



City and County of San Francisco

Meeting Agenda

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

Land Use and Economic Development Committee

Members: Scott Wiener, Jane Kim, David Chiu

Clerk: Alisa Miller (415) 554-4447

Monday, May 20, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

1. **130359 [Sale of Easement - Public Utilities Commission to Pacific Gas & Electric Company - Watershed Lands Near Edgewood Road, Unincorporated San Mateo County - \$2,200]**

Resolution approving and authorizing the sale of an easement on the City and County of San Francisco's property, consisting of approximately 7,800 square feet of watershed lands in unincorporated San Mateo County, near Edgewood Road, by the Public Utilities Commission, for the price of \$2,200; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan and the priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

4/19/13; RECEIVED FROM DEPARTMENT.

5/7/13; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

2. **120488 [Environment Code - Bottle Filling Stations]**

Sponsor: Chiu

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

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.

4/2/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

4/10/13; REFERRED TO DEPARTMENT.

- 3. 130180 [Planning Code - Pre-Application Meetings in Production/Distribution/Repair-1-B (Light Industrial Buffer) District]**
Sponsor: Cohen
Ordinance amending the Planning Code, by adding Section 313, to require pre-application meetings for certain projects in the Product/Distribution/Repair -1-B (Light Industrial Buffer) District; and making environmental, General Plan, and Planning Code, Section 101(b), findings.
- 2/26/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.
- 3/5/13; REFERRED TO DEPARTMENT.
- 3/5/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.
- 3/8/13; RESPONSE RECEIVED.
- 3/11/13; REFERRED TO DEPARTMENT.
- 5/14/13; RESPONSE RECEIVED.
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- 4. 111278 [Planning Code, Zoning Map - Establishing the Art and Design Educational Special Use District - 1111 Eighth Street]**
Sponsor: Cohen
Ordinance amending the Planning Code, by adding Section 249.67, and the Zoning Map, Section Map SU08, to establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts, and provide a regulatory scheme for a potential future phased expansion of the campus; and making 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.
- 11/22/11; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
- 12/8/11; REFERRED TO DEPARTMENT.
- 1/31/12; REMAIN ACTIVE.
- 5/10/12; REMAIN ACTIVE.
- 10/9/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.
- 10/18/12; REFERRED TO DEPARTMENT.
- 12/4/12; REMAIN ACTIVE.
- 4/30/13; RESPONSE RECEIVED.
- 5/8/13; NOTICED.

5. 121019 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice Requirements]

Sponsor: Wiener

Ordinance amending Administrative Code, Chapter 31, to reflect revisions in the California Environmental Quality Act and to update and clarify certain procedures provided for in Chapter 31, including without limitation: codifying procedures for appeals of exemptions and negative declarations; revising noticing procedures for environmental impact reports and negative declarations for plan area projects exceeding 20 acres; expanding noticing requirements for certain exempt projects; clarifying existing noticing requirements for exempt projects; and making environmental findings.

10/16/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

10/29/12; REFERRED TO DEPARTMENT.

11/13/12; RESPONSE RECEIVED.

11/20/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

12/3/12; RESPONSE RECEIVED.

1/29/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

2/6/13; REFERRED TO DEPARTMENT.

3/18/13; RESPONSE RECEIVED.

3/27/13; RESPONSE RECEIVED.

4/2/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

4/4/13; REFERRED TO DEPARTMENT.

4/5/13; RESPONSE RECEIVED.

4/8/13; AMENDED.

4/8/13; CONTINUED AS AMENDED.

4/22/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

4/22/13; CONTINUED AS AMENDED.

4/24/13; REFERRED TO DEPARTMENT.

5/2/13; RESPONSE RECEIVED.

5/6/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

5/6/13; CONTINUED AS AMENDED.

5/13/13; AMENDED.

5/13/13; CONTINUED AS AMENDED.

5/15/13; REFERRED TO DEPARTMENT.

- 6. 130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**
Sponsors: Kim; Campos, Avalos and Mar
Ordinance amending Administrative Code, Chapter 31, to provide for appeals under the California Environmental Quality Act to the Board of Supervisors of environmental impact reports, negative declarations, exemption determinations, and determinations on modified projects; to clarify and update existing Chapter 31 procedures, including without limitation: to provide for the Planning Department or Planning Commission to approve all exemption determinations; to require the Planning Department to establish an electronic notification system; to expand noticing of exempt projects; to require new noticing when filing notices of exemption and notices of determination; to revise noticing of negative declarations and environmental impact reports for plans of 20 acres or more; to provide an expanded role for the Historic Preservation Commission; and making environmental findings.
- 3/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to the Land Use and Economic Development Committee.
- 3/20/13; REFERRED TO DEPARTMENT.
- 4/9/13; SUBSTITUTED, AND ASSIGNED to the Land Use and Economic Development Committee.
- 4/12/13; REFERRED TO DEPARTMENT.
- 4/17/13; RESPONSE RECEIVED.
- 4/22/13; CONTINUED.
- 4/22/13; RESPONSE RECEIVED.
- 4/29/13; RESPONSE RECEIVED.
- 5/6/13; CONTINUED.
- 5/13/13; CONTINUED.
- 5/14/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.
- 5/15/13; REFERRED TO DEPARTMENT.

- 7. 130464 [Administrative Code - California Environmental Quality Act Procedures, Appeal of Exempt Project Modification]**
Sponsors: Kim; Campos, Avalos and Mar
Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the Planning Commission of a Planning Department determination that an exempt project modification does not require a new decision under the California Environmental Quality Act; and making environmental findings.
- 5/14/13; ASSIGNED to the Land Use and Economic Development Committee.
- 5/16/13; REFERRED TO DEPARTMENT.

Because this matter has not been considered by the Planning Commission nor the Historic Preservation Commission, this is for informational purposes only and the Committee will not take any action other than continuing the item.

8. 120669 [Subdivision Code - Condominium Conversion Impact Fee]**Sponsors: Farrell; Wiener, Chiu and Yee**

Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a condominium conversion impact fee applicable to certain buildings that would be permitted to convert during a six year period, and subject to specified requirements, including lifetime leases for non-purchasing tenants; adding Section 1396.5, to suspend the annual condominium conversion lottery until 2024 and resume said lottery under specified circumstances tied to permanently affordable rental housing production; amending Section 1396, to restrict future condominium lotteries to buildings of no more than four units with a specified number of owner occupied units for three years prior to the lottery; and adopting environmental findings.

(Economic Impact)

(Supervisor Wiener dissented in Committee.)

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

6/20/12; REFERRED TO DEPARTMENT.

1/4/13; RESPONSE RECEIVED.

1/9/13; NOTICED.

1/15/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

1/28/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

1/28/13; CONTINUED AS AMENDED.

2/14/13; REFERRED TO DEPARTMENT.

2/25/13; CONTINUED.

2/27/13; RESPONSE RECEIVED.

3/11/13; CONTINUED.

3/25/13; CONTINUED.

4/15/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

4/15/13; CONTINUED AS AMENDED.

4/17/13; RESPONSE RECEIVED.

4/22/13; RECOMMENDED.

5/7/13; RE-REFERRED to the Land Use and Economic Development Committee.

5/13/13; CONTINUED.

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.

130369 [Building, Health, Public Works Codes - Soil and/or Groundwater Testing Requirements]

Sponsor: Mayor

Ordinance amending the Building and Health Codes to expand the boundaries and types of projects for which soil testing is required and to require testing of groundwater under specified circumstances; amending the Public Works Code to eliminate soil testing provisions; renumbering code sections in the Health Code; and making environmental findings.

4/23/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

5/1/13; REFERRED TO DEPARTMENT.

5/2/13; RESPONSE RECEIVED.

5/14/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

130372 [Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District]

Sponsor: Cohen

Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

4/23/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

5/2/13; REFERRED TO DEPARTMENT.

130412 [Public Works Code - Installation of City Infrastructure in Excavation Projects]

Sponsor: Chiu

Ordinance amending the Public Works Code to require the installation of City-owned telecommunications and electricity infrastructure in excavation projects where the City has determined that it is both financially feasible and consistent with the City's long-term goals to develop the City's electrical and communications infrastructure, and to coordinate the installation of the infrastructure with municipal and utility excavators.

5/7/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

130458 [Contract Amendment - Mission Bay South Redevelopment Plan Amendment]**Sponsor: Mayor**

Ordinance approving an amendment to the Mission Bay South Redevelopment Plan, which amendment modifies the land use designation for certain property to add residential as a permitted use and to increase the permitted residential density in the Plan Area but does not increase the allocation of tax increment under a pre-existing enforceable obligation; making environmental findings under the California Environmental Quality Act; and making findings pursuant to the General Plan and Planning Code, Section 101.1(b).

5/14/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

130459 [Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District]**Sponsors: Campos; Wiener**

Ordinance amending the Planning Code by amending the Mission Alcoholic Beverage Special Use District controls to allow the transfer of liquor licenses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt from the controls grocery stores and certain institutional, arts and other uses; establishing operating conditions for liquor-related uses; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making 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.

5/14/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

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

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>