

1 [Better Neighborhoods Planning and Implementation Process.]

2

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

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

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

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

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

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

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

1 **CHAPTER 36**

2 **SEC. 36.1. APPLICATION**

3 (a) Policy. It shall be the policy of the City and County of San Francisco that future
4 significant changes by the City in land use controls that will govern geographic sub-areas of the City
5 larger than 40 acres in size be undertaken in coordination with a comprehensive planning and
6 implementation process. This Chapter outlines the process and content of that planning, and the
7 products to be produced.

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

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

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

13 (3) Preparation of a Neighborhood Conditions and Needs Analysis, as provided in Section.
14 36.4;

15 (4) Preparation of a Neighborhood Impacts Analysis, as provided in Section 36.5;

16 (5) Preparation of a Better Neighborhoods Plan, as provided in Section 36.7, including

17 (i) recommendation of an area plan

18 (ii) recommendation of appropriate General Plan, Planning Code and Zoning Map
19 amendments, and

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

22 (c) Resources and Timing. It is the intent of the Board of Supervisors to provide sufficient
23 resources, human and financial, to the Planning Department and other involved city agencies to enable
24 them to carry out the provisions of this Chapter. It is the further intent of the Board of Supervisors that
25 the scope of work and budget for the preparation of a Better Neighborhood Plan and its implementing

1 documents, and the preparation of the required environmental review document will enable its
2 completion within twenty-four months.

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

11 (e) Initiation. A Better Neighborhoods Planning and Implementation Process may be
12 initiated either by the Planning Commission or by resolution of the Board of Supervisors. The Board of
13 Supervisors may not adopt a resolution of initiation until the Planning Department has prepared and
14 presented to the appropriate committee of the Board of Supervisors for its approval a work program
15 and budget detailing the anticipated tasks required to be undertaken to carry out a Better
16 Neighborhoods Planning and Implementation Process, and the anticipated time and costs of Planning
17 Department staff, staff of other departments involved in the Better Neighborhoods Planning and
18 Implementation Process, consultants, and other resources associated with each task.

19 In the case of initiation by the Planning Commission, the work program and budget described
20 above must be submitted to the Board of Supervisors for its approval prior to any final action by the
21 Planning Commission to initiate a Better Neighborhoods Planning and Implementation Process.

22 (f) Application to Existing Planning Activities. The Better Neighborhoods Planning and
23 Implementation Process shall apply to certain planning activities efforts that are currently being
24 carried out by the Planning Department as follows:

1 (1) Substantial planning activities have taken place in the Rincon Hill, Central Waterfront,
2 Balboa Park, and Market/Octavia areas and draft plans have been published and circulated. In light
3 of those activities it is hereby declared that the provisions of Sections 36.2, 36.3, 36.4, 36.5, and 36.7
4 shall not apply to those plans.

5 (2) The Planning Department is currently conducting planning activities in the Mission, Lower
6 Potrero Hill/Showplace Square, and East SoMa areas with the intent of proposing new zoning controls
7 for those areas. It is anticipated that it may be many months before environmental evaluation of the
8 zoning proposals for those areas is completed and new permanent zoning controls are adopted. It is
9 the intent of this Chapter that adequate funds be provided to enable the Planning Department to
10 complete this planning process and to prepare draft plans and implementing documents in compliance
11 with this Chapter. Therefore, the provisions of this Chapter shall apply to the planning activities in
12 above listed areas, except that Section 36.2, requiring the establishment of a Public Input Process,
13 shall apply only to any additional planning activities undertaken by the Planning Department after the
14 effective date of this ordinance.

15 Within 30 days after the effective date of this ordinance, the Planning Department shall prepare
16 and submit to the Planning Commission for its consideration a scope of work and a work program and
17 budget detailing the anticipated tasks still to be undertaken to complete a Better Neighborhoods
18 Planning and Implementation Process for the Mission, Lower Potrero Hill/Showplace Square, and East
19 SoMa areas, and the anticipated time and costs of Planning Department staff, staff of other
20 departments involved in the planning process, consultants, and other resources associated with each
21 task still to be undertaken in substantial compliance with this ordinance. The work program and
22 budget shall be reviewed by the Planning Commission which shall afterwards promptly submit the
23 work program and budget to the appropriate committee of the Board of Supervisors for its approval.

24 (g) Non-applicability to Certain Planning Activities. This Chapter shall not apply to the
25 following:

1 (1) General Plan Amendments, Zoning Map amendments, or Planning Code amendments for
2 single development sites or single applicant entitlement requests that do not involve amendments to the
3 General Plan, Planning Code and/or Zoning Maps to govern an area of the City 40 acres or larger in
4 size.

5 (2) Amendments to the General Plan, Planning Code, and/or Zoning Map focused on an area
6 40 acres or larger in size that are limited in scope such as the creation of an historic district, changes
7 in commercial use categories in zoning districts, Planning Code amendments that apply to the entire
8 City, or the amendment of a General Plan policy.

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

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

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

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

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

23 (h) Applicability in Smaller Neighborhoods. At its discretion, the Planning Commission
24 may propose initiation of a Better Neighborhoods Planning and Implementation Process for
25 Neighborhoods of the City that are less than 40 acres in size.

1 **SEC. 36.2. PUBLIC INPUT PROCESS.**

2 Each Better Neighborhoods Planning and Implementation Process shall begin with the
3 establishment by the Planning Department of a Public Input Process that includes the following
4 elements:

5 (a) Community Outreach Program: In order to establish a Community Outreach Program
6 for a Better Neighborhoods Planning and Implementation Process, the Planning Department shall first
7 identify and actively seek to engage the full spectrum of residents, commercial tenants, property
8 owners, community and neighborhood-based organizations, developers, faith-based, community, and
9 public service and facility providers, as well as other organizations and individuals interested in the
10 specific Better Neighborhoods Planning and Implementation Process and shall craft a Community
11 Outreach Program designed to encourage their active participation in the community planning
12 process. This Community Outreach Program shall involve the identified community through such
13 means as neighborhood workshops, informational presentations, public dialogues, planning charettes,
14 newsletters, web pages, and other similar means. The Planning Department shall establish a public
15 noticing scheme for all public meetings and hearings held in furtherance of each Better Neighborhoods
16 Planning and Implementation Process. The cost of the Community Outreach Program shall include a
17 budget for conducting outreach, including the cost of facilitation of meetings and meeting logistics.
18 The Community Outreach Program shall be reviewed in the scoping session described in paragraph (b)
19 below.

20 (b) Scoping. Before commencing a Better Neighborhoods Planning and Implementation
21 Process in a Neighborhood of the City, the Planning Department shall hold a Public Scoping Session to
22 receive public input, including but not limited to, the scope of the Community Outreach Program, the
23 scope of Neighborhood Conditions and Needs Analysis, and the Neighborhood Impacts Analysis.

24 (1) Notice of the Public Scoping Session shall be provided at least 10 days prior to the meeting
25 as follows: mailed notice shall be provided to all organizations and individuals who have specifically

1 requested mailed notice; notice of the meeting shall be posted on signs conforming to the size and
2 visibility requirements of Planning Code Section 306.8 in at least three dispersed locations in the
3 Neighborhood and notice shall be published at least once in an official newspaper of general
4 circulation.

5 (2) Notice of the Public Scoping Session shall also include mailed notice to residents, including
6 property owners and tenants, and businesses in the Neighborhood and citywide organizations
7 interested in planning activities to the extent practicable and feasible given resource constraints on the
8 Planning Department. The Planning Department, through its Zoning Administrator, shall determine
9 the adequacy of this mailed notice.

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

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

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

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

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

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

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

11 (i) All staff and consultants shall provide updates on plan development and implementation,
12 including extent of completion of tasks and plan-related expenditures to all affected City departments.

13 (ii) Every six months the Planning Department staff shall prepare a report on the status of the
14 Work Program and Budget indicating the extent of completion of the various tasks of Planning
15 Department staff, staff of other departments, and consultants and of expenditure of funds associated
16 with those tasks. The Department shall submit the six-month report to the Planning Commission and to
17 the appropriate committee of the Board of Supervisors. In order to enhance public accountability and
18 promote inter-agency coordination, the Department shall post the report and other key data to a
19 project web-page on the Planning Department's official website.

20 (b) 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 Planning and Implementation Process to
24 support the reimbursement of such funds. The Department is encouraged to use web-based technology
25 to track work program and expenditures status on a real time basis.

1 (c) Fund Allocation. It shall be the policy of the Board of Supervisors to allocate funds
2 from the municipal budget for each Better Neighborhoods Planning and Implementation Process based
3 on the work program and budget developed by the Planning Department for the Better Neighborhoods
4 Planning and Implementation Process. Funds appropriated for each Better Neighborhoods Planning
5 and Implementation Process shall be placed in a separate account with the Controller and released in
6 six-month increments by the Controller upon the Planning Commission's determination, after a duly-
7 noticed public hearing on the status report prepared pursuant to subparagraph (b)(ii) above, that the
8 Planning Department is meeting established targets or has justified the needed modification of the
9 targets.

10
11 **SEC. 36.4. NEIGHBORHOOD CONDITIONS AND NEEDS ANALYSIS.**

12 The Planning Department shall conduct a study of Neighborhood Conditions and Needs which
13 assesses the conditions of infrastructure and community amenities and the needs for improvements
14 and/or additions. The study shall form the basis for preparation of a Public Improvements Plan, a
15 component of a Better Neighborhood Plan. The study shall identify where current demands placed on
16 and needs for infrastructure and community amenities are unmet or where health, safety, and public
17 welfare levels are unmet and where anticipated build-out under a proposed Better Neighborhoods Plan
18 will place additional demands and/or create additional needs or impose additional impacts. The
19 Public Scoping Process described in Section 36.2 of this Chapter shall determine the specific topics for
20 analysis. The nature, depth and extent of analysis to be undertaken and the manner in which the
21 analysis is documented and reported for public review shall be determined by the Planning
22 Department. The topics for analysis may include, but are not limited to, any or all of the following:

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

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

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

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

10 **(e) Neighborhood-Serving Businesses: such as the need for Neighborhood-Serving**
11 **Businesses as defined in Planning Code Section 790.68.**

12 **(f) Open Space: such as the need for public open space, including parks and recreation**
13 **facilities.**

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

17 **(h) Environmental Improvements: such as the need for improved air quality conditions, and**
18 **energy and water conservation.**

19
20 **SEC. 36.5 NEIGHBORHOOD IMPACTS ANALYSIS.**

21 **The Planning Department shall prepare or cause to be prepared an analysis of impacts of the**
22 **build-out of the anticipated development allowed by the Better Neighborhoods Plan, using the priority**
23 **policies of the General Plan as a framework for the analyses. Impacts shall include but are not limited**
24 **to those impacts that relate to the items identified in the Neighborhood Conditions and Needs Analysis**
25 **as well as any other impacts of development. Such impact analysis may reference the environmental**

1 review conducted for a Better Neighborhoods Plan under the California Environmental Quality Act.
2 The Scoping Process provided for in Sec. 36.2 shall determine the specific areas for analysis. The
3 nature, depth and extent of study to be undertaken and the manner in which the analysis is documented
4 and reported for public review shall be determined by the Planning Department. The topics for
5 analysis may include, but are not limited to, any or all of the following:

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

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

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

13 (d) Housing: such as impacts on the number of units and affordability of rental and owned
14 housing in the neighborhood.

15 (e) Community Facilities: such as impacts on community facilities and services including
16 schools, child care, senior and community centers, libraries, health and mental health care facilities,
17 homeless supportive and substance abuse services, cultural centers, and affordable community-serving
18 space.

19 (f) Infrastructure: such as the need for improvements to existing public infrastructure or
20 construction of new infrastructure including, but not limited to, street, sewers and water systems.

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

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

24 (i) Historic and Cultural Resources: such as impacts on identified historic and cultural
25 resources.

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

2
3 **SEC. 36.6 RELATIONSHIP TO ENVIRONMENTAL EVALUATION.**

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

11
12 **SEC. 36.7 CONTENT OF BETTER NEIGHBORHOOD PLANS.**

13 **SEC. 36.7.1. BETTER NEIGHBORHOOD PLANS AS COMPREHENSIVE AREA PLANS.**

14 The Better Neighborhoods Planning and Implementation Process shall produce a Better
15 Neighborhoods Plan that addresses the range of topics appropriate for a comprehensive plan of the
16 particular neighborhood under study, including, but not limited to, land use, housing, recreation and
17 open space, historic and cultural resources, transportation and circulation, noise effects on adjacent
18 properties, commerce and industry, urban design, and community facilities and services. The Better
19 Neighborhoods Plan shall also be designed such that it may be added to the General Plan of the City
20 and County as an area plan through the process outlined in the Charter and in Section 340 of the
21 Planning Code, and shall carry out the priority policies of the General Plan and Section 101.1 of the
22 Planning Code. Further, it is desirable, but not mandatory, that the Better Neighborhoods Plan be
23 designed to qualify as a Specific Plan pursuant to California Government Code Section 65451.
24 Finally, each Better Neighborhood Plan shall include a Neighborhood Conditions and Needs Analysis
25 and a Neighborhood Impact Analysis as provided for in Sections 36.4.4 and 36.4.5.

1 **SEC. 36.7.2. GENERAL PLAN AMENDMENTS, REZONING AND DESIGN GUIDELINES.**

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

5
6 **SEC. 36.7.3 BETTER NEIGHBORHOOD IMPROVEMENTS PLANS AND FUNDING**
7 **STRATEGIES**

8 A Better Neighborhood Plan shall include (i) a Better Neighborhood Improvements Plan to
9 address the conditions and needs identified in the Neighborhood Needs Analysis and to mitigate
10 impacts of new development identified in the Neighborhood Impacts Analysis and (ii) a Funding
11 Strategy that summarizes the estimated costs of various improvements identified in the Better
12 Neighborhood Improvements Plan and proposes specific funding strategies to finance them. The
13 Funding Strategy may include, but is not limited to, the following:

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

16 (b) Community Facility or Assessment Districts. Proposed establishment of a Mello-Roos
17 Community Facility District or special benefit or other assessment district or districts.

18 (c) Area Specific Development Impact Fees based on the Neighborhood Impacts Analysis
19 and applied, on a non-discriminatory basis, to all privately-owned property within the Better
20 Neighborhoods Plan area that has the same or similar use classification or other land use designation,
21 so long as a not insubstantial number of affected privately-owned properties would be subject to the
22 fee, and so long as the fee is applied generally rather than on an ad hoc basis ("Generally Applicable
23 Basis.")

24 (1) In order to propose an Area-Specific Development Impact Fee or fees (where the impact to
25 be mitigated is not already mitigated by an existing City-wide impact fee) the Planning Department

1 shall prepare or cause to be prepared a study analyzing the relationship, in nature and amount,
2 between the impact fee that would be allowable as a result of the anticipated development as identified
3 in the Neighborhood Impacts Analysis, and the financial feasibility of development within the Better
4 Neighborhoods Plan area to absorb those impact fees.

5 (2) The Planning Commission shall take public comment regarding the methodology proposed
6 for use in any such study at a duly-noticed meeting that must be held at least 30 days before the
7 Planning Department commences any such study. The Planning Commission shall also take public
8 comment regarding any completed study at a duly-noticed meeting within 30 days of the completion of
9 any such study.

10 (3) Based on the results of any such study, the Planning Department may propose an Area-
11 Specific Development Impact Fee or fees to the Board of Supervisors, which may consider assessing
12 such fees on new development within the Better Neighborhoods Plan area. The fee or fees proposed by
13 the Planning Commission should reflect a balance between the need for funds to mitigate development
14 impacts and the desire to provide sufficient economic incentive to encourage the development permitted
15 in the Better Neighborhoods Plan area.

16 (4) Should the Board of Supervisors enact any Specific Development Impact Fee or fees for the
17 Better Neighborhoods Plan area, the amount of such fee or fees shall be clearly identified in the Better
18 Neighborhoods Plan so that the fee or fees is a known component of future development costs.

19 (d) Based upon the Study, the Funding Strategy may propose that an Specific Development
20 Impact Fee or fees be set higher for certain specified subareas of a Better Neighborhoods Plan area,
21 based upon the greater financial feasibility of projects developed in that subarea or subareas, as long
22 as the higher Specific Development Impact Fee or fees is below the maximum impact fee justified by the
23 Study, and as long as the higher Specific Development Impact Fee or fees is charged based on a
24 Generally Applicable Basis.

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

16 (f) In-Kind Public Benefits. The Planning Department or project sponsor may propose the
17 provision of specific in-kind public benefits on a Generally Applicable Basis in lieu of payments for all
18 or a portion of any development impact fee or fees proposed by the Planning Department. Any
19 proposal by the Planning Department regarding in-kind in lieu payments shall include information
20 demonstrating that the cost of the in-kind improvement is equal to or less than the proposed impact fee,
21 that the in-kind improvement will, to the same degree as the impact fee, mitigate the same impact for
22 which the fee is proposed, and include a proposal to ensure long-term retention of the in-kind
23 improvement. The proposal shall also include provisions requiring that, in the event a project
24 sponsor's construction of an in-kind improvement change from the proposed in-kind improvement
25 allowed for in-lieu of payments for all or a portion of a development impact fee, the Planning

1 Department shall notice the appropriate PIC, and the public in the Better Neighborhoods Plan area in
2 general, of the changes.

3 **SEC. 36.8. PROJECT ENTITLEMENT PROCESS**

4 (a) Site Specific Approvals. A Better Neighborhoods Plan and its implementing documents
5 shall minimize site specific approvals for projects that conform to the Better Neighborhoods Plan by
6 reducing conditional use approvals and discretionary review appeals while still retaining the
7 transparency of the process, including public notice and input.

8 (b) Discretionary Review . Provisions regarding discretionary review in Better
9 Neighborhoods are contained in Section 312A of the Planning Code.

10 (c) Conditional Uses. A Better Neighborhood Plan shall minimize the requirements for
11 conditional use approval particularly for residential projects.

12
13 **SEC. 36.9. BETTER NEIGHBORHOODS PLANS IMPLEMENTATION PROCESS .**

14 **SEC. 36.9.1. PLAN IMPLEMENTATION COMMITTEE (PIC).**

15 (a) At the time of publication of each draft Better Neighborhoods Plan, the Planning
16 Commission shall establish a Plan Implementation Committee (PIC), consisting of between 9 and 15
17 members. The Planning Commission shall appoint the members of the PIC who shall include
18 representatives of resident tenants and owners, commercial tenants and owners, community and
19 neighborhood-based organizations, and local developers. The Planning Commission may also seek
20 representatives from City departments to sit as non-voting members of each PIC. Each PIC shall be
21 subject to all applicable public records, conflict of interest and public meeting laws. Once a year, at a
22 regularly scheduled meeting, the Planning Commission shall determine whether each existing PIC
23 should be dissolved or should continue to exist given the current status of projects proposed for each
24 PIC's Better Neighborhoods Plan area. The Planning Commission, the Planning Department, and the
25 Board of Supervisors shall retain the ultimate authority and discretion over any decisions made

1 regarding a Better Neighborhoods Plan as provided by the Charter, the Planning Code, the
2 Administrative Code, and other City laws and regulations.

3 (b) Responsibilities. Each PIC shall be advisory to the Planning Commission and
4 Department and to the Board of Supervisors and shall provide advice regarding projects proposed for
5 construction in a given Better Neighborhoods Plan area to determine if the projects are consistent with
6 the Better Neighborhoods Plan. The Planning Department shall provide adequate notice of new
7 development proposals as appropriate to each PIC to allow for timely feedback from the PIC to the
8 project sponsors, Planning Department, the Planning Commission and the Board of Supervisors. The
9 Planning Department shall provide staffing support for the public meetings of each PIC.

10
11 **SEC. 36 .9.2. ANNUAL IMPLEMENTATION PROGRESS REPORT AND BUDGET REQUESTS.**

12 (a) Preparation. The Planning Department shall prepare a brief annual report on the
13 status of implementation of each Better Neighborhoods Plan ("Progress Reports"). The Progress
14 Reports shall include information regarding the progress made to date in implementing each Better
15 Neighborhoods Plan and its various components as well as the proposed departmental budget for the
16 Better Neighborhoods Plan for the coming fiscal year. The Planning Department shall consult with
17 each department or agency having responsibility for implementing a portion of a Public Improvements
18 Plan and Funding Strategy of a Better Neighborhoods Plan to determine that department or agency's
19 work plan and proposed budget submission for the coming year and include that information in the
20 annual Progress Report. It shall be the responsibility of each participating City department or agency
21 to cooperate in the preparation of the status report and proposed budget requests.

22 (b) Inclusion of Annual Budget Proposals. Each Progress Report, including the budget
23 proposals of involved departments and agencies, shall be reviewed by the PIC for that neighborhood.

24 (c) Public Hearings. At least 15 days prior to the annual submission of Departmental
25 budget requests to the Mayor's Budget Office, the Planning Commission shall hold a public hearing on

1 the Progress Reports, including the annual budget submissions of involved departments and agencies.
2 Notice of the hearing shall be provided at least 10 days prior to the meeting as follows: mailed notice
3 to all organizations and individuals who have specifically requested mailed notice; mailed notice to
4 members of the PIC; and published notice at least once in an official newspaper of general circulation.

5
6 Section 3. The San Francisco Administrative Code is hereby amended by amending
7 Section 3.4 to read as follows:

8 **SEC. 3.4. INTRODUCTION AND PUBLICATION OF BUDGET.**

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

18
19 Section 4. The San Francisco Planning Code is hereby amended by adding Section
20 312A to read as follows:

21 **SEC. 312A. DISCRETIONARY REVIEW WHERE A BETTER NEIGHBORHOODS PLAN HAS**
22 **BEEN ADOPTED.**

23 Where a Better Neighborhoods Plan has been adopted pursuant to Chapter 36 of the
24 Administrative Code, the scope of discretionary review of projects within that Better Neighborhoods
25 Plan area shall be limited to assuring that the project meets the Planning Code provisions and design

1 guidelines applicable in the Better Neighborhoods Plan area or to requiring modifications in the
2 building form and design to enhance a structure's compatibility with adjacent properties and the
3 surrounding Neighborhood. Discretionary review may not be used to require a reduction in excess of
4 5% of the volume of the building envelope of a structure that meets applicable height, bulk, yard and
5 setback requirements established in the Better Neighborhoods Plan and implementing documents, or in
6 the case of projects containing residential uses, to require a reduction in the number of dwelling units.

7 Further, a proposed Planning Department determination that a development project that does
8 not require conditional use authorization and meets the Planning Code provisions and design
9 guidelines applicable in a given Better Neighborhoods Plan area shall be noticed for a minimum of 30
10 days in a manner that allows the appropriate PIC and the public in general to make a request, within
11 the 30-day notice period, for reconsideration by the Department and/or file a request for discretionary
12 review seeking Planning Commission review of the determination.

13

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

17

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

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20 By: _____
21 Sarah Ellen Owsowitz
22 Deputy City Attorney

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