

1 [Planning Code - Production, Distribution, and Repair Zoning]

2
3 **Ordinance amending the Planning Code to address various revisions to Production,**
4 **Distribution, and Repair Zoning (PDR), integrated PDR, and small enterprise workplace**
5 **zoning controls to facilitate the establishment of such uses; amending the**
6 **Administrative Code to delete requirements concerning reporting on integrated PDR,**
7 **affirming the Planning Department's California Environmental Quality Act**
8 **determination; and making Planning Code, Section 302, findings, and findings of**
9 **consistency with the General Plan, and the eight priority policies of Planning Code,**
10 **Section 101.1.**

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

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

19 Section 1. Findings.

20 (a) In 2008, the Board of Supervisors adopted the Eastern Neighborhoods Plan and
21 related zoning, in part to refine the City's approach to PDR (production, distribution, and
22 repair) uses and to preserve and encourage such uses in the southeastern neighborhoods of
23 the City. This legislative package is comprised of Ordinance Nos. 297-08, 298-08, and 299-
24 08, copies of which are on file with the Clerk of the Board of Supervisors in File Nos. 081152,
25 081153, and 081154 respectively, and incorporated herein by reference. Since the adoption
of this Plan and its associated zoning, the City has determined that the continued

1 establishment, evolution, and adaptation of these uses demands a more responsive set of
2 zoning controls in the Planning Code.

3 (b) The amended zoning controls in this legislation attempt to satisfy the following
4 goals: (1) Make it easier to establish PDR as a principally permitted use; (2) Allow PDR uses
5 to share accessory retail space; (3) Entice the development of PDR on underdeveloped
6 parcels in PDR Districts; (4) Support creation of new PDR space in re-built non-conforming
7 self-storage uses; (5) Make “Small Enterprise Workspace” (SEW) to be more attractive to
8 build; and (6) Clean up the definition of PDR.

9 (c) Utilizing available data, the Planning Department has determined that the following
10 parcels (listed as Assessor Block/Lot) would meet the requirements established in the
11 proposed Section 219.1(c) regarding new PDR space: 3552/012, 3573/015, 3573/023,
12 3592/032, 3807/001, 3807/004, 3807/008, 3807/012, 3808/003, 3820/002, 3821/005,
13 3821/006, 3905/012, 3916/002, 3921A/005, 3921A/006, 3924/006, and 3936/002.

14 (d) The Planning Department has determined that the actions contemplated in this
15 Ordinance comply with the California Environmental Quality Act (California Public Resources
16 Code Section 21000 et seq.). The Board of Supervisors hereby affirms this determination. A
17 copy of said determination is on file with the Clerk of the Board of Supervisors in File No.
18 131205 and incorporated herein by reference.

19 (e) Pursuant to Planning Code Section 302, the Board finds that the proposed
20 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
21 Planning Commission Resolution No. 19102, which reasons are incorporated herein by
22 reference as though fully set forth. A copy of Planning Commission Resolution No. 19102 is
23 on file with the Clerk of the Board of Supervisors in File No. 131205.

24 (f) At a duly noticed public hearing held on March 13, 2014, the Planning Commission
25 in Resolution No. 19102 found that the proposed Planning Code amendments contained in

1 this ordinance are consistent with the City's General Plan and with the Priority Policies of
2 Planning Code Section 101.1. The Commission recommended that the Board of Supervisors
3 adopt the proposed Planning Code amendments. The Board finds that the proposed Planning
4 Code amendments contained in this ordinance are consistent with the City's General Plan and
5 with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in said
6 Resolution.

7
8 Section 2. The Planning Code is hereby amended by deleting Sections 175.8, 249.39,
9 413.7, 428A, and 890.49 revising Sections 181, 204.3, 226, 227, 840, 841, 842, 843, 844,
10 845, and 846 and adding Section 219.1, to read as follows:

11 ~~**SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.**~~

12 ~~—Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require~~
13 ~~conditional use authorization five years after the effective date of Ordinance Number 298-08 in order~~
14 ~~to allow for greater scrutiny of Integrated PDR uses in light of the City's Enterprise Zone Payroll Tax~~
15 ~~Credit program. The Planning Commission and Board of Supervisors should consider revising this~~
16 ~~control to continue permitting Integrated PDR uses if data show that 25 percent of all employees in~~
17 ~~areas Integrated PDR uses are eligible for the City's Enterprise Zone Payroll Tax Credit.~~

18
19 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**
20 **RECONSTRUCTION.**

21 (a) A nonconforming use, and any structure occupied by such use, shall not be
22 enlarged, intensified, extended, or moved to another location, with the exception of the
23 construction of a mezzanine within a live/work unit and expansion of dwelling units in PDR
24 Districts, unless the result will be elimination of the nonconforming use, except as provided in
25 Paragraph (b)(3) and (i) below and Section 186.1 of this Code. A nonconforming use shall not

1 be extended to occupy additional space in a structure, or additional land outside a structure,
2 or space in another structure, or to displace any other use, except as provided in Sections 182
3 and 186.1 of this Code.

4 (b) A structure occupied by a nonconforming use shall not be constructed,
5 reconstructed or altered, unless the result will be elimination of the nonconforming use, except
6 as provided in Section 186.1 of this Code and in Subsections (a) above and (d), (e), (f) and (g)
7 below, and except as follows:

8 (1) Ordinary maintenance and minor repairs shall be permitted where necessary to
9 keep the structure in sound condition, as well as minor alterations, where such work is limited
10 to replacement of existing materials with similar materials placed in a similar manner.

11 (2) Minor alterations shall be permitted where ordered by an appropriate public official
12 to correct immediate hazards to health or safety, or to carry out newly enacted retroactive
13 requirements essential to health or safety.

14 (3) Alterations otherwise allowed by this Code shall be permitted for any portion of the
15 structure that will not thereafter be occupied by the nonconforming use, provided the
16 nonconforming use is not enlarged, intensified, extended, or moved to another location.

17 (4) All other alterations of a structural nature shall be permitted only to the extent that
18 the aggregate total cost of such other structural alterations, as estimated by the Department of
19 Public Works, is less than $\frac{1}{2}$ of the assessed valuation of the improvements prior to the first
20 such alteration, except that structural alterations required to reinforce the structure to meet the
21 standards for seismic loads and forces of the Building Code shall be permitted without regard
22 to cost.

23 (c) A dwelling or other housing structure exceeding the permitted density of dwelling
24 units or other housing units set forth in Sections 207.5, 208, 209.1, 209.2, or 215 of this Code
25 for the district in which it is located shall be classified as a nonconforming use under Section

1 180 of this Code, but only to the extent that such dwelling or other housing structure exceeds
2 the permitted density. This Section 181 shall apply with respect to enlargements, alterations
3 and reconstruction of the nonconforming portion of such dwelling or other housing structure,
4 consisting of those dwelling units or other housing units which exceed the permitted density.
5 Any dwelling unit or other housing unit coming within the density limit shall not be affected by
6 this Section 181. Except as provided in Sections 181(h) and 182(e), no dwelling or other
7 housing structure exceeding the permitted density of dwelling units or other housing units
8 shall be altered to increase the number of dwelling units or other housing units therein, or to
9 increase or create any other nonconformity with respect to the dwelling unit or other housing
10 unit density limitations of Section 209.1 or Section 209.2.

11 (d) Notwithstanding the foregoing provisions of this Section 181, a structure occupied
12 by a nonconforming use that is damaged or destroyed by fire, or other calamity, or by Act of
13 God, or by the public enemy, may be restored to its former condition and use; provided that
14 such restoration is permitted by the Building Code, and is started within eighteen months and
15 diligently prosecuted to completion. The age of such a structure for the purposes of Sections
16 184 and 185 shall nevertheless be computed from the date of the original construction of the
17 structure. Except as provided in Subsection (e) below, no structure occupied by a
18 nonconforming use that is voluntarily razed or required by law to be razed by the owner
19 thereof may thereafter be restored except in full conformity with the use limitations of this
20 Code.

21 For purposes of this Subsection (d), "started within eighteen months" shall mean that
22 within eighteen months of the fire or other calamity or Act of God, the structure's owner shall
23 have filed a building permit application to restore the structure to its former condition and use.

24 (e) In order that major life safety hazards in structures may be eliminated as
25 expeditiously as possible, a structure containing nonconforming uses and constructed of

1 unreinforced masonry that is inconsistent with the requirements of the UMB Seismic Retrofit
2 Ordinance, Ordinance No. 227-92, may be demolished and reconstructed with the same
3 nonconforming use or a use as permitted by Planning Code Section 182; provided that there
4 is no increase in any nonconformity, or any new nonconformity, with respect to the use
5 limitations of this Code; provided further that the current requirements of the Building Code,
6 the Housing Code and other applicable portions of the Municipal Code are met; and provided
7 further that such restoration or reconstruction is started within one year after razing or other
8 demolition work on the structure and diligently prosecuted to completion.

9 (f) A nighttime entertainment use within the RSD, MUG, MUR, or SLR Districts may
10 be enlarged, intensified, extended or expanded, including the expansion to an adjacent lot or
11 lots, provided that: (1) the enlargement, intensification, extension or expansion is approved as
12 a conditional use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole
13 meets the parking and signage requirements, floor area ratio limit, height and bulk limit, and
14 all other requirements of this Code which would apply if the use were a permitted one; and (3)
15 the provisions of Section 803.5(b) of this Code are satisfied.

16 (g) Automotive sales and service signs within the Automotive Special Use District
17 which have all required permits but which do not comply with the controls for new signs
18 established in Section 607.3 of this Code shall be permitted to remain as nonconforming uses
19 and shall be permitted to modify the signage text to describe new automobile ownerships and
20 dealerships that may occur from time to time.

21 (h) In PDR Districts, no building containing a residential use shall be altered to
22 increase the number of dwelling units or other housing units therein. However, individual
23 dwelling units or other housing units may be expanded, subject to height, bulk, and all other
24 provisions of this Code which would otherwise be applicable to dwelling units or other housing
25 units in the Urban Mixed Use District.

1 (i) In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts, a non-
2 residential nonconforming use may expand in gross floor area by no more than 25 percent
3 with conditional use authorization pursuant to Section 303 of this Code. Such conditional use
4 authorization may not be granted for any subsequent or additional expansion beyond the
5 initial 25 percent.

6 (j) In the PDR-1-D, PDR-1-G, and PDR-2 Districts, a storage building for household goods
7 shall be allowed to rebuild to its current square footage, as long as it provides at least one FAR of PDR
8 uses, as defined in Section 401. A Notice of Special Restriction (NSR) shall be recorded on the title of
9 any property receiving approval under this Section. This NSR shall provide the Planning Department
10 with the ability to enforce the provisions of this Section.

11
12 **SEC. 204.3. ACCESSORY USES IN C, M, AND PDR DISTRICTS.**

13 (a) No use shall be permitted as an accessory use to a lawful principal or conditional
14 use in any C-1 or C-2 District which involves or requires any of the following:

15 (1) The total employment for such accessory use of more than five persons in a C-1
16 District, or more than 10 persons in a C-2 District;

17 (2) The use of any single machine of more than one horsepower in a C-1 District, or
18 more than 2½ horsepower in a C-2 District;

19 (3) The use of machines in any one establishment in an aggregate of more than five
20 horsepower in a C-1 District, or more than 10 horsepower in a C-2 District;

21 (4) The use of more than ¼ of the total floor area occupied by such use and the
22 principal or conditional use to which it is accessory, except in the case of accessory off-street
23 parking or loading; or

24 (5) The production of goods not intended primarily for retail sale or use on the
25 premises.

1 (b) No use shall be permitted as an accessory use to a lawful principal or conditional
2 use in any C-3 District which involves or requires the use of any single machine of more than
3 five horsepower; or the use of more than ¼ of the total floor area occupied by such use and
4 the principal or conditional use to which it is accessory, except in the case of accessory off-
5 street parking and loading. These limitations shall not apply to equipment or machines
6 pertaining integrally to the lawful principal use itself.

7 (c) Notwithstanding the provisions of Sections 227(h) and (i) and 260(b)(2)(l) and (M)
8 of this Code, an accessory use to a lawful principal or conditional use in any C or M District
9 which involves or requires the installation of a tower or antenna solely for the reception of
10 radio and television broadcasts for the exclusive benefit of the residents or occupants in the
11 building on which the antenna is placed shall be permitted without regard to the height of such
12 tower or antenna and without regard to the proximity of such tower or antenna to any R
13 District.

14 (d) No use shall be permitted as an accessory use to a lawful principal or conditional
15 use in any PDR District which involves or requires the use of more than one-third (1/3) of the
16 total floor area occupied by such use and the principal or conditional use to which it is
17 accessory, except in the case of accessory retail, off-street parking, and loading. *Multiple PDR*
18 *uses within a single building or development may combine their accessory retail allotment into one or*
19 *more shared retail spaces, provided that the total allotment of accessory retail space per use does not*
20 *exceed what otherwise would be permitted by this Section.*

21
22 **SEC. 219.1. ALLOWANCE FOR USES TO SUPPORT THE DEVELOPMENT OF NEW**
23 **PDR SPACE IN THE PDR-1-D AND PDR-1-G DISTRICTS.**

24 (a) **Purpose.** *The purpose of this provision is to support the increase in the overall stock of*
25 *PDR space in the City. Despite consistent and growing demand for PDR space in San Francisco, the*

1 economics of building new PDR space are very challenging, even in PDR zoning districts where these
2 uses do not compete for land with other more economically-attractive uses. One way to make such
3 development economically viable is to utilize the value of other non-residential space, such as office
4 and institutional uses, to subsidize the construction of PDR space on properties that are largely vacant
5 or substantially underutilized and that do not contain significant PDR space that would be demolished.

6 (b) **Geography.** This provision applies to parcels that meet all of the following criteria:

7 (1) Are located in either the PDR-1-D or PDR-1-G Districts;

8 (2) Are located north of 20th Street;

9 (3) Contain a floor area ratio of 0.3 gross floor area or less as of January 1, 2014; and

10 (4) Are 20,000 square feet or larger.

11 (c) **Controls.** The Planning Commission may permit, per the procedures described below in
12 Subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

13 (1) At least 1/3 of the total gross floor area developed on the parcel shall contain PDR uses, as
14 defined in Section 401.

15 (2) For purposes of this Subsection, every square foot of Small Enterprise Workspace, as
16 defined in Section 227(t), shall count as 0.5 square feet of PDR space and 0.5 square feet of non-PDR
17 space as specified in Subsection (3) below.

18 (3) The non-PDR space may contain one or both of the following uses:

19 _____ (A) Office, as defined in Section 890.70; and/or

20 _____ (B) Institutions, Other, as defined in Section 890.50.

21 (4) Uses other than those listed in Subsections (2) and (3) above, such as retail, are subject to
22 the controls of the underlying district.

23 (3) Contain a floor area ratio of less than 0.3 gross floor area or less as January 1, 2014 of the
24 date of this legislation; and

25 (4) Are 20,000 square feet or larger.

1 (c) Controls. The Planning Commission may permit, per the procedures described below in
2 Subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

3 (1) At least 1/3 of the total gross floor area developed on the parcel shall contain PDR uses, as
4 defined in Section 401.

5 (2) For purposes of this Subsection, every square foot of Small Enterprise Workspace, as
6 defined in Section 227(t), shall count as 0.5 square feet of PDR space and 0.5 square feet of non-PDR
7 space as specified in Subsection (3) below.

8 (3) The non-PDR space may contain one or both of the following uses:

9 _____ (A) Office, as defined in Section 890.70; and/or

10 _____ (B) Institutions, Other, as defined in Section 890.50.

11 (4) Uses other than those listed in Subsections (2) and (3) above, such as retail, are subject to
12 the controls of the underlying district.

13 (5) No residential uses are permitted, even as part of Institutions as defined under 890.50,
14 except as allowed pursuant to Section 204.4.

15 (6) The PDR space in any building must be served by:

16 _____ (A) Sufficient off-street loading, and

17 _____ (B) One or more freight elevators, in accordance with Code Section 155(f).

18 (7) The project shall meet the Transportation Management Program requirements of Section
19 163(c) of the Planning Code.

20 (8) Accessory parking for uses listed in subsection (2) above may be permitted up to one space
21 per each 1,500 square feet of occupied floor area, and all such parking shall be subject to the pricing
22 requirements of Section 155(g).

23 (9) The project sponsor must develop a “PDR Business Plan”. The purpose of this PDR
24 Business Plan is to maximize the potential for the project to produce new PDR space that is viable and
25 affordable. The features of the PDR Business Plan should include, but are not limited to:

1 (A) Overall strategy to incorporate PDR businesses, including specifying which kinds of PDR
2 businesses are the target for the development;

3 (B) A description of the kinds of non-PDR businesses intended for the site and a plan for how
4 they will co-exist with the PDR businesses and any strategies required to achieve this balance;

5 (C) A description of how the site's marketing and outreach plan will effectively target these
6 same PDR businesses;

7 (D) A description of how the development's design is suited to PDR businesses;

8 (E) A description of the rent/purchase price proposed by the developer for the PDR spaces and
9 the approach to keep these rents accessible to PDR tenants over time;

10 (F) A detailed overview of the workforce and hiring strategy for the PDR businesses on the site,
11 as well as for the non-PDR businesses, including how the project sponsor will abide by City programs
12 such as the First Source Hiring Program; how the project sponsor might utilize other local, State, and
13 federal subsidized hiring programs such as work opportunity tax credits, Jobs Now!, Hire SF, and the
14 California new employment tax credit set forth in Chapter 93 of the California 2013-2014 legislative
15 session; and how the project sponsor will inform its tenants about other relevant public programs; and,

16 (G) A detailed community outreach plan, including a plan for engaging any specific community
17 partners in the development, tenanting of the project, and ongoing management of the PDR portions of
18 the property.

19 (10) The first Certificate of Occupancy for the PDR portion of the development must be issued
20 by the Department of Building Inspection before or concurrently with the first Certificate of Occupancy
21 for the non-PDR portion of the development unless the PDR and non-PDR portions are part of a single
22 site or building permit.

23 (d) Referral to OEWD. Upon receiving an application for a project under this Section, the
24 Planning Department shall inform the Director of the Office of Economic and Workforce Development
25 (OEWD) or successor agency, so that OEWD may inform the project sponsor of existing programs and

1 requirements relevant to PDR businesses, including any existing economic incentive and hiring
2 programs.

3 (e) Approvals.

4 (1) All projects seeking entitlement pursuant to this Section 219.1 shall be required to receive a
5 Conditional Use authorization, per Section 303 of the Planning Code. In evaluating a proposed
6 authorization under this Section, the Planning Commission shall consider:

7 (A) The likely viability of the new PDR space created by the development, as influenced
8 by such factors as the content of the project sponsor's PDR Business Plan, and whether the project
9 sponsor has the commitments of established PDR tenants and/or a demonstrated relationship with
10 organizations established in the PDR community.

11 (B) Whether the project is an appropriate location and intensity for the proposed non-
12 PDR use, including but not limited to whether the location of non-PDR uses would be compatible with
13 or disruptive to PDR uses on the site and in the vicinity, recognizing that PDR uses may generate noise,
14 vibrations, odors, trucking activity, or other PDR-related operational characteristics.

15 (2) A Notice of Special Restriction ("NSR") shall be recorded on the title of any property
16 receiving approval under this Section 219.1. Such NSR shall:

17 (A) Designate the PDR portion of parcel, building, and/or development;

18 (B) State that the proportion of gross floor area on the site dedicated to PDR uses shall
19 never be less than 1/3 of the total gross floor area on the parcel, including any future building or use
20 alterations or expansions;

21 (C) Require the property owner to submit an annual report to the Planning Department
22 and OEWD, on or before January 31 of each year, describing the status of the implementation of its
23 PDR Business Plan, identifying PDR tenants on the property during the prior year, describing the rents
24 for the PDR portions of the property and any lease terms, and providing information on their respective
25 square footages, number of employees, contact information for each tenant, a description of the

business or industry characteristics of each business, and the PDR space vacancy on the parcel as of the date of each report; and,

(D) Provide the Planning Department with the ability to enforce the provisions of this Section.

(E) Restrict the ability of the non-PDR portion of the development from limiting the PDR portion from undertaking activities necessary to maintain PDR business operations in such matters as trucking and noise generation.

(f) Reporting and Sunset Clause.

(1) The Planning Department shall receive all applications for environmental review for projects eligible under this Section on or before June 1, 2017.

(2) Prior to the sunset date of this Section, the Planning Department shall submit a report to the Planning Commission and the Board of Supervisors that provides information the Planning Department determines to be relevant in determining whether to continue, expand, or limit the allowances for new construction of PDR addressed in this Section.

(3) On December 31, 2017, this Section shall sunset unless the Board of Supervisors acts to continue, extend, or modify it by ordinance.

(g) Uses Established Under This Section. Notwithstanding any contrary provision of this Code, office uses established pursuant to this Section 219.1 shall be deemed Code-conforming uses after the expiration of this Section and such uses shall not constitute nonconforming uses under the provisions of Article 1.7.

SEC. 226. MANUFACTURING AND PROCESSING.

C-1	C-2	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2
		P	P	P	P	P	P	NA	NA	P	P	P	P

SEC. 226. MANUFACTURING AND PROCESSING.
(a) Light

1													under 5,000 gsf	manufacturing uses, involving only the assembly, packaging, repairing or processing of previously prepared materials, which are conducted within a building but do not occupy the ground story of any building; provided:
2														(1) That no
3														part of a building
4														so occupied
5														shall have any
6														opening, other
7														than fixed
8														windows and
9														exits required by
10														law, within 50
11														feet of any R
12														District;
13														(2) That
14														the mechanical
15														equipment
16														required for
17														such uses,
18														together with
19														related floor
20														space used
21														primarily by the
22														operators of
23														such equipment,
24														shall not in the
25														aggregate occupy more than ¼ of the

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						P	P	NA	NA	P	P	P under 5,000 gsf	P
						P	P	NA	NA	P	P	P under 5,000 gsf	P

gross floor area of the building in which the uses are located; and
 (3) That no machine shall be used that has more than five horsepower capacity.
 (b) Light manufacturing which occupies not more than 1/2 the ground story of the building and involves or requires no machine that has more than five horsepower capacity, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 20 feet of any R District.
 (c) Light food-processing for delicatessen, catering or restaurant supply, if

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								P	P	P	P	P under 5,000 gsf	P
		P	P	P	P	P	P	P	P	P	P	P under 2,500 gsf	P
		P	P	P	P	P	P	P	P				
							P	P	P				C

conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 20 feet of any R District.

(d) Light manufacturing, not including any use first specifically listed below.

~~(e) Industrial or chemical research or testing laboratory, not involving any danger of explosions.~~

~~(f) Life Science laboratory (as defined in Sections 890.52 and 890.53) Reserved for future use.~~

(g) Battery manufacture, if conducted on premises not less than 200 feet from any R District.

1														(h) Any of the following uses, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:
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5								<u>P</u>	<u>P</u>	<u>€</u>	<u>€</u>		<u>€</u>	
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7														
8														
9														
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11								<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>P</u>	(1) Automobile assembling.
12														(2) Bottling plant, brewery, dairy products plant, malt manufacturing or processing or malt products plant;
13														
14								<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>		<u>P</u>	
15														
16														
17								<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>C</u>	(3) Ice manufacturing plant;
18														(4) Concrete mixing, concrete products manufacture ;
19														
20								<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>C</u>	
21														
22														(5) Electric foundry or foundry for nonferrous metals;
23								<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>C</u>	
24														(6) Metal working or
25								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	

1														blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drophammers.
2														(7)
3														Enameling,
4														lacquering,
5														wholesale paint
6														mixing from
7								<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>C</u>	previously
8														prepared
9														pigments and
10														vehicles;
11														(8)
12														Woodworking
13														mill,
14														manufacture of
15														wood-fibre,
16								<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		<u>C</u>	sawdust or
17														excelsior
18														products not
19														involving
20														chemical
21														processing.
22														(i) <u>Curing,</u>
23														<u>smoking, or</u>
24														<u>drying fish;</u>
25														Manufacture of
														cereals, distilled
														liquors, felt or
														shoddy, hair or
														hair products,
														pickles,
														sauerkraut,
														vinegar, yeast,
														soda or soda
														compounds,
														structural clay
														products, meat
														products, <u>fish oil,</u>

1														District.
2														(s) Live
3														storage, killing
4														or dressing of
5									P					poultry or
6														rabbits, if
7														conducted on
8														premises not
9														less than 200
10														feet from any R
11														District, without
12														limitation as to
13														nature of sale.
14														(t)
15														Stockyard,
16														livestock feed
17														yard, abattoir.
18														(u)
19														Rendering or
20														reduction of fat,
21														bones or other
22														animal material,
23														where adequate
24														provision is
25														made for the
														control of odors
														through the use
														of surface
														condensers and
														direct-flame
														afterburners or
														equivalent
														equipment.
														(v) Incineratio
														n of garbage,
														refuse, dead
														animals or parts
														thereof.
														(w) The
														following uses,
														when conducted
														not less than
														500 feet from

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any R or NC District:
(1)
Manufacture, refining, distillation or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta percha or crude

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or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, varnish;
 (2) — ~~Curing, smoking or drying fish, manufacture of fish oil;~~
 (32)
 Tanning or curing of raw hides or skins;
 (43)
 Foundry, structural iron or pipe works, boilermaking where riveting is involved, locomotive works, roundhouse or railroad shop.

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SEC. 227. OTHER USES.

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C-1	C-2	C-3-O	C-3-O (SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NP	NP

(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a *single building use that is* comprised of discrete workspace units *of limited size that* which are independently accessed from building common areas.

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(1) The S.E.W. building must meet the following additional requirements:
(A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);
(B) Any non-accessory retail uses are subject to any per parcel size controls of the subject zoning district;
(C) No residential uses shall be permitted;
(D) ~~Fifty percent of the units in the building must contain no more than 500 gross square feet each, while the remaining fifty percent~~ Each of the units in the building must contain no more than ~~2,500~~ 1,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (E) below
(E) An S.E.W. building may contain units larger than ~~2,500~~ 1,500 square feet on the ground floor as long as each such unit contains a principal PDR use. For the purposes of this Section, a PDR use is one identified in Sections 220, 222, 223, 224, 225, 226, 227(a),

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227(b), and 227(p) of this Code. Such PDR units may be independently accessible from the street.
 (F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met. *To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area.*
 (2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after ~~the~~ *effective date of this Section January 19, 2009.*
 (3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230 limiting demolition of industrial buildings.
 (4) S.E.W. projects shall provide a PDR Business Plan in accordance with the requirements of Section 219.1(c)(9).
 (5) In considering the

approval of a S.E.W. project, the Planning Commission should consider the likely viability of the new PDR space that the development creates, as influenced by such facts as the content of the project sponsor's PDR Business Plan and whether the project sponsor has the commitments of established PDR tenants and/or a demonstrated relationship with organizations established in the PDR community.

~~(u) Integrated PDR, as defined in Sec. 890.49.~~

890.49

C-1	C-2	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2
C	C	C	C	C	C	C	C	C	C			C	C

(~~v~~ u) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing or marketing of Tobacco Paraphernalia from one person to another. "Tobacco Paraphernalia" does not

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		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>									
		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>											

include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Medical Cannabis Dispensaries as defined in Section 3301(f) of the San Francisco Health Code, are not Tobacco Paraphernalia Establishments.

(v) Chemical research or testing laboratory, not involving any danger of explosions.

(w) Life Science laboratory as defined in Sections 890.52 and 890.53.

[# Dwellings are not permitted as part of any Planned Unit Development in these districts.]
[*See Section 212(a)]

~~SEC. 249.39. RESTRICTED INTEGRATED PDR SPECIAL USE DISTRICT.~~

~~(a) Purpose. The Restricted Integrated PDR Special Use District is intended to ensure that newly constructed Integrated PDR uses support the intention of the PDR-1-G District in the Central Waterfront.~~

~~(b) Geography. The boundaries of the Restricted Integrated PDR Special Use District include all parcels designated PDR-1-G east of I-280, south of 20th St., and north of Cesar Chavez St.~~

1 ~~(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply,~~
2 ~~except that newly constructed Integrated PDR shall require conditional use authorization pursuant to~~
3 ~~the provisions of Sec. 303.~~

4
5 ~~**SEC. 413.7. INTEGRATED PDR EXCEPTION.**~~

6 ~~An exception to this process exists for Integrated PDR projects that are subject to Section 428~~
7 ~~of this Code, for which only 50% of the fees must be paid before the issuance of the first construction~~
8 ~~document or first certificate of occupancy with a deferral surcharge, whichever applies.~~

9
10 ~~**SEC. 428A. INTEGRATED PDR FEE DISCOUNT PROGRAM.**~~

11 ~~(a) **Purpose.** The purpose of the Integrated PDR Fee Discount Program is to encourage the~~
12 ~~hiring of disadvantaged workers by existing or future business tenants and/or occupants in newly~~
13 ~~permitted Integrated PDR space. Owners of buildings with Integrated PDR space are given the option~~
14 ~~of deferring up to fifty percent of development impact fees that would otherwise be owed, to encourage~~
15 ~~their Integrated PDR tenants and/or occupants to register their respective business with the Office of~~
16 ~~Economic and Workforce Development's (OEWD) Integrated PDR Program. At the end of a five-year~~
17 ~~period commencing upon issuance of the first site or building permit, owners of Integrated PDR~~
18 ~~buildings will be responsible for payment of the full deferred amount unless they can demonstrate to the~~
19 ~~Planning Department, based on registration records submitted to OWED, that a certain percentage of~~
20 ~~the employees occupying Integrated PDR space qualify as "disadvantaged workers." The greater the~~
21 ~~percentage of disadvantaged workers, the higher the fee waiver.~~

22 ~~(b) **Definitions.**~~

23 ~~(1) **Applicant.** For purposes of this section, the owner of a building that contains permitted~~
24 ~~Integrated PDR space.~~

25 ~~(2) **Integrated PDR.** This is defined in Section 890.49.~~

1 ~~(3) Disadvantaged worker. Any employee who qualifies for the California State.~~

2 ~~(4) Enterprise Zone hiring credit for the San Francisco Enterprise Zone.~~

3 ~~(5) Discount eligible worker, a disadvantaged worker who lives within the City and County of~~
4 ~~San Francisco.~~

5 ~~(6) Discount program fees. The fees that are subject to this discount program are the Eastern~~
6 ~~Neighborhoods Fees (per Sec. 327), the Transit Impact Development Fee (TIDF) (per Chapter 38 of~~
7 ~~the Administrative Code), and the Jobs Housing Linkage Fee (per Section 313).~~

8 ~~(7) Integrated PDR Registration Record. A dated receipt acknowledging that the subject~~
9 ~~Integrated PDR business has newly registered or updated their existing registration with the Office of~~
10 ~~Economic and Workforce Development (OEWD).~~

11 ~~(8) Outstanding Discount Program fees. The 50% of Discount program fees that are not paid~~
12 ~~at the issuance of the first site or building permit.~~

13 ~~(c) Controls.~~

14 ~~(1) Any project involving the establishment of net new Integrated PDR space may choose to~~
15 ~~avail itself of the fee discounts described below in this Subsection.~~

16 ~~(2) Initial fee reduction and payment:~~

17 ~~—— (A) At the issuance of the first site or building permit, the Applicant will pay 50% of~~
18 ~~discount program fees.~~

19 ~~—— (B) An Integrated PDR Notice of Special Restrictions (NSR) will be placed on the~~
20 ~~property stating the following:~~

21 ~~—— (i) The amount of Outstanding Discount Program fees.~~

22 ~~—— (ii) That the Outstanding Discount Program fees, adjusted for the cost of living as~~
23 ~~defined by the Controller's Office, will be paid within 30 days of notification of the applicant by the~~
24 ~~Planning Department of the amount of payment due. A reduction or waiver of these outstanding fees is~~
25 ~~available only if the conditions of subsection (c)(3) of this Section are met.~~

1 ~~(3) Outstanding Discount Program fee determination and payment:~~

2 ~~(A) After five years from the issuance of the first site or building permit for any~~
3 ~~Integrated PDR space, the Applicant must pay the Outstanding Discount Program fees.~~

4 ~~(B) An Applicant may seek to waive or reduce any Outstanding Discount Program fees~~
5 ~~by providing sufficient evidence in the form of Integrated PDR Registration Records to demonstrate to~~
6 ~~the Planning Department that they have satisfied the workforce goals of the Integrated PDR program~~
7 ~~as of the date of the filing of an application for such a waiver.~~

8 ~~(C) Outstanding Discount Program fees may be waived or forgiven under the following~~
9 ~~circumstances:~~

10 ~~(i) If 10% to 14.9% of the total workforce currently employed in space that is permitted~~
11 ~~as Integrated PDR is discount-eligible workers, then 50% of the outstanding fees will be waived.~~

12 ~~(ii) If 15% to 19.9% of the total workforce currently employed in space that is~~
13 ~~permitted as Integrated PDR is discount-eligible workers, then 60% of the outstanding fees will be~~
14 ~~waived.~~

15 ~~(iii) If 20% to 24.9% of the total workforce currently employed in space that is~~
16 ~~permitted as Integrated PDR is discount-eligible workers, then 70% of the outstanding fees will be~~
17 ~~waived.~~

18 ~~(iv) If 25% to 29.9% of the total workforce currently employed in space that is~~
19 ~~permitted as Integrated PDR is discount-eligible workers, then 80% of the outstanding fees will be~~
20 ~~waived.~~

21 ~~(v) If 30% to 34.9% of the total workforce currently employed in space that is~~
22 ~~permitted as Integrated PDR is discount-eligible workers, then 90% of the outstanding fees will be~~
23 ~~waived.~~

24 ~~(vi) If 35% or more of the total workforce currently employed in space that is permitted~~
25 ~~as Integrated PDR is discount-eligible workers, then 100% of the outstanding fees will be waived.~~

1 ~~—— (D) Applicants who cannot provide sufficient evidence in the form of Integrated PDR~~
2 ~~Registration records to demonstrate to the Planning Department that tenants and/or occupants of any~~
3 ~~Integrated PDR space have satisfied the annual reporting requirements of the Office of Economic and~~
4 ~~Workforce Development (OEWD), or its successor, will not be eligible for any waivers or reductions of~~
5 ~~Outstanding Discount Program Fees, and will owe the full amount of any Outstanding Discount~~
6 ~~Program Fees five years after the issuance of the first site or building permit. These annual reporting~~
7 ~~requirements are stated contained in the City's Administrative Code Sec. 10E.7.~~

8 ~~—— (E) Applicants must apply to the Planning Department for Outstanding Discount~~
9 ~~Program Fee reduction or waiver. This application must be submitted within three months before or~~
10 ~~after the five-year anniversary of the issuance of the first site or building permit. The Planning~~
11 ~~Department shall transmit the application to the Office of Economic and Workforce Development~~
12 ~~(OEWD), or its successor, for verification of relevant employment statistics, and the Director of OEWD~~
13 ~~shall subsequently submit its findings to the Planning Department.~~

14 ~~—— (F) Payment of outstanding fees is due within 30 days of notification of the applicant by~~
15 ~~the Planning Department of the amount of payment due.~~

16 ~~—— (G) Failure to pay shall be deemed a violation of the Planning Code and result in an~~
17 ~~enforcement action by the Department, which may include, referral to the Bureau of Delinquent~~
18 ~~Revenue and a lien on the subject property. Any enforcement action also may result in additional~~
19 ~~charges or penalties to cover the City's costs in the enforcement action, including, but not limited to~~
20 ~~City Attorney's fees.~~

21
22 **SEC. 840 MUG – MIXED USE-GENERAL DISTRICT.**

23 * * * * *

24 **Table 840**

25 **MUG – MIXED USE-GENERAL DISTRICT**

ZONING CONTROL TABLE

* * * * *
~~840.88~~ — *Integrated PDR* — ~~§ 890.49~~ — *P in applicable buildings*
* * * * *

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

* * * * *

Table 841

MUR – MIXED USE-RESIDENTIAL DISTRICT

ZONING CONTROL TABLE

* * * * *
~~841.88~~ — *Integrated PDR* — ~~§ 890.49~~ — *P in applicable buildings*
* * * * *

SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

* * * * *

Table 842

MUO – MIXED USE-OFFICE DISTRICT

ZONING CONTROL TABLE

* * * * *
~~842.88~~ — *Integrated PDR* — ~~§ 890.49~~ — *P in applicable buildings*
* * * * *

SEC. 843 UMU – URBAN MIXED USE DISTRICT.

* * * * *

1 **Table 843**

2 **UMU – URBAN MIXED USE DISTRICT**

3 **ZONING CONTROL TABLE**

4 * * * * *
5 ~~843.88~~ — *Integrated PDR* — ~~§ 890.49~~ — *P in applicable buildings*

6 * * * * *

7
8 **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

9 * * * * *

10 **Table 844**

11 **WMUG – WSOMA MIXED USE-GENERAL DISTRICT**

12 **ZONING CONTROL TABLE**

13 * * * * *
14 ~~844.88~~ — *Integrated PDR* — ~~§ 890.49~~ — *NP*

15 * * * * *

16
17 **SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

18 * * * * *

19 **Table 845**

20 **WMUO – WSOMA MIXED USE-OFFICE DISTRICT**

21 **ZONING CONTROL TABLE**

22 * * * * *
23 ~~845.88~~ — *Integrated PDR* — ~~§ 890.49~~ — *P in applicable buildings*

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1 **SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

2 * * * * *

3 **Table 846**

4 **SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT**

5 **ZONING CONTROL TABLE**

6 * * * * *

7 ~~846.88~~ ——— ~~Integrated PDR~~ ——— ~~§ 890.49~~ ——— ~~NP~~

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9
10 **~~SEC. 890.49. INTEGRATED PDR.~~**

11 ~~(a) Integrated PDR is a land use that meets the following requirements:~~

12 ~~(1) Contains at least the following amount of PDR activities:~~

13 ~~—— (A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total space shall~~
14 ~~contain PDR activities; or~~

15 ~~—— (B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall~~
16 ~~contain PDR activities;~~

17 ~~(2) Does not include residential activities;~~

18 ~~(3) The remaining space may contain any non-residential use permitted in the MUO District~~
19 ~~as long as:~~

20 ~~—— (A) Retail space is limited to 1/3 of the total space; and~~

21 ~~—— (B) All uses in the space are conducted as integral and related parts of a single business~~
22 ~~activity or enterprise;~~

23 ~~(4) For purposes of this definition, PDR activities are those that:~~

1 ~~——(A) Are generally consistent with Code Sections 220, 222, 223, 224, 225, 226, 227(a),~~
2 ~~227(b), and 227(p) or involve the fabrication, testing, distribution, maintenance, or repair of physical~~
3 ~~goods;~~

4 ~~——(B) Are not:~~

5 ~~——(i) Residential (as defined in Section 890.88);~~

6 ~~——(ii) Retail and personal services (as defined in Sections 890.102, 890.104, and~~
7 ~~890.116);~~

8 ~~——(iii) Institutional (as defined in Section 890.50);~~

9 ~~——(iv) Office (as defined in Section 890.70);~~

10 ~~——(v) Laboratory (as defined in Section 890.52); or~~

11 ~~——(vi) Storage (as defined in Sec. 890.54(c));~~

12 ~~——(C) May include any non-office uses that integrate multimedia, information technology,~~
13 ~~or software development functions;~~

14 ~~——(D) Do not include typical office support functions; and~~

15 ~~——(E) Occur in space specifically designed to accommodate the industrial nature of the~~
16 ~~PDR activities.~~

17 ~~(5) Any retail space contained within the Integrated PDR use shall not count against any per-~~
18 ~~parcel retail limits of the subject zoning district.~~

19 ~~(b) Integrated PDR uses are subject to the following requirements:~~

20 ~~(1) These uses are only permitted in buildings:~~

21 ~~——(A) That were constructed before 1951 which were at least three stories in height above~~
22 ~~grade, excluding those building features listed in Section 260(b) and related structures, as of the~~
23 ~~effective date of Ordinance Numbers 0297-08, 0298-08, 0299-08 and 0300-08; or~~

24 ~~——(B) For which a first certificate of occupancy was issued after the effective date of~~
25 ~~Ordinance Numbers 0297-08, 0298-08, 0299-08, and 0300-08;~~

1 ~~(2) A Notice of Special Restriction (NSR) shall be recorded on the title of any property~~
2 ~~containing an Integrated PDR use. The Planning Department shall forward a copy of each NSR to the~~
3 ~~Mayor's Office of Economic and Workforce Development, or a successor office, for purposes of record~~
4 ~~keeping and monitoring. This NSR shall include a copy of the use provisions of this Section and also~~
5 ~~require that the property owner:~~

6 ~~——(A) Ensure that all new Integrated PDR tenants and/or occupants register with the Office~~
7 ~~of Economic and Workforce Development's PDR Program. The purpose of this registration is to~~
8 ~~confirm the accuracy of each tenant's or occupant's NAICS code on their Business Registration and~~
9 ~~Payroll Tax forms, collect basic information on the nature of each tenant's or occupant's business,~~
10 ~~including the total number of employees to inform the tenant or occupant of available tax credits and~~
11 ~~other benefits of the state and local Enterprise Zone program; and to determine, to the extent possible,~~
12 ~~the total number of employees that reside within the City and are eligible to receive State Enterprise~~
13 ~~Zone tax credits ("IPDR Disadvantaged Employees"); and~~

14 ~~——(B) Report annually to the Planning Department staff on any reallocation of space within~~
15 ~~an Integrated PDR space.~~

16 ~~(c) Integrated PDR uses are not subject to the annual office limit controls of Sections 320-324.~~

17
18 Section 3. The Administrative Code is hereby amended by revising Section 10E.2, to
19 read as follows:

20 **SEC. 10E.2. EASTERN NEIGHBORHOODS AREA PLANS MONITORING**
21 **PROGRAM.**

22 * * * * *

23 ~~(d) INTEGRATED PDR REPORTING.~~

24 ~~(1) The owner of any property subject to an Integrated PDR Notice of Special Restrictions~~
25 ~~(NSR) recorded pursuant to Planning Code Section 328 is required to ensure that any new tenants or~~

1 ~~new occupants of any space that is permitted as Integrated PDR contact the Integrated PDR Program~~
2 ~~of the Office of Economic and Workforce Development (OEWD), or its successor, to register their~~
3 ~~respective Integrated PDR business with OEWD's Integrated PDR Program Database and that these~~
4 ~~same businesses continually update OEWD's PDR Program Database on an annual basis.~~

5 ~~(2) Upon successful registration of a new Integrated PDR business, OEWD will provide each~~
6 ~~individual Integrated PDR business registrant with a dated receipt acknowledging that the subject~~
7 ~~Integrated PDR business has newly registered or updated their existing registration with OEWD. This~~
8 ~~receipt shall be referred to as an "Integrated PDR Registration Record" for purposes of this Section~~
9 ~~and Planning Code Section 328. If an Integrated PDR business failed to register for an Integrated PDR~~
10 ~~Registration Record as of December 31st of the subject year, the OEWD is prohibited from issuing a~~
11 ~~receipt for that year.~~

12 ~~(3) It is the responsibility of the owner of any property subject to an Integrated PDR NSR~~
13 ~~recorded pursuant to Planning Code Sections 328 to collect and retain copies of any Integrated PDR~~
14 ~~Registration Records obtained by any tenant or occupant in a property subject to this Section.~~

15 ~~(4) Property owners who cannot provide sufficient evidence in the form of Integrated PDR~~
16 ~~Registration Records to demonstrate to the Planning Department that current and former occupants of~~
17 ~~any Integrated PDR space have satisfied the initial registration and annual reporting requirements~~
18 ~~outlined in this Section will not be eligible for any waivers or reductions of Outstanding Discount~~
19 ~~Program Fees as set forth in Planning Code Section 328.~~

20 ~~(5) OEWD, or its successor, shall make available summary reports of any and all Integrated~~
21 ~~PDR business data collected pursuant to this program at the request of the Planning Department staff~~
22 ~~or the Planning Commission, as necessary for their enforcement of any provisions of the Planning~~
23 ~~Code or for general information.~~

24 ~~(6) OEWD, or its successor, shall provide a 5-year summary report on the status of~~
25 ~~employment of disadvantaged workers, as defined in Planning Code Section 328(b)(2) and the profile~~

1 ~~of all businesses registered under this program within 6 months of the 5-year anniversary of the~~
2 ~~adoption of this Section. This summary report shall contain data on the total number and types of~~
3 ~~businesses occupying Integrated PDR space, as well the total percentage share of the total workforce~~
4 ~~employed by businesses occupying Integrated PDR space that qualify as disadvantaged workers as of~~
5 ~~the 5-year anniversary of the effective date of this Section.~~

6 (e d) **EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.**

7 (1) **Establishment and Purpose.** An Eastern Neighborhoods Citizens Advisory
8 Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern
9 Neighborhoods Area Plan and related Planning Code changes, the Mayor and the Board of
10 Supervisors shall have appointed all members to the CAC. The CAC shall be the central
11 community advisory body charged with providing input to City agencies and decision makers
12 with regard to all activities related to implementation of the Eastern Neighborhoods Area
13 Plans. The CAC is established for the purposes of providing input on the prioritization of
14 Public Benefits, updating the Public Benefits program, relaying information to community
15 members in each of the four neighborhoods regarding the status of development proposals in
16 the Eastern Neighborhoods, and providing input to Plan Area monitoring efforts as
17 appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the
18 Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the
19 Board of Supervisors. The CAC may perform the following functions as needed:

20 (A) Collaborate with the Planning Department and the Interagency Plan
21 Implementation Committee on prioritizing the community improvement projects and identifying
22 implementation details as part of annual expenditure program that is adopted by the Board of
23 Supervisors;

24 (B) Provide an advisory role in a report-back process from the Planning
25 Department on enforcement of individual projects' compliance with the Area Plans standards

1 and on specific conditions of project approvals so that those agreements will be more
2 effectively implemented;

3 (C) Collaborate with the Planning Department and relevant city agencies in the
4 monitoring of the Plans' implementation program at approximately every fifth year, in
5 coordination with the Monitoring Program required by the Administrative Code Section 10.E;
6 and provide input to Plan Area monitoring efforts for required time-series reporting.

7 **(2) Representation and Appointments.**

8 (A) The CAC shall consist 19 members representing the diversity of the
9 Eastern Neighborhoods; key stakeholders, including resident renters, resident homeowners,
10 low-income residents, local merchants, established neighborhood groups within the Plan
11 Area; and other groups identified through refinement of the CAC process.

12 (B) All members shall live, work, own property or own a business in the Eastern
13 Neighborhoods Plan Area they are appointed to represent.

14 (C) The Board of Supervisors shall appoint a total of eleven members to the
15 CAC. Based on the Supervisorial District boundaries, the District 6 and 10 Supervisors shall
16 nominate 4 four CAC members, the District 9 Supervisor shall nominate two CAC members,
17 and the District 8 Supervisor shall nominate one CAC member. The appointment of each of
18 the Board's CAC nominees shall be confirmed by the full Board of Supervisors.

19 (D) The Mayor shall appoint a total of eight members, with one voting member
20 representing each of the five neighborhoods, and three voting at-large members.

21 (E) Members shall serve for two-year terms, but those terms shall be staggered
22 such that, of the initial membership, some members will be randomly selected to serve four
23 year terms and some will serve two year terms.

24 (F) At the first official meeting of the CAC, which shall not occur until at least 13
25 voting members of the CAC have been appointed by the respective appointment process, a

1 lottery shall be conducted in order to randomly select four Board of Supervisors appointees
2 and two Mayoral appointees to serve four-year terms. At a subsequent meeting, when the
3 final two voting members of the CAC have been appointed by the respective appointment
4 process, a lottery shall be conducted in order to randomly select which member shall serve a
5 four-year term.

6 (G) The Board of Supervisors and Mayor may renew a member's term by
7 repeating the respective appointment process.

8 (3) Committees or Working Groups of the CAC. According to procedures set forth in
9 bylaws adopted by the CAC, the CAC may, at its discretion create subcommittees or working
10 groups based around geographic areas or functional issues. Each of these subcommittees or
11 working groups shall contain at least one CAC member who is eligible to vote, but may also
12 be comprised of individuals who are not members of the CAC. If a non-voting member of the
13 CAC serves on a subcommittee or working group that individual may act as a voting member
14 of the subcommittee or working group.

15 (4) Staffing for Eastern Neighborhoods Citizens Advisory Committee. The Planning
16 Department or Interagency Plan Implementation Committee shall designate necessary
17 staffing from relevant agencies to the CAC, as needed to complete the responsibilities and
18 functions of the CAC described in this code. To the extent permitted by law, staffing and
19 administrative costs for the CAC shall be funded through the Eastern Neighborhoods Public
20 Benefits Fund. Staff shall participate in the Interagency Planning and Implementation
21 Committee as set forth in Administrative Code Section 36.

22 (5) The Eastern Neighborhoods CAC will automatically terminate on December 31,
23 2020, unless the Board of Supervisors extends the CAC's term by Ordinance.

1 Section 4. This Section is uncodified. **Integrated PDR Uses.** If prior to March 31,
2 2014, a project sponsor submits an environmental application to the Planning Department or a
3 building permit application to the Department of Building Inspection for an Integrated PDR
4 use, as defined in former Planning Code Section 890.49, and the Planning Department or
5 Commission approves such use and it is occupied for qualified Integrated PDR purposes prior
6 to March 31, 2015, then such use shall be characterized as a legal nonconforming use in
7 accordance with Planning Code Article 1.7. In addition, former Planning Code Sections
8 175.8, 413.7, and 428A shall not apply to any project subject to this uncodified Section. If
9 such use is not occupied for Integrated PDR purposes prior to March 31, 2015, then the City’s
10 authorization to establish such use shall expire.

11
12 Section 5. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor’s veto of the ordinance.

16
17 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
21 additions, and Board amendment deletions in accordance with the “Note” that appears under
22 the official title of the ordinance.

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

3 By: _____
4 John D. Malamut
5 Deputy City Attorney

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