

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

City Hall, Room 263



Meeting Agenda
Wednesday, October 3, 2007
1:00 PM
Rescheduled Meeting

Members: Sophie Maxwell, Gerardo Sandoval, Jake McGoldrick

Clerk: Mary Red (415) 554-4442

NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Land Use Committee on Wednesday, October 1, 2007, at 1:00 p.m. HAS BEEN RESCHEDULED TO Wednesday, October 3, 2007 at 1:00 p.m.. and will be held in Room 263, Second Floor, City Hall.

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. 070947 [Exempting Wind Turbines from Bernal Heights Special Use District Height Limits] Supervisor Ammiano**
Ordinance amending the San Francisco Planning Code by amending Section 242 (e)(1)(D) to allow certain wind power generators within the Bernal Heights Special Use District subject to height limitations set forth in Section 260(b)(1)(A), making environmental findings, general plan findings, and other required findings.

6/26/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/26/2007. Sponsor requests that the item be referred to Rules Committee for public hearing.

6/28/07, REFERRED TO DEPARTMENT. Planning Commission for review and comments.

8/14/07, ASSIGNED to Land Use and Economic Development Committee.

8/14/07, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing new title.

9/21/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

2. 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.

3. 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.

4. 071158 [Approving General Plan Amendments Related to Market & Octavia Area Plan] Supervisor Mirkarimi

Ordinance amending the San Francisco General Plan by adding a new area plan entitled the Market & Octavia Area Plan, and approving General Plan amendments to implement the Market and Octavia Neighborhood Plan by amending the Commerce and Industry, Housing, Recreation and Open Space and Transportation Elements, the Civic Center Area Plan, Downtown Area Plan, South

of Market Area Plan, and the Land Use Index; providing the ordinance shall not be effective until the effective date of an additional affordable housing program for the Market and Octavia area plan to be adopted by the Board of Supervisors; making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the 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. 9/19/07, Placed display ad to run in S. F. Examiner on 9/22/07, pursuant to Government Code Section 65091(a)(3).

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

5. 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.

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

6. 071122 [Zoning - Interim zoning controls requiring conditional use authorization for new development in the Bernal Heights Brewster/Joy Neighborhood] Supervisor Ammiano

Resolution approving interim zoning controls requiring conditional use authorization for new development in the Bernal Heights Brewster/Joy Neighborhood on the East Slope of Bernal Heights for 18 months, and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

7/31/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/30/2007.

8/8/07, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

8/21/07, RESPONSE RECEIVED. Planning Department non-physical exemption from CEQA.

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.

7. 071274 [San Francisco Building Code]

Ordinance repealing the San Francisco Building Code in its entirety and replacing that code with a new 2007 San Francisco Building Code consisting of the 2007 California Building Code, which is based upon the 2006 International Building Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

8. 071275 [San Francisco Electrical Code]

Ordinance repealing the San Francisco Electrical Code in its entirety and replacing that code with a new 2007 San Francisco Electrical Code consisting of the 2007 California Electrical Code, which is based upon the 2005 National Electrical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

9. 071276 [San Francisco Housing Code]

Ordinance repealing the San Francisco Housing Code in its entirety and replacing that code with a new 2007 San Francisco Housing Code to conform to the new numbering system of the 2007 California Building Code and to re-enact San Francisco's local amendments to the State Housing Code with minor changes; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

10. 071277 [San Francisco Mechanical Code]

Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

11. 071278 [San Francisco Plumbing Code]

Ordinance repealing the San Francisco Plumbing Code in its entirety and replacing that code with a new 2007 San Francisco Plumbing Code consisting of the 2007 California Plumbing Code, which is based upon the 2006 Uniform Plumbing Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments and findings to the California Building Standards Commission; and making environmental findings. (Building Inspection Department)

9/7/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

12. 071291 [Height Limits: Exemption in C-3-G Zoning District]

Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending subsection 260(b) by adding subsection 260(b)(1)(A)(i) to allow mechanical equipment and screening changes that do not exceed three additional feet in height and do not contain new occupiable floor space in any C-3-G Zoning District; and adopting findings.

9/11/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/12/2007.

9/24/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

13. 071292 [Downtown Residential Zoning Districts] Supervisor Daly

Ordinance amending the Planning Code by repealing Section 825.1 and amending Planning Code Sections 135, 309.1, 318.3, 809, 825 and 827 to apply many of the provisions of Rincon Hill Downtown Mixed Use Zoning District to all Downtown Residential Districts and to add design requirements to enhance the pedestrian environment.

9/11/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/12/2007.

9/24/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. 01/08/08, Board adopted 120-day extension for Planning Commission review; see File 071682. 04/22/08, Board adopted 120-day extension for Planning Commission review; see File 080539.

14. 071301 [Changing local building standards related to elevators for specified high-rise structures] Supervisor Peskin

Ordinance amending the San Francisco Fire Code by amending Section 9001.1.4 to exempt certain high-rise structures having a fire-safe elevator from requirements for a self-contained breathing air replenishment system; amending the San Francisco Fire Code by adding Section 9001.15 to change local building standards to require that certain high-rise structures include an elevator safe for Fire Department use under fire conditions; making findings as to local conditions pursuant to California Health and Safety Code Section 17958.7; and making environmental findings.

9/11/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/12/2007.

15. 071338 [Planning Code-Conditional Use Authorization for New Construction Shading Existing Registered Solar Energy Systems] Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code to amend Section 303 to require a conditional use authorization for any new construction that would shade a registered solar energy system, as defined, and provide for the registration of existing and new solar energy systems; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

9/18/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/18/2007.

9/24/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments. 12/11/07, Board adopted an extension of 90-days for review by Planning Commission; see File 071645.

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

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

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