



# 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, February 27, 2012

1:00 PM

City Hall, Committee Room 263

**Regular Meeting**

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## AGENDA CHANGES

## REGULAR AGENDA

1. **111315 [Planning Code - Automobile Sale or Rental in NC-S Districts]**  
**Sponsor: Elsbernd**  
Ordinance amending the San Francisco Planning Code Section 713.61 to: 1) allow an automobile sale or rental use in NC-S Districts as a conditional use; and 2) 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.  
  
12/6/11; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
  
12/21/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.  
  
1/5/12; RESPONSE RECEIVED. Exempt from CEQA per Guidelines Sections 15060(c)(2) and 15378, non-physical exemption.
  
2. **111171 [Hearing - Potrero/Potrero Annex and Terrace Project Rebuild Status]**  
**Sponsor: Cohen**  
Hearing on the status of the rebuild Potrero/Potrero Annex and Terrace Project.  
  
10/25/11; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**3. 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 135(d)(2) to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3) to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR, and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307 to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312 to require notice for a change of use to Group Housing; 6) amending Section 317 to prohibit the conversion of residential units into Student Housing; 7) amending Section 401 to make conforming amendments and amend the definition of Qualified Student Housing; and 7) 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)

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. 10/27/2011 - The Planning Commission held a public hearing and recommended approval; Resolution No. 18485.

**4. 110853 [Planning, Administrative Codes - Public Art Fee and Public Artwork Trust Fund]****Sponsors: Mayor; Chiu**

Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and after January 1, 2013, imposing this requirement on any new development project or addition to an existing building over 75,000 square feet located in a zoning district other than C-3; 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) 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.

7/19/11; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

8/15/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Department of Building Inspection and Arts Commission for informational purposes.

8/23/11; RESPONSE RECEIVED. Exempt from CEQA per Article 18, Statutory Exemptions, Section 15273 (Rates, Tolls, Fares, and Charges).

10/31/11; RESPONSE RECEIVED. 10/27/11 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18477.

11/22/11; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

12/16/11; REFERRED TO DEPARTMENT. Re-Referred substitute legislation to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Department of Building Inspection and Arts Commission for informational purposes.

12/22/11; NOTICED. 14-Day Fee Ad was submitted for publication on 12/25/2011 & 1/2/2012.

1/9/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Jason Elliott (Mayor's Office); Supervisor David Chiu (Board of Supervisors); AnMarie Rodgers (Planning Department); Jill Manton, Director of Programs (Arts Commission); Tom DeCaigny, Director of Cultural Affairs (Arts Commission); Ron Miguel (Planning Commission); presented information concerning the matter and answered questions raised throughout the hearing. Debra Walker; Angelica Cabande; Tony Kelly; Male Speaker; Skot Kuiper; Sean Keigran; Joe Boss; spoke in support of the matter.

1/9/12; CONTINUED AS AMENDED. Continued as amended to January 30, 2012.

1/12/12; NOTICED. 14-Day Fee Ad was submitted for publication on 1/16/2012 & 1/23/2012.

1/30/12; AMENDED. Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Ray Hart; Francisco Da Costa; spoke in opposition to the matter. Walter Paulson; spoke neither in support nor against the matter.

1/30/12; CONTINUED AS AMENDED. Continued to February 27, 2012.

## 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.*

### **120083 [Planning Code and Zoning Map - 9th Street Power Retail Special Use District - 555-9th Street]**

**Sponsor: Kim**

Ordinance: 1) amending the San Francisco Planning Code by adding Section 249.66 to establish the 9th Street Power Retail Special Use District for property located at 555-9th Street (Assessor's Block No. 3781, Lot No. 003); 2) amending the San Francisco Zoning Map Sheet SU08 to show the boundaries of the 9th Street Power Retail Special Use District; and 3) 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.

1/31/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

2/3/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

2/3/12; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

### **120084 [Planning Code - Eating and Drinking Establishment Definitions and Controls]**

**Sponsors: Wiener; Olague**

Ordinance deleting and amending various sections of the San Francisco Planning Code to: 1) simplify and consolidate eating and drinking establishment definitions, and subject the newly-defined uses to Section 312 notification and Formula Retail controls; and 2) adopting 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.

1/31/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

2/8/12; REFERRED TO DEPARTMENT. Referred to the Planning Department/Commission for informational purposes; and Small Business Commission for review and recommendation.

**120125 [Planning Code - Mobile Food Facilities at Certain Institutions in Specified Districts]**

**Sponsor: Wiener**

Ordinance: 1) amending the San Francisco Planning Code Section 205.4 to allow mobile food facilities at certain types of institutions in RH, RM, RED, and RTO Districts subject to specified conditions; and 2) making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

2/7/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

2/16/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

**120142 [Transportation Code - Large Vehicle Parking Restrictions]**

**Sponsor: Chu**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7, by adding Section 7.2.54 to prohibit the on-street parking of any vehicle over 22 feet in length or seven feet in height, camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobilehomes, recreational vehicles, or semi-trailers as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice; and making environmental findings.

2/14/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

2/14/12; RESPONSE RECEIVED. Not a project under CEQA Guidelines Sections 15060(c)(3) and 15378.

### 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. 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 Erasmo Vazquez (415) 554-4909.

**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>