

1 [Better Neighborhoods Plus Planning and Implementation Process.]

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3 **Ordinance amending the Administrative Code to add Chapter 36 to establish uniform**
4 **procedures for developing comprehensive neighborhood plans (the "Better**
5 **Neighborhoods Plus Planning and Implementation Process"); amending Administrative**
6 **Code Section 3.4 to provide for integrated Better Neighborhoods Plus Plan budget**
7 **documents; amending the Planning Code to add Section 312A regarding discretionary**
8 **review for projects proposed in Better Neighborhoods Plus Plan areas, and Section**
9 **312B to establish permit review procedures for certain projects within Better**
10 **Neighborhoods Plus Plan areas; and making environmental findings and findings of**
11 **consistency with the priority policies of Planning Code Section 101.1 and the General**
12 **Plan.**

13 Note: Additions are *single-underline italics Times New Roman*;
14 deletions are *strikethrough italics Times New Roman*.
15 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

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

18 Section 1. Findings. The Board of Supervisors of the City and County of San
19 Francisco hereby finds and determines:

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

22 (b) Pursuant to Planning Code Section 101.1, that the provisions of this ordinance
23 amending the Planning Code are consistent with the Priority Policies of Section 101.1(b) of
24 the Planning Code and with the General Plan and hereby incorporates a report containing
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1 those findings as if fully set forth herein. A copy of such report is on file with the Clerk of the
2 Board of Supervisors in File No. _____.

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

5 CHAPTER 36

6 SEC. 36.1. APPLICATION

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

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

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

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

4 (b) Process. The process shall be referred to as the Better Neighborhoods Plus Planning
5 and Implementation Process. A Better Neighborhoods Plus Planning and Implementation Process
6 shall consist of the following elements:

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

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

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

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

12 (5) Preparation and adoption of a Better Neighborhoods Plus Plan, as provided in Section
13 36.7, including

14 (i) recommendation of an area plan

15 (ii) recommendation of appropriate General Plan, Planning Code and Zoning Map
16 amendments, and

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

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

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

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

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

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

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

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

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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) (e) 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~~

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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 Plus Plan for the Market/Octavia area, the Planning Department will more fully describe the
4 long 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 provision in Section 36.7.1 that concerning characterization of a
18 Better Neighborhood Plan be designed to qualify as a Specific Plan shall not apply.

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

1 detailed surveys have not been done, it is desirable, as funding becomes available, to conduct such
2 surveys in 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) As a demonstration of the planning and implementation process provided for in
15 this ordinance, all of the provisions of this Chapter, plus a requirement that a detailed survey
16 of cultural and historic resources be undertaken, shall apply to the preparation and
17 implementation of a Better Neighborhoods Plus Plan in an area in which the Planning
18 Commission determines, after a public hearing, that:

19 (i) A need exists for such a process. In determining need, the Planning
20 Commission shall consider whether a comprehensive planning effort is warranted to address
21 the following eight elements of a good neighborhood: (A) the ease of pedestrian access to a
22 variety of shops and stores; (B) the safety of streets; (C) the variety of transportation choices;
23 (D) the variety of housing choices; (E) the adequacy of public gathering places; (F) the range
24 of available city services; (G) the enhancement of the special character of the neighborhood;

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1 (H) and the extent to which the neighborhood complements the structure of the larger
2 community of which it is a part; and

3 (ii) There is sufficient neighborhood support to justify undertaking a Better
4 Neighborhoods Plus Planning and Implementation Process in the sub-area of the City that the
5 Planning Department has proposed as a demonstration project area.

6 (b) In selecting an area for the demonstration project, the Planning Department
7 shall conduct preliminary meetings in an area that, in its professional judgment, would meet
8 the requirements of subsection (a) above and where there is sufficient neighborhood support
9 to justify undertaking a Better Neighborhoods Plus Planning and Implementation process.

10 After the Planning Department has identified a demonstration project area, the Planning
11 Department shall propose to the Planning Commission the preliminary boundaries of the
12 demonstration project area and describe how the criteria of need and public support as
13 required by subsection (a) above have been met.

14 (c) The Planning Department also shall prepare and submit to the Planning
15 Commission a scope of work, a work program, and a budget detailing the anticipated tasks to
16 complete the Better Neighborhoods Plus Planning and Implementation Process and the
17 anticipated time and costs of the Planning Department staff, staff of other departments
18 involved in the planning process, consultants, and other resources associated with each task
19 related to complying with this ordinance. The Planning Commission shall review and approve
20 the work program and budget.

21 (d) After Planning Commission approval and Board of Supervisors review and
22 approval of the budget, the Planning Department shall initiate the public input process as
23 described in Section 36.2 below in the demonstration project area. The Planning Commission

1 shall determine the final boundaries of the demonstration project area as part of the Public
2 Input Process.

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

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

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

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

14 (4) — ~~Planning activities that are being carried out in conjunction with the San~~
15 ~~Francisco Redevelopment Agency that relate to a redevelopment project survey area and are~~
16 ~~to be incorporated into a proposed Redevelopment Project Area Plan and its implementing~~
17 ~~documents unless otherwise provided in a Cooperation Agreement between the~~
18 ~~Redevelopment Agency and the Planning Department.~~

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

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

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

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

7 SEC. 36.2. PUBLIC INPUT PROCESS.

8 *Each Better Neighborhoods Plus Planning and Implementation Process shall begin with the*
9 *establishment by the Planning Department of a Public Input Process that includes the following*
10 *elements:*

11 *(a) Community Outreach Program: In order to establish a Community Outreach Program*
12 *for a Better Neighborhoods Plus Planning and Implementation Process, the Planning Department*
13 *shall first identify and actively seek to engage the full spectrum of residents, commercial tenants,*
14 *property owners, community and neighborhood-based organizations, developers, faith-based,*
15 *community, and public service and facility providers, as well as other organizations and individuals*
16 *interested in the specific Better Neighborhoods Plus Planning and Implementation Process and shall*
17 *craft a Community Outreach Program designed to encourage their active participation in the*
18 *community planning process. In addition to outreach within the specific Better Neighborhoods Plus*
19 *Plan Area, the Community Outreach Program shall include outreach designed to bring a citywide*
20 *perspective to the Better Neighborhoods Plus Planning and Implementation Process. Such citywide*
21 *outreach efforts may include, but are not limited to, notification of neighborhood and interest groups in*
22 *other areas of the City, random sampling mailings or other notification to individuals citywide, and*
23 *efforts to contact and ~~notify~~ notify individuals or organizations interested in citywide planning issues.*

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

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

15 *(1) Notice of the Public Scoping Session shall be provided at least 30 days prior to the*
16 *meeting as follows: mailed notice shall be provided to all organizations and individuals who have*
17 *specifically requested mailed notice; notice of the meeting shall be posted on signs conforming to the*
18 *size and visibility requirements of Planning Code Section 306.8 in at least three dispersed locations in*
19 *the Neighborhood and notice shall be published at least once in an official newspaper of general*
20 *circulation.*

21 *(2) Notice of the Public Scoping Session shall also include mailed notice to residents,*
22 *including property owners and tenants, and businesses within the proposed planning area and within*
23 *800 feet of the proposed planning area and to citywide organizations interested in planning activities*
24 *The Planning Director shall determine the adequacy of this mailed notice.*

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

12 SEC. 36.3. PLANNING MANAGEMENT AND ACCOUNTABILITY.

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

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

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

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

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

3 (b) Inter-Agency Coordination and Updates on Development of Better Neighborhoods Plus
4 Plans. All staff and consultants shall provide updates on plan development and implementation,
5 including extent of completion of tasks and plan-related expenditures to the Planning Director and the
6 Planning Director shall, in turn, provide Inter-Agency Better Neighborhoods Plus Plan Development
7 Updates to the heads of all City departments affected by development of the Better Neighborhoods Plus
8 Plan.

9 (c) Semi-Annual Progress Reports to the Planning Commission and Board of Supervisors
10 on Development of Better Neighborhoods Plus Plans. Up until final adoption of a Better
11 Neighborhoods Plus Plan by the Board of Supervisors, the Planning Department staff shall prepare a
12 report every six months from the date of the first allocation of funds for the process on the status of the
13 Work Program and Budget indicating the extent of completion of the various tasks of Planning
14 Department staff, staff of other departments, and consultants and of expenditure of funds associated
15 with those tasks. The Department shall submit this six-month Better Neighborhood Plan Progress
16 Report to the Planning Commission and to the appropriate committee of the Board of Supervisors. In
17 order to enhance public accountability and promote inter-agency coordination, the Department shall
18 post the Better Neighborhood Plan Progress Report and other relevant data to a project web-page on
19 the Planning Department's official website.

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

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

12 (f) Fund Allocation. It shall be the policy of the Board of Supervisors to allocate funds
13 from the municipal budget for each Better Neighborhoods Plus Planning and Implementation Process
14 based on the work program and budget developed by the Planning Department for the Better
15 Neighborhoods Plus Planning and Implementation Process. Funds appropriated for each Better
16 Neighborhoods Plus Planning and Implementation Process shall be placed in a separate account with
17 the Controller and released in six-month increments by the Controller upon the Planning Commission's
18 determination, after a duly-noticed public hearing on the Semi-Annual Progress Report prepared
19 pursuant to subparagraph (c) above, that the Planning Department is meeting established targets or
20 has justified the needed modification of the targets.

21 SEC. 36.4. NEIGHBORHOOD BASELINE CONDITIONS AND NEEDS ANALYSIS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) Process and Methodology for the New Development Impacts Analysis: The participants
11 in the Scoping Process set forth in ~~Sec.~~ Section 36.2 and the Planning Department shall determine the
12 specific areas for analysis. The nature, depth and extent of study to be undertaken and the manner in
13 which the analysis is documented and reported for public review shall be determined by the Planning
14 Department. The Planning Director shall take public comment regarding the methodology proposed
15 for use in the New Development Impacts Analysis at a duly-noticed public meeting that must be held at
16 least 20 days before the Planning Department commences any such study. Taking into account the
17 comments received at this public meeting, the Planning Department shall ensure that the New
18 Development Impacts Analysis is conducted pursuant to well-established industry-standard
19 methodologies. The Planning Director shall also take public comment regarding any completed New
20 Development Impacts Analysis at a duly-noticed meeting held no later than 45 days after publication
21 and circulation of the New Development Impacts Analysis.

22 SEC. 36.6 RELATIONSHIP TO ENVIRONMENTAL EVALUATION.

23 The planning process for each Better Neighborhoods Plus Plan shall to the maximum extent
24 possible integrate the requirements of the California Environmental Quality Act ("CEQA") so that the
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1 appropriate review required by CEQA is conducted concurrently rather than consecutively. The
2 objective is to enable the findings of ongoing environmental analysis to inform and influence the
3 planning process while the Better Neighborhoods Plus Plan is prepared. To that end, each Better
4 Neighborhoods Plus Planning and Implementation Process shall be funded and coordinated with the
5 CEQA environmental review process.

6 SEC. 36.6A HISTORIC AND CULTURAL RESOURCES SURVEY

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

11 (1) State of California DPR 523 A and B forms for each property within the survey
12 area built before 1961, and district forms (DPR 523 D) form as needed;

13 (2) a context statement describing the history of the survey area, with reference to
14 associations with the historical development of San Francisco;

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

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

21 (5) recommendations for additional research and evaluation.

22 (b) For new planning activities as defined in Section 36.1(e)(2), the Survey must be
23 reviewed and approved by the Landmarks Preservation Advisory Board, the Planning

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1 Commission, and the Board of Supervisors in order for the Board of Supervisors to adopt a
2 Better Neighborhoods Plus Plan.

3 SEC. 36.7 CONTENT OF BETTER NEIGHBORHOODS PLUS PLANS.

4 A proposed Better Neighborhoods Plus Plan shall conform to the requirements of this Section.

5 SEC. 36.7.1. BETTER NEIGHBORHOODS PLUS PLANS AS COMPREHENSIVE AREA PLANS.

6 The Better Neighborhoods Plus Planning and Implementation Process shall produce a Better
7 Neighborhoods Plus Plan that addresses the range of topics appropriate for a comprehensive plan of
8 the particular neighborhood under study, including, but not limited to, land use, housing, recreation
9 and open space, historic and cultural resources, transportation and circulation, noise effects on
10 adjacent properties, commerce and industry, urban design, and community facilities and services. The
11 Better Neighborhoods Plus Plan shall also be designed such that it may be added to the General Plan
12 of the City and County as an area plan through the process outlined in the Charter and in Section 340
13 of the Planning Code, and shall carry out the priority policies of the General Plan and Section 101.1 of
14 the Planning Code. Further, it is desirable, but not mandatory, that ~~Except as provided in~~
15 Section 36.4(fe)(2), the Better Neighborhoods Plus Plan shall be designed to qualify as a Specific
16 Plan pursuant to California Government Code Section 65451. Finally, each Better Neighborhood Plan
17 shall include a Neighborhood Baseline Conditions and Needs Analysis and a New Development
18 Impacts Analysis as provided for in Sections 36.4 and 36.5.

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

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

23 SEC. 36.7.3 BETTER NEIGHBORHOODS PLUS IMPROVEMENTS PLAN AND FUNDING
24 STRATEGY.

1 A proposed Better Neighborhoods **Plus** Plan shall include a Better Neighborhoods **Plus** Public
2 Improvements Plan and a Funding Strategy for that Plan.

3 (a) The Planning Department shall prepare a Better Neighborhoods **Plus** Public
4 Improvements Plan to address the conditions and needs identified in the Neighborhood Baseline Needs
5 Analysis and to propose ways to mitigate impacts of new development identified in the New
6 Development Impacts Analysis.

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

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

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

16 (3) Area-Specific Development Impact Fees: Based on the results of the New Development
17 Impacts Analysis, the Planning Department may propose an Area-Specific Development Impact Fee to
18 the Board of Supervisors which conforms to the requirements of the State Mitigation Fee Act,
19 California Government Code Section 66000 et seq., as amended. Should the Board of Supervisors
20 enact an Area-Specific Development Impact Fee for the Better Neighborhoods **Plus** Plan Area, the
21 amount of such fee or fees shall be clearly identified in the Better Neighborhoods **Plus** Plan so that the
22 fee or fees is a known component of future development costs. In proposing an Area-Specific
23 Development Impact Fee to the Board of Supervisors, the Planning Department shall:

- 1 (A) demonstrate a reasonable relationship, in both nature and amount, between the
2 proposed use of the Area-Specific Development Impact fee or fees and the type of development projects
3 on which the fee is imposed;
- 4 (B) demonstrate that the fee or fees are proposed to be applied on a non-discriminatory
5 basis, to all new development on privately-owned property within the Better Neighborhoods Plus Plan
6 area that has the same or similar use classification or other land use designation, so long as a
7 substantial number of affected privately-owned properties would be subject to the fee, and so long as
8 the fee is applied generally rather than on an ad hoc basis (“Generally Applicable Basis”).
- 9 (C) demonstrate that the impact to be mitigated is not already mitigated by an existing City-
10 wide impact fee or in-kind exaction;
- 11 (D) with reference to the Better Neighborhoods Plus Public Improvement Plan identify
12 public facilities (including public improvements, public services and community amenities) for which
13 the Area-Specific Development Impact fee or fees will be spent;
- 14 (E) demonstrate that any proposed fees reflect a balance between the need for funds to
15 mitigate impacts identified in the New Development Impacts Analysis and the desire to provide
16 sufficient economic incentive to encourage the development permitted in the Better Neighborhoods
17 Plus Plan area. The Planning Department shall not propose any Area-Specific Development Impact
18 Fee which is greater than the amount of the fee determined to be feasible in the New Development
19 Impacts Analysis.
- 20 (F) if payment of the fee will be required prior to the date of final inspection or issuance of
21 the certificate of occupancy, discuss the rationale for the proposed early payment of the fee and
22 conformance with Gov’t Code Section 66007, as amended from time-to-time.
- 23 (G) if different fees are proposed for different subareas of the Better Neighborhood Plan
24 Area, demonstrate that (i) there is a policy rationale for the distinction such as greater financial
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1 feasibility of projects developed in a particular subarea or subareas;(ii) the fees are applied on a
2 Generally Applicable Basis, and (iii) none of the fees are greater than the maximum amount identified
3 in the New Development Impacts Analysis.

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

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

11 (J) Propose a process to provide for in-kind provision of public benefits in lieu of payment
12 of a fee. Any proposal by the Planning Department regarding in-kind provision of public benefits shall
13 include a requirement that a project sponsor demonstrate to the Planning Director the following
14 elements: that the cost of the in-kind improvement is equal to or less than the proposed Area-Specific
15 Development Impact Fee; that the in-kind improvement will, to the same degree as the proposed Area-
16 Specific Development Impact Fee, mitigate the same impact for which the fee is proposed; include a
17 plan to ensure long-term retention of the in-kind improvement; and demonstrate that the in-kind public
18 benefits identified in a Better Neighborhood Public Improvements Plan would be more efficient than
19 payment of any Area-Specific Development Fees. The proposed process shall provide that where a
20 project sponsor can demonstrate to the Planning Director the above elements, the Planning Director
21 may approve such in-kind provision in-lieu of payment of any Area-Specific Development Fees. The
22 proposed process shall also provide that the Planning Director's determination shall be subject to
23 appeal to the Planning Commission pursuant to provisions set forth Section 312B.

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

18 **Sec. 36.8 BETTER NEIGHBORHOODS PLUS INTERAGENCY COMMITTEES (BNIC).**

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

6 SEC. 36.89 BETTER NEIGHBORHOODS PLUS ENTITLEMENT PROCESS

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

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

13 (c) Limitations on Conditional Use Requirements in Better Neighborhood Plans. One of the
14 primary goals of the Better Neighborhoods Plus Planning and Implementation Process is to ensure
15 extensive community involvement coupled with in-depth professional analysis during the development
16 of the plan so that the maximum building envelope permitted and related physical design issues are
17 clearly understood by the community and defined in the plan so they do not need to be re-visited on a
18 project-by-project basis once a Better Neighborhoods Plus Plan has been adopted by the Board of
19 Supervisors. This approach should increase certainty for both the affected neighborhood and project
20 sponsors. Accordingly, in Better Neighborhoods Plus Plan areas proposed by the Planning
21 Department to the Board of Supervisors, ~~the~~ conditional use authorization process should be
22 strongly discouraged as a means to address ~~shall not be required for approval of features~~
23 related to the physical volume or design of new structures, including height, bulk, density and set-
24 backs. Instead, conditional use authorizations ~~shall~~ should be limited to addressing potential use-
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1 based conflicts which are difficult to foresee or resolve through specific zoning language, such as the
2 location and size of traditional nuisance-generating activities including nighttime entertainment, bars,
3 liquor stores, auto repair and garage services, high-volume retail, commercial and institutional uses
4 where such new uses might present conflicts with existing neighboring uses. Nothing in this section
5 shall be construed to limit the requirement of conditional use authorizations for the elimination or
6 merger of existing residential units.

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

15 SEC. 36.910 BETTER NEIGHBORHOODS PLUS PLAN IMPLEMENTATION PROCESS.

16 The Planning Department shall follow the procedures described in this Section to monitor an
17 adopted Better Neighborhoods Plus Plan.

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

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

12 (b) Authority. Each PIAC shall be advisory to the Planning Commission and Department
13 and to the Board of Supervisors. Its authority and responsibilities shall be limited to reviewing the
14 content of semi-annual State-of-the-Neighborhood Reports prepared pursuant to ~~Sec.~~Section 36.9.2
15 and providing advisory opinions to the City Planning Commission and the Planning Department
16 regarding implementation of the specific provisions of the Plan, including the Public Improvements
17 Plan. Each PIAC shall establish and publicize a time and date for its semi-annual meetings and shall
18 carry out the committee's administrative tasks, such as providing public notice of its meetings and
19 keeping minutes. Notice of PIAC meetings shall be mailed at least 10 days prior to the meeting to
20 PIAC members and to all individuals and organizations that have requested mailed notice, and shall be
21 posted on the Planning Department web site at least 10 days prior to the meeting.

22 SEC. 36.~~9~~10.2 STATE-OF-THE NEIGHBORHOOD REPORTS AND BUDGET REQUESTS

23 (a) Preparation. After the final adoption of a Better Neighborhoods Plus Plan, the
24 Planning Department shall prepare, on a plan-by-plan basis, a brief semi-annual report on the status
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1 of implementation of each Better Neighborhoods Plus Plan ("State-of-the-Neighborhood Reports").
2 Each State-of-the-Neighborhood Report shall include information regarding the progress made to date
3 in implementing each Better Neighborhoods Plus Plan and its various components and a summary of
4 the types and character of individual development projects that have been approved during the report
5 period. Concurrent with preparation of the Plan itself, the Planning Department shall develop a set of
6 plan-based performance indicators quantifying and then monitoring progress towards implementation
7 of each of the Plan's primary goals or elements, especially those elements that address existing
8 deficiencies identified in the Neighborhood Baseline Needs Analysis and the specific mitigations
9 proposed for impacts identified in the New Development Impact Analysis. These performance
10 indicators in turn, shall be presented in a simple and uniform format in each State-of-the-
11 Neighborhood Report to permit comparison between consecutive reports over time. On an annual
12 basis, each State-of-the-Neighborhood Report shall include the proposed departmental budget for the
13 applicable Better Neighborhoods Plus Plan for the coming fiscal year ("Annual Progress Report").
14 The Planning Department shall consult with each department or agency having responsibility for
15 implementing a portion of a Public Improvements Plan and Funding Strategy of a Better
16 Neighborhoods Plus Plan to determine that department or agency's work plan and proposed budget
17 submission for the coming year and include that information in the Annual Progress Report. It shall be
18 the responsibility of each participating City department or agency to cooperate with the Planning
19 Department in the preparation of the State-of-the-Neighborhood Report and related budget requests.
20 (b) Inclusion of Annual Budget Proposals. Each State-of-the-Neighborhood Report,
21 including the budget proposals of involved departments and agencies, shall be reviewed by the
22 appropriate PIAC at a semi-annual public meeting, as set forth in subsection 36.9.1(b).
23 (c) Annual State-of-the-Neighborhood Budget Hearing at Planning Commission. Prior to
24 the annual submission of Planning Department budget requests to the Mayor's Budget Office, the
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1 Planning Commission shall hold a public hearing on all State-of-the-Neighborhood Reports, including
2 the annual budget submissions of those departments and agencies involved in implementation of every
3 active Better Neighborhood Plan. Notice of the hearing shall be provided at least 10 days prior to the
4 meeting as follows: mailed notice to all organizations and individuals who have specifically requested
5 mailed notice; mailed notice to members of the PIAC's; and published notice at least once in an official
6 newspaper of general circulation. This hearing may be held as part of the Planning Commission's
7 hearing on the Departmental budget request.

8 Sec. 36.11. EVALUATION OF EFFECTIVENESS OF CHAPTER PROVISIONS AND
9 APPLICABILITY TO OTHER AREAS.

10 Thirty months after the effective date of this ordinance the Planning Department shall
11 evaluate the utility and effectiveness of the provisions of this Chapter and recommend to the
12 Planning Commission, and the Planning Commission shall recommend to the Board of
13 Supervisors, any modifications that would improve their utility and effectiveness, recommend
14 any deletions of provisions found to be unworkable and recommend whether the process
15 provided for in this Chapter, however modified, should be applied to other areas of the City
16 and under what conditions.

17 Section 3. The San Francisco Administrative Code is hereby amended by amending
18 Section 3.4 to read as follows:

19 SEC. 3.4 INTRODUCTION AND PUBLICATION OF BUDGET.

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

5 Section 4. The San Francisco Planning Code is hereby amended by adding Section
6 312A and 312B to read as follows:

7 SEC. 312A. DISCRETIONARY REVIEW WHERE A BETTER NEIGHBORHOODS PLUS PLAN HAS
8 BEEN ADOPTED.

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

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

14 (2) requiring modifications in the building form and design to enhance a structure's
15 compatibility with adjacent properties and the surrounding neighborhood consistent with any design
16 guidelines adopted by the Planning Commission and applicable in the appropriate Better
17 Neighborhoods Plus Plan area.

18 (b) When discretionary review of a project in a Better Neighborhoods Plus Plan area
19 occurs pursuant to subsections (a)(1) and (2) above the Planning Commission may only require
20 modifications necessary to bring the project into conformity with the applicable Better Neighborhoods
21 Plus Plan, its implementing documents, any relevant Planning Code provisions and any design
22 guidelines adopted by the Planning Commission for the applicable Better Neighborhoods Plus Plan
23 area. The Planning Commission may not require a reduction in excess of 5% of the volume of the
24 building envelope of a structure that meets all applicable height, bulk, yard and setback requirements

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1 established in the applicable Better Neighborhoods Plus Plan, its implementing documents, and any
2 relevant Planning Code provisions, and in the case of projects containing residential uses, may not
3 require a net reduction in the number of dwelling units or a reduction in the proportion of family-sized
4 (two- or more bedroom) units.

5 SEC. 312B. PERMIT REVIEW PROCEDURES FOR CERTAIN PROJECTS WITHIN BETTER
6 NEIGHBORHOODS PLUS PLAN AREAS

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

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

8 (c) Building Permit Review for Compliance with Better Neighborhood Plan. Upon
9 acceptance of any building permit application subject to this Section, the Planning Department shall
10 review the proposed project for compliance with the applicable Better Neighborhood Plan, its
11 implementing documents, any relevant Planning Code provisions, and the applicable design guidelines
12 approved by the Planning Commission. The Planning Department shall design and establish a simple
13 and uniform report format to inform the public as to why a proposed project subject to this section
14 complies with the applicable Better ~~Neighborhoods~~ Neighborhoods Plan, its implementing
15 documents, any relevant Planning Code provisions, and the applicable design guidelines approved by
16 the Planning Commission. Applications determined not to be in compliance with the standards of
17 Articles 1.2, 1.5, 2 and 2.5 of the Planning Code, the applicable Better Neighborhood Plan, its
18 implementing documents, any relevant Planning Code provisions, and any design guidelines adopted
19 for the applicable Better Neighborhood Plan area by the Planning Commission, or with any applicable
20 conditions of previous approvals affecting the project or project site, shall be held until either the
21 application is revised and subsequently determined to be in compliance, is disapproved or a
22 recommendation for cancellation is sent to the Department of Building Inspection.

23 (1) Design Guidelines. The construction of new buildings and alteration of existing
24 buildings in the Better Neighborhoods Plus Plan area shall be consistent with the design policies and
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1 guidelines of the applicable Better Neighborhoods **Plus** Plan as originally adopted and periodically
2 amended by the Planning Commission. The Director of Planning may require modifications to the
3 exterior of a proposed new building or proposed alteration of an existing building to bring it into
4 conformity with the design policies and guidelines of the applicable Better Neighborhoods **Plus** Plan.
5 These modifications may include, but are not limited to, changes in siting, building envelope, scale,
6 texture of materials, detailing, frequency and size of openings, and landscaping, subject however, to the
7 limitations of Planning Code ~~Sec.~~Section 312A.

8 (2) Preparation of a Better Neighborhood Project Compliance Report. The Planning
9 Department shall design and establish a simple and uniform report format to inform the public as to
10 why a proposed project subject to this section complies with the applicable provisions of the Better
11 Neighborhood Plan as codified in the Planning Code and the design policies and guidelines of the
12 applicable Better Neighborhoods **Plus** Plan as originally adopted and periodically amended by the
13 City Planning Commission (the “Better Neighborhood Project Compliance Report”). This report shall
14 include a brief description of the proposed project in relation to any existing improvements on the site
15 provide a summary of the primary project features, including setback and yard area, building depth,
16 height and number of stories, number of units and number of parking spaces; describe how the
17 proposed project complies with relevant Planning Code sections; and explain how the specific project
18 contributes toward implementation of the applicable Better Neighborhoods **Plus** Plan. The project
19 compliance report shall be accompanied by elevations and site plan of the proposed project including
20 the position of any adjacent buildings, and a graphic reference scale.

21 The project sponsor of any building permit application subject to this Section shall submit a
22 project compliance report to the Planning Department at the time of application. The Planning
23 Department will review each report, and make a determination that an application is in compliance
24 with the applicable Better Neighborhoods **Plus** Plan. Where a report is incomplete, incorrect, or
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1 shows noncompliance, the project sponsor shall make revisions as directed by the Planning
2 Department until it can be determined that the application is in compliance with the Plan.

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

14 (A) The notification area shall be all properties within 150 feet of the subject lot in the same
15 Assessor's Block and on the block face across from the subject lot. When the subject lot is a corner lot,
16 the notification area shall further include all property on both block faces across from the subject lot,
17 and the corner property diagonally across the street.

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

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

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

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

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

14 The project sponsor of a building permit application may request discretionary review by the
15 Planning Commission to resolve conflicts between the Director of Planning and the project sponsor
16 concerning requested modifications to comply with design guidelines adopted for the Better
17 Neighborhoods Plus Plan area.

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

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

24 (e) Demolition of Dwellings, Approval of Replacement Structure Required.
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1 (1) Unless the building is determined to pose a serious and imminent hazard as defined in
2 the Building Code, an application authorizing demolition in any Better Neighborhoods Plus Plan area
3 of a building containing one or more dwelling units or determined to be historically or architecturally
4 significant in a new or existing survey adopted or incorporated as part of the applicable Better
5 Neighborhood Plan, or if such a survey has not been adopted as part of the applicable Better
6 Neighborhood Plan area, any structure determined to be a historic resource pursuant to the Planning
7 Department's guidelines, CEQA Review Procedures for Historic Resources, shall not be approved and
8 issued until the Planning Department has granted final approval of a building permit for construction
9 of the replacement building. A building permit is finally approved if the Board of Appeals has taken
10 final action for approval on an appeal of the issuance or denial of the permit or if the permit has been
11 issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

12 (2) The demolition of any building whether or not an historic resource may be approved
13 administratively where the Director of the Department of Building Inspection or the Chief of the
14 Bureau of Fire Prevention and Public Safety determines, after consultation with the Zoning
15 Administrator, that an imminent safety hazard exists, and the Director of the Department of Building
16 Inspection determines that demolition or extensive alteration of the structure is the only feasible means
17 to secure the public safety.

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

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

24 By: _____
25 John D. Malamut
Deputy City Attorney

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