



City and County of San Francisco

Meeting Agenda

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Land Use and Transportation Committee

Members: Malia Cohen, Scott Wiener, Jane Kim

Clerk: Andrea Ausberry (415) 554-4442

Monday, July 27, 2015

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

- 150659** [Initiative Ordinance - Administrative Code - Surplus City Property Ordinance]
Sponsors: Kim; Avalos, Cohen and Wiener
Motion ordering submitted to the voters an Ordinance amending the Administrative Code to update provisions of the Surplus City Property Ordinance, expand the affordability criteria for housing developed on property acquired for affordable housing under the Ordinance, restrict for 120 days any other disposition of surplus City property being considered for transfer to the Mayor's Office of Housing and Community Development for development of affordable housing under the Ordinance, provide for implementation of the State Surplus Property Statute, and provide for amendment of the initiative ordinance by the Board of Supervisors, at an election to be held on November 3, 2015; and affirming the Planning Department's determination under the California Environmental Quality Act.

6/16/15; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

6/22/15; REFERRED TO DEPARTMENT.

7/6/15; RESPONSE RECEIVED.

7/8/15; RESPONSE RECEIVED.

7/10/15; TRANSFERRED to the Land Use and Transportation Committee.

7/20/15; MEETING RECESSED.

7/22/15; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/22/15; CONTINUED AS AMENDED.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 28, 2015.

2. [150270](#) **[Public Works Code - Contractor Parking Plan]**
Sponsors: Farrell; Cohen, Wiener, Breed and Christensen
Ordinance amending the Public Works Code to require a contractor parking plan as a condition precedent for approval of excavation permits for major work that is 30 consecutive calendar days or longer and specified temporary street space occupancy permits for construction work; adopting fees for review and inspection related to contractor parking plans; and affirming the Planning Department's determination under the California Environmental Quality Act.
- 3/17/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.
- 3/26/15; REFERRED TO DEPARTMENT.
- 7/14/15; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.
- 7/17/15; NOTICED.
- 7/21/15; REFERRED TO DEPARTMENT.
- 7/23/15; NOTICED.
3. [150805](#) **[Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 3]**
Sponsor: Christensen
Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 3, prohibit approval of an application for construction of an ADU in any building where a tenant has been evicted under the Ellis Act within ten years prior to filing the application, and prohibit an ADU from being used for short-term rental; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption.
- 7/20/15; DUPLICATED.
- 7/20/15; DUPLICATED.
- 7/20/15; CONTINUED TO CALL OF THE CHAIR AS AMENDED.
- 7/20/15; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
- The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 28, 2015.*

4. [150804](#) **[Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 8]**
Sponsor: Wiener
Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8, prohibit approval of an application for construction of an ADU in any building where a tenant has been evicted under the Ellis Act within ten years prior to filing the application, and prohibit an ADU from being used for short-term rental; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this ordinance to the California Department of Housing and Community Development after adoption.
- 7/20/15; DUPLICATED.
- 7/20/15; DUPLICATED.
- 7/20/15; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
- 7/20/15; CONTINUED TO CALL OF THE CHAIR AS AMENDED.
- The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 28, 2015.*
5. [150465](#) **[Planning Code - Accessory Use Entertainment in Specified Western South of Market Districts]**
Sponsor: Kim
Ordinance amending the Planning Code to allow accessory use entertainment (with limited live performance permits) in the Western South of Market Mixed Use General and Regional Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
- 5/5/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.
- 5/13/15; REFERRED TO DEPARTMENT.
- 5/15/15; RESPONSE RECEIVED.
6. [150385](#) **[Hearing - Climate Change and Green Infrastructure Program]**
Sponsor: Wiener
Hearing on the City's response to climate change through its green infrastructure stormwater program, including status of identified capital projects, funding, and expected time table for delivery; and requesting the San Francisco Public Utilities Commission to report.
- 4/14/15; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.
- 4/24/15; REFERRED TO DEPARTMENT.

7. [150763](#) **[Housing Balance Report - FY2014-2015]**
Sponsor: Kim
Resolution receiving and approving the first bi-annual Housing Balance Report, submitted as required by Planning Code, Section 103.

7/14/15; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

7/15/15; REFERRED TO DEPARTMENT.

7/20/15; CONTINUED.
8. [150748](#) **[Hearing - Annual Housing Balance Report - 2015]**
Sponsor: Kim
Hearing to present findings from the inaugural Housing Balance Report; and requesting the Planning Department to report.

7/7/15; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

7/14/15; REFERRED TO DEPARTMENT.

7/20/15; CONTINUED.
9. [150646](#) **[Administrative Code - Amendments to Residential Rent Stabilization and Arbitration Ordinance]**
Sponsors: Kim, Campos, Mar and Avalos
Ordinance amending the Administrative Code to require landlords, after certain vacancies, to set the new base rent as the lawful rent in effect at the time of the vacancy; to require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession; to require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit; to prevent a landlord from seeking recovery of possession solely because the tenant is occupying a unit not authorized for residency; and to require landlords to plead and prove in any action to recover possession that at least one of the grounds of Section 37.9(a)-(b), stated in the notice to vacate is the dominant motive for recovering possession.

6/16/15; ASSIGNED to the Land Use and Transportation Committee.

6/30/15; REFERRED TO DEPARTMENT.

7/21/15; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.

ADJOURNMENT

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

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 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.

150707**[Planning Code - Conversion from Retail to Limited Restaurant Use in the Castro and Upper Market]****Sponsor: Wiener**

Ordinance amending the Planning Code to require a Conditional Use authorization in the Castro Street Neighborhood Commercial District and the Upper Market Neighborhood Commercial Transit District before a ground floor Retail space is converted to a Limited Restaurant use; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

6/30/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/7/15; REFERRED TO DEPARTMENT.

150710**[Amending Ordinance No. 1061 - Sidewalk Width Change - Portions of Silver and Revere Avenues]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to change the official sidewalk width at the westerly corner of the intersection of Silver and Revere Avenues and portions of Revere Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

6/26/15; RECEIVED FROM DEPARTMENT.

7/7/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/14/15; REFERRED TO DEPARTMENT.

150731**[Planning Code - Define Formula Retail to Include Subsidiaries]****Sponsors: Mar; Breed and Avalos**

Ordinance amending the Planning Code to revise the definition of formula retail to include subsidiaries or affiliates of formula retail meeting certain criteria; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302, findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

7/7/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/14/15; REFERRED TO DEPARTMENT.

150732 [Building Code - Mandatory Disability Access Improvements; Administrative Fee]**Sponsor: Tang**

Ordinance amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

(Fiscal Impact; No Budget and Legislative Analyst's Report.)

7/7/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/14/15; REFERRED TO DEPARTMENT.

7/21/15; TRANSFERRED to the Budget and Finance Committee.

150737 [Interim Zoning Controls - Signs in Transit Center District Plan Area and between Folsom, Harrison, Essex and Second Streets]**Sponsor: Kim**

Resolution imposing interim zoning controls in the Transit Center District Plan Area ("Plan Area"), which is bounded by Market Street on the north, Folsom Street on the South, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but excluding the planned Rooftop Park between Mission, Howard, Second and Beale Streets and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment Plan, which include portions of land bounded by Spear, Mission, Folsom and Second Streets, to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

7/7/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/14/15; REFERRED TO DEPARTMENT.

150758 [Public Works Code - Public Right-of-Way Occupancy Fee Exemption]**Sponsor: Campos**

Ordinance amending the Public Works Code to provide that floodwater management projects that are located within public rights of way, requiring a minor encroachment permit, and funded by San Francisco Public Utilities Commission grant funds, are exempt from payment of public right-of-way occupancy assessment fees.

7/14/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/21/15; REFERRED TO DEPARTMENT.

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

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 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) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, 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.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. 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. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. Meetings are broadcast live on KPOO 89.5 FM. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

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 SFGovTV, the Government Channel 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 Wilson Ng at (415) 554-5184 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 F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

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 decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This 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 by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>