FILE NO. ORDINANCE NO.

[Eastern Neighborhoods Area Plans – duration of authorizations.]

Ordinance amending the San Francisco Planning Code by adding section 175.9 concerning the duration and expiration of various Planning Code authorizations in the Eastern Neighborhoods Area Plans; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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

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

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

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

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

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

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

Section 2. The San Francisco Planning Code is hereby amended by adding Section 175.9, to read as follows:

SEC. 175.9. DURATION OF AUTHORIZATION IN THE EASTERN NEIGHBORHOODS.

(a) This Section shall apply only to property located in any Eastern Neighborhoods Mixed Use District, the SLI District, or any NCT, RTO or PDR District which is located within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(l).

(b) Should a project not receive its first building or site permit within 36 months after receiving the ~~latter~~ last of any required authorization under Sections 303, 305, or 329, ~~authorization,~~ then any such authorization shall expire. ~~These provisions are~~ This provision is subject to the following requirements: (1) the required authorization must be final and effective~~;~~ and (2) the 36-month time period shall be tolled until the expiration of ~~the~~ any appeal period if no appeal is filed, or if an appeal is filed, final resolution of ~~the~~ any appeal. This time period also shall be tolled until a final judgment is issued in any litigation challenging the project authorization. The Planning Commission shall hold a public hearing on any expired authorization in order to finalize the expiration or, upon presentation of evidence documenting extraordinary or unusual circumstances, extend the duration of validity of the authorization.

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

By: _____
John D. Malamut
Deputy City Attorney