

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

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

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

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

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

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

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

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

1 (b) Controls.

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

20 (2) Board of Supervisors Office of Controller Assessment. Upon receipt of Within 60
21 days of receiving the Eastern Neighborhoods Capital Expenditure Evaluation Report, the
22 Board of Supervisors Controller shall assess whether funds collected from the Eastern
23 Neighborhoods Impact Fee are being effectively utilized for capital projects serving the
24 Eastern Neighborhoods included on the Eastern Neighborhoods Priority Capital Project List.

1 and whether such projects are successfully advancing towards implementation. For the
2 purposes of this section, “effectively utilized” shall mean approximately eighty percent of total
3 Eastern Neighborhoods impact fees collected upon issuance of the Eastern Neighborhoods
4 Capital Expenditure Evaluation Report have been allocated to one or more of the projects
5 identified in the Eastern Neighborhoods Priority Capital Projects list, whether or not such
6 projects have been approved or completed. On or after the ten-year anniversary of Plan
7 Adoption the Board Controller shall also consider whether projects that were initially funded by
8 the issuance of the five year report, or any subsequent updated or revised report, have been
9 fully funded and/or completed, assuming sufficient funds are available from the Eastern
10 Neighborhoods impact fees collected to date.

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

17 Section 3. This Section is uncodified. Mission Street Study. The Board of Supervisors
18 hereby urges the Planning Department to convene a series of Mission District and citywide
19 stakeholder meetings within the three months of the effective date of this Ordinance to better
20 understand the policy concerns related to increased heights along the Mission NCT District.
21 Within six months of the effective date of this Ordinance, the Board requests that the Planning
22 Department present a proposal to the Planning Commission and the Board of Supervisors
23 Land Use and Economic Development Committee or successor committee that incorporates
24 any feedback collected from the stakeholder meetings and makes recommendations, if any, to
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1 adjust heights along the Mission Street. corridor. This proposal also should explore policies to
2 protect existing small businesses or incentivize the creation of new “micro-enterprise” space in
3 new buildings.

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

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By: _____
John D. Malamut
Deputy City Attorney

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