



# City and County of San Francisco

## Meeting Agenda

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

### Land Use and Transportation Committee

*Members: Mark Farrell, Aaron Peskin, Katy Tang*

*Clerk: Alisa Somera (415) 554-7711*

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Monday, May 1, 2017

1:30 PM

City Hall, Legislative Chamber, Room 250

**Regular Meeting**

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## ROLL CALL AND ANNOUNCEMENTS

## AGENDA CHANGES

## REGULAR AGENDA

- 151258** **[Planning Code - Affordable Housing Requirement and Fee in Divisadero and Fillmore Neighborhood Commercial Transit Districts]**  
**Sponsor: Breed**  
Ordinance amending the Planning Code to require additional affordable housing or payment of a fee for certain sites that obtained higher residential development potential as a result of the rezoning of the Divisadero Street Neighborhood Commercial Transit District and the Fillmore Street Neighborhood Commercial Transit District in 2015; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.  
  
12/8/15; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.  
  
12/16/15; REFERRED TO DEPARTMENT.  
  
1/25/16; RESPONSE RECEIVED.  
  
2/4/16; REMAIN ACTIVE.  
  
4/5/16; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.  
  
4/13/16; REFERRED TO DEPARTMENT.  
  
4/15/16; RESPONSE RECEIVED.  
  
6/28/16; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.  
  
7/6/16; REFERRED TO DEPARTMENT.  
  
7/6/16; RESPONSE RECEIVED.  
  
7/12/16; RESPONSE RECEIVED.  
  
7/12/16; RESPONSE RECEIVED.  
  
3/21/17; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.

3/24/17; NOTICED.

3/29/17; REFERRED TO DEPARTMENT.

3/30/17; NOTICED.

4/3/17; CONTINUED.

4/10/17; CONTINUED.

2. [161310](#) **[Amending Ordinance No. 1061 - Sidewalk Width Change - Intersection of Mission Street and 22nd Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to narrow, from 21 feet to 15 feet, the official sidewalk width along a portion of the westerly side of Mission Street, between 23rd Street and 22nd Street, and a portion of the easterly side of Mission Street, between 22nd Street and 21st Street, both beginning at the intersection of Mission Street and 22nd Street; adopting the Planning Department's determination and making additional findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

12/5/16; RECEIVED FROM DEPARTMENT.

12/13/16; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

3. [161014](#) **[Planning Code - Exempting Certain Historic Landmarks from Requirement to Obtain Conditional Use and Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses]**

**Sponsor: Kim**

Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

9/20/16; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

9/27/16; REFERRED TO DEPARTMENT.

10/20/16; RESPONSE RECEIVED.

1/19/17; RESPONSE RECEIVED.

2/14/17; RESPONSE RECEIVED.

4/18/17; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.

4/24/17; REFERRED TO DEPARTMENT.

4. [170156](#) **[Planning Code, Zoning Map - Production, Distribution, and Repair Controls; Eliminating the Transit-Oriented Retail Special Use District, and Correcting Height Limits in the UMU District]**  
**Sponsors: Mayor; Ronen**  
Ordinance amending the Planning Code and Zoning Map to prohibit Gym and Massage uses in the Production, Distribution, and Repair (PDR) zoning districts, eliminate the Transit-Oriented Retail Special Use District, which includes all parcels in PDR districts along 16th Street from Mission Street to Potrero Avenue, and correct the height limits on certain parcels in the Urban Mixed Use (UMU) District to allow for groundfloor PDR uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
- 2/7/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.
- 2/13/17; REFERRED TO DEPARTMENT.
- 3/16/17; RESPONSE RECEIVED.
- 3/28/17; RESPONSE RECEIVED.
5. [170467](#) **[Temporary Housing for Homeless People During Shelter Crisis - LMC San Francisco I Holdings, LLC - 1515 South Van Ness Avenue]**  
**Sponsors: Mayor; Ronen**  
Ordinance approving an agreement between the City and LMC San Francisco I Holdings, LLC, to allow the City to use the property at 1515 South Van Ness Avenue to utilize and operate a facility to provide temporary housing and services to homeless persons; directing the City Administrator, Public Works, Department of Homelessness and Supportive Housing, Department of Building Inspection, and other City departments to make repairs or improvements, consistent with health and safety standards, to use the property for temporary housing to address encampments in the Mission District; authorizing Public Works, Department of Homelessness and Supportive Housing, and Department of Public Health to enter into contracts without adhering to competitive bidding and other requirements for construction work, procurement, and personal services at the facility; and affirming the Planning Department's determination under the California Environmental Quality Act.
- 4/25/17; ASSIGNED to the Land Use and Transportation Committee.
- The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on May 2, 2017.*

## ADJOURNMENT

*NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

## LEGISLATION UNDER THE 30-DAY RULE

*NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.*

### **170348**

#### **[Planning Code, Zoning Map - 1500 Mission Street Special Use District]**

##### **Sponsor: Mayor**

Ordinance amending the Planning Code to create the 1500 Mission Street Special Use District to facilitate development of the 1500 Mission Street (Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007) project, to regulate bulk controls in the Special Use District, to modify Zoning Map SU07 to place the project site into this Special Use District, and Zoning Map HT07 to establish the height and bulk district designations for the project site; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Planning Commission)

4/4/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/11/17; REFERRED TO DEPARTMENT.

4/28/17; NOTICED.

### **170349**

#### **[Administrative Code - Owner Move-In Reporting Requirements]**

##### **Sponsors: Farrell; Sheehy, Cohen and Breed**

Ordinance amending the Administrative Code to require a landlord seeking to recover possession of a rental unit based on an owner move-in ("OMI") or relative move-in ("RMI") to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord's relative for a period of at least 36 continuous months; and to require a landlord following an OMI or RMI to provide annual documentation for 36 months showing whether the landlord or the landlord's relative is occupying the unit as his or her principal place of residence.

4/4/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/11/17; REFERRED TO DEPARTMENT.

### **170416**

#### **[Administrative Code - Residential Hotel Status Report Requirement]**

##### **Sponsor: Peskin**

Ordinance amending the Administrative Code to require the completion of a report of residential hotel status, and disclosure of the report to the buyer or transferee, prior to the sale or transfer of a residential hotel; and affirming the Planning Department's determination under the California Environmental Quality Act.

4/11/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/19/17; REFERRED TO DEPARTMENT.

**170417 [Administrative Code - Owner Move-In Reporting and Abuse]****Sponsors: Peskin; Kim and Ronen**

Ordinance amending the Administrative Code to require a landlord seeking to recover possession of a rental unit based on an owner move-in (“OMI”) or relative move-in (“RMI”) to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord’s relative for a period of at least 36 continuous months; to require a landlord following an OMI or RMI to provide annual documentation for 36 months showing whether the landlord or relative is occupying the unit as his or her principal place of residence; and to provide that a landlord who performs an OMI or RMI and then rents out the unit for more than the maximum allowable rent is guilty of a misdemeanor.

4/11/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/19/17; REFERRED TO DEPARTMENT.

**170418 [Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]****Sponsor: Peskin**

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District (“Pacific NCD”) and the Polk Street Neighborhood Commercial District (“Polk NCD”); 2) limit the size of non-residential uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor commercial uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) clarify procedures for abating a Conditional Use authorization; 9) modifying the maximum concentration of eating and drinking uses in the Polk NCD; 10) prohibit and restrict medical service, massage establishment, kennel, and agriculture uses in the Polk NCD; 11) prohibit storefront mergers in Polk NCD; 12) prohibit and restrict medical service, kennel, and agriculture uses in the Pacific NCD; 13) modify the required dwelling unit mix in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a Legacy Business in Polk NCD and Pacific NCD; 15) prohibit removal, demolition, merger, or conversion of certain residential units in Polk NCD and Pacific NCD; and 16) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

4/11/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/19/17; REFERRED TO DEPARTMENT.

**170419 [Planning Code - Commercial Uses in North Beach; Technical and Other Amendments]****Sponsor: Peskin**

Ordinance amending the Planning Code to 1) eliminate the use size exemption for movie theaters in the North Beach Neighborhood Commercial District (“North Beach NCD”); 2) restrict lot mergers in the North Beach NCD, North Beach Special Use District (“North Beach SUD”), and Telegraph Hill-North Beach Residential Special Use District (“Telegraph Hill-North Beach SUD”); 3) require active commercial uses on the ground floor in the North Beach SUD and the North Beach NCD; 4) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in North Beach NCD and Telegraph Hill-North Beach SUD and other streets; 5) deem restaurants that cease to operate for 18 months in the North Beach NCD to be discontinued; 6) authorize a special ceiling height exception to certain projects in the North Beach NCD; 7) clarify procedures for abating a Conditional Use authorization; 8) prohibit Planned Unit Developments in the North Beach SUD; 9) require active commercial uses on the ground floor and limit hours of operation in the North Beach NCD; 10) regulate Specialty Food Manufacturing, preserve and maintain small-scale, fine grain storefronts, protect and encourage upper-story residential uses, preserve Legacy Businesses, and prohibit certain uses in the North Beach SUD; 11) clarify and modify the requirements for approval of parking garages in the Telegraph Hill-North Beach SUD; 12) reduce lot size square footage that would require Conditional Use authorization in the North Beach District; 13) delete the definition of Take Out Food and amend the definitions of Limited-Restaurant, Restaurant, Restaurant, and Other Retail Sales and Services uses; and 14) update, correct, clarify, and simplify language in other Planning Code Sections; and affirming the Planning Department’s determination under the California Environmental Quality Act and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

4/11/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/21/17; REFERRED TO DEPARTMENT.

**170420 [Administrative Code - Relocation Assistance for Lawful Occupants Regardless of Age]****Sponsors: Ronen; Yee, Breed, Sheehy, Fewer, Peskin and Safai**

Ordinance amending the Administrative Code to include all persons regardless of age who have been lawfully occupying a rental unit as eligible tenants for purpose of calculating Ellis Act relocation payments.

4/11/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/19/17; REFERRED TO DEPARTMENT.

**170430**

**[Planning Code - Landmark Designation - 1970 Ocean Avenue (aka El Rey Theater)]**

**Sponsor: Yee**

Ordinance amending the Planning Code to designate 1970 Ocean Avenue (aka El Rey Theater), in Assessor's Parcel Block No. 3280, Lot 018, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

4/12/17; RECEIVED FROM DEPARTMENT.

4/18/17; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation 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 interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation 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. 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 or Clerk of a Committee: 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 Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

**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 the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

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



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

### **Disability Access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Wilson Ng at (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. 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 (San Francisco Administrative Code, Chapter 67) 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) 554-5163; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, 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, Section 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>