

**City and County of San Francisco  
Land Use and Economic Development Committee**

*City Hall, Room 263*



**Meeting Agenda  
Monday, July 28, 2008  
1:00 PM  
Regular Meeting**

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*Members: Sophie Maxwell, Gerardo Sandoval, Aaron Peskin*

*Clerk: Linda Laws (415) 554-4441*

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*Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report*

*Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, 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.*

## **AGENDA CHANGES**

## **REGULAR AGENDA**

- 1. 080976 [Street Artist Spaces]**  
Resolution approving designation for six (6) months of nine (9) temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone; said spaces subject to Board of Supervisors review. (Arts Commission)

7/10/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

- 2. 080478 [Height Map Amendment - Rezoning Block 5323, Lots 13, 14, 14A, 15, 15A And 15B On Third Street And Mendell]** **Supervisor Maxwell**

**Street, From A 105-A Height And Bulk Limit To A 55-X Height And Bulk Limit]**

Ordinance amending the San Francisco Planning Code by amending Height Map HT 10 of the Zoning Map of the City and County of San Francisco to change height and bulk limit for Block 5323, lots 13, 14, 14A, 15, 15A and 15B, located at the intersection of Third Street and Mendell Street, from 105-A to 55-X; adopting findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

4/8/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/8/2008.

4/16/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

6/10/08, RESPONSE RECEIVED. Planning Department - Exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

7/23/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17644 to recommending adoption of ordinance.

3. **080436** [Authorizing the passthrough from landlord to residential tenant of specified percentages of water and sewer services cost increases imposed through adoption of water and sewer rates after **Supervisors Alioto-Pier, Chu, Elsbernd**

Ordinance amending the San Francisco Administrative Code to encourage water conservation by authorizing landlords to pass through to tenants fifty percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, and the passthrough to tenants of seventy percent of increased water and sewer bill charges resulting from the adoption of water and sewer rates after July 1, 2002, where specified water conservation devices have been installed in all rental units and common areas of a building; and providing for passthrough administration, noticing and enforcement procedures.

4/1/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/1/2008.

4/3/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

6/9/08, CONTINUED. Heard in Committee. Speakers: Charles Rudyyear; Espanola Jackson. Continued to June 30, 2008.

7/7/08, CONTINUED. Heard in Committee. Speakers: Supervisor Alioto-Pier; Laura Spanjian, SFPUC; Jared Blumenfeld, Department of the Environment; Bruce Alison, Senior Action Network; Jennifer Clary, Clean Water Action; Ernestine Weiss; Peter Fries; Francisco Da Costa; Ted Gulickson; Brook Turner, Coalition for Better Housing; John Roddy, Deputy City Attorney; Todd Rydstrom, SFPUC; John Malamut, Deputy City Attorney. Continued to July 21, 2008.

7/21/08, CONTINUED. Speakers: None. Continued to July 28, 2008.

4. **080282** [Off-Site Residential Inclusionary Affordable Housing Requirements] **Supervisors Sandoval, Daly**

Ordinance amending Section 315.5 of the Planning Code to provide that twenty-five percent of off-site units given site permits annually may be built outside of the currently-required one-mile radius

from the market-rate project, and to provide that off-site units cannot be located in industrially-zoned areas or within a quarter mile of developments containing 200 or more publicly-owned and operated affordable housing developments.

2/26/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/24/2008.

3/6/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

4/21/08, RESPONSE RECEIVED. Planning Department - non-physical per Section 15060(c)(2) of the CEQA Guidelines.

6/10/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17607 with recommendation to disapprove the proposed ordinance.

**5. 080858 [Conversion of affordable housing units to group housing units by Academy of Art University] Supervisor Daly**

Hearing regarding the Academy of Art University converting to group housing, affordable rental housing in seventeen buildings in San Francisco to group housing, the preparation of its institutional master plan, and the environmental review of the institutional master plan prepared by the Academy of Art University.

6/17/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**6. 080691 [Zoning - HOPE SF Hunters View SUD and the 40/65-X Height and Bulk District] Supervisor Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 263.20 to establish special exceptions for heights within the HOPE SF Hunters View Special Use District and the 40/65-X Height and Bulk District, allowing residential buildings with conditional use authorization pursuant to Planning Code Sections 303 and 304 to have a maximum height of 65 feet; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

5/20/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/19/2008.

5/29/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.

6/5/08, RESPONSE RECEIVED. Received Hunters View Redevelopment Project FEIR.

6/23/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17620 recommending approval.

7/14/08, CONTINUED. Heard in Committee. Speakers: Doug Shoemaker, Mayor's Office of Housing; Margaret Campbell, John Stewart Company; Charles Olsen, Sanger and Olsen; Ann Torney, architect for project sponsor; Mat Snyder, Planning Department; Francisco Da Costa; Jill Fox, India Basin Neighborhood Association; Philip Ragozzino; Lottie Titus. Continued to July 28, 2008.

7. **080692** [Zoning - HOPE SF Hunters View Special Use District] **Supervisor Maxwell**  
Ordinance amending the San Francisco Planning Code by adding Section 249.39 to establish the HOPE SF Hunters View Special Use District, allowing the subdivision or portions of the site as individual lots to exceed the density of the underlying zoning district and allowing uses that are either principally or conditionally permitted within NC-1 districts to be principally permitted within the special use district; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
- 5/20/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/19/2008.
- 5/29/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.
- 6/5/08, RESPONSE RECEIVED. Received Hunters View Redevelopment Project FEIR.
- 6/23/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17622 recommending approval.
- 7/14/08, CONTINUED. Heard in Committee. Speakers: Doug Shoemaker, Mayor's Office of Housing; Margaret Campbell, John Stewart Company; Charles Olsen, Sanger and Olsen; Ann Torney, architect for project sponsor; Mat Snyder, Planning Department; Francisco Da Costa; Jill Fox, India Basin Neighborhood Association; Philip Ragozzino; Lottie Titus. Continued to July 28, 2008.

8. **080693** [Zoning Map Amendments - HOPE SF Hunters View] **Supervisor Maxwell**  
Ordinance amending the Zoning Maps of the City and County of San Francisco, Sheet HT10, to change the Height and bulk Designation of Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 from 40-X to 40/65-X, Sheet ZN10, to change the Zoning Use Districts of Block 4720, Lot 27 from RH-2, NC-2 and M-1 to RM-1, and Sheet SU10, to designate Assessor's Block 4624, Lots 3, 4 and 9 and Block 4720, Lot 27 with the HOPE SF Hunters View Special Use District; adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
- 5/20/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/19/2008.
- 5/29/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment.
- 6/5/08, RESPONSE RECEIVED. Received Hunters View Redevelopment Project FEIR.
- 6/23/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17619 recommending approval.
- 7/14/08, CONTINUED. Heard in Committee. Speakers: Doug Shoemaker, Mayor's Office of Housing; Margaret Campbell, John Stewart Company; Charles Olsen, Sanger and Olsen; Ann Torney, architect for project sponsor; Mat Snyder, Planning Department; Francisco Da Costa; Jill Fox, India Basin Neighborhood Association; Philip Ragozzino; Lottie Titus. Continued to July 28, 2008.

## ADJOURNMENT

## IMPORTANT INFORMATION

*NOTE: 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. Any written comments should be sent to: Committee Clerk of the Land Use and Economic Development Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.*

*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

### (Not to be considered at this meeting)

*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.*

### **080934 [Requiring Air Quality Assessment and Ventilation for Certain Urban Infill Residential Developments] Supervisor Ammiano**

Ordinance amending the San Francisco Health Code by adding new Article 38 to require air quality assessment and ventilation for certain urban infill residential developments; amending the San Francisco Building Code by adding a third paragraph to Section 1203.5 and amending the San Francisco Mechanical Code by adding new Section 419 to require special ventilation systems for certain urban infill residential developments; making environmental findings; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission.

7/8/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/7/2008.

7/23/08, REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation. Referred to Planning Commission for review and comment and Planning Department for environmental review.

**081010 [Building - Ban on Wooden Fixed Utility Ladders in R-1 and R-2 Occupancies]**

**Supervisor McGoldrick**

Ordinance amending the San Francisco Housing Code to add Section 605 prohibiting wooden fixed utility ladders in R-1 and R-2 Occupancies, and making findings under the California Environmental Quality Act.

7/16/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/15/2008.

7/23/08, REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation. Referred to Planning Department for environmental review.

**081038 [Permeable Paving]**

**Supervisor Sandoval**

Ordinance amending the San Francisco Building Code by adding Section 106A.1.14 to require a permit for construction or reconstruction of a driveway unless the driveway construction or reconstruction work is approved under a building or site permit; by amending Table 1A-F to add a permit fee for construction of a permeable driveway surface; and by adding Chapter 13E to require new driveways to have a permeable surface; adopting findings, including environmental findings and findings required by California Health and Safety Code Section 17958.5.

7/22/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/21/2008.

7/24/08, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for review and comment. Referred to Planning Department for environmental review and determination of fee increase impact.

### **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 at a Committee meeting 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**USING LAPTOP COMPUTERS FOR PRESENTATIONS:** Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. **THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.**

Agendas are available on the internet at [www.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_meetings)

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



### **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 J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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 Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)