

1 [Waiving Fiscal Feasibility Study and Determination Requirements - Airport Development  
2 Plan, Except for Individual Projects as Required by Administrative Code, Chapter 29]

3 **Ordinance exempting the proposed Airport Development Plan from Administrative**  
4 **Code, Chapter 29, including from the requirements for a fiscal feasibility study and a**  
5 **Board of Supervisors fiscal feasibility determination prior to initiating environmental**  
6 **review, but retaining requirements for possible future individual projects under the**  
7 **Recommended Airport Development Plan which would otherwise be subject to**  
8 **Administrative Code, Chapter 29.**

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

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

17 Section 1. Background and Findings.

18 (a) Chapter 29 of the Administrative Code (“Chapter 29”) requires, prior to initiating  
19 environmental review, that a City department, board, or commission proposing a project as  
20 defined by the California Environmental Quality Act, Public Resources Code Sections 21000  
21 *et seq.* that is estimated to have implementation and/or construction costs exceeding twenty-  
22 five million dollars (\$25,000,000) and to use in excess of one million dollars (\$1,000,000) in  
23 public monies for predevelopment, planning, or construction costs prepare a financial  
24 feasibility study and submit it to the Board of Supervisors for a determination that the plan for  
25 undertaking and implementing the proposed project is fiscally feasible and responsible.

1 (b) The Airport Commission, through its Bureau of Planning and Environmental Affairs,  
2 has prepared and intends to seek environmental review of the recommended Airport  
3 Development Plan (“Recommended ADP”), a comprehensive project that, absent this  
4 ordinance, would be subject to the requirements of Chapter 29. The Recommended ADP  
5 consists of individual ADP projects to be implemented over a 20-year time frame, to  
6 accommodate a projected future 71.1 million annual passengers. Given the uncertainties  
7 inherent in preparing a meaningful fiscal feasibility study today for a 20-year plan, an  
8 exception to the requirements of Chapter 29 is appropriate.

9 (c) The Airport Commission, by Resolution No. 16-0288, adopted on November 22,  
10 2016, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 161311,  
11 approved this ordinance and requested that the Board adopt the ordinance.

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13 Section 2. Waiver of Fiscal Feasibility Study and Determination of Fiscal Feasibility  
14 Requirements.

15 (a) The Board of Supervisors hereby exempts the Recommended ADP from  
16 Administrative Code Chapter 29, and thereby waives the requirements for a fiscal feasibility  
17 study of the Recommended ADP and a Board determination that the Recommended ADP is  
18 fiscally feasible and responsible. Accordingly, environmental review of the Recommended  
19 ADP may be initiated absent compliance with Chapter 29.

20 (b) In the event that (1) environmental review of the Recommended ADP is completed  
21 and (2) the Airport Commission approves the Recommended ADP or some portion of the  
22 Recommended ADP, then for any individual ADP project under the Recommended ADP  
23 meeting the applicable dollar thresholds of Administrative Code Section 29.1(a), as it may be  
24 amended from time to time, and prior to initiating any detailed design work (design  
25 development) for such individual ADP project, the Commission shall proceed in conformance

1 with Chapter 29 to prepare a fiscal feasibility study and obtain a determination by the Board of  
2 Supervisors that the individual ADP project is fiscally feasible and responsible.

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4 Section 3. Effective Date. This ordinance shall become effective 30 days after  
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
7 of Supervisors overrides the Mayor's veto of the ordinance.

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

12 By: \_\_\_\_\_  
13 Loretta A. Wider  
14 Deputy City Attorney

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