

Attachment XI: Special Handling/Noticing Requirements

SPECIAL HANDLING / NOTICING REQUIREMENTS

(as of 11/8/2016)

Administrative Code Amendments Pertaining to Planning

Any Administrative Code amendment that pertains to anything having to do with Planning must be forwarded to the Planning Department for review.

- Planning Department has 30 days from date of referral to review - [BOS Rule 3.23](#)

Building Code Amendments

(Building Code, Electrical Code, Housing Code, Plumbing Code, and Mechanical Code)

- Certain legislation must be sent to the California Building Standards Commission (CBSC) via certified mail/return receipt (Code Amendments are not effective nor operative until the CBSC receives the legislation and the CBSC will confirm receipt with a follow-up letter). The long title and a COB directive in the legislation should indicate if this requirement must be met. Clerk should confirm with the City Attorney whether or not to send each matter to the CBSC. - Health & Safety 17958.7

Initiated by the Board of Supervisors

- Refer to the Building Inspection Commission (BIC) - [Charter D3.750-5](#).
- No time limit for response. BOS cannot take action until BIC confirms that a public hearing was held (can hold hearing). BIC may or may not provide a recommendation (take a vote to support the proposed amendment), but documentation must be received to confirm that a public hearing was held.

Initiated by the Building Inspection Commission

- Review already done, ready for BOS action.

(Building Code) Green Building Standards

- All amendments and/or updates to the Green Building Standards Code must be sent to the California Energy Commission. Their approval is required before it is accepted at the California Building Standards Commission (per Department of the Environment and State staff).

(Business and Tax Regulations Code) Transactions (sales) and Use Tax

- The initiative ordinances are handled differently as they are not Motions or Hearings. Rather, votes need to pass the initiatives in addition to a 2/3 vote of the Board. [Add authorities]

Business Improvement District - Business & Tax Code Article 15

- No fewer than 30 days after petition is received, mailed notice (3 languages) sent to property owners.
- Published notice 15 days in advance of public hearing - **GC 54954.6**
- Public notice (Resolution of Intention) 45 days prior to hearing - **GC 54954.6(a)(2)**

Campaign and Government Conduct – Amendment of Repeal – Section 1.103

- Must be referred to Ethics Commission for hearing and approval by 4/5 vote
- Amendment must further purpose of this Chapter
- 30-day Rule cannot be waived

City Projects - Admin 79 (*involves new construction, change in use, significant expansion, houses City operations or provides services either directly or if the City administers funds*)

Sponsoring Department is responsible for:

- On-site posting 30 days in advance (**Admin 79.5 & 79A.4**) and/or Mailed notice to property owners within 300 feet (**Admin 79.6**)
- Website posting 30 days in advance - **Admin 79A.5**
- Written notice 30 days in advance to any individual or organization that has indicated interest in writing or by e-mail - **Admin 79A.6**
- Provide written affidavit of compliance with Chapter 79 to the Clerk of the Board upon introduction of the legislation - **Admin 79A.7**

Commemorative Street Plaque – Public Works Code Sec. 789, et seq.

- Public Works will notice parties and hold a hearing
- Within 30 days after close of Public Works hearing the department shall forward the 1) application, 2) report, 3) record of hearing, 4) list of all parties noticed and 5) recommendation to the Clerk of the Board
- The Board of Supervisors may approve, disapprove or modify and approve the designation of a specific location on a public street or place to commemorate a site, event or person of historical interest.

Community Facilities District (Mello-Roos Districts) - GC 53322 & 53322.4 (53346 for bonded indebtedness)

- Resolution of Intention sets the date/time of the Board COW Hearing and directs COB to notice
- Published notice at least 7 days in advance of the Board COW Hearing
- Mailed notice 15 days in advance to property owners

Designation/Change of Designation of Significant and Contributory Buildings (Planning Code, Article 11)

The protection, enhancement, and perpetuation of buildings and definable subareas of special architectural, historical, and aesthetic interest is necessary to promote the health, safety, prosperity and welfare of the people of the City.

Initiated by

⇒ The designation or change of designation of a Significant or Contributory building may be initiated by motion of the Board of Supervisors, by resolution of the Historic Preservation Commission (HPC), by the verified application of the owner or authorized agent of the affected property, by the application of any organization or group that has historic preservation stated as one of its goals in its bylaws or articles of incorporation, or by the application of at least 50 registered voters of the City.

- Mailed notice at least 20 days in advance of the hearing to initiators of the designation/change of designation, owner(s) of affected buildings, and interested persons/organizations - **PC 1106(g)**

Development Agreement - GC 65867

- Mailed notice at least 10 days in advance of the hearing
- Published notice at least 10 days in advance of the hearing
- Post in three places (kiosk, Planning Department, library)

Eminent Domain - Code of Civil Procedure 1245.235

- Mailed notice 15 days prior to COW hearing to property owners (certified mail/return receipt requested)
- Published notice 15 days in advance

Energy Efficiency Standards – Public Resources Code Section 25402.1(h)(2)

- May require approval from the California Energy Commission

Ethics Regulations - [Charter 15.102](#)

Approval of new regulations by the Ethics Commission are effective 60 days after adoption unless vetoed by a two-thirds vote of the Board of Supervisors during the 60 day period.

Fees

- Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published notice **10 days** in advance and occur **at least twice**, with at least **five days between the dates of the first and last publication**. The period of notice commences upon the first day of publication and terminates at the end of the tenth day. - [GC 6062a](#)
 - Mail notice 14 days prior to meeting to any interested party who files a written request - **GC 66016**
- Fees, master plan fees, permit and zoning processing fees, subdivision map fees, alternate materials and construction method fees, building permit fees - [GC 66016](#)

Fire Code Amendments - HSC 17958.7 & CA Fire 101.8 and as instructed by the CA Building Standards Commission

- Enacted legislation sent to the Office of the State Fire Marshall via certified mail
- Fire Protection District ordinances making modification to code need to be sent to Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program (Health and Safety Code Section 13869.7(c))

General Plan Amendment (GC 65096)

- ⇒ *Final Board action* must occur within 90 days of *receipt*, otherwise deemed approved - **PC 340**, [Charter 4.105](#), [BOS Rule 3.24](#)
- Mailed notice at least 10 days in advance for persons on Planning mailing list - **GC 65091**
 - Published notice at least 10 days in advance - **GC 65090 (a)**
 - Mailed notice 10 days in advance to any person who has filed a written request - **GC 65092(a)**
 - Post in three places (kiosk, Planning Department, library) – **policy**
 - A Supervisor **cannot** introduce a General Plan Amendment; it **must** come from the Planning Commission. After it is introduced a Supervisor can request sponsorship.

Housing and Community Development, California Department of (GC 65852)

- Legislation that must be sent to the California Department of Housing and Community Development should be sent "Certified Mail/Return Receipt" and addressed to the following:

Department of Housing and Community Development
State of California
2020 West El Camino Avenue
Sacramento, CA 95833
Attn: Alicia Murillo

Housing Element (every 5 years, only “element” in the General Plan that needs to be sent to State) **GC Article 10.6, Sec. 65580 - 65589.8**

- Copy of the Housing Element should be sent to the State Department of Housing and Community Development. Planning normally handles, but a confirmation must be included in the file - [GC 65585 \(g\)](#)
- The housing element adopted by the legislative body and any amendments made to that element shall be immediately delivered to all public agencies or private entities that provide water or sewer services for municipal and industrial uses, including residential, within the territory of the legislative body. Each public agency or private entity providing water or sewer services shall grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households - [GC 65589.7\(a\)](#)

Interim Controls - PC 306.7(g)

Initiated by the Board of Supervisors

- ⇒ Must be acted on within 120 days of introduction, or deemed disapproved
- ⇒ Heard within 50 days of ER review

Initiated by the Planning Commission

- ⇒ Must be acted on within 90 days of introduction

Post-hearing (committee meeting) directives

- ⇒ After the committee hearing, the Clerk shall compile a report to the Board, for inclusion in the Board packet, with a summary of the matters presented during the hearing and its recommendation. - PC 306.7(c)

Post-passage Clerk of the Board directives

- ⇒ Planning to submit a report on interim zoning controls no more than six months from effective date, and every six months thereafter.
- ⇒ Board must hold a public hearing on the Planning report.

Notices and Mailing

- Publish notice at least nine days in advance.
- Post notice at Board and Planning Department at least nine days prior to hearing.
- Mailed notice to applicant initiating proposed interim control.
- Mailed notice at least 10 days in advance to property owners on the assessment rolls within the proposed area if area is 30 acres or less and;
- Within 300 feet of the exterior boundaries of the area when controls would reclassify land or establish, abolish or modify a setback line.

Interim Zoning Moratoria - GC 65858

Initiated by the Board of Supervisors

- ⇒ May be in effect for only 45 days from the date of adoption
- ⇒ Subject to Environmental Review under the California Environmental Quality Act (CEQA)
- ⇒ The Board must, by urgency ordinance and four-fifths (4/5) vote (9 votes), approve such interim controls.
- ⇒ Under State law the Board can pass an urgency ordinance after on reading - **GC 36934**

Post-passage Clerk of the Board directives

- ⇒ Board must adopt a written report from staff of the Board or any other City official the Board has directed, at least 10 days before the end of the moratorium.
- ⇒ Concurrently, the sponsoring Supervisor may also introduce a motion adopting the written report.

Extensions

- If the Board has provided 10 days published notice, an extension of up to 22 months and 15 days may be proposed.
- If the Board has provided less than 10 days published notice, an extension of up to 10 months and 15 days may be proposed.

Notices and Mailing

- Publish notice at least 10 days in advance of hearing - **PC 306.7(g)**
 - 10-day timeline to publish is not required. Board may opt to provide less than 10 days.
- Board may provide less than 10 days published notice on interim zoning moratorium hearings - **GC 65858(a)**
- Mailed notice at least 10 days in advance to property owners on the assessment rolls within the proposed area if area is 30 acres or less and;
- Post notice at Board and Planning Department 10 days prior to hearing - **PC 306.7(g)(2)**
- Within 300 feet of the exterior boundaries of the area when controls would reclassify land or establish, abolish or modify a setback line.

Landmarks

- 10-Day (**Office Policy** since no deadlines indicated in Code) mailed notice to property owners and other notice as the Board may deem necessary - **PC 1004.3**

Lot Mergers - GC 66451.13

- Notice of Intention (Resolution of Intention) mailed to property owners 2 days after passage (certified mail/return receipt requested)
- Resolution of Intention filed with the Recorder's Office
- Committee hearing scheduled 30-60 days after Resolution of Intention passage
- Publish notice 10 days in advance of hearing
- Mailed notice 10 days in advance of hearing to property owners (certified mail/return receipt requested)

Mills Act Contract - GC 50280

Initiated by the Clerk of the Board before agendizing

- ⇒ Review if Assessor-Recorder's Office submitted the yearly property tax report (submitted to Board within 60 days of receipt of completed application) - **Admin 71.4(a)**
- ⇒ Check for Historical Preservation Commission determination as supporting document - **Admin 71.4(b)**
- ⇒ Refer to the Budget and Legislative Analyst for fiscal impact- **Admin 71.4(c)**
- ⇒ Refer to the Planning Department for environmental review

Memorandum of Understanding (MOUs): Collective Bargaining Agreements

- Must sit in file at least 15 days before the Board considers the Ordinance on First Reading - **Sunshine Ordinance 67.12(b)(5) & City Attorney advice**
- Must sit in file 7 days in advance of the committee hearing - [BOS Rule 3.33\(a\)](#)

Municipal Transportation Agency (MTA) - [Charter 8A.106](#)

- **Fares:** *MTA's proposed change to fares or route abandonments may only be rejected by a seven-elevenths vote of the Board of Supervisors on the budget or budget amendment.*
- **Route Abandonments** outside of the budget process: *MTA shall submit a proposal to the Board of Supervisors and, after a **noticed public hearing**, reject the proposed route abandonment by a seven-elevenths vote within 30 days after the proposal is submitted by MTA.*

Planning Code Amendments

Initiated by the Board of Supervisors or the Mayor

- ⇒ PC has 90 days from date of referral (**PC 302**) to respond. If no response after 90 days, deemed a recommendation of "disapproval" by the Commission. Within the timeline the Commission has to render its decision, BOS may extend PC time to act by resolution. - **PC 306.4(d)3**
- ⇒ No response after 45 days, Clerk to request an update from Planning. - **policy**
- ⇒ No response after 90-days from Commission and introduction of extension by Board not submitted within timeline:
 - BOS may substitute the Ordinance with its own findings and recommendation.

Resolution of Intention, Initiated by the Planning Commission - PC 302(b)

- PC hearing already held and a proposed ordinance will be forwarded to the Board. - **PC 302(c)**

Rates (may be set by the Public Utilities Commission or Public Works)

- The Public Utilities Commission shall set rates, fees and other charges in connection with providing the utility services under its jurisdiction, subject to rejection Board of Supervisors has 30 days, from the date of submission, to reject rates by Resolution. If the Board fails to act within 30 days, the rates shall become effective without any further action - [Charter Section 8B.125](#)
- Within 30 days of submission by the Mayor, the Board of Supervisors shall approve by ordinance or reject any rate, fee or similar charge to be imposed by any department, official, board or commission, except those rates, fees and similar charges established by the Port or Airport Commissions, or under the Refuse Collection and Disposal Ordinance of November 8, 1932, as amended - **Charter Section 2.109**

Redevelopment Disposition and Development Agreements - HSC 33433 & GC 6066

- Published notice once a week for two consecutive weeks, with first date of publication being 15 days prior to the COW hearing
- Final 33433 Report must be in file by the time of first published notice - **HSC 33433(a)(2)(B)(v)**

Redevelopment Ground Leases (Successor Agency / OCII) - HSC 33433 & GC 6066

- Published notice once a week for two consecutive weeks, with first date of publication being 15 days prior to the COW hearing
- Final 33433 Report must be in file by the time of first published notice - **HSC 33433(a)(2)(B)(v)**

Redevelopment Plan Amendments (Successor Agency / OCII) - HSC 33452 & GC 6063

- Published notice once a week for 3 consecutive weeks prior to hearing
- Mailed notice to property owners within the plan area 30 days in advance of the hearing, if the cost is reasonable

Retirement System Benefits ([Charter Section A8.500](#))

Any proposed legislation that makes a change to the retirement system benefits.

- Refer to the Retirement Board to request an Actuarial Report of the cost and effect of any proposed change. The Report must be received before the Board can take action, the legislation can be effected, or a Charter Amendment is submitted to the voters.

Sale, Transfer or Conveyance of City-Owned Property - Admin Code 23.7 (done by department, provide proof to COB)
Shall not apply to a transfer of jurisdiction between one City agency or department and another City agency or department.

- Notice posted on site of the property 10 days prior to hearing 10-day mail notice to property owners within 150 feet, Planning Department-provided list and interested parties

Secondary Units / In-Law Units Amendments (normally Building or Planning Code Amendment)

- Copy of enacted legislation must be sent to the California Department of Housing and Community Development via certified mail/return receipt within 60 days after adoption - **GC 65852.2(h)**

Special Use Districts

None

Special Tax District Changes - Admin Code 43.10.27(b-c)

- Public hearing held no sooner than 14 days after introduction
- Published notice at least 7 days in advance

Street Encroachments

None

Street Name Change - GC 34091.1, ST&HY 970.5 & 5026

- Responses must be received from the 1) Department of Public Works, 2) Police Department, 3) Municipal Transportation Agency, and 4) Fire Department prior to being heard.
- DPW post notice in affected neighborhood 10 days before hearing
- Clerk mails notice of hearing 10 days in advance to affected property owners (DPW supplies labels)

Street Vacation and Summary Street Vacation

The primary differences between the summary vacation and standard (Street) vacation are that the summary vacation does not involve the Resolution of Intent to Vacate and is heard by the Board's Land Use Committee as opposed to the full Board sitting as a committee of the whole.

Street Vacation – ST&HY 8320-8325

- Publish notice of Board hearing at least 14 days in advance (2 times, 7 days apart) - **ST&HY 8320 and 8322**
- DPW posts notice no more than 300 feet apart (at least 3 notices) at least 14 days before hearing - **ST&HY 8323**
- Requirement for an affidavit of the published and posted notice. As DPW does the on-site posting, it provides the Clerk's Office with this affidavit - **ST&HY 8317**
- Within 10 days after the adoption of a resolution of intention or the resolution of vacation submit written notice to Pacific Gas and Electric - **ST&HY 8347**

Pacific Gas and Electric Company

Attn: Steven Wu

Land Management

245 Market Street, N10A, Room 1081

San Francisco, CA 94105

skw0@pge.com (415 / 973-9384)

- Submit certified copy of Ordinance ordering vacation to the Office of the Assessor-Recorder for recordation - **ST&HY 8325**

Summary Street Vacation - ST&HY 8330-8336

CAO has advised following posting/publishing requirements for a standard vacation (see CAO Memo - Vacation of Street and Public Services Easements (6/25/10))

- Publish and Post notice 14 days prior to Committee hearing (2 times, 7 days apart) - **ST&HY 8322**
- Requirement for an affidavit of the published and posted notice. As DPW does the on-site posting, it provides the Clerk's Office with this affidavit - **ST&HY 8317**

- Within 10 days after the adoption of a resolution of intention or the resolution of vacation submit written notice to Pacific Gas and Electric - [ST&HY 8347](#)
Pacific Gas and Electric Company
Attn: Steven Wu
Land Management
245 Market Street, N10A, Room 1081
San Francisco, CA 94105
skw0@pge.com (415 / 973-9384)
- Submit certified copy of Ordinance/Resolution ordering the summary vacation to the Office of the Assessor-Recorder for recordation - [ST&HY 8336](#)

Subdivision Map Appeal - Subdivision Code 1313, GC 66473.5, 66474, and 66452.5

- Mailed notice 10 days prior to hearing
- Published notice 10 days prior to hearing (standard time since there is no specific requirement) - Subdivision Code 1313(c)

Transfer of Function – [Charter Section 4.132](#)

*The Mayor may reorganize duties and functions between departments and other units within the executive branch by issuing a notice to the Board of Supervisors. Reorganizations shall become **effective 30 days after issuance unless disapproved by the Board of Supervisors during that time.***

Urgency Ordinance

- Published notice at least 10 days in advance (committee hearings and COW hearings pursuant to 65858(b)) - **GC 65858(b) & 65090**
(The full Board may approve an Urgency Ordinance without published notice (GC 65858(a), but it must be passed with a 4/5 vote of the full Board (COW Hearing) and extensions can only be for 10 months and 15 days)
- Mailed notice 10 days in advance to any person who has filed a written request - **GC 65858 & 65092**
- 10-Day Publish Notice - Extension of urgency ordinance when the initial ordinance was published less than 10 days in advance or not at all (can extend for 10 month and 15 days) - **GC 65858(a) & 65090**
- 10-Day Publish Notice - extension of urgency ordinance when the initial ordinance was published at least 10 days in advance (can extend for 22 months and 15 days) - **GC 65858(b) & 65090**

Zoning Map Amendment

- Published notice 10 days in advance - **GC 65856 & 65090**