

City and County of San Francisco
Land Use and Economic Development Committee

City Hall, Room 263



Meeting Agenda
Monday, April 28, 2008
1:00 PM
Regular Meeting

Members: Sophie Maxwell, Gerardo Sandoval, Aaron Peskin

Clerk: Linda Laws (415) 554-4441

Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

REGULAR AGENDA

- 1. 080223 [Street Encroachments on Ocean Avenue at Granada Avenue] Supervisor Sandoval**

Resolution granting revocable permission to San Francisco Arts Commission to occupy a portion of the public right-of-way to install and maintain two mosaic sun spheres, one three feet, and one four feet in diameter near the northeasterly and southwesterly corners of Ocean Avenue and Granada Avenue, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

2/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 2. 071669 [Planning - Haight Street Neighborhood Commercial] Supervisor Mirkarimi**

District - Full-Service Restaurants]

Ordinance amending Planning Code Sections 719.1 and 781.9 concerning the Haight Street Neighborhood Commercial District to provide for up to four new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

12/11/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/10/2008. 12/21/07 - Referred to Planning Commission and Planning Department for review, comment, and determination of environmental impact.

1/11/08, RESPONSE RECEIVED. Planning Department non-physical exemption.

3/21/08, RESPONSE RECEIVED. Planning Commission Resolution 17570 approving legislation with proposed amendments.

3. 071431 [Planning Code - Restoration of Movie Theater Projecting Signs and Marquees] Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code by amending Sections 188, 603, and 604 and by adding Sections 602.25 and 602.26 in order to allow for the preservation, rehabilitation, restoration or reconstruction of noncomplying Historic Movie Theater Projecting Signs and Marquees, as defined; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/16/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2007.

10/25/07, REFERRED TO DEPARTMENT. Referred to Planning Commission and Small Business Commission for review and comment.

11/2/07, RESPONSE RECEIVED. Planning Department, exempt from CEQA.

1/22/08, RESPONSE RECEIVED. Planning Commission Resolution 17527 and Executive Summary.

4/14/08, CONTINUED. Heard in Committee. Speakers: Supervisor Mirkarimi; Tara Sullivan-Lenane, Planning Department; Male Speaker, owner of Harding Theater; Female Speaker; Mark Topping. Continued to April 21, 2008.

4/21/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker: Tara Sullivan-Lenane, Planning Department.

4/21/08, CONTINUED AS AMENDED. Continued to April 28, 2008.

4. 080473 [Status Report on the HopeSF Program] Supervisor Maxwell

Hearing to consider an update on the progress and implementation of the HopeSF Program, established to rebuild distressed public housing sites in San Francisco.

4/8/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

5. 080232 [Planning Code - Deadline Extension for Medical Cannabis Dispensary Permitting] Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 790.141,

and 890.133 to extend the time period for certain Medical Cannabis Dispensaries to obtain a permit from March 1, 2008 to January 21, 2009; and making findings, including General Plan, Planning Code Section 101.1(b) and environmental findings.

2/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/13/2008.

2/20/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

2/29/08, RESPONSE RECEIVED. Planning Department - non-physical exemption per CEQA Guidelines Section 15060(c)(2).

4/7/08, RESPONSE RECEIVED. Planning Commission - Adopted Resolution No. 17577 to recommend approval with one modification.

4/14/08, CONTINUED. Heard in Committee. Speaker: Arthur Evans. Continued to April 21, 2008.

4/21/08, CONTINUED. Heard in Committee. Speaker: Arthur Evans. Continued to April 28, 2008.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Land Use and Economic Development Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

6. **080407** [Subdivision Code - definition of conversion] **Supervisor Peskin**
Ordinance amending the San Francisco Subdivision Code Section 1308 to modify the definition of conversion to include specified air space subdivisions of existing residential structures; and making environmental findings.

3/25/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/24/2008.

4/3/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review and Planning Commission for review and comment.
7. **080436** [Authorizing the passthrough from landlord to residential tenant of specified percentages of water and sewer services cost increases imposed through adoption of water and sewer rates after] **Supervisors Alioto-Pier, Chu, Elsbernd**
Ordinance amending the San Francisco Administrative Code to encourage water conservation by authorizing landlords to pass through to tenants fifty percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, and the passthrough to tenants of seventy percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, where specified water conservation devices have been installed in all rental units and common areas of a building; and providing for passthrough administration, noticing and enforcement procedures.

4/1/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/1/2008.

4/3/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.
8. **080459** [Zoning Map Amendment - 261 Octavia Street]
Ordinance amending Zoning Map Sheet 7 of the City and County of San Francisco for the property located at 261 Octavia Street, lot 029 in Assessor's Block 0839, from a Public Use (P) District to an RH-3 (House, Three-Family); adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

4/3/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/15/2008.
9. **080478** [Height Map Amendment - Rezoning Block 5323, Lots 13, 14, 14A, 15, 15A And 15B On Third Street And Mendell Street, From A 105-A Height And Bulk Limit To A 55-X Height And Bulk Limit] **Supervisor Maxwell**
Ordinance amending the San Francisco Planning Code by amending Height Map HT 10 of the Zoning Map of the City and County of San Francisco to change height and bulk limit for Block 5323, lots 13, 14, 14A, 15, 15A and 15B, located at the intersection of Third Street and Mendell Street, from 105-A to 55-X; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

4/8/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/8/2008.

4/16/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

10. 080483 [Preference in Inclusionary Housing for Certificate of Preference Holders] Mayor

Ordinance amending Planning Code Sections 315.4 and 315.5 to provide that individuals who hold certificates of preference from the San Francisco Redevelopment Agency shall receive preference for thirty percent (30%) of the on- and off-site units generated by the Residential Inclusionary Affordable Housing Program; and making findings including findings under the California Environmental Quality Act.

4/8/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/8/2008.

4/16/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

4/23/08, RESPONSE RECEIVED. Planning Department - Non-physical per Section 15060(c)(12) of CEQA Guidelines.

11. 080520 [Below Market Rate Condominium Conversion Program] Mayor, Supervisor McGoldrick

Ordinance amending the San Francisco Subdivision Code by adding Section 1344 to update and clarify the provisions relating to Below Market Rate Units under the Condominium Conversion Program including provisions related to the calculation of sales price, renting, capital improvements, duration and monitoring of affordability, marketing, and ongoing regulations; and amending Sections 1308, 1309, 1341, 1341B, 1343, 1359, and 1385 to make conforming changes, and making findings including findings under the California Environmental Quality Act (CEQA).

4/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/15/2008.

4/18/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

12. 080525 [Planning Code Enforcement] Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 10.100-166 to expand the Planning Department's Code Enforcement Fund beyond general advertising signs and authorize the Fund to receive revenues from all types of code enforcement activities, including monetary judgments, and authorize expenditure of the funds for administration and enforcement of all Planning Code violations; amending the San Francisco Planning Code by amending Section 303(l) concerning relocation of general advertising signs to delete the requirement to submit a site map, clarify that wall signs are included in the requirements and make technical changes to the language of the section, by amending Section 358 to increase the annual inventory maintenance fee from \$48 to \$75 and to clarify use of the general advertising sign inventory fees and that wall signs are included in the requirements, by amending Section 604.2 to provide that violation of the Code's general advertising sign inventory requirements is a public nuisance, to clarify that the definition of the term "general advertising sign company" includes the operator of the sign and that wall signs

are included in the requirements, to modify language required to be in the affidavit submitted with the sign inventory, to delete the requirement to submit a site map, to conform the penalty and appeal procedure with Section 610, and to make other clarifying and technical changes to the language of the section; adopting CEQA and Planning Code Section 302 findings.

4/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/15/2008.

4/18/08, REFERRED TO DEPARTMENT. Referred to Planning Commission and Small Business Commission for review and comment.

4/25/08, RESPONSE RECEIVED. Planning Department -Exempt from CEQA per Section 15273 (Rates, Tolls, Fares, and Charges) and Section 15060(c)(2) (non-physical) of the CEQA Guidelines. 7/16/08, Board adopted 60-day extension for review by Planning Commission; see File 080965.

13. 080521 [Citywide Affordable Housing Preference for Certificate of Preference Holders] Supervisors Mirkarimi, Dufty, Maxwell

Ordinance providing that all City affordable housing programs give preference in those programs to Certificate of Preference Holders under the San Francisco Redevelopment Agency's Property Owner and Occupant Preference Program by adding Administrative Code Section 24.8 to provide that all City affordable housing programs administered by the Mayor's Office of Housing or other City Department give preference in those programs to Certificate of Preference holders; and amending Administrative Code Sections 43.3.4 to provide for preference in the affordable housing and home ownership bond program; Section 10.100-110 to provide for preference in the expenditure of funds from the Mayor's Housing Affordability Fund; 10-100-370 to provide for preference in the use of HOPE SF funds; and amending Planning Code Sections 313.12, 315.4, 315.5, and 315.6 to provide for preference in the Citywide Affordable Housing funds generated by the Jobs-Housing Linkage Program and the Residential Inclusionary Affordable Housing program and in the allocation of all on- and off-site inclusionary housing units in those programs.

4/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/15/2008.

14. 080567 [Zoning - Ordinance creating a Conditional Use requirement for establishments that sell Tobacco Paraphernalia] Supervisor Sandoval

Ordinance amending the Planning Code to add a new Section 227(v), to define Tobacco Paraphernalia Establishments, and to impose a conditional use requirement on the establishment of such new enterprises in all Commercial and Industrial districts; amending Section 303 of the Planning Code to refer to this requirement, and to require consideration of additional criteria when analyzing a conditional use application; adding a new Section 790.123, to define Tobacco Paraphernalia Establishments in the Neighborhood Commercial districts; amending sections 710.1, 711.1, 712.1, 713.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 722.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, and 732.1, to refer to this definition and conditional use requirement; adding a new Section 890.89 to define Tobacco Paraphernalia Establishments in the Mixed Use districts; amending sections 803.1, 810.1, 811.1, 812.1, 814, 815, 816, 817, 818, and 827 to refer to this definition and conditional use requirement; and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

4/22/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development

Committee, expires on 5/22/2008.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. **THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.**

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Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to

report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics