

**City and County of San Francisco**

**Land Use and Economic Development Committee**

*City Hall, Room 263*



**Meeting Agenda**

**Monday, March 24, 2008**

**1:00 PM**

**Regular Meeting**

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***Members: Sophie Maxwell, Gerardo Sandoval, Aaron Peskin***

***Clerk: Linda Laws (415) 554-4441***

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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.*

**REGULAR AGENDA**

- 1. 080351 [Changing the official sidewalk width - Mission Street] Mayor**
- Ordinance amending Ordinance No. 1061 entitled Regulating the Width of Sidewalks by adding thereto Section 1578 to change the official sidewalk width on the north side of Mission Street west of 3rd Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving a public access easement for a portion of Jessie Square.
- 3/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
- 3/17/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment; Planning Department for environmental review.
- 3/20/08, RESPONSE RECEIVED. Planning Department exemption from CEQA, existing facilities.

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.

3/17/08, CONTINUED. Heard in Committee. Speakers: Supervisor McGoldrick; John Malmut, Deputy City Attorney; Mark Murdoch, Cable Car Flower Stands; Albert Nalbandian, I. Magnin Flower Stand; Linda Hoogasian, Henry's Flower Stand; Harold Hoogasian, SF Flower Stand; Harvey Nalbandian, Paul's Flower Stand; Nick Elsner, Department Public Works. Continued to March 24, 2008.

3. 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.

3/17/08, CONTINUED. Heard in Committee. Speaker: Craig Nikitas, Planning Department. Continued to March 24, 2008.

**4. 071001 [Zoning Map Amendments Associated with the Laguna, Haight, Buchanan and Hermann Streets Special Use District] Supervisor Ammiano**

Ordinance amending Section Maps 7, 7H and 7SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 857 and portions of Assessor's Block 870, bounded by Laguna, Buchanan, Haight and Hermann Streets, from P (Public) to either NC-3 (Moderate-Scale Neighborhood Commercial District) or RM-3 (Residential, Mixed Districts, Medium Density) and mapping the Laguna, Haight, Buchanan and Hermann Streets Special Use District; adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

7/10/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/9/2007.

7/13/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment. 10/2/07, Board adopted six month extension for Planning Commission review; see File 071380.

2/13/08, RESPONSE RECEIVED. Planning Department Executive Summary; Planning Commission Resolution 17536.

3/4/08, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing the same title.

3/4/08, ASSIGNED to Land Use and Economic Development Committee.

*The Chair intends to entertain a motion to send this item to Board as a Committee Report on March 25, 2008.*

**5. 071002 [Laguna, Haight, Buchanan and Hermann Streets Special Use District] Supervisors Mirkarimi, Ammiano**

Ordinance approving the Laguna, Haight, Buchanan, and Hermann Streets Special Use District (SUD) by amending the San Francisco Planning Code by adding Section 249.32 to create a new SUD bounded by Laguna, Haight, Buchanan and Hermann Streets (Assessor's Block 857 and portions of Assessor's Block 870) to permit a mixed-use project at the former UC Berkeley Extension property; and adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

7/10/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/9/2007.

7/13/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment. 10/2/07, Board adopted six month extension for review by Planning Commission; see File 071380.

2/13/08, RESPONSE RECEIVED. Planning Department Executive Summary; Planning Commission Resolution 17535.

3/4/08, ASSIGNED to Land Use and Economic Development Committee.

3/4/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing the same title.

3/18/08, ASSIGNED to Land Use and Economic Development Committee.

3/18/08, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute ordinance bearing the same title.

*The Chair intends to entertain a motion to send this item to Board as a Committee Report on March 25, 2008.*

6. **080319** [General Plan Amendments for Assessors Block 857 and portions of Assessors Block 870 bound by Laguna, Haight, Buchanan and Hermann Streets] **Supervisors Mirkarimi, Ammiano**

Ordinance amending the Market and Octavia Area Plan of the San Francisco General Plan to (1) reclassify the Use District on Block 857 from Public to Moderate Density Residential and reclassify the Use District on Block 870, Lots 1, 2 and the northern portion of Lot 3 from Public to Moderate Density Neighborhood Commercial; (2) amending the Market and Octavia Area Plan of the San Francisco General Plan to reclassify the Height District for Block 857, Lot 1A from 40 feet to 50 feet and to reclassify the Height District for Block 870, Lots and 1 and 2 from 80 feet to 85 feet and Block 870, Lot 3 from 40 feet to 50 feet; (3) amending the Generalized Residential Land Use Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the generalized land use of Block 857 from Public/Open Space to Residential and of Block 870 from Public/Open Space to Mixed Use, predominantly Commercial/Industrial; (4) amending the Residential Density Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the residential density of Blocks 857 and 870 from Public and Heavy Industrial Areas to Moderately High Density; (5) adopting findings pursuant to the California Environmental Quality Act; and (6) adopting findings that the General Plan amendments are consistent with the eight priority policies of Planning Code Section 101.1.

3/4/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/3/2008. 3/10/08 - President Peskin waived 30-Day Rule. 3/10/08 - Received MMRP, Exhibits C and D. 3/11/08 - Received MMRP, Exhibit C; Motion 17533, CEQA Findings; Motion 17537, Conditional Use Authorization; Conditions of Approval for Motion 17537. 3/12/08 - Received Final CEQA Findings; Final MMRP, Exhibits C and D.

*The Chair intends to entertain a motion to send this item to Board as a Committee Report on March 25, 2008.*

7. **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.

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.

2/11/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Supervisor Mirkarimi; John Rahaim, Director of Planning; AnMarie Rogers, Planning Department; Kearstin Dischinger, Planning Department; Supervisor McGoldrick; Supervisor Maxwell; Gustavo Serina; Herb Cohn; Bernie Chodae; Andrea Aiello; Jim Warshell; Peter Lewis; Alan Martinez; John Parrish; Bill Lightner; Tim Dunn; Lori Robson; Jim Haas; Demian Quesnel; Supervisor Sandoval; John Billovits, Planning Department; Jason Henderson; Richard Springwater; Sarah Karlinsky; Cheryl Adams, Deputy City Attorney; Tim Colen; Brian Spiers; Art Swanson; Jim Black; Rachel Kraai, S., F. Bicycle Coalition; Tom Radulovich; Hiroshi Fukuda; Judy Berkowitz; Ali Kia Shabahangi; Dennis Richards; Steve Vettel; Sue Hestor; Marilyn Amini. Amendment of the Whole. See File 080255, prepared in committee.

2/11/08, CONTINUED AS AMENDED.

2/25/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Mirkarimi; AnMarie Rodgers, Planning Department; John Billovits, Planning Department; Jason Henderson, Hayes Valley NA; Tes Welborn, Hayes Valley, NA; David Schnur, Community Housing Partnership; Bernie Choden; Jazzie Collins, SOMCAN; Tim Dunn, DTNA; Marius Starkey, Mission Dolores NA; Giden Kramer, Mission Dolores NA; Calvin Welch, CCHO; Chris Foley; Tammi Avicolti Mecca, Housing Rights Committee; Carmela Gold, DTNA; Brian Basinger, AIDS Housing Alliance; Kit Hodge, DTNA; Catherin Cusic, Harvey Milk Club; Sue Hestor; Robert Haaland, Board of Appeals; Hale Thompson, Harvey Milk Club; Peter Lewis, Mission Dolores Neighborhood Association; Curt Holzinger, Duboce Triangle NA; Bill Lightner, Lightner Group; Lori Robson; Martin Lavin, Coldwell Bank; Tim Cohen, SF Housing Action Coalition; Debra Walker; Howard Strassner, Sierra Club; Terrie Frye, Harvey Milk Club; Dennis Richard, DTNA; Jim Warshell, Hayes Valley NA; Marc Salomon; Katherine Roberts; Denise D'Anne; Gilbert Criswell, Central City Democratic Club; Paul Olsen, Hayes Valley NA; Female Speaker; Charles Marsteller; Tomiqua Moss; Peter Cohen; Hiroshi Fukuda; Judith Berkowitz, CSFN; Marilyn Amini; Demian Quesnel, Eureka

2/25/08, RECOMMENDED AS AMENDED.

3/4/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

3/4/08, RE-REFERRED to Land Use and Economic Development Committee. Re-referred as amended to the Land Use and Economic Development Committee.

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

3/6/08, RESPONSE RECEIVED. Legislation was initially introduced by the Planning Department and does not need a Section 302 referral.

*The Chair intends to entertain a motion to continue this item to March 31, 2008.*

**8. 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.

2/11/08, CONTINUED. Heard in committee. Speakers: Supervisor Mirkarimi; John Rahaim, Director of Planning; AnMarie Rogers, Planning Department; Kearstin Dischinger, Planning Department; Supervisor McGoldrick; Supervisor Maxwell; Gustavo Serina; Herb Cohn; Bernie Choden; Andrea Aiello; Jim Warshell; Peter Lewis; Alan Martinez; John Parrish; Bill Lightner; Tim Dunn; Lori Robson; Jim Haas; Demian Quesnel; Supervisor Sandoval; John Billovits, Planning Department; Jason Henderson; Richard Springwater; Sarah Karlinsky; Cheryl Adams, Deputy City Attorney; Tim Colen; Brian Spiers; Art Swanson; Jim Black; Rachel Kraai, S., F. Bicycle Coalition; Tom Radulovich; Hiroshi Fukuda; Judy Berkowitz; Ali Kia Shabahangi; Dennis Richards; Steve Vettel; Sue Hestor; Marilyn Amini. Continued to February 25, 2008.

2/25/08, RECOMMENDED. Heard in Committee. Speakers: Supervisor Mirkarimi; AnMarie Rodgers, Planning Department; John Billovits, Planning Department; Jason Henderson, Hayes Valley NA; Tes Welborn, Hayes Valley, NA; David Schnur, Community Housing Partnership; Bernie Choden; Jazzie Collins, SOMCAN; Tim Dunn, DTNA; Marius Starkey, Mission Dolores NA; Giden Kramer, Mission Dolores NA; Calvin Welch, CCHO; Chris Foley; Tammi Avicelli

Mecca, Housing Rights Committee; Carmela Gold, DTNA; Brian Basinger, AIDS Housing Alliance; Kit Hodge, DTNA; Catherin Cusic, Harvey Milk Club; Sue Hestor; Robert Haaland, Board of Appeals; Hale Thompson, Harvey Milk Club; Peter Lewis, Mission Dolores Neighborhood Association; Curt Holzinger, Duboce Triangle NA; Bill Lightner, Lightner Group; Lori Robson; Martin Lavin, Coldwell Bank; Tim Cohen, SF Housing Action Coalition; Debra Walker; Howard Strassner, Sierra Club; Terrie Frye, Harvey Milk Club; Dennis Richard, DTNA; Jim Warshell, Hayes Valley NA; Marc Salomon; Katherine Roberts; Denise D'Anne; Gilbert Criswell, Central City Democratic Club; Paul Olsen, Hayes Valley NA; Female Speaker; Charles Marsteller; Tomiqua Moss; Peter Cohen; Hiroshi Fukuda; Judith Berkowitz, CSFN; Marilyn Amini; Demian Quesnel, Eureka Valley Promotion Association; Alan Martinez; Tom

3/4/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to Land Use and Economic Development Committee.

3/4/08, RE-REFERRED to Land Use and Economic Development Committee. Re-referred as amended to the Land Use and Economic Development Committee.

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

3/6/08, RESPONSE RECEIVED. Legislation was initially introduced by the Planning Department and does not need a Section 302 referral.

*The Chair intends to entertain a motion to continue this item to March 31, 2008.*

**9. 080255 [Planning Code Amendments to implement the Market and Supervisor McGoldrick Octavia Area Plan]**

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 \$10 per square foot fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements; 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); Section 249.34 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 \$4 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.

2/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.  
3/8/08, 3/15/08 Publication of fee ad.

2/11/08, PREPARED IN COMMITTEE AS AN ORDINANCE. Heard in committee. Speakers: Supervisor Mirkarimi; John Rahaim, Director of Planning; AnMarie Rogers, Planning Department; Kearstin Dischinger, Planning Department; Supervisor McGoldrick; Supervisor Maxwell; Gustavo Serina; Herb Cohn; Bernie Chodan; Andrea Aiello; Jim Warshell; Peter Lewis; Alan Martinez; John Parrish; Bill Lightner; Tim Dunn; Lori Robson; Jim Haas; Demian Quesnel; Supervisor Sandoval; John Billovits, Planning Department; Jason Henderson; Richard Springwater; Sarah Karlinsky; Cheryl Adams, Deputy City Attorney; Tim Colen; Brian Spiers; Art Swanson; Jim Black; Rachel Kraai, S., F. Bicycle Coalition; Tom Radulovich; Hiroshi Fukuda; Judy Berkowitz; Ali Kia Shabahangi; Dennis Richards; Steve Vintel; Sue Hestor; Marilyn Amini. See original File 071157

2/11/08, CONTINUED. Continued to February 25, 2008.

2/25/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Mirkarimi; AnMarie Rodgers, Planning Department; John Billovits, Planning Department; Jason Henderson, Hayes Valley NA; Tes Welborn, Hayes Valley, NA; David Schnur, Community Housing Partnership; Bernie Choden; Jazzie Collins, SOMCAN; Tim Dunn, DTNA; Marius Starkey, Mission Dolores NA; Giden Kramer, Mission Dolores NA; Calvin Welch, CCHO; Chris Foley; Tammi Avicolli Mecca, Housing Rights Committee; Carmela Gold, DTNA; Brian Basinger, AIDS Housing Alliance; Kit Hodge, DTNA; Catherin Cusic, Harvey Milk Club; Sue Hestor; Robert Haaland, Board of Appeals; Hale Thompson, Harvey Milk Club; Peter Lewis, Mission Dolores Neighborhood Association; Curt Holzinger, Duboce Triangle NA; Bill Lightner, Lightner Group; Lori Robson; Martin Lavin, Coldwell Bank; Tim Cohen, SF Housing Action Coalition; Debra Walker; Howard Strassner, Sierra Club; Terrie Frye, Harvey Milk Club; Dennis Richard, DTNA; Jim Warshell, Hayes Valley NA; Marc Salomon; Katherine Roberts;

Denise D'Anne; Gilbert Criswell, Central City Democratic Club; Paul Olsen, Hayes Valley NA; Female Speaker; Charles Marsteller; Tomiqua Moss; Peter Cohen; Hiroshi Fukuda; Judith Berkowitz, CSFN; Marilyn Amini; Demian Quesnel, Eureka

2/25/08, RECOMMENDED AS AMENDED.

3/4/08, RE-REFERRED to Land Use and Economic Development Committee.

*The Chair intends to entertain a motion to continue this item to March 31, 2008.*

## **SPECIAL ORDER - 3:00 P.M.**

- 10. 080368 [Back Streets Business Advisory Board] Supervisor Maxwell**  
Hearing on the findings and recommendations of the Back Streets Business Advisory Board and presentation of the Board's final report, Made In San Francisco.

3/18/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

## **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.*

- 11. 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.
- 12. 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.
- 3/17/08, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for review and comment.
- 13. 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.

**14. 080349 [Zoning Map Amendment - 5050 Mission Street, corner of Seneca Ave] Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by amending Zoning Map ZN 12 of the Zoning Map of the City and County of San Francisco to change the use classification of Block 6969, Lot 11, located at the southwest corner of Mission and Seneca Streets, from RH-1 (Residential, House, One Family) District to NC-3 (Moderate-scale Neighborhood Commercial) District; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

3/11/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/10/2008.

3/17/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment and Planning Department for environmental review. 6/17/08, Board adopted 70-day extension for Planning Commission review; see File 080834.

### **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)