

1 [Eastern Neighborhoods – conditional use requirement tied to capital expenditures finding.]

2
3 **Ordinance amending the San Francisco Planning Code by adding Section 327.6(i) to**
4 **establish a conditional use requirement that is tied to Board of Supervisors findings on**
5 **the Eastern Neighborhoods Capital Expenditure Evaluation as set forth in**
6 **Administrative Code Section 10E.7; and making various findings, including**
7 **environmental findings and findings of consistency with the General Plan and priority**
8 **policies of Planning Code Section 101.1.**

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

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

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

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

21 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this
22 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the
23 Planning Code and with the General Plan as proposed to be amended in companion
24 legislation and hereby adopts the findings of the Planning Commission, as set forth in
25 Planning Commission Resolution No. _____. A copy of said Resolution is on file with

1 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
2 reference.

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

8 Section 2. The San Francisco Planning Code is hereby amended by adding Section
9 327.6(i), to read as follows:

10 SEC. 327.6(i).

11 (i) Upon receipt of the Eastern Neighborhoods Capital Expenditure Evaluation Report
12 as specified in Administrative Code Section 10E.7, the Board of Supervisors shall assess
13 whether funds collected from the Eastern Neighborhoods Impact Fee are being effectively
14 utilized for capital projects serving the Eastern Neighborhoods, and whether such projects are
15 successfully advancing towards implementation, as set forth in the abovementioned Section.
16 Based on this assessment, the following shall occur:

17 (A) Should the Board of Supervisors determine that these fees are being effectively
18 utilized as set forth in Section 10E.7 of the Administrative Code, the Board, by motion and
19 within 120 days of receiving the Capital Expenditure Evaluation, shall make an affirmative
20 finding that the intention of this aforementioned Section is being met. No further Board of
21 Supervisor action is necessary for purposes of this Subsection.

22 (B) Should the Board of Supervisors determine that the fees are not being effectively
23 utilized, or fail to make the motion referred to in Subsection (A) above, within 120 days of
24 receiving the Capital Expenditure Evaluation, then the following projects shall require a
25

1 conditional use authorization, in addition to any other approvals necessary under the Planning

2 Code:

3 (i) Residential projects containing more than 10 new units that have not
4 received issuance of their first site or building permit; or

5 (ii) Non-residential projects containing a net new addition or new
6 construction of 10,000 square feet or more that have not received issuance of their first site or
7 building permit.

8

9

10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12

By: _____
John D. Malamut
Deputy City Attorney

13

14

15

16

17

18

19

20

21

22

23

24

25