey adopted or incorporated as part of the applicable Better  
14       Neighborhood Plan, or if such a survey has not been adopted as part of the applicable Better  
15       Neighborhood Plan area, any structure determined to be a historic resource pursuant to the Planning  
16       Department's guidelines, CEQA Review Procedures for Historic Resources, shall not be approved and  
17       issued until the Planning Department has granted final approval of a building permit for construction  
18       of the replacement building. A building permit is finally approved if the Board of Appeals has taken  
19       final action for approval on an appeal of the issuance or denial of the permit or if the permit has been  
20       issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

21       (2)     The demolition of any building whether or not an historic resource may be approved  
22       administratively where the Director of the Department of Building Inspection or the Chief of the  
23       Bureau of Fire Prevention and Public Safety determines, after consultation with the Zoning  
24       Administrator, that an imminent safety hazard exists, and the Director of the Department of Building

1     Inspection determines that demolition or extensive alteration of the structure is the only feasible means  
2     to secure the public safety.

3           Section 5. The Planning Department concluded environmental review of this ordinance  
4     pursuant to the California Environmental Quality Act. Documentation of that review is on file  
5     with the Clerk of the Board of Supervisors in File No. 050601.

6           APPROVED AS TO FORM:  
7     DENNIS J. HERRERA, City Attorney

8           By:     SUSAN CLEVELAND-KNOWLES  
9                   Deputy City Attorney