



# City and County of San Francisco

## Meeting Agenda

### Land Use and Economic Development Committee

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

*Members: Eric Mar, Malia Cohen, Scott Wiener*

*Clerk: Alisa Miller (415) 554-4447*

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Monday, July 23, 2012

1:00 PM

City Hall, Committee Room 263

### Regular Meeting

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## AGENDA CHANGES

## REGULAR AGENDA

1. [120528](#) [Administrative, Planning Codes - Historical Property (Mills Act) Contracts and Fee Reduction]

**Sponsor: Wiener**

Ordinance: 1) amending the San Francisco Administrative Code, Chapter 71, entitled "Mills Act Contract Procedures" to: a) amend Section 71.2 to add limitations on eligibility, b) amend Section 71.3 to add application deadlines, c) amend Section 71.4 to add a time limit for receipt of the Assessor-Recorder's report, d) amend Section 71.5 to require use of a standard form contract, and e) adding new Section 71.7 to require departmental monitoring reports; 2) amending the San Francisco Planning Code Section 356 to reduce the application fee for Mills Act contracts; and 3) making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 060612](#)

[Response PLN 071612](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Comm Packet 072312](#)

[Board Packet 073112](#)

5/15/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

5/29/12; REFERRED TO DEPARTMENT.

6/6/12; RESPONSE RECEIVED.

7/16/12; RESPONSE RECEIVED.

7/17/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

2. [120241](#) **[Planning Code - Establishing Four Outer Sunset Neighborhood Commercial Districts]**

**Sponsor: Chu**

Ordinance amending the San Francisco Planning Code by: 1) adding Section 739.1 to establish the Noriega Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Noriega Street; 2) adding Section 740.1 to establish the Irving Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Irving Street; 3) adding Section 741.1 to establish the Taraval Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Taraval Street; 4) adding Section 742.1 to establish the Judah Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Judah Street; 5) amending Sections 263.20 and 710.10 of the NC-1 Zoning Control Table to include properties zoned NC-1 along Noriega, Irving, Taraval, and Judah Streets; 6) amending Section 790.124 (trade shops) to remove horsepower and square footage limitations and impose operating conditions regarding noise and odor; 7) amending Sheet ZN05 of the Zoning Map to include the new Neighborhood Commercial Districts; and 8) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response SBC 052912](#)

[Response PLN 061812](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Comm Packet 072312](#)

[Board Packet 072412](#)

3/13/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

3/19/12; REFERRED TO DEPARTMENT.

5/29/12; RESPONSE RECEIVED.

6/18/12; RESPONSE RECEIVED.

7/17/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 24, 2012.*

3. [120471](#) **[Planning Code - Bicycle Parking; Automotive Service Station Conversions]**

**Sponsors: Chiu; Mar and Olague**

Ordinance amending the San Francisco Planning Code Sections 102.9, 155.1, 155.4, and 228, et. seq. to: 1) expand the applicability of bicycle parking requirements; 2) exempt bicycle parking from Floor-Area ratio calculations; 3) permit the conversion of Automotive Service Stations located on Primary Transit Streets and Citywide Pedestrian Network Streets to another use without Conditional Use authorization; and 4) adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**Attachments:** [Legislation\\_Ver1](#)

[Leg\\_Digest\\_Ver1](#)

[Response\\_PLN\\_052212](#)

[Comm\\_Packet\\_072312](#)

[Board\\_Packet\\_072412](#)

5/8/12; ASSIGNED to the Land Use and Economic Development Committee.

5/17/12; REFERRED TO DEPARTMENT.

5/22/12; RESPONSE RECEIVED.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 24, 2012.*

4. [120472](#) **[Planning Code - Clerical Modifications and Repeal of Obsolete Sections]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code by: 1) repealing obsolete Sections 187, 249.15, 263.2, and 263.3; and 2) amending Sections 102.5, 121.3, 201, 204.2, 209.9, 249.49, 309.1, 799, and 899 to make various clerical modifications; and adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**Attachments:** [Legislation\\_Ver1](#)

[Leg\\_Digest\\_Ver1](#)

[Response\\_PLN\\_052212](#)

[Comm\\_Packet\\_072312](#)

[Board\\_Packet\\_072412](#)

[Legislation\\_Ver2](#)

5/8/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

5/17/12; REFERRED TO DEPARTMENT.

5/22/12; RESPONSE RECEIVED.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 24, 2012.*

**5. [120715](#) [Planning Code - Limited Commercial Uses in Residential Districts]****Sponsors: Chiu; Olague, Campos and Mar**

Ordinance amending the San Francisco Planning Code: 1) Section 186 to allow for reactivation of limited commercial uses in RH, RM, RTO, and RED districts under a conditional use authorization; 2) Section 231 to allow for greater size and depth from the corner for limited corner commercial uses in RM-3 and RM-4 districts; and 3) making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 072312](#)

[Response SBC 072012](#)

[Board Packet 072412](#)

6/19/12; ASSIGNED to the Land Use and Economic Development Committee.

6/29/12; REFERRED TO DEPARTMENT.

7/20/12; RESPONSE RECEIVED.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 24, 2012.*

**6. [111374](#) [Planning Code - Creating a New Definition of Student Housing]****Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36 to create a definition of Student Housing; 2) amending Section 124 to create a new subsection (k), to permit additional square footage above the floor area ratio limits for student housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as significant or contributory pursuant to Article 11; 3) amending Section 135(d)(2) to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 4) amending Section 207.6(b)(3) to exempt student housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods Mixed Used Districts; 5) amending Section 307 to permit the conversion of student housing into residential uses, when certain conditions are met; 6) amending Section 312 to require notice for a change of use to group housing; 7) amending Section 317 to prohibit the conversion of residential units into student housing, except in specified circumstances; 8) amending Section 401 to make conforming amendments; 9) amending Section 415.3 to make conforming amendments and to simplify the monitoring responsibilities of the Mayor's Office of Housing; 10) amending Tables 814, 840, 841, 842, and 843 to make conforming amendments; and 11) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

**Attachments:** [Legislation Ver1](#)[Leg Digest Ver1](#)[Response PLN 121311](#)[Comm Packet 022712](#)[Comm Packet 032612](#)[Legislation Ver2](#)[Leg Digest Ver2](#)[Response PLN 032712](#)[Legislation Ver3](#)[Leg Digest Ver3](#)[Comm Packet 072312](#)[Board Packet 073112](#)

12/15/11; RECEIVED FROM DEPARTMENT.

1/10/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

2/2/12; RESPONSE RECEIVED.

2/27/12; CONTINUED.

3/26/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

3/26/12; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

3/27/12; REFERRED TO DEPARTMENT.

3/27/12; RESPONSE RECEIVED.

7/10/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

7. [120252](#) **[Hearing - City's Response to Americans with Disabilities Act Based Lawsuits]**  
**Sponsor: Mar**  
Hearing on the City's response to Americans with Disabilities Act based lawsuits brought against small businesses.

**Attachments:** [Comm\\_Packet\\_072312](#)

3/13/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

3/21/12; REFERRED TO DEPARTMENT.

8. [111047](#) **[Administrative, Campaign and Governmental Conduct Codes - Obligations of Landlords and Small Business Tenants for Disability Access Improvements]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code by adding Chapter 38, Sections 38.1 through 38.6, and amending San Francisco Campaign and Governmental Conduct Code Section 3.400, all to require commercial landlords leasing properties to small businesses for use as public accommodations to: 1) bring public restrooms, ground floor entrances to, and exits from, the building into compliance with applicable state and federal disability access laws or to disclose to tenants any noncompliance; 2) inform small business tenants of potential legal and financial liabilities for failure to comply with those laws; 3) include in any new or amended leases a provision addressing the respective obligations of the landlord and small business tenant to bring the leased premises into compliance with those access laws; and 4) to require the City to give priority to building permit applications for work to bring space leased to small business tenants into compliance with those access laws, and making environmental findings.

**Attachments:** [Legislation\\_Ver1](#)

[Leg\\_Digest\\_Ver1](#)

[Response\\_PLN\\_101311](#)

[Response\\_PLN\\_121911](#)

[Legislation\\_Ver2](#)

[Leg\\_Digest\\_Ver2](#)

[Comm\\_Packet\\_072312](#)

[Leg\\_Digest\\_Ver3](#)

[Board\\_Packet\\_073112](#)

9/27/11; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

10/12/11; REFERRED TO DEPARTMENT.

10/13/11; RESPONSE RECEIVED.

12/19/11; RESPONSE RECEIVED.

7/17/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development 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 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.*

### 120463

#### **[General Plan - 2012 Community Safety Element Update]**

Ordinance amending the San Francisco General Plan by adopting the 2012 Community Safety Element update; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b). (Planning Commission)

**Attachments:** [Legislation\\_Ver1](#)

6/20/12; RECEIVED FROM DEPARTMENT.

7/10/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

### 120464

#### **[Planning Code - Threshold for Application of Inclusionary Affordable Housing Program]**

**Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code Section 415.3 to: 1) provide that, as of January 1, 2013, the requirements of the Inclusionary Affordable Housing Program apply only to housing projects of 10 units or more and will no longer apply to buildings of 5 to 9 units that have not yet received a first construction document; and 2) condition operation of the Ordinance on the adoption and implementation of the Housing Trust Fund Charter Amendment at the November 6, 2012, election; setting an operative date; and making environmental findings and findings of consistency with the General Plan.

**Attachments:** [Legislation\\_Ver1](#)

[Leg\\_Digest\\_Ver1](#)

[Response\\_PLN\\_071312](#)

6/26/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

7/11/12; REFERRED TO DEPARTMENT.

7/13/12; RESPONSE RECEIVED.



**120488 [Environment Code - Bottle Filling Stations]****Sponsor: Chiu**

Ordinance amending the San Francisco Environment Code by adding Chapter 23 to require new and remodeled buildings that have drinking fountains to provide bottle filling stations, setting an operative date, and making environmental and other findings.

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 071312](#)

6/26/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

7/11/12; REFERRED TO DEPARTMENT.

7/13/12; RESPONSE RECEIVED.

**120716 [Street Acceptance - Portions of Executive Park Boulevard at Sandpiper Cove Way]****Sponsor: Cohen**

Ordinance: 1) accepting irrevocable offers for improvements and real property to widen Executive Park Boulevard and establish a sidewalk on either side of such Boulevard at Sandpiper Cove Way; 2) accepting grant deeds for the street and public sidewalk easements for the sidewalk area; 3) declaring this area to be open public right-of-way, dedicating it for right-of-way and roadway purposes, and accepting maintenance and liability for this area subject to certain limitations; 4) establishing new right-of-way and a sidewalk width change based on a Department of Public Works map showing such area; 5) making findings, including environmental findings and General Plan and Priority Policy findings of Planning Code Section 101.1; and 6) authorizing official acts in connection with this Ordinance.

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

6/19/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**120717 [Health Code, Business and Tax Regulations Code - On-site Water Reuse for Commercial, Multi-Family, and Mixed-Use Developments]****Sponsor: Chiu**

Ordinance amending the San Francisco Health Code by adding Article 12C and amending the Business and Tax Regulations Code by adding Section 249.24 to: 1) establish permitting requirements for the use of alternate water sources for nonpotable applications; 2) setting permit and annual fees; and 3) making environmental findings.

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 070512](#)

6/19/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

7/2/12; REFERRED TO DEPARTMENT.

7/5/12; RESPONSE RECEIVED.

### 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 SF Cable 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 Madeleine Licavoli at (415) 554-7722. **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.

**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 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 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](mailto: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>