



# 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: Sophie Maxwell, Eric Mar, David Chiu*

*Clerk: Alisa Somera (415) 554-4447*

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Monday, December 13, 2010

1:00 PM

City Hall, Committee Room 263

### Regular Meeting

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**Present:** 3 - Sophie Maxwell, Eric Mar and David Chiu

## MEETING CONVENED

*The meeting convened at 1:18 p.m.*

## REGULAR AGENDA

**100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]****Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for review and recommendation.

05/04/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

07/14/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18116 and Historic Preservation Commission Resolution No. 649 recommended approval with modifications.

07/20/10; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT. Referred the substitute legislation to the Planning Department for review and comment.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee. Supervisor Alioto-Pier submitted a substitute ordinance bearing same title.

09/23/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Planning Department for review and comment.

09/27/10; CONTINUED. Heard in Committee. Speakers: Bill Barnes, Legislative Aide to Supervisor Alioto-Pier; AnMarie Rodgers and Bill Wycko, Planning Department; Zach Stewart, Canessa; Sue Vaughan, Sierra Club; David Tornheim; Nan Roth, Telegraph Hill Dwellers; Paul Wermer; Bret Gladstone; Tom Radulavich, Livable City; David Pilpel; David Glover.  
Continued to October 25, 2010.

10/25/10; CONTINUED. Speaker: David Glover.

Continued to November 15, 2010.

11/15/10; CONTINUED. Speaker: Joan Wood.

11/16/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/06/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Michela Alioto-Pier, Board of Supervisors; Kate Stacy, City Attorney's Office; David Pilpel; Sue Hestor; David Globber; Eric Brooks, SF Green Party; Hiroshi Fukuda; Francisco Da Costa; Joan Wood; David Tornheim; Steve Williams; Bill Wycko, Planning Department.

12/06/10; CONTINUED AS AMENDED. Continued to December 13, 2010.

*Heard in Committee. Speakers: Supervisor Alioto-Pier, Board of Supervisors; Kate Stacy, City Attorney's Office; John Rahaim, Bill Wycko, Planning Department; Eric Brooks, SF Green Party; Francisco Da Costa; Sue Hestor; Ron Black, SF Chamber of Commerce; Hiroshi Fukuda.*

*See Divided File No. 101555.*

**DIVIDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

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

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents.

**REFERRED WITHOUT RECOMMENDATION AS DIVIDED AND AMENDED AS A COMMITTEE REPORT by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**101555 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**

**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

*Heard in Committee. Speakers: Supervisor Alioto-Pier, Board of Supervisors; Kate Stacy, City Attorney's Office; John Rahaim, Bill Wycko, Planning Department; Eric Brooks, SF Green Party; Francisco Da Costa; Sue Hestor; Ron Black, SF Chamber of Commerce; Hiroshi Fukuda.*

*Divided from File No. 100495.*

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

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

Ayes: 3 - Maxwell, Mar, Chiu

**101105 [Environment Code - Existing Commercial Buildings Energy Performance]****Sponsors: Mayor; Dufty and Chiu**

Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/9/2010.

09/01/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation. Referred to the Planning Department for environmental review. Referred to the Department of the Environment, Department of Building Inspection, US Environmental Protection Agency and the American Society of Heating, Refrigerating, and Air-conditioning Engineers, Inc., for informational purposes.

09/28/10; RESPONSE RECEIVED. On September 13, 2010 the Small Business Commission heard and recommended approval.

09/28/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/06/10; CONTINUED. Heard in Committee. Speakers: Johanna Partin, Mayor's Office; Melanie Nutter, Director, and Barry Hooper, Department of the Environment; Francisco Da Costa; Kathy Diehl, U.S. Environmental Protection Agency; Ken Cleaveland, BOMA San Francisco; Steven Ring, Cushman & Wakefield; Hal Brownstone, BOMA San Francisco; Walter Paulson; Steven Krolik; Dan Geiger, U.S. Green Building Council; Matt Macko, Environmental Building Strategies; Jim Cantrell, Cantrell Harris & Associates; Jim Lazarus, SF Chamber of Commerce; Eric Brooks, SF Green Party; John Malamut, City Attorney's Office.

Continued to December 13, 2010.

*Heard in Committee. Speakers: Johanna Partin, Mayor's Office; Melanie Nutter, Department of the Environment; Francisco Da Costa; Ken Cleaveland; Steven Krolik; Ron Black, SF Chamber of Commerce; Eric Brooks, SF Green Party; Barry Hooper, Department of the Environment.*

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

**AMENDED on Page 7, Lines 9-10, by deleting 'not less than once every 5 years, as applicable'; Page 7, Line 11, by deleting ',subds. (a) through (c)'; Page 14, Line 6, by replacing 'five' with 'three'; Page 14, Line 7, by replacing '48' with '12'; and Page 14, Line 8, by deleting 'due'.**

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

Ayes: 3 - Maxwell, Mar, Chiu

**100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]****Sponsors: Avalos; Campos, Mar and Chiu**

Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010. 11/21/2010 - 14-day fee ad published.

01/19/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Department of Public Works, Department of Public Health, Planning Department and Recreation and Parks Department for informational purposes.

01/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

08/03/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

08/31/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation to the Department of Public Works, Department of Public Health, Planning Department, and Recreation and Park Department for informational purposes.

10/26/10; RESPONSE RECEIVED. On October 7, 2010 the Planning Commission held a public hearing and recommended approval of the proposed legislation by Resolution No. 18192.

11/02/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

11/05/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation (version 3) to the Department of Public Works, Department of Public Health, Planning Department, and Recreation and Park Department for informational purposes.

12/06/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor John Avalos, Board of Supervisors; William Sanders, City Attorney's Office; Brad Cahoon, T-Mobile; Natasha Ernst, NextG Networks of California; Joan Wood; Steven R. Krolik, Presidio Heights Residents for Public Safety; Male Speaker; Female Speaker; Jim Lazarus, SF Chamber of Commerce; Wendy Robinson; Male Speaker; Francisco Da Costa; Angelo P. King; Robert Olson; Al Norman, Jr.; Paul Aubritton; Kate Stacy, City Attorney's Office.

12/06/10; CONTINUED AS AMENDED. Continued to December 13, 2010.

*Heard in Committee. Speakers: Frances Hsieh, Legislative Aide to Supervisor John Avalos; Aleesa Adamo, SF Card; Brad Cahoon, T-Mobile; Steven Krolik, Presidio Heights Residences for Public Safety; Gary Ockey; Paul Albritton, Law Firm of Mackenzie + Albritton; Tedi Vriheas, AT&T; Diana Scott; Leslie de Tailandier; Gay Outlaw; Joan Wood; Sister Joan Hopkins, Religious of the Sacred Heart; Jean Noggins; Natasha Ernst, NextG Networks, Inc.; Doug Moring; Eric Brooks, SF Green Party; Faye Adelstein; David Tornheim; Ron Black, SF Chamber of Commerce; Francisco Da Costa; Jeff Cooper; Female Speaker; Wendy Robinson.*

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

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

Ayes: 3 - Maxwell, Mar, Chiu

**101447 [Accept and Expend Grant - Market and Octavia Historic Resource Preservation Project - \$83,529]****Sponsor: Chiu**

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of \$83,529 from the National Park Service for the period August 1, 2010, through August 31, 2012, in order to conduct the Market and Octavia Historic Resource Preservation Project.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speaker: Tom DiSanto, Planning Department.*

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**101026 [Hearing - Academy of Art University Non-Compliance with Master Plan]****Sponsor: Maxwell**

Hearing on the status of the Academy of Art University's non-compliant standing with the City's Institutional Master Plan requirement, and progress report on the related environmental review.

07/27/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

08/02/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Rahaim, Director, and Christine Haw, Planning Department; David Secota, Academy of Art University; David Cincotta, Jeffer Mangels Butler & Marmaro; Paul Correa, Academy of Art University; Brad Paul; Tony Kelly; Abe Brown; Sue Hestor.

*Heard in Committee. Speakers: Christine Haw, Planning Department; Francisco Da Costa; Sue Hestor.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**101053 [Planning Code - Zoning - Consistent Street Frontages Controls]****Sponsor: Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 209.8, 210.3, 212, 231, 243, 253, and 253.2, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, and 249.26, to create comprehensive and consistent street frontage controls for residential districts, to create consistent ground floor controls for industrial districts, to permit certain small corner commercial uses in RM-3 and RM-4 districts, to modify floor area ratio controls in the Van Ness Special Use District, to modify conditional use requirements for buildings over 40 feet in RM and RC districts, to amend the procedure for certain exceptions from off-street parking and loading requirements, and permit parking and loading exceptions to preserve historic buildings and landmark trees, and to make certain Planning Code controls consistent across C-3 Districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

08/03/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

08/25/10; REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation, Planning Commission for public hearing and recommendation, to the Planning Department for environmental review, and to Department of Public Works, Planning Department, Department of Building Inspection, Chief Bureau of Fire Prevention and Public Safety and the San Francisco Parking Authority for information purposes only.

09/20/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

12/01/10; RESPONSE RECEIVED. 11/8/10 - Small Business Commission heard and recommended approval of parts of ordinance that regulate commercial uses.

*Speakers: None.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**101247 [Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]****Sponsor: Maxwell**

Ordinance amending the San Francisco Planning Code by amending Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.

09/28/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/28/2010.

10/06/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and the Planning Commission and the Planning Department for information purposes only.

10/06/10; RESPONSE RECEIVED. Exempt from CEQA per Guidelines Section 15273 (Rates, Tolls, Fares and Charges).

11/22/10; CONTINUED TO CALL OF THE CHAIR. Speakers: Francisco Da Costa; Espanola Jackson; Walter Paulson; Niecy Joshua.

*Heard in Committee. Speakers:*

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

Ordinance amending Planning Code Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.

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

Ayes: 3 - Maxwell, Mar, Chiu

**101283 [Hearing - San Francisco Public Utilities Commission's Community Benefits Program]**

**Sponsor: Maxwell**

Hearing on the status of the San Francisco Public Utilities Commission's Community Benefits Program.

10/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/18/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ed Harrington, General Manager, Public Utilities Commission; Rhonda Simmons, Mayor's Office of Economic and Workforce Development; Juliet Ellis, Public Utilities Commission; Darolyn Davis and Bernida Reagan, Davis & Associates Communications; Tommy Moala, Assistant General Manager – Wastewater Enterprise, Public Utilities Commission; Espanola Jackson; Eric Brooks; Deidje Gipson; Terry Anders; Joshua Arce.

11/22/10; CONTINUED. Speakers: Espanola Jackson; Francisco Da Costa.

Continued to December 6, 2010.

12/06/10; CONTINUED. Heard in Committee. Speakers: Juliet Ellis, Tommy Moala, Karen Kubek, Harlan Kelly, Jr., and Sam Murray, Public Utilities Commission; Alex; David Pilpel.

Continued to December 13, 2010.

*Heard in Committee. Speakers: Juliet Ellis, Public Utilities Commission; Eric Brooks, SF Green Party; Francisco Da Costa.*

**FILED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**101492 [Hearing - Public Utilities Commission Energy Resources Plan]**

**Sponsor: Maxwell**

Hearing on the status of the Public Utilities Commission's work to update the Energy Resources Plan.

11/23/10; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

12/09/10; TRANSFERRED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Rafael Ramirez, Public Utilities Commission; Eric Brooks, SF Green Party; Joe Boss.*

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

Ayes: 3 - Maxwell, Mar, Chiu

## ADJOURNMENT

*The meeting adjourned at 4:45 p.m.*