

City and County of San Francisco

Land Use and Economic Development Committee

City Hall, Room 263



Meeting Agenda

Monday, March 17, 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.

AGENDA CHANGES

1. 031034 [Planning Code - Northeast Waterfront Historic District Signs] Supervisor Peskin

Ordinance amending the Planning Code by creating Section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, Section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/3/2003.

6/10/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing

and recommendation.

8/6/03, RESPONSE RECEIVED. Notification of Project Receiving Environmental Review, dated August 4, 2003.

10/16/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16673 adopted October 2, 2003, recommending approval of proposed ordinance with suggested modifications. Received Certificate of Exemption from environmental review dated September 4, 2003.

12/15/03, CONTINUED. Heard in Committee. Speaker: Supervisor Peskin. Continued to 1/5/04.

1/12/04, CONTINUED TO CALL OF THE CHAIR. Speakers: None.

7/19/04, FILED. Filed pursuant to Rule 5.37.

7/26/05, REACTIVATED PURSUANT TO RULE 5.23.

7/26/05, ASSIGNED to Land Use Committee.

2/7/06, TRANSFERRED to Land Use and Economic Development Committee.

6/7/06, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speaker: David Owen, Aide to Supervisor Peskin.

4/2/07, FILED PURSUANT TO RULE 5.37.

11/6/07, REACTIVATED PURSUANT TO RULE 5.23. Supervisor Peskin requested this matter be reactivated.

11/6/07, ASSIGNED to Land Use and Economic Development Committee.

2. 061438 [Public Works Code - Sidewalk flower-vending stands] Supervisor McGoldrick

Ordinance amending Public Works Code Sections 156, 157, 159, 160, 161, 162, and 163 to impose a five year-limit on sidewalk flower-vending stand permits and establish a lottery process for subsequent permit issuance for such stands, to clarify application requirements, to add operating conditions for such stands and establish an abandonment period, to establish an annual public right-of-way occupancy fee, to delete provisions regarding permit assignment to family members of the permittee, to change the criminal penalty for violations from a misdemeanor to an infraction, and to establish administrative penalties for violations; and adding Section 165 concerning the establishment of new sidewalk flower-vending stand locations, including permit application fees.

10/17/06, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/16/2006.

10/26/06, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and recommendation.

11/17/06, TRANSFERRED to Land Use and Economic Development Committee.

5/4/07, FILED PURSUANT TO RULE 5.37.

1/8/08, REACTIVATED PURSUANT TO RULE 5.23. Supervisor McGoldrick requested this matter be reactivated, to be heard at the January 28, 2008 Land Use Committee meeting.

1/8/08, ASSIGNED to Land Use and Economic Development Committee.

2/25/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: John Malamut, Deputy City Attorney; Harold Hoogasian; Supervisor Alioto-Pier; Galina Pulwers. 2/25/08 Amendment of the whole bearing new title.

2/25/08, CONTINUED AS AMENDED. Continued to March 17, 2008. 3/7/08, 3/14/08 Publication of fee ad.

3. **071651** **[Planning - Administrative Enforcement Remedies]** **Supervisors Sandoval, Maxwell, Peskin**

Ordinance amending the San Francisco Planning Code by amending Section 176 to authorize the Zoning Administrator to assess administrative penalties for a Planning Code violation; adding Section 176.1 to establish Planning Code enforcement remedies of the Director, which include issuance and recording of orders of abatement, assessment of administrative penalties, and a hearing and appeal process; amending Sections 1013 and 1119 to refer to Sections 176 and 176.1 as the applicable enforcement and penalty provisions; adopting findings including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

12/4/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/4/2008.

12/12/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments.

2/7/08, RESPONSE RECEIVED. Planning Commission Resolution 17545 and Planning Department Executive Summary.

3/10/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Nick Kinsey, Legislative Aide to Supervisor Sandoval; AnMarie Rodgers, Planning Department; Cheryl Adams, Deputy City Attorney; Dario Jones, Planning Department. 3/10/08 Amendment of the whole bearing new title.

3/10/08, CONTINUED AS AMENDED. Continued to March 17, 2008.

4. **080210** **[Stipulation of Conditional Use authorization or Mandatory Discretionary Review of any permit application to remove dwelling units, where the Planning Code does not already require]**

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

1/7/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/6/2008.

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.

- 5. 080273 [Incentives for Family-sized Affordable Housing Units] Supervisors Dufty, Peskin, Maxwell, Mirkarimi**
- Ordinance amending the Residential Inclusionary Affordable Housing Program, including Planning Code Section 315.9 to allow for density bonuses to project applicants who develop on-site, affordable family-sized units as defined herein as part of their inclusionary housing requirements; and the addition of Planning Code Section 315.10 regarding severability.
- 2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/27/2008.
- 3/6/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment. 6/3/08, Board adopted 45-day extension for Planning Commission review; See File No. 080703.
- 6. 080281 [Building Code - Slope Protection Act] Supervisor Peskin**
- Ordinance amending the San Francisco Building Code by adding Sections 106A.4.1.4 et seq. to establish the Slope Protection Act and create procedures that require the Structural Advisory Committee to review and make recommendations on specified permit applications for all property within the City that exceeds an average slope of 25% grade, and to require mandatory denial of the permit by the Building Official under specified circumstances; amending Section 105A.6.2 to specify the composition of the Structural Advisory Committee for permit applications subject to the Slope Protection Act; amending Building Code Section 106A.3.2 to require that the applicant for certain permit applications subject to the Slope Protection Act provide substantial documentation that there exists sufficient infrastructure to support the proposed residential development and that the proposed emergency access routes meet standards in effect at the time of the application;

amending Building Code Section 1701A.5 to require special inspections throughout the construction process for sites subject to the Slope Protection Act.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/24/2008.

7. 080282 [Off-Site Residential Inclusionary Affordable Housing Requirements] Supervisors Sandoval, Daly

Ordinance amending Section 315.5 of the Planning Code to provide that twenty-five percent of off-site units given site permits annually may be built outside of the currently-required one-mile radius from the market-rate project, and to provide that off-site units cannot be located in industrially-zoned areas or within a quarter mile of developments containing 200 or more publicly-owned and operated affordable housing developments.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/24/2008.

3/6/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

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