

MAJOR DEVELOPER MANUAL



SAN FRANCISCO ETHICS COMMISSION

25 VAN NESS AVENUE, SUITE 220
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: 415.252.3100 FACSIMILE: 415.252.3112
WEBSITE: <https://sfethics.org>
EMAIL: ethics.commission@sfgov.org

This guide is intended to be used to assist Major Developers navigate
San Francisco Campaign and Governmental Conduct Code, Article III, Chapter 5
San Francisco Ethics Commission Regulations 3.520-1 et seq

I. INTRODUCTION 3

II. IMPORTANT DEFINITIONS TO DETERMINE QUALIFICATION AS A MAJOR DEVELOPER 3

III. FILING DEADLINES..... 4

IV. DISCLOSURE REQUIREMENTS 5

I. INTRODUCTION

San Francisco's Developer Disclosures Ordinance (Ordinance) was enacted to protect public confidence in the fairness and impartiality of the city and county land use decisions.

Developers must file five forms (initial report and four quarterly reports) with the Ethics Commission over the course of approximately a year disclosing donations to nonprofit organizations that communicate with *Officers of the City and County* about the *Developer's* project.

The Ordinance imposes reporting requirements on *Developers* of certain city real estate projects that require the filing of a completed Environmental Evaluation Application under the California Environmental Quality Act (CEQA) and have an *Estimated Construction Cost* of more than \$1,000,000.

The Ethics Commission administers and serves as the filing officer for these disclosures. The Commission produced this Major Developer Manual (Manual) to help *Developers* understand and comply with their obligations under the law. In case of a conflict between this Manual and the Ordinance or its implementing regulations, the Ordinance and regulations prevail.

II. IMPORTANT DEFINITIONS TO DETERMINE QUALIFICATION AS A MAJOR DEVELOPER

A Major Developer is any Developer of a Major Project.

A Developer is the individual or entity that is a Project Sponsor responsible for filing a completed Environmental Evaluation Application with the Planning Department or other lead agency under CEQA for a Major Project.

***Note** – If the owner or agent that signs and submits the Environmental Evaluation Application will not be responsible for obtaining the entitlements or developing the *Major Project*, then for purposes of the requirements, the *Developer* shall be instead the individual or entity that is responsible for obtaining the entitlements for the *Major Project*.

If a *Project Sponsor* is an entity, the *Developer* shall include all of its constituent individuals or entities that have decisionmaking authority regarding any of the entity's major decisions or actions.

Example – If a project sponsor is a limited liability company (LLC), each of its members is considered a *Developer* for purposes of the requirements.

A Major Project is any Real Estate Development Project located in the city and county, with Estimated Construction Costs that exceed \$1,000,000, and that also requires a Final Environmental Determination prepared under CEQA.

***Note** - *A Major Project* does not include a residential development project with four or fewer dwelling units.

A Real Estate Development Project includes any project involving construction of one or more new structures or an addition to one or more existing structures, change of use within one or more existing structures, or substantial rehabilitation of one or more existing structures.

Estimated Construction Costs shall be calculated in the same manner used to determine building permit fees under the Building Code.

A *Final Environmental Determination* includes but is not limited to:

- When the Planning Commission certifies the Environmental Impact Report (EIR) for the project;
- Certification of a Program EIR;
- When a local lead agency allows consideration of approval of a *Major Project* to proceed under an EIR, a previously certified program EIR, master EIR or staged EIR;
- The issuance/certification/adoption of a Community Plan Exemption(CPE);
- The adoption of a Final Mitigated Negative Declaration; or
- A project approval by the Planning Commission that adopts CEQA Findings.

***Note** - If more than one of the preceding determinations occur, the filing requirement shall be triggered by the earliest such determination.

Affiliates- means any individual or entity that directly or indirectly controls, is controlled by or is under common control with, another entity, and for these purposes control means the power to direct the affairs or management of another entity, whether by contract, operation of law or otherwise.

Nonprofit Organization- Any corporation formed under California Corporations Code Section 5000 et seq. for any public or charitable purpose, or any organization described in 26 United States Code Section 501(c).

Officers of the City and County- Includes City Elected Officials, Commissioners, Directors, the Zoning Administrator, City Engineer, County Surveyor, or the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping. For an extensive list please review Section IV of the Contact Lobbyist Manual.

III. FILING DEADLINES

A *Developer* must use the SFEC Form 3500 to file a total of five reports with the Ethics Commission with respect to each major project.

First Report and \$500 Registration Fee: Must be filed within 30 days after a *Final Environmental Determination* is approved

Period Covered: One year before the filing of the Environmental Evaluation Application through the date the first report is filed.

Second Report: The due date for the second report depends on when the first report was filed.

- If the first report was filed between January 1 and March 31st, the second report is due April 15.
- If the first report was filed between April 1 and June 30, the second report is due July 15.
- If the first report was filed between July 1 and September 30, the second report is due October 15.
- If the first report was filed between October 1 and December 31, the second report is due January 15.

***Note** - Donations disclosed in the period covered by the second report that have already been disclosed in the first report are required to be duplicated in the second report.

Due Date	Period Covered
April 15	January 1 through March 31
July 15	April 1 through June 30
October 15	July 1 through September 30
January 15	October 1 through December 31

Third to Fifth Report: Due Quarterly after previous report.

- If the second report was due April 15th, the third report will be due July 15.
- If the second report was due January 15th, the third report will be due April 15.
- If the fourth report was due July 15th, the fifth and final report will be due October 15.

***Note-** Donations disclosed in the third through fifth report will never repeat previously disclosed donations.

IV. DISCLOSURE REQUIREMENTS

A *Developer* must disclose information about a nonprofit: if the *Developer* and/or its *Affiliates*:

- Makes a cumulative donation of \$5,000 or more in any reporting period to a nonprofit organization; and
- The nonprofit organization or a representative of the nonprofit organization has had one or more contacts with an *Officers of the City and County*- including providing public comment at any hearing before any board or commission regarding the *Developer's Major Project*.

What needs to be disclosed in the Form 3500:

Information on Type of Filing

1. Original or Amendment
2. Date of Original Filing (If An Amendment)
3. Report Number (1-5)
4. Period Covered

Developer Information

1. Name of Developer
2. Business Address
3. Business Telephone
4. Business E-mail Address
5. Name of Person Completing the Report
6. Phone Number of Person Completing the Report

Major Project Information

1. Planning Department Case Number
2. Description of Project
3. Date Environmental Evaluation Application was Filed
4. Date of Final Environmental Determination.

Donations to Nonprofit Organizations

1. Checkbox: If Donations were Disclosed on any Prior Report Filed with Respect to the Project Listed on this Report.
2. Total Donations to Disclosable Nonprofits During the Reporting Period
3. Name of Nonprofit
4. Business Address of Nonprofit
5. Website of Nonprofit
6. E-mail address of Nonprofit
7. Business Telephone of Nonprofit
8. Amount of Donation
9. Date of Donation

Affiliates Donating to Nonprofit Organizations

1. Number of Affiliates that Donated During the Reporting Period
2. Name of Affiliate
3. Address of Affiliate
4. E-mail of Affiliate
5. Telephone of Affiliate