

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

*City Hall, Room 263*



**Meeting Agenda**  
**Monday, February 11, 2008**  
**1:00 PM**  
**Regular Meeting**

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*Members: Sophie Maxwell, Gerardo Sandoval, Jake McGoldrick*

*Clerk: Mary Red (415) 554-4442*

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*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.*

## **AGENDA CHANGES**

## **REGULAR AGENDA**

1.     **071528**     **[Administrative Code - Amendments Creating Large Tourist Hotel Conversion Ordinance]**     **Supervisors Peskin, Ammiano, Daly, Maxwell, Mirkarimi, Sandoval**

Ordinance amending the Administrative Code to add Section 41F to limit conversion of Large Tourist Hotels into condominium projects, allowing the Planning Commission to approve conversion of up to 500 units before March 1, 2010, establishing conditions precedent and procedures for an annual lottery system for conversions after March 1, 2010, requiring applicants for conversions to provide the Planning Department with certain information regarding the conversion, creating a 120-month sunset period, and making environmental findings.

11/6/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development

Committee, expires on 12/6/2007.

11/14/07, REFERRED TO DEPARTMENT. Referred to Department of Planning for environmental review and comments.

12/5/07, RESPONSE RECEIVED. Planning Department non-physical exemption, CEQA.

1/22/08, RESPONSE RECEIVED. Planning Commission Resolution 17526, Executive Summary and Draft Tourist Hotel Inventory.

2. **080091** **[Treasure Island Affordable Housing]** **Supervisor Daly**  
Resolution encouraging the Treasure Island Development Authority and Mayor's Office of Housing to explore how to increase the percentage of affordable housing to include 50% affordable housing in the Disposition and Development Agreement for the Former Naval Station Treasure Island.

1/15/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

3. **071156** **[Planning Code Amendments to implement the Van Ness and Market Downtown Residential Special Use District]** **Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by adding Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying \$30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/6/2007. 3/8/08, 3/15/08 Publication of fee ad.

9/28/07, RESPONSE RECEIVED. Office of Economic Analysis, Economic Impact Report.

10/3/07, CONTINUED. Heard in committee. Speakers: Jon Billovits, Planning Department; AnMarie Rogers, Planning Department; Supervisor McGoldrick; Supervisor Maxwell; Kearstin Dischinger; Dean Macris, Director of Planning; Supervisor Mirkarimi; Ted Egan, Controller's Office; Sarah Karlinsky, SPUR; Judith Berkowitz, CSFN; Bernie Choden, S. F. Tomorrow; Bill Bulkley; Hiroshi Fukuda; Jason Henderson; Paul Olsen; Jim Warshell; Demian Quesnel; Curt Holzinger; Robin Levitt; Cynthia Servetnick; Rick Galbreath, Sierra Club; Calvin Welch; Jim Haas; Tess Alburn; Sue Hestor; Peter Cohen; Roy Olson; Marilyn Amini; John Malamut, Deputy City Attorney. Continued to October 15, 2007.

10/15/07, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: Supervisor Mirkarimi; Audrey Pearson, Deputy City Attorney; Amit Ghosh, Planning Department; Cheryl Adams, Deputy City Attorney; Larry Badiner, Planning Department; AnMarie Rodgers, Planning Department; Kearstin Dischinger; Planning Department; John Billovits, Planning Department; Supervisor McGoldrick; Bernie Choden, S. F. Tomorrow; Peter Lewis, Mission Dolores Neighborhood Association; Judith Berkowitz, Coalition for S. F. Neighborhoods; Hiroshi Fukuda; Jim Haas; Tom Radulovich, Livable City; Tim Colen, S. F. Housing Action Coalition; Frances Neagley; Evelyn Poquez; Jason Henderson, Hayes Valley Neighborhood Association; Robin Levitt; Sarah Karlinsky; Cynthia Servetnick; Lynn Valente; Rufino De Leon; Don Cecil; Peter Cohen, Duboce Triangle Neighborhood Association; Sue Hestor; Bill Lightner; Marilyn Amini; John Bardis; Supervisor Sandoval; Supervisor Maxwell.

**4. 071159 [Zoning Map Amendment in connection with the Market and Octavia Area Plan] Supervisor Mirkarimi**

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/6/2007.

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**5. 071157 [Planning Code Amendments to implement the Market and Octavia Area Plan] Supervisor Mirkarimi**

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For

Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of \$8 in the Van Ness Market Special Use District, \$4 in the Neighborhood Commercial Transit (NCT) district, and \$0 in the Transit-Oriented Residential (RTO) district; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying \$30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and providing that projects may further exceed FAR limits above a site FAR of 9:1 by paying \$15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of \$10 per square foot for certain new residential and \$4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of \$9 per square foot for transit impacts from residential development and \$5 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 adopting procedures for treatment of historic resources in the Plan Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

7/30/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/6/2007. 9/20/07, Placed fee ad to run in S. F. Examiner on September 22, 2007. 3/8/08, 3/15/08 Publication of fee ad.

9/28/07, RESPONSE RECEIVED. Office of Economic Analysis, Economic Impact Report.

10/3/07, CONTINUED. Heard in committee. Speakers: Jon Billovits, Planning Department; AnMarie Rogers, Planning Department; Supervisor McGoldrick; Supervisor Maxwell; Kearstin Dischinger; Dean Macris, Director of Planning; Supervisor Mirkarimi; Ted Egan, Controller's Office; Sarah Karlinsky, SPUR; Judith Berkowitz, CSFN; Bernie Choden, S. F. Tomorrow; Bill Bulkley; Hiroshi Fukuda; Jason Henderson; Paul Olsen; Jim Warshell; Demian Quesnel; Curt Holzinger; Robin Levitt; Cynthia Servetnick; Rick Galbreath, Sierra Club; Calvin Welch; Jim Haas; Tess Alburn; Sue Hestor; Peter Cohen; Roy Olson; Marilyn Amini; John Malamut, Deputy City Attorney. Continued to October 15, 2007.

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## **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. 080090 [Community stabilization and PDR replacement fees and funds] Supervisor Daly**

Draft Ordinance amending the Planning Code to add Sections 319A et seq. to create a community stabilization fund and PDR replacement fund and imposing fees on specified new developments in the Eastern Neighborhoods Area Plans, as defined herein; making a declaration of policy concerning pending residential development projects in the Eastern Neighborhoods Area Plans that are compliant with the current Planning Code; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Economic Impact

1/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2008.

1/23/08, REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form.

**7. 080095 [Requirements for off-street parking and loading] Supervisor Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 150 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 204.5 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.7 to include a car-share parking space as part of a community residential automobile parking lot use; amending Section 890.8 to include a car-share parking space as part of a community residential automobile parking garage use; and adopting findings.

1/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2008.

1/23/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

**8. 080100 [Requiring Lighting Efficiency Measures in Commercial and City Buildings] Mayor**

Ordinance amending the 2007 San Francisco Building Code by adding a new Chapter \_\_\_\_\_ to require commercial buildings to install more efficient fluorescent lighting or other lighting efficiency measures by 2009, to make findings in accordance with California Health and Safety Code Section 17958.77 as to the local climatic, topological and geological reasons for amending the State Building Code; amending Section 705 of the Environment Code to require City-owned facilities to comply with the same lighting efficiency measures; and to make environmental findings.

Economic Impact

1/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2008.

1/22/08, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for review and comments and Planning Department for environmental review.

1/24/08, RESPONSE RECEIVED. Planning Department categorically exempt from environmental review.

**9. 080126 [Planning Code-Amending Article 11 Designation of 545-547 Mission Street]**

Ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

1/14/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/13/2008.

2/8/08, SUBSTITUTED. Planning Commission submitted a substitute ordinance bearing the same title.

2/8/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/13/2008.

**10. 080156 [Zoning - Conditional Use for specified educational services in Western SoMa] Supervisor Peskin**

Ordinance amending the Planning Code by amending Section 823 to prohibit educational institutions as defined in Section 890.50(c) in the Western SoMa Planning Area Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact.)

1/29/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/28/2008.

2/1/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

2/6/08, RESPONSE RECEIVED. Planning Department notification of project receiving environmental review.

**11. 080157 [Zoning - Educational services and institutional uses, Mixed Use Districts and NCDs]**

**Supervisor Peskin**

Ordinance amending the Planning Code by amending Sections 102.2 to exclude specified accredited educational institutions from the definition of arts activities; amending Section 790.50 and 890.50 to clarify that certain institutions, including accredited educational institutions, in the Neighborhood Commercial Districts and Mixed Use Districts are required to comply with applicable provisions of the institutional master plans as set forth in Section 304.5; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

1/29/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/28/2008.

2/1/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

2/6/08, RESPONSE RECEIVED. Planning Department notification of project receiving environmental review.

### **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.**

Agendas are available on the internet at [www.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_meetings)

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

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](mailto: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](http://www.sfgov.org/ethics)