



# City and County of San Francisco

## Meeting Minutes

### 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

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### Regular Meeting

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**Present:** 3 - Eric Mar, Malia Cohen, and Scott Wiener

### MEETING CONVENED

*The meeting convened at 1:09 p.m.*

### REGULAR AGENDA

#### **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).

05/15/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/14/2012.

05/29/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission and Historic Preservation Commission for public hearing and recommendation; and Assessor-Recorder for informational purposes.

06/06/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Guidelines Section 15060(c)(2).

07/16/12; RESPONSE RECEIVED. 6/20/2012 - The Historic Preservation Commission held a public hearing and recommended approval with modifications; Resolution No. 682.

6/21/2012 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18651.

07/17/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Tim Frye (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Alan Martinez; Mike Buhler (SF Heritage); spoke in support of the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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.

03/13/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/12/2012.

03/19/12; 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.

05/29/12; RESPONSE RECEIVED. 5/7/2012 - The Small Business Commission met and recommended 7-0 to approve the legislation.

06/18/12; RESPONSE RECEIVED. 6/14/2012 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18288.

07/17/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Supervisor Carmen Chu (Board of Supervisors); Aaron Starr (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Paul Wermer; Tom Radulavich; spoke in support of the hearing matter. Inge Horton; spoke in opposition to the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.*

**AMENDED on Page 15, Line 13, and Page 33, Line 7, by changing '27th' to '36th'; on Page 6, Lines 6-7, Page 12, Lines 13-14, Page 18, Lines 14-15, and Page 24, Lines 21-22, by deleting '#'; and Page 8, Lines 10-11, Page 14, Lines 16-17, Page 21, Line 4, and Page 26, Line 25, through Page 27, Line 1, by adding 'Formula Retail' before 'Limited-Restaurants'.**

Ayes: 3 - Mar, Cohen, Wiener

**RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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.

05/08/12; ASSIGNED to Land Use and Economic Development Committee.

05/17/12; REFERRED TO DEPARTMENT. Referred to the Planning Department/Commission for informational purposes.

05/22/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Guidelines Section 15060(c)(2).

*Heard in Committee. Speakers: Judson True (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Dani Simons (SF Bicycle Coalition); Tom Radulavich; Male Speaker; spoke in support of the hearing matter. Walton Paulson; spoke neither in support nor against the hearing matter.*

*Supervisor Mar requested to be added as a co-sponsor.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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.

05/08/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

05/17/12; REFERRED TO DEPARTMENT. Referred to the Planning Department/Commission for informational purposes.

05/22/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Guidelines Section 15060(c)(2).

*Heard in Committee. Speakers: Judson True (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Dani Simons (SF Bicycle Coalition); Tom Radulavich; Male Speaker; spoke in support of the hearing matter. Walton Paulson; spoke neither in support nor against the hearing matter.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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.

06/19/12; ASSIGNED to Land Use and Economic Development Committee. 6/21/2012 - The President waived the 30-day rule.

06/29/12; 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.

07/20/12; RESPONSE RECEIVED. 10/3/2011 - The Small Business Commission voted 5-1 to recommend approval.

*Heard in Committee. Speakers: Judson True (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Dani Simons (SF Bicycle Coalition); Tom Radulavich; Male Speaker; spoke in support of the hearing matter. Walton Paulson; spoke neither in support nor against the hearing matter.*

*Supervisor Mar requested to be added as a co-sponsor.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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)

12/15/11; RECEIVED FROM DEPARTMENT.

01/10/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/9/2012.

02/02/12; RESPONSE RECEIVED. 10/27/2011 - The Planning Commission held a public hearing and recommended approval; Resolution No. 18485.

02/27/12; CONTINUED. Speakers: John Bardis; Espanola Jackson; Caroline Guibert; John Sanger; spoke in opposition to the hearing matter and in support of the continuance.

Continued to March 26, 2012.

03/26/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Sophie Hayward (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Rose Hillson; Tim Colen; Robert Garcia; Linda Chapman; Caroline Guibert; spoke in support of the hearing matter. James Haas; John Bardis; Brad Paul; Hiroshi Fukuda; Megann Sept; Anthony Molinar; spoke in opposition to the hearing matter.

03/26/12; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

03/27/12; REFERRED TO DEPARTMENT. Amended legislation re-referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendaiton; and Youth Commission for review and recommendaiton.

03/27/12; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

07/10/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: AnMarie Rodgers (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Lee Gregory (Arts Institute); Tim Colen (Housing Action Coalition); James Haas; Caroline Guibert; spoke in support of the hearing matter. Linda Chapman; spoke in opposition to the hearing matter. Jeanne Quock; spoke neither in support nor against the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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.

03/13/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

03/21/12; REFERRED TO DEPARTMENT. Referred to the Mayor's Office on Disability for informational purposes.

*Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Regina Dick-Endrizzi, Director (Office of Small Business); Jason Gong; Carla Johnson, Interim Director (Mayor's Office on Disability); Thomas Fessler (Department of Building Inspection); Zachary Nathan; John Kwong (Department of Public Works, Bureau of Street-Use & Mapping); Tim Frye (Planning Department); Susan Walia (Castro Computer Services); Male Speaker (Noe Valley Merchants ADA Committee); Roozbeh Falahati (Hamburger Haven); presented information concerning the matter and answered questions raised throughout the hearing.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

**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.

09/27/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/27/2011.

10/12/11; 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 Mayor's Office on Disability for informational purposes.

10/13/11; RESPONSE RECEIVED. Not subject to CEQA per Guidelines Section 15060(c)(2): activity would not result in a direct physical change in the environment.

12/19/11; RESPONSE RECEIVED. 12/15/11 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18508.

07/17/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Regina Dick-Endrizzi, Director (Office of Small Business); Jason Gong; Carla Johnson, Interim Director (Mayor's Office on Disability); Thomas Fessler (Department of Building Inspection); Zachary Nathan; John Kwong (Department of Public Works, Bureau of Street-Use & Mapping); Tim Frye (Planning Department); Susan Walia (Castro Computer Services); Male Speaker (Noe Valley Merchants ADA Committee); Roozbeh Falahati (Hamburger Haven); presented information concerning the matter and answered questions raised throughout the hearing.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Ordinance amending the San Francisco Administrative Code by adding Chapter 38, Sections 38.1 through 38.7, 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 that the property may not currently meet all applicable construction-related accessibility standards, including standards for public restrooms and ground floor entrances and exits; 2) inform small business tenants that they may be legally and financially liable for failing to comply with those laws and offer such tenants copies of the Small Business Commission's access information notice; 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; 4) requiring the Small Business Commission, by January 1, 2013, to develop and distribute an access information notice in multiple languages regarding local, state, and federal disability access laws that may apply to businesses in San Francisco and to make that notice available for distribution through various other City departments; and 5) to require the City to give priority to building permit applications for work to bring space used by small businesses into compliance with those access laws; and making environmental findings.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Mar, Cohen, Wiener

## ADJOURNMENT

*The meeting adjourned at 4:47 p.m.*