TEXT OF PROPOSED ORDINANCE
PROPOSITION I

Be it Ordained by the People of the City and
County of San Francisco:
CITIZENS' RIGHT-TO-KNOW
ACT OF 1998

SECTION 1. Title

This Ordinance shall be known and may be
cited as the "Citizens' Right-to-Know Act of 1998."

SECTION 2. Findings and Declarations

The people of the City and County of San
Francisco hereby find and declare all of the fol-
lowing:

(a) The citizens' right to know about pro-
posed city government projects paid for with
taxpayers' dollars is an important democratic
right.

(b) City government projects are often
implemented with little or no notice to the pub-
lc prior to project approval.

(c) As a result, interested neighbors, prop-
erty owners, tenants, and the public at large have
been denied the right to have a meaningful
voice in the approval process.

(d) Formal notice requirements will allow
interested citizens the right to bring their con-
cerns to the attention of the City departments
and agencies involved in the project before final
funding and project approval is granted.

(e) Pre-approval notice for certain City
projects will allow neighborhoods and project
sponsors the opportunity to make sure City pro-
jects meet the needs of the neighborhoods in
which the projects are to be located.

SECTION 3. Purpose and Intent

The people of the City and County of San
Francisco hereby find and declare that the pur-
pose of the ordinance shall be all of the follow-
ing:

(a) To allow citizens the right to know about
proposed city government projects that are paid
for with taxpayers' dollars.

(b) To require that city projects subject to
this Act not be implemented until adequate
notice has been provided to the public prior to
project approval.

(c) To allow interested neighbors, property
owners, tenants and the public at large the
opportunity to have a meaningful voice prior to
the project approval.

(d) To require formal notice requirements to
enable interested citizens to bring their con-
cerns to the attention of City departments and
agencies involved in the project before final
funding and project approval is granted.

(e) To allow neighborhoods and project
sponsors the opportunity to make sure City pro-
jects meet the needs of the neighborhoods in
which the projects are to be located.

SECTION 4.

The San Francisco Municipal Code, Part 1
(Administrative Code) is hereby amended by
adding Chapter 79 to read as follows:

CHAPTER 79
PRE-APPROVAL NOTICE FOR CERTAIN
CITY PROJECTS

SEC. 79.1. Scope. No city officer, depart-
ment, board or commission shall Approve a
City Project unless a sign has been posted on
the property on which the City Project will be
located at least fifteen (15) days prior to such
Approval. The City officer, department, board
or commission responsible for Approving a
City Project shall post the sign required by this
Chapter. The notice required by this Chapter
shall be in addition to the notice requirements
provided elsewhere in the San Francisco
Municipal Code.

SEC. 79.2. Definitions. For purposes of the
Chapter, the following definitions shall apply:

(a) "Approve" or "Approval" shall mean an
action by a City officer, department, board or
commission sponsoring a City Project in which
a final commitment is made by such sponsoring
officer, department, board or commission to
fund or undertake a City Project. Such
Approval may include, but is not limited to, a
decision to award a grant for a City Project at a
specific site, or to purchase or acquire an inter-
est in particular real estate to locate a City
Project. Approval shall not include a decision to
undertake a preliminary study of one or more
potential sites for a City Project. Approval shall
refer only to the actions of the sponsoring offi-
cer, department, board or commission.

(b) "City Project" shall mean the follow-
ing:

(i) A project that:

(A) Involves new construction, a change in
use, or a significant expansion of an existing
use at a specific location, and

(B) Houses City operations at, or provides
services or assistance from, such specified loca-
tion; and

(C) Is undertaken directly by the City or any
of its officers, departments, boards or commis-
sions; or by an agent, contractor, service
provider, or other person that receives $50,000
or more in City Funding for the construction
and related work associated with the project
and/or operating expenses for the project at
such fixed location.

(ii) "City Project" shall include, but is not
limited to, administrative offices, housing and
other residential projects, and programs that
provide services or assistance for the benefit of
all or some members of the public from a fixed
location.

(c) "City Funding" shall mean funding pro-
vided directly by the City or administered by
the City through the use of federal, state or
other funding sources.

(d) "Significant Expansion of Existing Use"
shall mean the lesser of an addition amounting to
50% of gross floor area, or 1500 square feet or
more of gross floor area, as determined by the
Zoning Administrator in accordance with Section
102.9 of the San Francisco Planning Code.

SEC. 79.3. Exemptions. The following City
Projects shall be exempt from this section:

(a) A shelter for battered persons;

(b) A State-authorized, certified, or licensed
family care home, foster home, or group home
serving six or fewer mentally disabled or oth-
erwise disabled persons or dependent and
neglected children, in accordance with
California Welfare and Institutions Code
Section 5116 or as set forth in Section 209.3 (b)
of the Planning Code;

(c) A City Project undertaken solely to
achieve compliance with the disabled access
requirements of the Americans With Disabilities
Act or the California Building Code;

(d) Projects in the public right-of-way;

(e) A Project at a fixed location that is out-
side of the City limits of the City and County of
San Francisco.

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LEGAL TEXT OF PROPOSITION I (CONTINUED)

SEC. 79.4. Change in City Project. In the event that a City Project is Approved pursuant to the provisions of this Act, that Approval shall be limited to the specific site and the specific use granted in the Approval. Any changes to the City Project which involve a different site, or a different use, or a redirection of the funding for the project in any way, shall be subject to the provisions of this Act and shall require a new pre-Approval notice procedure.

SEC. 79.5. Signposting Requirements. Those City Projects subject to this Chapter shall comply with the following signposting requirements:

(a) Posting. At least fifteen (15) days prior to consideration of Approval of a City Project, the City officer, department, board or commission considering such Approval shall post a sign on the property on which the City Project is proposed. Such a sign shall be posted through the date of Approval or disapproval of the City Project by the sponsoring City entity.

(b) Location of Sign. The sign shall meet the following requirements:

(1) The sign shall be posted inside of windows that are no more than six feet (6') back from the property line, where the windows are of sufficient size to accommodate the sign. The bottom of the sign shall be no lower than four feet (4') above grade and the top of the sign shall be no higher than eight feet six inches (8' 6") above grade. The sign shall not be obstructed by awnings, landscaping, or other impediment and shall be clearly visible from a public street, alley, or sidewalk.

(2) In the absence of windows meeting the above criteria where the building facade is no more than nine feet (9') back from the property line, the sign shall be affixed to the building, with the bottom of the sign being at least five feet (5') above grade and the top of the sign being no more than seven feet six inches (7' 6") above grade. The sign shall be protected from the weather as necessary. The sign shall not be obstructed by awnings, landscaping, or other impediment, and shall be clearly visible from a public street, alley, or sidewalk.

(3) Where the structure is more than nine feet (9') from the property line the sign shall be posted at the property line with the top of the sign no more than six feet (6') and no less than five feet (5') above grade. Such signs shall be attached to standards and shall be protected from the weather as necessary.

(4) If no structures occupy the property, signs shall be posted sufficient to provide adequate notice to the public. The Director of Administrative Services shall be responsible for determining the number of signs to be posted on such property.

(e) Contents and Size of Signs. The sign shall be at least thirty inches (30") by thirty inches (30”). The sign shall be entitled NOTICE OF INTENT TO APPROVE A CITY PROJECT AT THIS LOCATION. The lettering of the title shall be at least 1-1/4-inch capital letters. All other letters shall be at least 3/4-inch uppercase and 1/2 inch lowercase. The sign shall provide an identification of: the officer, department, board or commission that will determine whether to Approve the City Project; the date upon which Approval will be considered; and the procedure for obtaining additional information or submitting comments, which shall include, but not be limited to, a local contact person and telephone number where that person may be reached.

(d) Production of Signs. The Director of Administrative Services shall develop a standardized sign that may be used to satisfy this Section. The Director of Administrative Services may charge a fee sufficient to cover the costs of producing such signs.

Sec. 79.6. Alternative Notice Provisions. In lieu of the signposting requirements in Section 79.5, a City officer, department, board or commission shall send mailed notice to the owner of each property within 300 feet of the lot line of the property on which the City Project is proposed. Notice shall be sent to the property owners reflected on the latest Citywide Assessor roll and neighborhood associations and organizations listed with the Planning Department where the site would be located within the indicated geographic area of interest of said association or organization. In addition, to the extent practicable, mailed notice shall be sent to the occupants of each property within 300 feet of the lot line of the property on which the City Project is proposed. The mailed notice shall include, at a minimum, all of the information required in Section 79.5 (c). Mailed notice shall be sent at least 20 days prior to consideration of Approval of a City Project.

Sec. 79.7. Permission to Enter Property. Every person who has possession of property that is the subject of the pre-Approval signposting process required by this Chapter shall permit entry at a reasonable time to allow the posting of the sign required herein. No person shall remove or cause the removal of such sign during the period of time that posting is required herein without reasonable cause to believe that such removal is necessary to protect persons or property from injury.

Sec. 79.8. Rights Affected. The requirements of this chapter are not intended to give any right to any person to challenge in any administrative or judicial proceeding any action if such person would not otherwise have the legal right to do so. A party aggrieved by a decision to Approve or disapprove a City Project may utilize any existing avenue(s) of appeal.

SECTION 5. Severability

If any provision of this Act or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this initiative which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.