

BOARD of SUPERVISORS



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December 21, 2018

File No. 181215

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Jones:

On December 11, 2018, the Supervisor Kim introduced the following legislation:

File No. 181215

Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Advisory Committee to advise the Board of Supervisors and various City departments on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA Community Stabilization Fund Community Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Victor Young".

By: Victor Young, Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Administrative, Planning Codes - South of Market Community Advisory Committee]

2
3 **Ordinance amending the Administrative and Planning Codes to establish the South of**
4 **Market Community Advisory Committee to advise the Board of Supervisors and**
5 **various City departments on implementation of the Central SoMa Plan, Western SoMa**
6 **Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA**
7 **Community Stabilization Fund Community Advisory Committee; affirming the Planning**
8 **Department's determination under the California Environmental Quality Act; making**
9 **findings of consistency with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**
11 **and welfare under Planning Code, Section 302.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

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

20 Section 1. Environmental and Land Use Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
25 determination.

(b) On _____, the Planning Commission, in Resolution No. _____,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these
5 Planning Code amendments will serve the public necessity, convenience, and welfare for the
6 reasons set forth in Planning Commission Resolution No. _____, and the Board
7 incorporates such reasons herein by reference. A copy of said Resolution is on file with the
8 Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
9 reference.

10
11 Section 2. Chapter 5 of the Administrative Code is hereby amended by adding Article
12 XVI, consisting of Sections 5.16-1, 5.16-2, 5.16-3, 5.16-4, 5.16-5, and 5.16-6, to read as
13 follows:

14 **ARTICLE XVI:**

15 **SOUTH OF MARKET COMMUNITY ADVISORY COMMITTEE**

16 **SEC. 5.16-1. CREATION OF COMMITTEE.**

17 The Board of Supervisors hereby establishes the South of Market Community Advisory
18 Committee (the "Committee").

19 **SEC. 5.16-2. MEMBERSHIP.**

20 The Committee shall consist of nine voting members. Together, the members of the Committee
21 shall represent the cultural diversity of the South of Market neighborhoods, and should include renters
22 of residences in the neighborhoods, resident homeowners in the neighborhoods, low-income residents,
23 local merchants, and representatives of established neighborhood groups.

24 (a) Seats 1, 2, 3, and 4 shall be held by individuals nominated by the District 6 Supervisor and
25 appointed by the Board of Supervisors.

1 (1) Seat 1 shall be held by an individual who lives within the boundaries of the East
2 SoMa, Central SoMa, or Western SoMa Area Plans.

3 (2) Seat 2 shall be held by an individual who has expertise in employment development
4 or represents labor interests, and has a familiarity with one or more of the SoMa neighborhoods.

5 (3) Seat 3 shall be held by an advocate for open space with a familiarity with one or
6 more of the SoMa neighborhoods.

7 (4) Seat 4 shall be held by an individual who provides direct social services to SoMa
8 residents.

9 (b) Seats 5, 6, and 7 shall be held by individuals nominated by the District 6 Supervisor and
10 appointed by the Mayor.

11 (1) Seat 5 shall be held by an individual who lives within the boundaries of the East
12 SoMa, Central SoMa, or Western SoMa Area Plans.

13 (2) Seat 6 shall be held by an individual who has small business expertise and a
14 familiarity with one or more of the SoMa neighborhoods.

15 (3) Seat 7 shall be held by a pedestrian, bicycle, or transit advocate with a familiarity
16 with one or more of the SoMa neighborhoods.

17 (c) Seats 8 and 9 shall be held by individuals who live within the boundaries of the East SoMa,
18 Central SoMa, or Western SoMa Area Plans, nominated by the SOMA Community Stabilization Fund
19 Community Advisory Committee and appointed by the Board of Supervisors.

20 **SEC. 5.16-3. ORGANIZATION AND TERMS OF OFFICE.**

21 (a) Members of the Committee shall serve four-year terms; provided, however, that the term of
22 the initial appointees in Seats 2, 4, 6, and 8 shall expire at noon on February 1, 2021, and the term of
23 the initial appointees in Seats 1, 3, 5, 7, and 9 shall expire at noon on February 1, 2023. There shall be
24 no limits on the number of terms a member may serve on the Committee.

1 (b) Members of the Committee shall serve at the pleasure of their appointing authorities and
2 may be removed by those appointing authorities at any time.

3 (c) Service on the Committee shall be voluntary and members shall receive no compensation
4 from the City.

5 (d) Any member who misses three regular meetings of the Committee within a six-month period
6 without the express approval of the Committee at or before each missed meeting shall be deemed to
7 have resigned from the Committee 10 days after the third unapproved absence. The Committee shall
8 inform the Clerk of the Board of Supervisors and the Mayor's Office of any such resignation.

9 (e) The Planning Department, in consultation with other members of the Interagency Plan
10 Implementation Committee as appropriate, shall provide expertise to the Committee as appropriate.
11 The Planning Department shall provide administrative and clerical support for the Committee.

12 **SEC. 5.16-4. DUTIES.**

13 (a) The general purpose of the Committee shall be to provide input to the Board of Supervisors,
14 the Mayor, and City agencies regarding the implementation of the Central SoMa Plan, Western SoMa
15 Area Plan, and East SoMa Area Plan. In addition to the Board of Supervisors and the Mayor, the City
16 agencies to which the Committee may provide input include, but are not limited to, the Planning
17 Department, the Mayor's Office of Housing and Community Development, the Office of Economic and
18 Workforce Development, the Municipal Transportation Agency, the Recreation and Park Department,
19 the Department of Public Works, the Arts Commission, and the Interagency Planning and
20 Implementation Committee.

21 (b) The Committee shall provide advice regarding the following:

22 (1) Prioritization of community improvement projects and other public investments
23 funded by the Central SoMa Infrastructure Impact Fund, established in Planning Code Section 433.4;

24 (2) Prioritization of community improvement projects and other public investments
25 related to transit, parks and recreation, complete streets, environmental sustainability, and schools and

1 child care that are funded by proceeds of the Central SoMa Community Facilities District special tax,
2 as defined in Planning Code Section 434;

3 (3) Proposed revisions or updates to the Central SoMa Implementation Program
4 Document;

5 (4) Proposed revisions to the sections of the Planning Code or other Codes that are
6 related to implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area
7 Plan;

8 (5) Individual development proposals within the boundaries of the East SoMa, Central
9 SoMa, or Western SoMa Area Plans;

10 (6) Monitoring implementation of the Central SoMa Plan, Western SoMa Area Plan,
11 and East SoMa Area Plan;

12 (7) Compliance by individual development projects within the Central SoMa Plan,
13 Western SoMa Area Plan, and East SoMa Area Plan with specific conditions of project approvals;

14 (8) Design of open spaces, including Privately-Owned Public Open Spaces (POPOS),
15 within the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan.

16 **SEC. 5.16-5. MEETINGS AND PROCEDURES.**

17 (a) The Board of Supervisors and Mayor shall make initial appointments to the Committee by
18 no later than six months after the effective date of the ordinance in Board File No. 180184, which gives
19 effect to the Central South of Market Area Plan. The Committee shall hold its inaugural meeting not
20 more than 30 days after members have been appointed to five seats. There shall be at least 10 days'
21 notice of the inaugural meeting. Following the inaugural meeting, the Committee shall hold a regular
22 meeting not less than once every three months until the sunset date set forth in Section 5.16-6.

23 (b) The Committee shall elect its officers and may establish bylaws and rules for its
24 organization and procedures. The Committee may establish subcommittees or working groups. Each
25

1 such subcommittee or working group shall include at least two Committee members, but may also
2 include other individuals selected by the Committee.

3 **SEC. 5.16-6. SUNSET.**

4 Unless the Board of Supervisors by ordinance extends the term of the Committee, this Article
5 XVI shall expire by operation of law, and the Committee shall terminate, on December 31, 2038. After
6 that date, the City Attorney shall cause this Article XVI to be removed from the Administrative Code.
7 Notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory
8 bodies created by the Board should sunset within three years, the Board intends the Committee to exist
9 for longer than three years.

10
11 Section 3. Article 4 of the Planning Code is hereby amended by revising Section 418.7
12 to read as follows:

13 **SEC. 418.7. SOMA COMMUNITY STABILIZATION FUND.**

14 (a) **Purpose.** There is hereby established a separate fund set aside for a special
15 purpose entitled the SOMA Community Stabilization Fund ("Fund"), and within the Fund an
16 account related to the Community Facilities District defined in Section 434 called the SoMa
17 Community Facilities District Account ("Community Facilities District Account"). The Fund and
18 the Community Facilities District Account shall be held and maintained by the Controller. All
19 monies collected by DBI pursuant to Section 418.3 shall be deposited in the Fund, to be
20 maintained by the Controller. The Controller may direct certain proceeds of the Community
21 Facilities District special tax, as defined in Section 434, collected pursuant to Section 434, to
22 be deposited into the Community Facilities District Account. Proceeds of bonds issued for the
23 Community Facilities District shall not be deposited into the Community Facilities District
24 Account. The receipts in the Fund and the Community Facilities District Account are hereby
25

1 appropriated in accordance with law to be used solely to address the effects of destabilization
2 on residents and businesses in SOMA subject to the conditions of this Section.

3 (b) **Use of Funds.**

4 (1) All monies deposited in the Fund shall be used to address the impacts of
5 destabilization on residents and businesses in SOMA including assistance for: affordable
6 housing and community asset building, small business rental assistance, development of new
7 affordable homes for rental units for low income households, rental subsidies for low income
8 households, down payment assistance for home ownership for low income households,
9 eviction prevention, employment development and capacity building for SOMA residents, job
10 growth and job placement, small business assistance, leadership development, community
11 cohesion, civic participation, cultural preservation, and community based programs and
12 economic development. Monies in the Community Facilities District Account may be used for
13 the purposes specified in this subsection (b) that are authorized uses of Community Facilities
14 District revenues under the proceedings for the Community Facilities District and that are
15 described in the Central SoMa Implementation Program Document.

16 (2) Monies from the Fund may be appropriated by *the Mayor's Office of*
17 *Housing and and Community Development (MOHCD)* without additional approval by the Board of
18 Supervisors to the Planning Commission or other City department or office to commission
19 economic analyses for the purpose of revising the fee, to complete a nexus study to
20 demonstrate the relationship between residential development and the need for stabilization
21 assistance if this is deemed necessary, provided these expenses do not exceed a total of
22 \$100,000. The receipts in the Fund may be used to pay the expenses of MOHCD in
23 connection with administering the Fund and monitoring the use of the Funds. Before
24 expending funds on administration, MOHCD must obtain the approval of the Board of
25

1 Supervisors by Resolution. Monies in the Community Facilities District Account may not be
2 used for the purposes described in this subsection.

3 (c) **Reporting.** The Controller's Office shall file a report with the Board of Supervisors
4 in even-numbered years, which report shall set forth the amount of money collected in the
5 Fund. The Fund shall be administered and expended by MOHCD, but all expenditures shall
6 first be approved by the Board of Supervisors through the legislative process. In approving
7 expenditures from the Fund, MOHCD and the Board of Supervisors shall accept any
8 comments from the Community Advisory Committee, the public, and any relevant City
9 departments or offices. With respect to the Community Facilities District Account, the
10 Controller's Office also shall comply with the reporting requirements set forth in the Special
11 Tax Financing Law and Government Code Section 50075 et seq.

12 (d) **Oversight.** There shall be a SOMA Community Stabilization Fund Community
13 Advisory Committee to advise MOHCD and the Board of Supervisors on the administration of
14 the Fund; prioritization of community improvement projects and other public investments related to
15 cultural preservation that are funded by proceeds of the Central SoMa Community Facilities District
16 special tax, as defined in Planning Code Section 434; prioritization of community improvement
17 projects and other public investments funded by the Central SoMa Community Services Facilities Fund,
18 established in Planning Code Section 432.4; and the expenditure of affordable housing fees collected
19 pursuant to Planning Code Section 415, and Jobs-Housing Linkage Fees collected pursuant to
20 Planning Code Section 413, generated from development projects within the boundaries of the East
21 SoMa, Central SoMa, or Western SoMa Area Plans.

22 (1) The Community Advisory Committee shall be composed of seven
23 members appointed as follows:

24 (A) One member representing low-income residents of families who lives
25 with his or her family in SOMA, appointed by the Board of Supervisors.

1 (B) One member who has expertise in employment development
2 and/or represents labor, appointed by the Board of Supervisors.

3 (C) One member who is a senior or disabled resident of SOMA,
4 appointed by the Board of Supervisors.

5 (D) One member with affordable housing expertise and familiarity with
6 the SOMA neighborhood, appointed by the Board of Supervisors

7 (E) One member who represents *an arts or cultural community-based*
8 organization *or cultural district* in SOMA, appointed by the Board of Supervisors.

9 (F) One member who provides direct services to SOMA
10 *residents/families*, appointed by the Board of Supervisors.

11 (G) One member who has small business expertise and a familiarity
12 with the SOMA neighborhood, appointed by the Board of Supervisors.

13 (2) The Community Advisory Committee shall comply with all applicable
14 public records and meetings laws and shall be subject to the Conflict of Interest provisions of
15 the City's Charter and Administrative Code. The initial meeting of the Advisory Committee
16 shall be called within 30 days from the day the Board of Supervisors completes its initial
17 appointments. MOHCD shall provide administrative support to the Committee. The Committee
18 shall develop annual recommendations to MOHCD on the Expenditure Plan.

19 (3) The members of the Community Advisory Committee shall be appointed
20 for a term of two years; provided, however, that the members first appointed shall by lot at the
21 first meeting, classify their terms so that three shall serve for a term of one year and four shall
22 serve for a term of two years. At the initial meeting of the Committee and yearly thereafter, the
23 Committee members shall select such officer or officers as deemed necessary by the
24 Committee. The Committee shall promulgate such rules or regulations as are necessary for
25 the conduct of its business under this Section. In the event a vacancy occurs, a successor

1 shall be appointed to fill the vacancy consistent with the process and requirements to appoint
2 the previous appointee. When a vacancy occurs for an reason other than the expiration of a
3 term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his
4 or her predecessor. Any appointee who misses four meetings within a twelve-month period,
5 without the approval of the Committee, shall be deemed to have resigned from the
6 Committee.

7
8 Section 4. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the "Note" that appears under
18 the official title of the ordinance.

19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: 
22 PETER R. MILJANICH
23 Deputy City Attorney

24 n:\leganas2018\1800589\01323927.docx
25

LEGISLATIVE DIGEST

[Administrative, Planning Codes - South of Market Community Advisory Committee]

Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Advisory Committee to advise the Board of Supervisors and various City departments on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA Community Stabilization Fund Community Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The City's General Plan contains several area plans. The East SoMa Area Plan, Western SoMa Area Plan, and Central SoMa Plan provide land use controls and proposed community improvements for the South of Market (SoMa) neighborhood.

Article 4 of the Planning Code establishes the City's development impacts fees and requirements. Planning Code Section 418.7 establishes the SOMA Community Stabilization Fund. The City uses the receipts in this Fund to address the effects of destabilization on residents and businesses in SoMa. Section 418.7 also creates a seven-member SOMA Community Stabilization Fund Community Advisory Committee (CAC) to advise the Mayor's Office of Housing and Community Development and the Board of Supervisors on the administration of the SOMA Community Stabilization Fund.

Planning Code Sections 432.1 through 432.4 establish the requirements and procedures for the Central SoMa Community Services Facilities Fee, which will generate revenue that will be used to ensure an expansion in community service facilities in Central SoMa as new development occurs. Planning Code Section 432.4 establishes the Central SoMa Community Services Facilities Fund.

Planning Code Sections 433.1 through 433.4 establish the requirements and procedures for the Central SoMa Infrastructure Impact Fee, which will generate revenue that will be used to ensure an expansion in community-serving infrastructure in Central SoMa as new development occurs. Planning Code Section 433.4 establishes the Central SoMa Infrastructure Impact Fund.

Planning Code Section 434 requires certain development projects in Central SoMa to participate in the Central SoMa Community Facilities District Program. The Board of Supervisors may authorize the levy of a special tax on properties that annex into the Central SoMa Community Facilities District to finance certain facilities and services.

Amendments to Current Law

This ordinance would create the nine-member South of Market Community Advisory Committee (SoMa CAC). The general purpose of the SoMa CAC would be to provide input to the Board of Supervisors, the Mayor, and City agencies regarding the implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan. The SoMa CAC would also provide advice regarding the following:

- Prioritization of community improvement projects and other public investments funded by the Central SoMa Infrastructure Impact Fund;
- Prioritization of community improvement projects and other public investments related to transit, parks and recreation, complete streets, environmental sustainability, and schools and child care that are funded by proceeds of the Central SoMa Community Facilities District special tax;
- Proposed revisions or updates to the Central SoMa Implementation Program Document, and the sections of the Planning Code or other Codes that are related to implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan;
- Individual development proposals in SoMa and their compliance with specific conditions of approval;
- Design of open spaces, including Privately-Owned Public Open Spaces (POPOS), in SoMa.

This ordinance would also make minor revisions to the criteria for membership on the SOMA Community Stabilization Fund CAC, and would expand the duties of the SOMA Community Stabilization Fund Community Advisory Committee to include:

- Prioritization of community improvement projects and other public investments related to cultural preservation that are funded by proceeds of the Central SoMa Community Facilities District special tax;
- Prioritization of community improvement projects and other public investments funded by the Central SoMa Community Services Facilities Fund; and
- The expenditure of affordable housing fees collected pursuant to Planning Code Section 415, and Jobs-Housing Linkage Fees collected pursuant to Planning Code Section 413, generated from development projects in SoMa.

Introduction Form

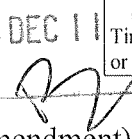
By a Member of the Board of Supervisors or the Mayor

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BY



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Kim

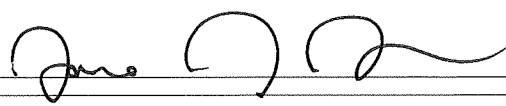
Subject:

[Administrative, Planning Codes - South of Market Community Advisory Committee]

The text is listed below or attached:

Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Advisory Committee to advise the Board of Supervisors and various City departments on implementation of the Central SoMa

Signature of Sponsoring Supervisor:



For Clerk's Use Only: