



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, April 9, 2012

1:00 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

If a quorum of the Board of Supervisors is present, it constitutes a Special Meeting of the Board of Supervisors. The Clerk shall make a note of it in the minutes, and discussion shall be limited to items noticed on this agenda.

AGENDA CHANGES

REGULAR AGENDA

- [120126](#)** **[Accept and Expend Grant - Existing Commercial Buildings Energy Performance Policy Implementation - \$180,000]**
Sponsor: Chiu
Resolution authorizing the Department of the Environment to retroactively accept and expend a grant in the amount of \$180,000 from the Kresge Foundation to implement the Existing Commercial Buildings Energy Performance Ordinance (San Francisco Environment Code Chapter 20).
Attachments: [Legislation Ver1](#)
[Comm Packet 040912](#)

2/7/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
- [120158](#)** **[Hearing - Legislative Analyst Report on Performance Audit of San Francisco's Affordable Housing Policies and Programs]**
Sponsors: Kim; Campos
Hearing to consider findings and recommendations of the Budget and Legislative Analyst's Report on the "Performance Audit of San Francisco's Affordable Housing Policies and Programs," including presentations by the Planning Department and the Mayor's Office of Housing in response to the Audit's recommendations and solutions to meeting the City's Regional Housing Needs Allocation Goals set by the San Francisco General Plan Housing Element.
Attachments: [Comm Packet 040912](#)

2/14/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

2/23/12; REFERRED TO DEPARTMENT. Referred to the Planning Department, Mayor's Office of Housing, and Budget and Legislative Analyst's Office for informational purposes.

3. [120058](#) **[Hearing - Impact of Fees Deferred on Affordable Housing]**
Sponsor: Mar
Hearing on the impact of fees deferred, under the City's Fee Deferral Program on affordable housing in San Francisco.
Attachments: [Comm_Packet_021312](#)
[Comm_Packet_040912](#)

1/24/12; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
2/13/12; CONTINUED TO CALL OF THE CHAIR. Speakers: None.
4. [120084](#) **[Planning Code - Eating and Drinking Establishment Definitions and Controls]**
Sponsors: Wiener; Olague and Chu
Ordinance: 1) deleting and amending various sections of the San Francisco Planning Code to simplify and consolidate eating and drinking establishment definitions, and subject the newly-defined uses to Section 312 notification and Formula Retail controls; 2) adding Section 703.5 to establish operating conditions for Bars and Restaurants; and 3) 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.
Attachments: [Legislation_Ver1](#)
[Leg_Digest_Ver1](#)
[Comm_Packet_040212](#)
[Response_SBC_032712](#)
[Legislation_Ver2](#)
[Leg_Digest_Ver2](#)
[Comm_Packet_040912](#)

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.
3/27/12; RESPONSE RECEIVED. 2/13/12 - The Small Business Commission voted 6-0 to recommend approval.
4/2/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Aaron Starr (Planning Department); Katy Tang (Office of Supervisor Carmen Chu); Regina Dick-Endrizzi, Executive Director (Office of Small Business); presented information concerning the matter and answered questions raised throughout the hearing. Tom Radulovich; Ron Silberstein; Seth Bowden; Ariel Kleckner Ford; Janet Clyde; Rob Black; spoke in support of the hearing matter. Paul Wermer; Linda Chapman; Inge Horton; Hiroshi Fukuda; Douglas Yep; spoke neither in support nor against the hearing matter.
4/2/12; CONTINUED AS AMENDED. Continued as amended to April 9, 2012.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on April 10, 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.

120241

[Planning Code, Zoning Map - Establishing Three Outer Sunset Neighborhood Commercial Districts]

Sponsor: Chu

Ordinance amending the San Francisco Planning Code by: 1) adding Section 739.1 to establish the Outer Sunset Commercial Cluster 1 Neighborhood Commercial District that includes currently zoned NC-2 Noriega Street from 19th through 27th and 30th through 33rd Avenues; 2) adding Section 740.1 to establish the Outer Sunset Commercial Cluster 2 Neighborhood Commercial District that includes currently zoned NC-1 Taraval Street from 40th through 41st Avenues and from 45th through 47th Avenues, Noriega Street from 38th through 39th and 44th through 47th Avenues, Judah Street from 27th through 29th, 38th through 40th, and 44th through 47th Avenues, and Irving Street from 40th through 41st and 45th through 46th Avenues; 3) adding Section 741.1 to establish the Outer Sunset Linear Streets Neighborhood Commercial District that includes currently zoned NC-2 Taraval Street from 19th through 36th Avenues, Judah Street from 29th through 33rd Avenues, and Irving Street from 19th through 27th Avenues; 4) amending Section 724.124 (trade shops) to allow catering, remove horsepower limitations, and allow wholesaling, manufacturing and processing as an accessory use for up to two-thirds of the gross floor area; 5) amending Zoning Map Sheet ZN05 to include the new Neighborhood Commercial Districts; and 6) 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](#)

3/13/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

3/19/12; 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.

120271**[Zoning Map Amendment - 8 Washington Street Project]**

Ordinance: 1) amending Sheet HT01 of the Zoning Map of the City and County of San Francisco to change the height and bulk district classification of two areas along the Drumm Street frontage of the property located at Assessor's Block No. 0201, Lot No. 012 (8 Washington Street), from 84-E to 92-E in one area and to 136-E in another area; 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. (Planning Commission)

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)

3/26/12; RECEIVED FROM DEPARTMENT.

4/3/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

120272**[General Plan Amendment - 8 Washington Street Project]**

Ordinance: 1) amending the San Francisco General Plan Map 2 (Height and Bulk Plan) of the Northeastern Waterfront Area Plan as part of the 8 Washington Street Project (Assessor's Block No. 0201, Lot No. 012); 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. (Planning Commission)

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)

3/26/12; RECEIVED FROM DEPARTMENT.

4/3/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

120299**[Administrative Code - Extending Restrictions of the Apartment Conversion Ordinance to Corporate-Sponsored Short Term Occupancies; Allowing Civil Actions by Certain Non-Profit Entities]**

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code Chapter 41A to extend the restrictions against converting apartment units to short-term occupancies to tenants or guests of corporate entities that rent such apartments; allowing civil actions to be brought by certain non-profit entities; and making environmental findings.

Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response PLN 040212](#)

3/27/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

4/2/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Department/Commission for review and comment; and Department of Building Inspection for informational purposes.

4/2/12; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

120300**[Planning Code - Article 10]****Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code Article 10 in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

Attachments: [Legislation Ver1](#)

[Legislation Ver2](#)

3/27/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

4/3/12; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

120301**[Planning Code - Article 11]****Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code Article 11 in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code section 101.1(b).

Attachments: [Legislation Ver1](#)

3/27/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

120317**[Transportation Code - Fare Evasion and Clipper Card Regulations]****Sponsor: Chiu**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 (Transit Violations) Sections 7.2.101 and 7.2.104 to eliminate restrictions on rear exit boarding of Municipal Railway transit vehicles in revenue service and clarify that failure to tag a Clipper card transponder or card reader is a violation of Section 7.2.104; and making environmental findings and technical corrections.

Attachments: [Legislation Ver1](#)

4/3/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

120318**[Police Code - Additional Penalties for Foreclosed Properties]****Sponsor: Cohen**

Ordinance amending the San Francisco Police Code Article 1 and adding Sections 96 to 96.6 to permit the City and County of San Francisco to: 1) declare that public nuisances occurring at foreclosed properties be considered aggravating factors in imposing civil penalties and injunctive relief; 2) hold individuals and entities who own significant numbers of foreclosed properties to increased civil penalties for failing to maintain the properties; and 3) make environmental findings.

Attachments: [Legislation Ver1](#)

4/3/12; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

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

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>