Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings.

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

Section 1. In accordance with the actions contemplated herein, this Board adopted Ordinance No. [300-08], that included findings pursuant to the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 081155 and is incorporated by reference herein.

Section 2. The San Francisco Administrative Code is hereby amended by amending Chapter 10E as follows:

CHAPTER 10E: DOWNTOWN NEIGHBORHOOD AREA PLAN MONITORING
SEC. 10E.1. DOWNTOWN PLAN FINDINGS. The Board of Supervisors makes the following findings in support of this ordinance.

(a) The Planning Commission has adopted the Downtown Plan as part of the General Plan of the City and County of San Francisco, and the Board of Supervisors, acting upon
recommendation of the Planning Commission, has adopted amendments to the Planning
Code called for in the Downtown Plan.

(b) The focus of the Downtown Plan is to prevent development where change would
diminish the City's character or livability but to allow appropriately scaled development that
would further the City's economic, fiscal and social objectives.

(c) The Downtown Plan is based on certain assessments about the ability of the City
to absorb the impacts of growth in downtown San Francisco and the desirability of increasing
housing, ridesharing and transit use in light of the anticipated downtown growth. The
Downtown Plan proposes various actions which should be taken to achieve the following
goals: An increase in the City's housing supply by an average of 1,000 to 1,500 new housing
units per year; and increase in ridesharing to a point where the number of persons commuting
by auto or van rises from 1.48 to 1.66 persons per vehicle; and an increase in the use of
transit by downtown workers from 64 percent to 70 percent of all work trips.

(d) The Downtown Plan recommends the adoption of a formal process for monitoring
progress toward Plan goals. This monitoring process is necessary to evaluate the
effectiveness of the Plan and the impacts of downtown growth, and to make any adjustments
deemed appropriate to the controls described in the Downtown Plan or to additions to the
City's infrastructure and services.

(e) The purpose of this monitoring system shall be to determine whether the
infrastructure and support systems necessary to accommodate the growth of downtown,
particularly housing supply and transit capacity, have kept pace with development in the C-3
Districts. If downtown is growing at a faster pace than the necessary infrastructure and
support systems, it may become necessary to make further efforts to slow down the pace of
development, or devise additional mechanisms for providing required infrastructure and support systems.

(f) The Planning Department shall undertake a two-tiered monitoring program. The two tiers are: 1) An annual collection and reporting of data from selected sources that are gathered on a regular basis, and 2) every five years, a more extensive data collection effort that includes an analysis of long-term policy indicators such as the TDR program, urban form goals, any impact fee funds, and provides analysis of the Downtown Plan's policy objectives. The annual monitoring should provide an early warning system for trends that may develop, indicating a shortfall in the long range goals.

SEC. 10E.2. ANNUAL REPORT. The Planning Department shall prepare an annual report detailing the effects of downtown growth. The report shall be presented to the Board of Supervisors, Planning Commission, and Mayor, and shall address: (1) the extent of development in the C-3 Districts; (2) the consequences of that development; (3) the effectiveness of the policies set forth in the Downtown Plan in maintaining San Francisco's environment and character; and (4) recommendations for measures deemed appropriate to deal with the impacts of downtown growth.

(a) Time Period and Due Date. Reports shall be due by July 1st of each year, and shall address the immediately preceding calendar year, except for the five year report, which shall address the preceding five calendar years.

(b) Data Source. The Planning Department shall assemble a data base for 1984 and subsequent years for the purpose of providing the reports. City records shall be used wherever possible. Outside sources shall be used when data from such sources are reliable, readily available and necessary in order to supplement City records.
(c) Categories of Information. The following categories of information shall be included:

Commercial Space and Employment.

(1) The amount of office space "Completed," "Approved," and "Under Construction" during the preceding year, both within the C-3 Districts and elsewhere in the City. This inventory shall include the location and square footage (gross and net) of those projects, as well as an estimate of the dates when the space "Approved" and "Under Construction" will become available for occupancy.

(2) Office Vacancy Ratio. An estimate of the current office vacancy rate in the C-3 Districts and citywide.

(3) Citywide and C-3 District Office Employment. An estimate of additional office employment, by occupation type, in the C-3 Districts and citywide.

(4) Tourist Hotel Rooms and Employment. An estimate of the net increment or tourist hotel rooms and additional hotel employment in the C-3 Districts.

(5) Retail Space and Employment. An estimate of the net increment of retail space and of the additional retail employment relocation trends and patterns within the City and the Bay Area.

(6) Business Formation and Relocation. An estimate of the rate of the establishment of new businesses and business and employment relocation trends and patterns within the City and the Bay Area.

Housing.

(7) Housing Units Certified for Occupancy. An estimate of the number of housing units throughout the City newly constructed, demolished, or converted to other uses.
(8) Jobs/Housing Linkage Program. A summary of the operation of the Jobs/Housing Linkage Program (formerly the Office Affordable Housing Production Program) and the Housing Affordability Fund, identifying the number and income mix of units constructed or assisted with these monies.

Transportation.

(9) Parking Inventory. An estimate of the net increment of off-street parking spaces approved in C-3 Districts.

(10) Vehicle Occupancy Rates. An estimate of vehicle occupancy rates for vehicles in or entering the City.


(12) Transit Impact Fee. A summary of the use of the transit impact development fee funds, collected from development.

Fiscal.

(13) Revenues. An estimate of the net increment of revenues by type (property tax, business taxes, hotel and sales taxes) from office, retail and hotel space.

(d) Report. The analysis of the factors under Commercial Space and Employment will provide an estimate of the increase in housing and transit demand. The comparison of increased demand with the increase in the supply of housing and in transit ridership will indicate the degree that the City is able to accommodate new development. Based on this data, the Department shall analyze the effectiveness of City policies governing downtown growth and shall recommend any additional measures deemed appropriate.

SEC. 10E.3. FIVE YEAR REPORT.

On March 15, 1990, and every fifth year thereafter by July 1st, the report submitted shall address the preceding five calendar years and, in addition to the data described above,
shall include, as deemed appropriate, a cordon count of downtown oriented travel and an
employer/employee survey and any other information necessary for the purpose of monitoring
the impact of downtown development. The five-year report shall monitor long-term policy
indicators such as the TDR program, urban form goals, any impact fee funds, and provide
analysis of the Downtown Plan's policy objectives. If the Planning Department determines that
eye early warnings from the annual reports indicate the need for collection of a cordon count and
employer/employee survey, it may include such data in any annual report, and may include an
analysis of data for a period of time earlier than the preceding calendar year.

SEC. 10E.4. INFORMATION TO BE FURNISHED.

It shall be the duty of the heads of all departments, offices, commissions, bureaus and
divisions of the City and County of San Francisco, upon request by the Planning Department,
to furnish such information as they may have or be able to obtain relating to the matters to be
included in the reports required herein.

SEC. 10E.5. EASTERN NEIGHBORHOODS AREA PLANS MONITORING PROGRAM.

(a) Findings.

(1) The Board of Supervisors and the Planning Commission have adopted the Eastern
Neighborhoods Area Plans as part of the General Plan of the City and County of San Francisco as
further described in Ordinance Nos. 297-08, 298-08, copies of which are on file with the Clerk of the
Board of Supervisors in File Nos. 081152, 081153 and are incorporated herein by reference. The
Area Plans outline specific goals that cumulatively frame the community's vision for the management
of growth and development in the Eastern Neighborhoods (East SoMa, Mission, Showplace
Square/Potrero Hill, and Central Waterfront).

(2) The Eastern Neighborhoods Area Plans introduce innovative policies and land use controls
to achieve the plan goals. Successful realization of the plan's goals requires a coordinated
implementation of land use controls, community and public service delivery, key policies, and
community infrastructure improvements.

(3) The Eastern Neighborhoods Area Plans also establish general public improvements and
amenities needed to meet the needs of both existing residents, as well as those needs generated by new
development, and identified these in the Eastern Neighborhoods Needs Assessment. A copy of this
document is on file with the Clerk of the Board of Supervisors in File No. 081/55 and is
incorporated herein by reference.

(4) In order to ensure a Citywide commitment to implementation of the Eastern Neighborhoods
Area Plans, the implementing agencies identified in each Plan’s Implementation Matrix, including the
Arts Commission, Department of Building Inspection (DBI), Department of Public Health (DPH),
Division of Emergency Services (DEM), Capital Planning Committee, City Administrator’s Office,
Controller’s Office, Department of Public Works (DPW), Human Services Agency (HSA), Mayor’s
Office of Community Development and Economic Development (MOCD), Mayor’s Office of Education, Mayor’s
Office of Housing (MOH), Office of Economic and Workforce Development (OEWD), or successor
offices, Planning Department, Port of San Francisco, Public Utilities Commission (PUC), Recreation
and Park Department (RPD), San Francisco County Transportation Authority (SFCTA), San Francisco
Unified School District (SFUSD), San Francisco Municipal Transportation Agency (SFMTA), and
other necessary agencies, shall be responsible for making progress towards the Plan’s policies and
implementation measures; for budgeting revenue towards such implementation where possible; and for
cooperating with the Planning Department to report on such progress.

(5) In order to ensure a balanced implementation of the Eastern Neighborhoods Area Plans, the
Planning Department shall institute a formal monitoring program for the Area Plan policies and
implementation measures. This monitoring program shall provide basic statistics on development
activity, housing construction, and infrastructure improvements in the Eastern Neighborhoods Plan.
areas, and shall evaluate the effectiveness of the Plans’ implementation according to growth in the Plan Areas.

(6) The purpose of this Monitoring Program shall be to provide rigorous monitoring and review of the effectiveness of the Eastern Neighborhoods Area Plans, to ensure rational growth in these neighborhoods, and to ensure implementation of improvements to accompany this growth. The program shall monitor progress towards the Eastern Neighborhoods Area Plans’ objectives and policies, by evaluating advancement according to each Plan’s matrix of implementation actions; and measure the balance of growth against needed improvements, according to standards established in the Eastern Neighborhoods Needs Assessment.

SEC. 10E.6. REPORTING REQUIREMENTS.

(a) Beginning by July 1st two years after plan adoption, and on July 1st every five years thereafter, the Planning Department shall prepare a report detailing development activity, housing construction, and infrastructure improvements in the Eastern Neighborhoods Plan Area. The information shall be presented to the Board of Supervisors, Planning Commission, the Citizens Advisory Committee, and Mayor, and shall also include recommendations for measures deemed appropriate to deal with the impacts of neighborhood growth.

(b) Time Period and Due Date. Reporting shall be presented by July 1st two years after plan adoption to address the time period since plan adoption; and by July 1st during each required year thereafter to address the five calendar years immediately preceding.

(c) Data Source. The Planning Department shall assemble data for the purpose of providing the reports. City records shall be used wherever possible. Outside sources shall be used when data from such sources are reliable, readily available and necessary in order to supplement City records. When data is not available for the exact boundaries of the Plan Area, a similar geography will be used and noted.
(d) Eastern Neighborhoods Implementation Matrix. The report shall review progress toward each implementation measure specified in each Plan’s Implementation Matrix. Copies of these matrices are on file with the Clerk of the Board of Supervisors in File No. 08/1/5 and are incorporated herein by reference. It shall evaluate the actions of each responsible agency/lies according to the timeline specified in the Implementation Matrix, and recommend amendments to implementation measures where relevant. All departments responsible for implementation measures shall cooperate and furnish information relating to their responsibilities as stated in the matrices.

(e) Development Activity. The report shall detail all development activity in the Plan Area over the Monitoring Period, including additions and deletions of residential and commercial space, and shall include unit size and bedroom count of units constructed, retail space and employment generated, conversions and other development statistics. The monitoring program shall include the following categories of information:

(1) Office Space. Amount of office space constructed in preceding years and related employment.

(2) Visitor and Hotel Space. Amount of hotel rooms constructed in preceding years and related employment.

(3) Retail Space. Amount of retail space constructed in preceding years and related employment.

(4) Business Formation and Relocation. An estimate of the rate of the establishment of new businesses and business and employment relocation trends and patterns within the City and the Bay Area.

(5) Housing. An estimate of the number of housing units newly constructed, demolished, or converted to other uses.
(1) Public Benefit. The report shall detail the construction of any improvements or infrastructure as described in the Eastern Neighborhoods Public Benefits Program, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 081505 and is incorporated herein by reference. The report shall include the following categories of information:

(1) Inclusionary Housing Program. A summary of the number and income mix of units constructed or assisted through this program, an analysis of units constructed within each alternative, including new alternatives established for the Eastern Neighborhoods UMU districts.

(2) Jobs/Housing Linkage Program. A summary of the operation of the Jobs/Housing Linkage Program (formerly the Office Affordable Housing Production Program) and the Housing Affordability Fund, identifying the number and income mix of units constructed or assisted with these monies.

(3) Streetscape, Transportation, and Public Realm. A detailed description of any transportation serving infrastructure completed in the preceding five years, including transit, pedestrian, bike, traffic and other modes of transportation.

(4) Open Space and Recreational Facilities. A summary of new parks, trails, public rights-of-way, recreational facilities or activity space completed to serve the purposes of recreation in the preceding five years, as well as any improvements to parks or recreational facilities.

(5) Community facilities. An assessment of the existing service capacity of community services and facilities, and of any new services or facilities joining the neighborhood in the past five years. This shall include a review of child care, library services and any other categories deemed relevant, such as health care centers, human services, and cultural centers.

(6) Neighborhood Serving Businesses. An assessment of neighborhood serving businesses in the area, including their establishment, displacement, and economic health.
(g) Fees and Revenues. The report shall monitor expenditure of all implemented fees, including the Eastern Neighborhoods Impact Fee and all Citywide fees, and tax revenue, as listed below. It shall report on studies and implementation strategies for additional fees and programming.

(1) Impact Fee. A summary of the collected funds from the Eastern Neighborhoods Impact Fee collected from development, and a detailed accounting of its expenditure over that same period.

(2) Fiscal Revenues. An estimate of the net increment of revenues by type (property tax, business taxes, hotel and sales taxes) from all uses.

(3) Fee Adjustments.

(i) The City shall review the amount of the Eastern Neighborhoods fee against any increases in construction costs, according to changes published in the Construction Cost Index published by Engineering News Record, or according to another similar cost index should there be improvements to be funded through the Eastern Neighborhoods Impact Fee as listed in the Eastern Neighborhoods Program.

(ii) The City shall review the level of the Eastern Neighborhoods housing requirements and fees to ensure they are not so high as to prevent needed housing or commercial development.

(h) Agency Responsibilities. All implementing agencies identified in the Eastern Neighborhoods Implementation Matrix shall be responsible for:

(1) Reporting to the Planning Department, for incorporation into the Monitoring report, on action undertaken in the previous reporting period to complete the implementation actions under their jurisdiction, as referenced in the Eastern Neighborhoods Implementation Matrix.

(2) Providing an analysis of the actions to be completed in the next reporting period, for incorporation into the Monitoring report, including a description of the integrated approach that will be used to complete those tasks.
(i) To the extent the Agencies identified in the Implementation Matrix are outside the jurisdiction of this Board, this Board hereby urges such Agencies to participate in this process.

(j) Budget Implications. In cooperation with the Annual Progress reports required by Administrative Code Chapter 36.4, and prior to the annual budget process, the Board shall receive a presentation by the Interagency Planning and Implementation Committee and its member agencies to describe how each agency's proposed annual budget advances the Plans' objectives, including specific projects called for by this section. The Board of Supervisors shall give particular consideration to proposed agency budgets that meet the implementation responsibilities as assigned by the City's General Plan, including the Eastern Neighborhoods Implementation Matrix. Budget proposals that do not include items to meet these implementation responsibilities shall respond to Board inquiries as to why inclusion was not possible.

SEC. 10E.7 EASTERN NEIGHBORHOODS CAPITAL EXPENDITURE EVALUATION

(a) Purpose. The Board of Supervisors and the Planning Commission have adopted the Eastern Neighborhoods Area Plans in part to further the implementation of capital improvements within the neighborhoods affected by new development, as described in the Eastern Neighborhoods Public Benefits Program and incorporated herein by reference. A Capital Expenditure Evaluation, in conjunction with the Plan's Monitoring Programs, will provide a means to measure the balance of growth against these needed improvements, and to evaluate the effectiveness of the Plans' implementation as growth occurs.

(b) Controls.

(1) Reporting requirements. By July 1st five years after Plan adoption, and every five years thereafter, until 20 years after Plan adoption, the Planning Department shall submit to the Board of Supervisors and the Office of the Controller an Eastern Neighborhoods Capital Expenditure Evaluation Report. The Eastern Neighborhoods Capital Expenditure Evaluation Report shall specifically report...
the amount of funds collected to date from the Eastern Neighborhoods Impact Fee. The Capital
Expenditure Evaluation Report shall also describe how these funds have been allocated or spent for
the purpose of developing capital projects as identified in the Eastern Neighborhoods Priority Capital
Project list. The Capital Expenditure Evaluation shall specifically report on allocations of funds or
expenditures, based on their percentages share of the total fees collected to date, toward the following
Eastern Neighborhoods Priority Capital Project development activities: planning, design,
environmental review, approval, and implementation. For the purposes of this section, the “Eastern
Neighborhoods Priority Capital Project List” shall mean a list of capital projects which are a priority
subset of the full Eastern Neighborhoods Public Benefits Program as set forth in the Eastern
Neighborhoods Interdepartmental Memorandum of Understanding and amended from time to time by
the Planning Commission with advice from the Eastern Neighborhoods Citizens Advisory Committee.
A draft copy of said memorandum is on file with the Clerk of the Board of Supervisors in File No.
081446 and is incorporated herein by reference.

(2) Board of Supervisors Office of Controller Assessment. Upon receipt of Within 60 days of
receiving the Eastern Neighborhoods Capital Expenditure Evaluation Report, the Board of Supervisors
Controller shall assess whether funds collected from the Eastern Neighborhoods Impact Fee are being
effectively utilized for capital projects serving the Eastern Neighborhoods included on the Eastern
Neighborhoods Priority Capital Project List, and whether such projects are successfully advancing
towards implementation. For the purposes of this section, “effectively utilized” shall mean
approximately eighty percent of total Eastern Neighborhoods impact fees collected upon issuance of
the Eastern Neighborhoods Capital Expenditure Evaluation Report have been allocated to one or more
of the projects identified in the Eastern Neighborhoods Priority Capital Projects list, whether or not
such projects have been approved or completed. On or after the ten-year anniversary of Plan
Adoption the Board Controller shall also consider whether projects that were initially funded by the
issuance of the five year report, or any subsequent updated or revised report, have been fully funded and/or completed, assuming sufficient funds are available from the Eastern Neighborhoods impact fees collected to date.

(3) Each year the Planning Department shall submit for inclusion into the City and County of San Francisco Proposed Capital Plan for the current fiscal year, in accordance with Sections 3.20 et seq., a schedule of capital improvements to be funded, developed and implemented within the Eastern Neighborhoods, by neighborhood. That schedule shall illustrate costs and revenue streams, total projects costs and the proposed timeline for implementation.

SEC. 10E.78. INTEGRATED PDR REPORTING.

(a) The owner of any property subject to an Integrated PDR Notice of Special Restrictions (NSR) recorded pursuant to Planning Code Section 328 is required to ensure that any new tenants or new occupants of any space that is permitted as Integrated PDR contact the Integrated PDR Program of the Office of Economic and Workforce Development (OEWD), or its successor, to register their respective Integrated PDR business with OEWD’s Integrated PDR Program Database and that these same businesses continually update OEWD’s PDR Program Database on an annual basis.

(b) Upon successful registration of a new Integrated PDR business, OEWD will provide each individual Integrated PDR business registrant with a dated receipt acknowledging that the subject Integrated PDR business has newly registered or updated their existing registration with OEWD. This receipt shall be referred to as an “Integrated PDR Registration Record” for purposes of this Section and Planning Code Section 328. If an Integrated PDR business failed to register for an Integrated PDR Registration Record as of December 31st of the subject year, the OEWD is prohibited from issuing a receipt for that year.
(c) It is the responsibility of the owner of any property subject to an Integrated PDR NSR recorded pursuant to Planning Code Sections 328 to collect and retain copies of any Integrated PDR Registration Records obtained by any tenant or occupant in a property subject to this Section.

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

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

(f) OEWD, or its successor, shall provide a 5-year summary report on the status of employment of disadvantaged workers, as defined in Planning Code Section 328(b)(2) and the profile of all businesses registered under this program within 6 months of the 5-year anniversary of the adoption of this Section. This summary report shall contain data on the total number and types of businesses occupying Integrated PDR space, as well the total percentage share of the total workforce employed by businesses occupying Integrated PDR space that qualify as disadvantaged workers as of the 5-year anniversary of the effective date of this Section.

SEC. 10E.89. EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.

(a) Establishment and Purpose. An Eastern Neighborhoods Citizens Advisory Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern Planning Department BOARD OF SUPERVISORS
Neighborhoods Area Plan and related planning code changes. the Mayor and the Board of Supervisors shall have appointed all members to the CAC. The CAC shall be the central community advisory body charged with providing input to City agencies and decision makers with regard to all activities related to implementation of the Eastern Neighborhoods Area Plans. The CAC is established for the purposes of providing input on the prioritization of Public Benefits, updating the Public Benefits program, relaying information to community members in each of the four neighborhoods regarding the status of development proposals in the Eastern Neighborhoods, and providing input to plan area monitoring efforts as appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the Board of Supervisors. The CAC may perform the following functions as needed:

1. Collaborate with the Planning Department and the Interagency Plan Implementation Committee on prioritizing the community improvement projects and identifying implementation details as part of annual expenditure program that is adopted by the Board of Supervisors:

2. Provide an advisory role in a report-back process from the Planning Department on enforcement of individual projects' compliance with the Area Plans standards and on specific conditions of project approvals so that those agreements will be more effectively implemented:

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

(b) Representation and Appointments.
(1) The CAC shall consist of 13 members representing the diversity of the Eastern Neighborhoods: key stakeholders, including resident renters, resident homeowners, low-income residents, local merchants, established neighborhood groups within the plan area; and other groups identified through refinement of the CAC process.

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

(3) The Board of Supervisors shall appoint a total of eight members to the CAC, with two members representing each of the four Eastern Neighborhoods Plan Areas. Based on this representational requirement and the Supervisorial District boundaries, the District 10 Supervisor shall nominate 4 CAC members, the District 6 Supervisor shall nominate 2 CAC members, and the District 8 and District 9 Supervisors each shall nominate 1 CAC member. The appointment of each of the Board's CAC nominees shall be confirmed by the full Board of Supervisors.

(4) The Mayor shall appoint a total of five members, with one member representing each of the four neighborhoods, and one at-large member.

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

(6) At the first official meeting of the CAC, which shall not occur until the entire 13 member CAC is appointed by the respective appointment process, a lottery shall be conducted in order to randomly select four Board of Supervisors appointees and two Mayoral appointees to serve four-year terms.

(7) The Board of Supervisors or Mayor may renew a member's term.
(c) Committees or Working Groups of the CAC: According to procedures set forth in bylaws adopted by the CAC, the CAC may, at its discretion create subcommittees or working groups based around geographic areas or functional issues. Each of these subcommittees or working groups shall contain at least one CAC member, but may also be comprised of individuals who are not members of the CAC.

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

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

Section 3. The San Francisco Administrative Code is hereby amended by amending Chapter 38, Sections 38.1, 38.3, and 38.10 as follows:

SEC. 38.1. DEFINITIONS.
For the purposes of this Chapter, the following definitions shall apply:

A. Accessory Use. A related minor use which is either necessary to the operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and subordinate to any such use and is located on the same lot as the principal or conditional use.

B. Base Service Standard. The relationship between revenue service hours offered by the Municipal Railway and the number of automobile and transit trips estimated to be generated by certain non-residential uses, expressed as a ratio where the numerator equals the average
daily revenue service hours offered by MUNI, and the denominator equals the daily
automobile and transit trips generated by non-residential land uses as estimated by the TIDF
Study or updated under Section 38.7 of this Chapter.
C. Base Service Standard Fee Rate. The transit impact development fee that would allow
the City to recover the estimated costs incurred by the Municipal Railway to meet the demand
for public transit resulting from new development in the economic activity categories for which
the fee is charged, after deducting government grants, fare revenue, and costs for non-vehicle
maintenance and general administration.
D. Board. The Board of Supervisors of the City and County of San Francisco.
E. Certificate of Final Completion and Occupancy. A certificate of final completion and
occupancy issued by any authorized entity or official of the City, including the Director of the
Department of Building Inspection, under the Building Code.
F. City. The City and County of San Francisco.
G. Covered Use. Any use subject to the TIDF.
H. Cultural/Institution/Education (CIE). An economic activity category that includes, but is not
limited to, schools, as defined in subsections (g), (h), and (i) of Section 209.3 of the Planning
Code and subsections (f)–(i) of Section 217 of the Planning Code; child care facilities, as
defined in subsections (e) and (f) of Section 209.3 of the Planning Code and subsection (e) of
Section 217 of the Planning Code; museums and zoos; and community facilities, as defined in
Section 209.4 of the Planning Code and subsections (a)–(c) of Section 221 of the Planning
Code.
I. Director. The Director of Transportation of the MTA, or his or her designee.
J. Economic Activity Category. One of the following six categories of nonresidential uses:
Cultural/Institution/Education (CIE), Management, Information and Professional Services
(MIPS), Medical and Health Services, Production/Distribution/Repair (PDR), Retail/Entertainment, and Visitor Services.

K. Gross Floor Area. The total area of each floor within the building's exterior walls, as defined in Section 102.9 of the San Francisco Planning Code, except that for purposes of determining the applicability of the TIDF, the exclusion from this definition set forth in Section 102.9(b)(12) of that Code shall not apply.

L. Gross Square Feet of Use. The total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all covered uses, including any common areas exclusively serving such uses and not serving residential uses. Where a structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary space included in gross floor area that are not exclusively assigned to one use shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space, in the structure or on any floor thereof directly assignable to each use.

M. Management, Information and Professional Services (MIPS). An economic activity category that includes, but is not limited to, office use as defined in Section 313.1(35) of the Planning Code; medical offices and clinics, as defined in Section 890.114 of the Planning Code; and business services, as defined in Section 890.111 of the Planning Code. Integrated PDR as defined in Section 890.49 of the Planning Code, and Small Enterprise Workspaces, as defined in Section 227(t) of the Planning Code.

N. Medical and Health Services. An economic activity category that includes, but is not limited to, those non-residential uses defined in Sections 209.3(a) and 217(a) of the Planning Code; animal services, as defined in subsections (a) and (b) of Section 224 of the Planning Code.
Code; and social and charitable services, as defined in subsection (d) of Section 209.3 of the Planning Code and subsection (d) of Section 217 of the Planning Code.

O. Municipal Railway; MUNI. The public transit system owned by City and under the jurisdiction of the Municipal Transportation Agency.

P. Municipal Transportation Agency; MTA. The agency of City created under Article 8A of the San Francisco Charter.

Q. Municipal Transportation Agency Board of Directors; MTA Board. The governing board of the MTA.

R. New Development. Any new construction, or addition to or conversion of an existing structure under a building or site permit issued on or after September 4, 2004, that results in 3,000 gross square feet or more of a covered use. In the case of mixed use development that includes residential development, the term "new development" shall refer to only the non-residential portion of such development. "Existing structure" shall include a structure for which a sponsor already paid a fee under the prior TIDF ordinance, as well as a structure for which no TIDF was paid.

S. Office Space Development Fee; OSDF. A fee imposed under Section 38.3-1 of this Chapter.

T. Planning Code. The Planning Code of the City and County of San Francisco, as it may be amended from time to time.

U. Production/Distribution/Repair (PDR). An economic activity category that includes, but is not limited to, manufacturing and processing, as defined in Section 226 of the Planning Code; those uses listed in Section 222 of the Planning Code; automotive services, as defined in Section 223(a)-(k) of the Planning Code; arts activities and spaces, as defined in Section
102.2 of the Planning Code; and research and development, as defined in Section 313.1(42) of the Planning Code.

V. Residential. Any type of use containing dwellings as defined in Section 209.1 of the Planning Code or containing group housing as defined in Section 209.2(a)–(c) of the Planning Code.

W. Retail/Entertainment. An economic activity category that includes, but is not limited to, retail use, as defined in Section 218 of the Planning Code; entertainment use, as defined in Section 313.1(15) of the Planning Code; massage establishments, as defined in Section 218.1 of the Planning Code; laundering, and cleaning and pressing, as defined in Section 220 of the Planning Code.

X. Revenue Service Hours. The number of hours that the Municipal Railway provides service to the public with its entire fleet of buses, light rail (including streetcars), and cable cars.

Y. Sponsor. An applicant seeking approval for construction of new development subject to this chapter, such applicant's successors and assigns, and/or any person or entity that controls or is under common control with such applicant.


AA. Transit Impact Development Fee; TIDF. The development fee that is the subject of this Chapter.

BB. Treasurer. Treasurer of the City and County of San Francisco.
CC. Trip Generation Rate. The total number of automobile and Municipal Railway trips generated for each 1,000 square feet of development in a particular economic activity category as established in the TIDF Study, or pursuant to the five-year review process established in Section 38.7 of this Chapter.

DD. Use. The purpose for which land or a structure, or both, are legally designed, constructed, arranged or intended, or for which they are legally occupied or maintained, let or leased.

EE. Visitor Services. An economic activity category that includes, but is not limited to, hotel use, as defined in Section 313.1(18) of the Planning Code; motel use, as defined in subsections (c) and (d) of Section 216 of the Planning Code; and time-share projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

SEC. 38.3. IMPOSITION OF TRANSIT IMPACT DEVELOPMENT FEE.

A. Subject to the exceptions set forth in subsections D and E below, each sponsor of a new development in the City shall pay to the City and deliver to the Treasurer upon issuance of any temporary certificate of occupancy, and as a condition precedent to issuance for such new development of any certificate of final completion and occupancy, whichever occurs first, a TIDF. The TIDF shall be calculated on the basis of the number of gross square feet of new development, multiplied by the square foot rate in effect at the time of payment for each of the applicable economic activity categories within the new development, as provided in Section 38.4 of this Chapter. An accessory use shall be charged at the same rate as the underlying use to which it is accessory. Whenever any new development or series of new developments cumulatively creates more than 3,000 gross square feet of covered use within a structure, the TIDF shall be imposed on every square foot of such covered use (including any portion that was part of prior new development below the 3,000 square foot threshold).
B. No City official or agency, including the Department of Building Inspection ("DBI") and the Port of San Francisco, may issue a certificate of final completion and occupancy for any new development subject to the TIDF until it has received notification from the Treasurer that the TIDF in accordance with Section 38.4 of this Chapter has been paid.

C. Except as provided in Sections 38.3(D) and (E) below, the TIDF shall be payable with respect to any new development in the City for which a building or site permit is issued on or after September 4, 2004.

D. The TIDF shall not be payable on new development, or any portion thereof, for which a transit impact development fee has been paid, in full or in part, under the prior Transit Impact Development Fee Ordinance adopted in 1981 (Ordinance No. 224-81; former Chapter 38 of this Administrative Code), except where (1) gross square feet of use is being added to the building; or (2) the TIDF rate for the new development is in an economic activity category with a higher fee rate than the rate set for MIPS, as set forth in Section 38.4.

E. No TIDF shall be payable on the following types of new development.

(1) New development on property owned (including beneficially owned) by the City, except for that portion of the new development that may be developed by a private sponsor and not intended to be occupied by the City or other agency or entity exempted under this Chapter, in which case the TIDF shall apply only to such non-exempted portion. New development on property owned by a private person or entity and leased to the City shall be subject to the fee, unless the City is the beneficial owner of such new development or unless such new development is otherwise exempted under this Section.

(2) Any new development in Mission Bay North or South to the extent application of this Chapter would be inconsistent with the Mission Bay North Redevelopment Plan and
Interagency Cooperation Agreement or the Mission Bay South Redevelopment Plan and Interagency Cooperation Agreement, as applicable.

(3) New development located on property owned by the United States or any of its agencies to be used exclusively for governmental purposes.

(4) New development located on property owned by the State of California or any of its agencies to be used exclusively for governmental purposes.

(5) New development for which an application for environmental evaluation or an application for a categorical exemption has been filed prior to April 1, 2004, and for which a building permit or site permit is issued on or before September 4, 2008; provided however, that such new development may be subject to the OSDF under Section 38.3-1 of this Chapter.

(6) The following types of new developments:

(a) Public facilities/utilities, as defined in Section 209.6 of the Planning Code;

(b) Open recreation/horticulture, as defined in Section 209.5 of the Planning Code, including private noncommercial recreation open use, as referred to in Section 221(g) of the Planning Code;

(c) Vehicle storage and access, as defined in Section 209.7 of the Planning Code;

(d) Automotive services, as defined in Section 223(l)–(v) of the Planning Code;

(e) Wholesaling, storage, distribution, and open-air handling of materials and equipment, as defined in Section 225 of the Planning Code;

(f) Other Uses, as defined in Section 227(a)–(q) and (s)–(t) of the Planning Code;

In reviewing whether a development is subject to the fee, the Director shall consider the project in its entirety. A sponsor may not seek multiple building permits to evade paying the TIDF.
F. The sponsor shall pay, or cause to be paid, the TIDF to the Treasurer on the earliest of
the following dates (except for those Integrated PDR projects subject to Section 328 of the
Planning Code):

1. The date when 50 percent of the net rentable area of the project has been
occupied;
2. The date of issuance of the first temporary permit of occupancy in the new
development;

G. Upon payment of the fee in full to the Treasurer, and upon request of the sponsor, the
Treasurer shall issue a certificate that the fee has been paid. The sponsor shall present such
certification to DBI before the issuance of the final certificate of occupancy for the new
development. DBI shall provide notice in writing to the Treasurer, the Planning Department,
and MUNI at least five business days before issuing the final certificate of occupancy for any
new development project. DBI may not issue a final certificate of occupancy for any new
development until DBI has received notice from the Treasurer that the TIDF has been paid.
An exception to this process exists for Integrated PDR projects that are subject to Section 328
of the Planning Code, for which only 50% of the fees must be paid before the issuance of the
final certificate of occupancy.

SEC. 38.10. NONPAYMENT, RECORDATION OF NOTICE OF FEE AND NOTICE OF
DELINQUENCY, ADDITIONAL REQUEST; NOTICE OF ASSESSMENT OF INTEREST,
AND INSTITUTION OF LIEN PROCEEDINGS.

A. Upon the Director's determination that a development is subject to this ordinance, he or
she may cause the County Recorder to record a notice that such development is subject to
the TIDF. The County Recorder shall serve or mail a copy of such notice to the persons liable
for payment of the fee and the owners of the real property described in the notice. The notice
shall include (1) a description of the real property subject to the fee; (2) a statement that the
development is subject to the imposition of the fee; and (3) a statement that the amount of the
fee to which the building is subject is determined under Sections 38.4, 38.5 and related
provisions of this ordinance.

B. When the Director determines that the fee is due, the Director shall notify the Treasurer,
who shall send a request for payment to the sponsor.

C. Payment of the TIDF imposed by this ordinance is delinquent if (1) in the case of a fee not
payable in installments, the fee is not paid within 30 days of request for payment; (2) in the
case of a fee payable in installments (for a fee determined prior to the effective date of this
ordinance or for a fee for Integrated PDR subject to Sec. 328 of the Planning Code), the fee
installment is not paid within 30 days of the date fixed for payment.

D. Where the TIDF is not paid within 30 days of request for payment, and where the TIDF is
payable in installments (for a fee determined prior to the effective date of this ordinance or for
a fee for Integrated PDR subject to Sec. 328 of the Planning Code) and any installment is not
paid within 30 days of the date fixed for payment:

(1) The Treasurer or his or her designee may cause the County Recorder to record a
notice of delinquent TIDF which shall include: (a) the amount of the delinquent fee; (b) the
amount of the entire fee as reflected on the final determination and a statement of whether the
fee is payable in installments; (c) the fee interest and penalty then due; (d) the interest and
penalties that shall accrue on the delinquent fee if not promptly paid; (e) a description of the
real property subject to the fee; (f) notification that if the fee is not promptly paid proceedings
will be instituted before the Board of Supervisors to impose a lien for the unpaid fee together
with any penalties and interest against the real property described in the delinquency notice;
(g) notification of the fee payer's right to appeal the delinquency determination to the MTA Board within 15 days of the notice to the fee payer.

(2) Where the Treasurer determines to record a notice of delinquency, he or she shall also serve or mail the notice of delinquent TIDF to the persons liable for the fee and to the owners of the real property described on the notice.

(3) Where a notice of TIDF delinquency has been recorded and the delinquent fee is paid or the Treasurer's determination of delinquency is reversed by appeal to the MTA Board or the delinquency is otherwise cured, the Treasurer shall promptly cause the County Recorder to record a notice that the TIDF delinquency has been cured. Said notice shall include: (a) description of the real property affected; (b) the book and page number of the county record wherein the notice of delinquency was recorded; (c) the date the notice of delinquency was recorded; (d) notification that the delinquency reflected on the notice of delinquency was cured and the date of cure; (e) the amount of the entire fee as reflected on the final determination; (f) if applicable, the amount of the fee paid to effect the cure; and (g) if applicable, a statement that the fee was payable in installments and specification of the delinquency installments cured; (h) if applicable, the amount of the fee paid to effect the cure.

(4) The Treasurer shall serve or mail the notice that the TIDF delinquency has been cured, referred to in Section 38.10.D(3) of this ordinance, to the persons liable for the fee and to the owners of the real property described in such notice.

E. Where the TIDF, not payable in installments, is not paid within 30 days of request for payment, and where the TIDF is payable in installments (for a fee determined prior to the effective date of this ordinance) and the installment is not paid within 30 days of the date fixed for payment, the Treasurer or his or her designee shall mail an additional request for payment and notice to the owner stating the following:
1. If the amount due is not paid within 30 days of the date of mailing the additional request and notice, interest at the rate of one and one-half percent per month or portion thereof shall be assessed upon the fee or installment due.

2. With respect to both non-installment and installment fees, if the account is not current within 60 days of the date of mailing the additional request and notice, the Treasurer shall institute proceedings to record a lien in accordance with Section 38.11 for the entire balance and any accrued interest against the property upon which the fee is owed.

F. Thirty days after mailing the additional request for payment, the Treasurer may assess interest as specified in Paragraph 38.10.E(1) above. Sixty days after mailing the additional request for payment and notice, the Treasurer may institute lien proceedings as specified in Section 38.11.

G. The Treasurer shall submit a report to the Director on a quarterly basis of all fees collected for the previous quarter, which report shall include the property address, name of sponsor or owner of the property, and the amount of the fee, including interest, if any, collected.

Section 4. This Section is uncodified. Mission Street Study. The Board of Supervisors hereby urges the Planning Department to convene a series of Mission District and citywide stakeholder meetings within the three months of the effective date of this Ordinance to better understand the policy concerns related to increased heights along the Mission NCT District. Within six months of the effective date of this Ordinance, the Board requests that the Planning Department present a proposal to the Planning Commission and the Board of Supervisors Land Use and Economic Development Committee or successor committee that incorporates any feedback collected from the stakeholder meetings and makes recommendations, if any, to adjust heights along the Mission Street corridor. This proposal also should explore policies to
protect existing small businesses or incentivize the creation of new "micro-enterprise" space in
new buildings.

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

By: John D. Malamut
Deputy City Attorney.
Ordinance amending the Administrative Code Chapter 10E to establish the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Eastern Neighborhoods Area Plans and implementation of specified improvements, the Integrated PDR Reporting program, and the Eastern Neighborhoods Citizens Advisory Committee; amending Administrative Code Chapter 38, Sections 38.1, 38.3, and 38.10 to create a Transit Impact Development Fee for Integrated PDR; and adopting environmental findings.

November 18, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 18, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 25, 2008 Board of Supervisors — COMBINED WITH EXISTING FILE
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 25, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

December 9, 2008 Board of Supervisors — FINALLY PASSED
Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly
I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 9, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

12/19/2008
Date Approved

Mayor Gavin Newsom