

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

*City Hall, Room 263*



**Meeting Agenda  
Monday, February 23, 2009  
1:00 PM  
Regular Meeting**

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***Members: Sophie Maxwell, Eric Mar, David Chiu***

***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.     090137     [Landmark Tree Designation of California Buckeye,     Supervisor Maxwell  
                         Aesculus Californica, located behind 757 Pennsylvania  
                         Street]**
- Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

2/3/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

2.     **090177**     **[Final Report of the Fair Lending Working Group]**     **Supervisor Maxwell**  
Hearing on the Final Report of the Fair Lending Working Group.
- 2/10/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
3.     **081560**     **[India Basin Industrial Park Zoning Map Amendment]**     **Supervisor Maxwell**  
Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
- 12/9/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/8/2009.
- 12/29/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review. Referred to Small Business Commission for comment and recommendation.
- 2/6/09, RESPONSE RECEIVED. Planning Commission Resolution 17818 recommending approval with modifications.
- 2/9/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speaker: Lily Langlois, Planning Department. 2/9/09 Amendment of the whole bearing same title.
- 2/9/09, CONTINUED AS AMENDED. Continued to February 23, 2009.
4.     **081561**     **[India Basin Industrial Park, Planning Code Text Amendment]**     **Supervisor Maxwell**  
Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
- 12/9/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/8/2009.
- 12/29/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review. Referred to Small Business Commission for comment and recommendation.
- 2/6/09, RESPONSE RECEIVED. Planning Commission Resolution 17817 recommending approval with modifications.
5.     **090101**     **[Interim Zoning Controls Requiring Conditional Use Authorization for Tobacco Paraphernalia Establishments, as Defined, in the Haight Street Neighborhood Commercial]**     **Supervisor Mirkarimi**

## **District]**

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for Tobacco Paraphernalia Establishments, as defined, subject to specified exceptions, in the Haight Street Neighborhood Commercial District and in all properties zoned NC-1 (Neighborhood Commercial Cluster District) and NC-2 (Small-Scale Neighborhood Commercial District) along Haight Street, for a one year period, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

1/27/09, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

1/30/09, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review and Small Business Commission for review and comment.

2/9/09, RESPONSE RECEIVED. Planning Department - Non-physical per CEQA Guidelines Section 15050(c)(2).

**6.      090180      [Approving General Plan Amendments in connection with      Supervisors Avalos, Elsbernd  
the Balboa Park Station Area Plan]**

Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.

2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.

*Informational hearing only.*

## **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.*

**090077 [Approving a Zoning Map Amendment in association with the proposed Project at 420 29th Avenue]**

Ordinance amending Sheet ZN04 of the Zoning Maps of the City and County of San Francisco for the real property located at 420 29th Avenue (Assessor's Block 1460/Lot 015) and known as St. Peter's Church between Geary Boulevard and Clement Street, to reclassify the property from an RH-2 (Residential House, Two-Family) District to an RM-1 (Residential Mixed, Low Density) District, in order to permit the development of a proposed affordable housing project for developmentally disabled adults; and adopting General Plan, Planning Code, and environmental findings. (Planning Department)

1/26/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

**090141 [Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco**

**Supervisor Mirkarimi**

Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

2/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2009.

2/10/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review. Referred to

- 090178 [Zoning Map Amendments in connection with the Balboa Park Station Area Plan] Supervisors Avalos, Elsbernd**
- Ordinance amending Sheets ZN11, ZN12, HT11, HT12 and SU12 of the City and County of San Francisco Zoning Map to revise use districts and height and bulk districts within the Balboa Park Station Area Plan and to delete the Ocean Avenue Fast Food Restricted Use Subdistrict in its entirety; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.
- 2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.
- 090179 [Balboa Park Station Area Plan - monitoring program] Supervisors Avalos, Elsbernd**
- Ordinance amending the Administrative Code Chapter 10E to establish the Balboa Park Station Area Plan Monitoring Program for purposes of reviewing the effectiveness of the Balboa Park Station Area Plan and implementation of specified improvements; and adopting environmental findings.
- 2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.
- 090180 [Approving General Plan Amendments in connection with the Balboa Park Station Area Plan] Supervisors Avalos, Elsbernd**
- Ordinance amending the San Francisco General Plan by the Balboa Park Station Area Plan and approving General Plan amendments to implement the aforementioned Plan by amending various General Plan Elements; making environmental findings that the proposed amendments are consistent with the General Plan and the eight priority policies of the Planning Code Section 101.1.
- 2/10/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/12/2009.
- 090181 [Planning Code amendments in connection with the Balboa Park Station Area Plan] Supervisors Avalos, Elsbernd**
- Ordinance amending the San Francisco Planning Code by adding and amending various sections to implement the Balboa Park Station Area Plan, running the length of Ocean Avenue generally from Manor Drive to San Jose Avenue, including properties adjacent to Geneva Avenue from Ocean Avenue to San Jose Avenue and properties adjacent to San Jose Avenue from Mt. Vernon Avenue to Ocean Avenue, and including the City College of San Francisco Phelan campus and San Francisco Public Utilities Commission property adjacent to Phelan Avenue; adopting the Balboa Park Station Area Plan impact fee subject to certain restrictions; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

### **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)