



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: Scott Wiener, Jane Kim, David Chiu

Clerk: Alisa Miller (415) 554-4447

Monday, November 25, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

- [131119](#)** **[Transportation Code - Inoperable/Broken Parking Meter Time Limits]**
Sponsor: Chiu
Ordinance amending the Transportation Code, Division I, to clarify the definition for "Parking Meter" to include electronic pay stations, and change the time limit for parking at inoperable or broken parking meters, from two hours to the maximum time permitted for the parking meter; and making environmental findings.

11/19/13; 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 November 26, 2013.
- [131131](#)** **[Street Encroachment - Operator Convenience Facilities - Terminus of Muni Transit Lines]**
Sponsor: Wiener
Resolution correcting Resolution No. 362-13, which granted revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

11/19/13; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

3. [131069](#) **[Construction Approval - West Garden Cafe Project - Academy of Sciences in Golden Gate Park]**

Sponsors: Mar; Tang

Resolution approving the construction of a cafe in the West Garden of the Academy of Sciences in Golden Gate Park pursuant to Charter, Section 4.113; adopting findings pursuant to the California Environmental Quality Act; and adopting findings of consistency with the Golden Gate Park Master Plan, the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/29/13; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

11/18/13; CONTINUED. Speakers: None.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on November 26, 2013.

4. [130968](#) **[Administrative, Planning Codes - Ellis Act Displaced Emergency Assistance Ordinance]**

Sponsors: Chiu; Campos, Kim, Mar and Breed

Ordinance amending the Administrative and Planning Codes to provide a preference in occupying units or receiving assistance under all affordable housing programs administered or funded by the City, including all former San Francisco Redevelopment Agency affordable housing programs administered or funded by the City, to certain tenants being evicted under the Ellis Act, California Government Code, Section 7060 et seq.; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/1/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

10/9/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Rent Board, Mayor's Office of Housing, and Department of Building Inspection for informational purposes.

10/10/13; RESPONSE RECEIVED. Exempt from environmental review per CEQA Guidelines Section 15060(c)(2).

10/30/13; REFERRED TO DEPARTMENT. Referred to the Youth Commission for review and recommendation.

11/5/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

11/7/13; RESPONSE RECEIVED. 11/5/2013 - The Youth Commission voted unanimously to support the proposed ordinance.

11/8/13; REFERRED TO DEPARTMENT. Re-referred substitute legislation (version 2) to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Youth Commission for review and recommendation; and Rent Board, Mayor's Office of Housing, and Department of Building Inspection for informational purposes.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on November 26, 2013.

5. [131068](#) **[Interim Zoning Controls - Building Permits for Commercial Buildings in an Area Bounded by Market, Second, Brannan, Division, and South Van Ness Streets]**

Sponsor: Kim

Resolution imposing interim zoning controls to require that for a 12-month period in the area bounded by Market Street from Van Ness Street east to 5th Street on the north side and east to 2nd Street on the south side, 2nd Street south to Brannan Street, Brannan Street west to Division Street, and South Van Ness Street north to Market Street: 1) except for a permit to address life/safety issues, a building permit for a commercial building shall not be issued pending the Planning Department's determination that the commercial space has not been converted to any residential use; and 2) the reestablishment of a commercial use that has been converted to residential use shall require Planning Commission approval through either an authorization under Planning Code Section 320 et seq. or a conditional use authorization; to require the Planning and Building Departments to complete a study of the conversion of commercial spaces to residential uses in this area; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/29/13; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

10/31/13; REFERRED TO DEPARTMENT. Referred to the Planning Department, Planning Commission, Department of Building Inspection, and Small Business Commission for informational purposes.

11/1/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

11/5/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

11/7/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Planning Department, Planning Commission, Department of Building Inspection, and Small Business Commission for informational purposes.

11/19/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

11/20/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Planning Department, Planning Commission, Department of Building Inspection, and Small Business Commission for informational purposes (substitute).

6. [130041](#) **[Planning Code - Conversion, Demolition, Merger, and Conformity of Residential Uses]**

Sponsor: Avalos

Ordinance amending the Planning Code to revise the criteria for residential demolition, conversion, and merger and to standardize those definitions across use districts; establish a strong presumption in favor of preserving dwelling units in enforcement of Code requirements; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

1/15/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/22/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for review and recommendation; and Department of Building Inspection for informational purposes.

1/22/13; RESPONSE RECEIVED. Not a project pursuant to CEQA Guidelines Section 15060(c)(2). Individual projects will undergo physical environmental review.

3/12/13; REMAIN ACTIVE. 3/5/2013 - The Board approved by Resolution No. 67-13 a 60-day extension for Planning Commission consideration; 6/22/2013.

7/26/13; RESPONSE RECEIVED. 7/18/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18927.

7/29/13; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Jeremy Pollock (Office of Supervisor John Avalos); presented information concerning the matter and answered questions raised throughout the hearing. David Elliott Lewis; spoke in support of the hearing matter.

7/30/13; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

8/6/13; REFERRED TO DEPARTMENT. Re-referred the substitute legislation (version 2) to the Planning Department for environmental review; Planning Commission for review and possible recommendation; Small Business Commission for review and recommendation; and Department of Building Inspection for informational purposes.

8/9/13; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2), individual projects will undergo environmental review.

9/12/13; RESPONSE RECEIVED. The Small Business Commission provided "No Comment" on the proposed legislation.

10/25/13; RESPONSE RECEIVED. 10/24/13 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 19009.

7. [130783](#) **[Planning Code - Nonconforming Uses: Enlargement, Alteration or Reconstruction]**

Sponsor: Avalos

Ordinance amending the Planning Code to permit the enlargement, alteration or reconstruction of a dwelling or other housing structure that exceeds the permitted density of the district if dwelling units are principally permitted in the district and the enlargement, alteration or reconstruction does not extend beyond the building envelope as it existed on January 1, 2013; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

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

8/7/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Department of Public Works and Department of Building Inspection for informational purposes.

8/14/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

9/23/13; RESPONSE RECEIVED. 9/19/2013 - The Planning Commission held a public hearing and recommended approval; Resolution No. 18967.

8. [131000](#) **[Street Acceptance for Lee Avenue (North of Ocean); Approval of a Sidewalk Easement for Brighton Avenue (North of Ocean)]**

Sponsor: Yee

Ordinance accepting an irrevocable offer for a public sidewalk easement on the Brighton Avenue extension, north of Ocean Avenue, and accepting an easement for these purposes; accepting an irrevocable offer for improvements and real property related to Lee Avenue, north of Ocean Avenue, and accepting a grant deed for these purposes; conditionally accepting an irrevocable offer for sidewalk improvements for Ocean Avenue, east of Lee Avenue; declaring such areas to be open public right-of-way and dedicating them for right-of-way and roadway purposes; accepting maintenance and liability for these areas subject to certain limitations; establishing public right-of-way width and sidewalk width for the Lee Avenue and Ocean Avenue sidewalks; approving an interdepartmental transfer of property for a portion of Lee Avenue and for a portion of Ocean Avenue; approving and making findings, including environmental findings, General Plan findings, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

10/8/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

10/17/13; REFERRED TO DEPARTMENT. Referred to the Planning Department, Department of Public Works, Municipal Transportation Agency, and Real Estate Division for information and to request referenced documents.

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.

131059 [Planning Code - Allowing Certain Non-Conforming Structures to be Rebuilt Under Certain Conditions]**Sponsors: Mayor; Chiu and Cohen**

Ordinance amending the Planning Code to allow non-conforming secondary structures in a C-3-R (Downtown Retail) Zoning District to be demolished and rebuilt to the prior non-conforming size under certain conditions; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/29/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/13/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; and Department of Building Inspection for informational purposes.

131061 [Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]**Sponsors: Campos; Avalos, Mar, Chiu, Cohen and Kim**

Ordinance amending Administrative Code, Chapter 37, "Residential Rent Stabilization and Arbitration Ordinance," by providing for hearings at the Rent Board on tenant allegations of landlord harassment constituting a wrongful endeavor to recover possession of the tenant's unit.

10/29/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/12/13; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection; Mayor's Office of Housing; and Rent Board for informational purposes.

131063 [Planning and Administrative Codes - Construction of In-Law Units in Existing Residential Buildings or Auxiliary Structures on the Same Lot; Rent Control]**Sponsors: Wiener; Cohen**

Ordinance amending the Planning Code to allow the construction of an additional dwelling unit or units within the existing envelope of a residential building or auxiliary structure on the same lot (In-Law Units) on any parcel in the Castro Street Neighborhood Commercial District and within 1,750 feet of the District boundaries, excluding any lot within 500 feet of Block No. 2623, Lot Nos. 116 through 154; and authorizing the Zoning Administrator to waive density and other Planning Code requirements in order to create the In-Law Units; amending the Administrative Code to provide that an In-Law Unit constructed with a waiver of code requirements shall be subject to the provisions of the San Francisco Residential Rent Stabilization and Arbitration Ordinance if the existing building, or any existing dwelling unit, is already subject to the Rent Ordinance; and making environmental findings, and 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 to send a copy of this Ordinance to the California Department of Housing and Community Development, in accordance with State law.

10/29/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/12/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Rent Board; Mayor's Office of Housing; and Building Inspection Department for informational purposes.

131064 [Planning Code - Definition of Bona Fide Eating Place]**Sponsor: Wiener**

Ordinance amending the Planning Code to expand the definition of “bona fide eating place” to include a definition based on food sales per occupant; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/29/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/14/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; Department of Building Inspection; Building Inspection Commission; and Fire Department for informational purposes.

131085 [Planning Code, Zoning Map - Fulton Street Grocery Store Special Use District]**Sponsor: Breed**

Ordinance amending the Planning Code, Section 249.35A to allow a grocery store that may be defined as a formula retail use; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

11/5/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

131086 [Planning Code - 1500 Page Street Affordable Housing Special Use District]**Sponsor: Breed**

Ordinance amending the Planning Code to establish the 1500 Page Street Affordable Housing Special Use District (SUD) for the property located at 1500 Page Street (Assessor’s Block No. 1223, Lot No. 004) and repeal the provisions establishing the 1500 Page Street Residential Care SUD; amending the Zoning Map to add the 1500 Page Street Affordable Housing SUD, delete the 1500 Page Street Residential Care SUD, and modify the height and bulk limit for the lot; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

11/5/13; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

131087 [Park Code - Rights in Permits]**Sponsor: Wiener**

Ordinance amending the Park Code to distinguish rights in permits for areas and facilities open to the public and rights in permits for events closed to the public; and making environmental findings.

11/5/13; 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>