



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

Monday, December 3, 2012

1:00 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

1. [120704](#) **[Approving Street Encroachment - 10 Niantic Avenue]**
Resolution overturning Department of Public Works' recommendation for disapproval and granting revocable permission to Lee Yun Ling & Cindy Zhou, for the occupancy of a portion of the public right-of-way of a portion of a new single family dwelling encroaching 3-feet into the public right-of-way at 10 Niantic Avenue (Assessor's Block No. 7178, Lot No. 001), conditioned upon the payment of an annual assessment fee as prescribed under Article 15, Section 786.7 of the Public Works Code; this project is consistent with the General Plan Referral and General Planning Code, Section 101.1. (Public Works Department)

Attachments: [Legislation Ver1](#)

[Comm Packet 120312](#)

6/14/12; RECEIVED FROM DEPARTMENT.

6/26/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

2. [121130](#) **[Transfer of Airspace Parcel Agreements - 151 Third Street - Successor Agency to the San Francisco Redevelopment Agency and San Francisco Museum of Modern Art]**
Sponsors: Kim; Mayor
Resolution approving and authorizing the Director of Real Estate to execute Agreement for Transfer of Airspace Parcel within Block No. 3722, Lot No. 078, at 151 Third Street from the Successor Agency to the San Francisco Redevelopment Agency to the City and County of San Francisco; and Agreement for Transfer of Airspace Parcel from the City and County of San Francisco to the San Francisco Museum of Modern Art.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 120312](#)

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

3. [121066](#) **[Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]**

Sponsor: Olague

Ordinance amending San Francisco Administrative Code, Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance), Section 37.9, to add new Subsection 37.9(I), 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.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 120312](#)

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

11/6/12; REFERRED TO DEPARTMENT.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on December 4, 2012.

4. [120880](#) **[Planning Code - Valencia Street Neighborhood Commercial Transit District]**

Sponsor: Campos

Ordinance amending the San Francisco Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to: 1) permit a personal service use on the third story and above with a Conditional Use Authorization; and 2) 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.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 091812](#)

[Response SBC 102612](#)

[Response PLN 113012](#)

[Comm Packet 120312](#)

9/4/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

9/11/12; REFERRED TO DEPARTMENT.

9/18/12; RESPONSE RECEIVED.

10/26/12; RESPONSE RECEIVED.

11/30/12; RESPONSE RECEIVED.

5. [120434](#) **[Police Code - Amendments to Junk Dealer and Junk Gatherer Permit Process]**

Sponsor: Cohen

Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21, 974.22, 895, 2.26 and 2.27 and repealing Sections 974.5, 974.6, 974.10-2, 974.23 and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of December 31, 2012; 2) establish an annual permit for junk dealers with junk yards and a two-year permit for other junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; and 5) update fees; and making environmental findings.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Legislation Ver3](#)

[Leg Digest Ver3](#)

[Response Police 101112](#)

[Comm Packet 120312](#)

5/1/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

5/10/12; REFERRED TO DEPARTMENT.

5/10/12; TRANSFERRED to the Land Use and Economic Development Committee.

5/11/12; REFERRED TO DEPARTMENT.

6/19/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

9/25/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

10/10/12; REFERRED TO DEPARTMENT.

10/12/12; RESPONSE RECEIVED.

6. [120060](#) [Hearing - Improved Taxi Service Quarterly Report]**Sponsor: Wiener**

Hearing on the San Francisco Municipal Transportation Agency's progress increasing and improving Taxi service in San Francisco pursuant to File No. 101422 (Ordinance No. 45-11) to include quantitative data demonstrating the Agency's progress in meeting demand for Taxi service as a way to reduce non-permitted Taxi service.

Attachments: [Comm Packet 020612](#)

[Comm Packet 050712](#)

[Comm Packet 061112](#)

[Comm Packet 111912](#)

[Comm Packet 120312](#)

1/24/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

1/31/12; REFERRED TO DEPARTMENT.

2/6/12; CONTINUED TO CALL OF THE CHAIR.

5/7/12; CONTINUED.

6/11/12; CONTINUED TO CALL OF THE CHAIR.

11/19/12; CONTINUED.

11/26/12; CONTINUED.

7. [120619](#) [Separating Sharp Park Golf Course Plan from the Natural Area Plan]**Sponsor: Olague**

Resolution to remove all management proposals and activities derived from the Sharp Park Conceptual Restoration Alternatives Report's Alternative A18 from the Environmental Impact Report for the San Francisco Recreation and Park Department's Significant Natural Resource Areas Management Plan, and to consider proposals and alternatives for the future of Sharp Park Golf Course through a separate and complete California Environmental Quality Act review process.

Attachments: [Legislation_Ver1](#)

[Comm Packet 111912](#)

[Comm Packet 120312](#)

6/26/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

7/10/12; REFERRED TO DEPARTMENT.

11/19/12; CONTINUED.

The Chair intends to entertain a motion to continue this matter to the call of the Chair.

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.

121061

[Planning Code - Landmark Designation of 401 Castro Street (Twin Peaks Tavern)]

Sponsor: Wiener

Ordinance designating 401 Castro Street (Twin Peaks Tavern), Assessor's Block No. 3582, Lot No. 71, as a landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

[Response_PLN_101812](#)

10/23/12; RECEIVED FROM DEPARTMENT.

11/6/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

121104

[Planning Code - Landmark Designation of 320-326 Judah Street (the Doelger Building)]

Ordinance designating 320-326 Judah Street (the Doelger Building), Assessor's Block No. 1763, Lot Nos. 020 and 021, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

11/6/12; RECEIVED FROM DEPARTMENT.

11/20/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

121107 **[Health Code - Disclosing Landlord's Prohibition of Smoking in Residential Rental Units; Designating and Listing Units as Smoke Free or Smoking Optional]**

Sponsor: Mar

Ordinance amending the San Francisco Health Code by adding Article 19M relating to multi-unit residential rental properties where less than 100 percent of the units are designated as smoke free, to require that owners designate each unit as either smoke free or smoking optional, and include that designation in residential vacancy listings; provide a list to a rental applicant showing the designation of units in the building as smoke free or smoking optional, before offering a unit to that applicant; disclose in writing to any rental applicant whether the landlord has designated the unit for rent as smoke free or smoking optional, prior to entering into a new lease or rental agreement; develop and maintain a master list available to all tenants that identifies the location of each smoke free unit and each smoking optional unit; and comply with a timeline and process to designate the units as smoke free or smoking optional (one year for owners of 50 units or less in the City, two years for owners of more than 50 units in the City).

Attachments: [Legislation_Ver1](#)
[Leg_Digest_Ver1](#)

11/6/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/14/12; REFERRED TO DEPARTMENT.

121108 **[Transportation Code - Selling or Distributing from a Vehicle Restrictions]**
Sponsor: Wiener

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 (Violations), Section 7.2.82 to prohibit any person to park a Mobile Food Facility vehicle in either a business district or a residential area and, from that vehicle, offer food or beverages for sale unless displaying a valid permit issued by the Department of Public Works, in a format and manner approved by the Municipal Transportation Agency.

Attachments: [Legislation_Ver1](#)

11/6/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/14/12; REFERRED TO DEPARTMENT.

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>