



# 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, November 22, 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

**100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]****Sponsors: Mayor; Chiu and Campos**

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010. 9/17/10 - 14-Day Fee Ad published and posted.  
11/7/10 - 14-Day Fee Ad published and posted.

01/19/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Planning Commission for public hearing and recommendation.

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

01/26/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

01/26/10; ASSIGNED to Land Use and Economic Development Committee.

01/29/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation to the Planning Commission for public hearing and recommendation.

04/02/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18056 recommended approval with modifications.

07/27/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

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

08/04/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation (version 3) to the Planning Department for informational purposes.

10/04/10; CONTINUED. Speakers: None.  
Continued to October 18, 2010.

10/18/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Chandra Egan and Myrna Melgar, Mayor's Office of Housing; Ace Washington; Amalia Aboitiz.

10/18/10; CONTINUED AS AMENDED. Continued to October 25, 2010.

10/25/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Chandra Egan, Mayor's Office of Housing; Amalia Aboitiz.

10/25/10; RECOMMENDED AS AMENDED.

11/02/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/02/10; RE-REFERRED AS AMENDED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Tara Sullivan, Planning Department; Susan Cleveland-Knowles, Deputy City Attorney, City Attorney's Office; Francisco Da Costa.*

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

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

Ayes: 3 - Maxwell, Mar, Chiu

**101450 [Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]**

**Sponsor: Maxwell**

Resolution approving a temporary preservation easement affecting a City building located at 4705 Third Street, commonly known as the Bayview Opera House.

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

*Heard in Committee. Speakers: Judy Nemzoff, Program Director, Arts Commission; Tara Sullivan, Planning Department; Francisco Da Costa; Walter Paulson; Mike Buhler; Niecy Joshua.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**101313 [Planning Code, Zoning Map - Bayshore Boulevard Home Improvement Special Use District]**

**Sponsors: Maxwell; Campos and Dufty**

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street south to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; 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.

10/19/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/18/2010.

10/27/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; Planning Commission for review and response; and to CEQA for environmental review.

*Heard in Committee. Speakers: Supervisor David Campos, Board of Supervisors; Amnon Ben-Pazi, Planning Department; Francisco Da Costa; Joseph Smooke, Bernal Heights Neighborhood Center; Jim Ruben; Niecy Joshua.*

*Supervisors Campos and Dufty requested to be added as co-sponsors.*

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

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue south to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue south to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street south to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; 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.

**RECOMMENDED AS AMENDED 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).

*Speakers: Francisco Da Costa; Espanola Jackson; Walter Paulson; Niecy Joshua.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**101094 [Administrative Code - Child Care Centers for City Projects and City-Funded Private Projects]****Sponsors: Dufty; Alioto-Pier, Chiu, Mar and Maxwell**

Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.

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

08/27/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission and Youth Commission for comment and recommendation; and Department of Children, Youth and Their Families, City Administrator, Port, Public Utilities Commission, and Child Care Planning and Advisory Council for informational purposes.

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

09/29/10; RESPONSE RECEIVED. The Small Business Commission had no comment on the proposed legislation.

11/05/10; RESPONSE RECEIVED. On October 28, 2010 the Planning Commission held a public hearing and recommended approval with modifications by Resolution No. 18208.

*Heard in Committee. Speakers: Supervisor Bevan Dufty, Board of Supervisors; Tara Sullivan, Planning Department; Mardi Lucich, Department of Children, Youth and Their Families; Francisco Da Costa; Walter Paulson; Graham Dobson, Child Care Planning and Advisory Council; Lisa Lee, Preschool for All; Niecy Joshua; Espanola Jackson.*

*Supervisors Chiu, Mar, and Maxwell requested to be added as co-sponsors.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE****RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**101095 [Planning Code - Affordable Housing Program Exemption for Qualified Student Housing]****Sponsor: Dufty**

Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; adding corresponding definitions to Section 401; and making findings including environmental findings.

(Economic Impact.)

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

08/30/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; the Planning Commission for public hearing and recommendation; and the Mayor's Office of Housing for informational purposes.

08/30/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

11/19/10; RESPONSE RECEIVED. On November 4, 2010 the Planning Commission held a public hearing and recommended approval with modifications by Resolution No. 18218.

*Heard in Committee. Speakers: Supervisor Bevan Dufty, Board of Supervisors; Tara Sullivan, Planning Department; Chandra Egan, Mayor's Office of Housing; Susan Cleveland-Knowles, Deputy City Attorney, City Attorney's Office; Tim Colen; James Haas; Brad Paul; Francisco Da Costa; Walter Paulson; Cheryl Adams, Deputy City Attorney, City Attorney's Office.*

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

Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; adding corresponding definitions to Section 401; and making findings including environmental findings.

(Economic Impact.)

**RECOMMENDED AS AMENDED 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.

*Speakers: Espanola Jackson; Francisco Da Costa.*

*Continued to December 6, 2010.*

**CONTINUED to December 6, 2010 by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

## ADJOURNMENT

*The meeting adjourned at 3:30 p.m.*