



# City and County of San Francisco

## Committee Agenda - Final

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

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**Monday, August 10, 2009**

**1:00 PM**

**City Hall, Committee Room 263**

#### **Regular Meeting**

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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*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

*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.*

## **MEETING CONVENED**

## **REGULAR AGENDA**

1. [090810](#) **[Street Artist Spaces - Hayes Street near Octavia]**  
Resolution approving designation for six (6) months of four (4) temporary selling spaces on Hayes Street, north side, near Octavia Street for street artists certified by the Arts Commission, City and County of San Francisco; said spaces subject to Board of Supervisors review. (Arts Commission)  
  
6/11/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.  
7/13/09; CONTINUED. Heard in Committee. Speakers: Supervisor Dufty; Howard Lazar, Arts Commission; William Clark; Robert Clark; Russell Pritchard, Hayes Valley Merchant Association.  
Continued to August 10, 2009.

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2. [090966](#) **[Opposing BART surcharge]**  
**Sponsor(s): Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos and Mar**  
Resolution opposing BART surcharge on SFO employees.  
  
7/28/09; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
8/4/09; REFERRED to the Land Use and Economic Development Committee. Supervisor Avalos requested to be added as a co-sponsor.  
*The Chair intends to entertain a motion to send this item to Board as a Committee Report on August 11, 2009.*
3. [090889](#) **[Regulations for Mortgage Modification Consultants]**  
**Sponsor(s): Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar and Avalos**  
Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.  
  
8/28/08; APPROVED.  
7/7/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
7/23/09; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; referred to Small Business Commission for comment and recommendation.  
7/24/09; RESPONSE RECEIVED. Not a project under CEQA Guidelines Section 15378.  
*The Chair intends to entertain a motion to send this item to Board as a Committee Report on August 11, 2009.*
4. [090866](#) **[Traffic Regulation - Closure of McCoppin Street west of Valencia Street to vehicular traffic]**  
**Sponsor(s): Mirkarimi**  
Resolution closing McCoppin Street west of Valencia Street to vehicular traffic; adopting findings, including environmental and findings of consistency with the City's General Plan and priority policies of Planning Code Section 101.1; and authorizing official acts in connection with the street closure.  
  
6/30/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
5. [090933](#) **[Unpermitted Subsidewalk Encroachment into Public Right-of-Way]**  
**Sponsor(s): Chiu and Elsbernd**  
Ordinance amending Article 15 of the San Francisco Public Works Code by adding Section 723.3, establishing that an unpermitted subsidewalk encroachment into the public right-of-way along the Central Subway Corridor constitutes a public nuisance.  
  
7/21/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
6. [090934](#) **[Public Works Code - Appellate body for minor sidewalk encroachments]**  
**Sponsor(s): Chiu and Elsbernd**  
Ordinance amending Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits for subsidewalk encroachments from the Board of Appeals to the Board of Supervisors.  
  
7/21/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
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7. **090554** **[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]**

**Sponsor(s): Chiu, Dufty, Mar and Avalos**

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

5/5/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee. 6/30/09 - Submitted ad for publication on July 2 and July 9, 2009.

5/12/09; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; and Planning Commission and Building Inspection Commission for public hearing and recommendation.

5/13/09; REFERRED TO DEPARTMENT. Referred to Planning Department for fee review.

5/26/09; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

6/1/09; RESPONSE RECEIVED. Planning Commission Resolution No. 17895 recommending approval with modifications; Historic Preservation Commission Resolution No. 635 recommending approval with modifications.

6/15/09; RESPONSE RECEIVED. Building Inspection Commission recommended non-support.

7/13/09; CONTINUED. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Bill Strawn, Department of Building Inspection; Debra Walker, Building Inspection Commission; Eric Smith, Mission Bay-EN CAC; Richard Zillman, Preservation Consortium; Lisa Fricke, SF Apartment Association; Peter Masiak, Central City SRO; Nancy Wuerfel; Josh Vining, Mission SRO Collaborative; Matthias Mormino, SRO Families Collaborative; Nancy Huang; Jazzie Collins, SOMCAN; F. Joseph Butler; Little House Committee; Sue Hestor; Male Speaker.

Continued to July 27, 2009.

7/21/09; SUBSTITUTED. Supervisor Chiu submitted a substitute ordinance bearing the same title.

7/21/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

7/23/09; REFERRED TO DEPARTMENT. Referred to Building Inspection Commission, Planning Commission and Historic Preservation Commission for informational purposes.

7/27/09; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee.

Speakers: Noni Richen, Small Property Owners of San Francisco; Peter Masiak, Central City SRO; Nancy Wuerfel; Rodrigo Santos, SF Coalition for Reasonable Growth; Henry Karnilowicz; Jazzie Collins, SOMCAN; Male Speaker; Bob Noelke; Sue Hestor; Vivian Day, Department of Building Inspection.

7/27/09 Amendment of the whole bearing same title.

7/27/09; CONTINUED AS AMENDED. Continued to August 3, 2009.

*The Chair intends to entertain a motion to send this item to Board as a Committee Report on August 11, 2009.*

## 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.*

**090906****[Planning - Uses Permitted in R Districts - Double Density for Senior Housing]****Sponsor(s): Chiu**

Ordinance amending the Planning Code by adding Section 102.6.1 to create a definition related to housing for seniors; amending Planning Code Section 209.1(m) related to the Uses Permitted in R Districts - Dwelling Zoning Control Table to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

7/14/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

7/23/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review.

7/24/09; RESPONSE RECEIVED. Not a project under CEQA Guidelines Section 15378.

**090931****[Rental Subsidy Program for Low-Income Families]****Sponsor(s): Avalos and Campos**

Ordinance adding Sections 48.1 through 48.7 to the San Francisco Administrative Code creating the Rental Subsidy Program for Low-Income Families that establishes a need-based local housing subsidy for homeless families subject to the fiscal and budgetary provisions of the Charter.

7/21/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**090962****[Zoning - Amending the Citywide definition of Tobacco Paraphernalia Establishments by lowering the threshold for retail stores to be considered Tobacco Paraphernalia Establishments]****Sponsor(s): Chiu**

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

7/28/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

7/31/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

8/3/09; REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comment.

8/3/09; RESPONSE RECEIVED. Non-physical exemption, CEQA, Article 5, Section 15060(c)(2).

### 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.

**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 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)