



# City and County of San Francisco

## Meeting Agenda

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

### Land Use and Economic Development Committee

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

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

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**Monday, November 23, 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.*

## **AGENDA CHANGES**

## **REGULAR AGENDA**

1. [090678](#) **[Bayview Hunters Point Area Plan, Technical Zoning Map Amendments]**  
Ordinance amending Zoning Map Sheets ZN08, ZN10, and SU10 of the City and County of San Francisco Planning Code with revised used districts within the Bayview Hunters Point Plan Area; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)  
**Attachments:** [Legislation Ver2](#)  
[Comm Packet](#)

10/20/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/9/09; AMENDED. Heard in Committee. Speakers: Mat Snyder, Planning Department; Espanola Jackson; Cheryl Adams, Deputy City Attorney.  
11/09/09 Amended on page 8, line 6 replaced "PDR-1-B" with "PDR-2"; line 7 replaced "PDR-1-B" with "PDR-2".  
The first vote was recommended but rescinded, to allow technical changes to be read into the record.

11/9/09; RECOMMENDED AS AMENDED.

11/17/09; RE-REFERRED to the Land Use and Economic Development Committee.
2. [091059](#) **[Correction to the Vacation of Former Trenton Street]**  
Ordinance ordering the summary vacation of a portion of Trenton Street south of Jackson Street within Assessor's Block 0192; making findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; establishing conditions to the effectiveness of the vacation; adopting environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Real Estate Department)  
**Attachments:** [Comm Packet](#)

8/20/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.
3. [091036](#) **[Zoning - Third Street and Le Conte Avenue Affordable Housing Special Use District]**  
**Sponsor: Maxwell**  
Ordinance amending the San Francisco Planning Code by adding Section 249.42 to establish the Third Street and Le Conte Avenue Affordable Housing Special Use District for property at 6600 Third Street (Lot 9, Assessor's Block 5476), located at the northeast corner of the block bounded by Le Conte Avenue, Third Street and Keith Street; amending Sheet SU10 of the Zoning Map of the City and County of San Francisco, to reflect this new Special Use District, and adopting findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.  
**Attachments:** [Comm Packet](#)

8/18/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

9/1/09; RESPONSE RECEIVED. No physical impact. Not a project per CEQA Guidelines Section 15060(c) (2).

9/1/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review.

4. [091335](#) **[Establishing Infill Opportunity Zones for Congestion Management Planning]**  
**Sponsors:** Mirkarimi; Maxwell  
Resolution establishing Infill Opportunity Zones for Congestion Management Planning in the City and County of San Francisco under California Government Code Section 65088.  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm\\_Packet](#)

11/17/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

5. [091306](#) **[San Francisco's African American Infant Health Program]**  
**Sponsor:** Maxwell  
Hearing on the disproportionately high fetal and infant mortality rates in San Francisco's African American population.  
**Attachments:** [Comm\\_Packet](#)

11/10/09; RECEIVED AND ASSIGNED to the City Operations and Neighborhood Services Committee.

11/18/09; TRANSFERRED to the Land Use and Economic Development Committee.

6. [091020](#) **[Discretionary Review - Planning Department Fees]**  
Ordinance amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings. (Planning Department)  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm\\_Packet](#)

8/12/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
10/13/09 - Submitted fee ad for publication on 10/16/09 and 10/23/09.

10/19/09; CONTINUED. Heard in Committee. Speakers: John Rahaim, Larry Badiner, Elaine Forbes, Craig Nikitas, Planning Department; John Schlesinger, AIA; Seth Brookshire; Henry Karnilowicz, Occidental Express; Jed Lane, Miraloma Park Improvement Club; Joe Butler; Penelope Clark; Hiroshi Fukuda; Marilyn Amini; Sue Hestor; Joe McClane; Ron Miguel, Planning Commission.  
Continued to November 2, 2009.

11/2/09; CONTINUED. Heard in Committee: Larry Badiner, Elaine Forbes, John Rahaim, Planning Department; Aaron Goodman, Park Merced Residents Organization; Peter Cohen; Gerri Crowley; Judith Hoyiam; Paul Wormer; Female Speaker; Alex Schoeder; Damien Quisdale; Henry Karnilowicz; Jeremy Shaw, Giberling & Associates; Eugene Philips; Joe McClain; Richard Robinson, Community Outreach Program; Steve Williams; Sean Keighran, Residential Builders Association; Dave Sternberg; John Bardis; Marilyn Amini; Ron Miguel, Planning Commission; Craig Nikitas, Planning Department.  
Continued to November 23, 2009.

7. **090583** **[Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]**

**Sponsor: Avalos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (i.e., most residential rental units with a certificate of occupancy issued after June 13, 1979); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units.

**Attachments:** [Comm Packet](#)

5/12/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

5/21/09; REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration Board for informational purposes.

11/2/09; CONTINUED. Heard in Committee. Speakers: Cheryl Adams, Deputy City Attorney; Supervisor Avalos; Delene Wolf, Rent Board; Myriam Zamora, St. Peter's Housing Committee; Karen Kerner, Housing Rights Committee; Mariana Viturro, St. Peter's Housing Committee; David Fix; Teola Watson, Housing Rights Committee; Lena Emmerly; Kendra Froshman, Mission SRO Collaborative; Aaron Goodman, Park Merced Residents Organization; Noni Richen and Ilse Cordon, Small Property Owners of San Francisco; Kathy Lipscomb, Senior Action Network; Fran Taylor; Joel Panzer, PPMA; Randall Kostick; Richard Robinson, Community Outreach Program; Mitchell Omerberg, Affordable Housing Alliance; Sarah Shortt, Housing Rights Committee; Josh Vining, Mission SRO Collaborative; Christine Olague, Senior Action Network; Dean Preston; Miguel Wooding; Alex Kaufman; Walter Paulson; Wing Hoo Leung, Community Tenants Association; Olga Milan-Howells; Female Speaker; William Baird; Peter Wright; Lisa Frieke; Andrew Long, SF Apartment Association; Ted Gulickson, SF Tenants Union; Robin Altman; James Wavewell; Craig Birant; Grace Shanahan and Hannah Duffy, Residential Builders Association; Jose Morales; Richard Hart, Angus McCarthy, Mark Brennan, Redman Lyons, David Sternberg, Sean Keighran, John O'Connor, Kieran Buckley, Residential Builders Association; Joseph Smoot.  
Continued to November 9, 2009.

11/9/09; CONTINUED. Heard in Committee. Speakers: Delene Wolf, SF Rent Board; Brook Turner, Coalition for Better Housing; Andrew Long; Jeff Kositsky, Community Housing Partnership; Michelle Horneff-Cohen, Professional Property Management Association; James Wavewell; Alex Kaufman; Nato Green, California Nurses Association; Craig Birant; Joanne Bizino; Male Speaker; Robin Altman; Richard Robinson; Jose Morales; Ted Gulickson, SF Tenants Union; Sara Shortt, Housing Rights Committee; Janan New, SF Apartment Association; Bart Murphy, SF Rent Board; Mark Brennan; Joe O'Donoghue, Residential Builders Association; Mitchell Omerberg, Affordable Housing Alliance; Cheryl Adams, Deputy City Attorney.  
Continued to November 23, 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.*

**091113****[Seismic strengthening of soft-story, wood-frame buildings]****Sponsor: Mayor**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

**Economic Impact****Attachments:** [Legislation Ver1](#)

9/15/09; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee. Referred to Small Business Commission for comment and recommendation. Referred to Planning Department for environmental review and Planning Commission for review and comment. Referred to the Building Commission for review and comment. Referred to Fire Department and Department of Public Works for informational purposes.

11/10/09; SUBSTITUTED. Mayor Newsom submitted a substitute bearing same title.

11/10/09; TRANSFERRED to the Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**091136****[Mandatory prequalification, training and safety certification requirements for public works projects]****Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.20(f), to require mandatory bidder prequalification for all public works contracts and set minimum requirements for prequalification; amending Section 6.22(o) to establish training requirements applicable to apprentices and journeymen; and amending Section 6.22(p) to establish minimum safety training and certification requirements for electricians working on a jobsite.

**Attachments:** [Legislation\\_Ver1](#)

9/22/09; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

11/10/09; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute.

11/10/09; TRANSFERRED to the Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**091251****[Development Fee Collection Procedure; Administrative Fee]****Sponsor: Mayor**

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefit benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings.

(Economic Impact.)

**Attachments:** [Legislation\\_Ver1](#)

10/27/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/3/09; REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for public hearing and recommendation; referred to Planning Department for environmental review.

11/3/09; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing same title.

11/3/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**091252****[Affordable Housing Transfer Fee Restriction Alternative for Inclusionary and Jobs Housing Linkage Programs]****Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by amending Sections 313.4 and 315.5 and by adding Section 313.16 to add an alternative for compliance with the Jobs Housing Linkage Program and the Residential Inclusionary Affordable Housing Program by allowing a project sponsor to defer 33% of its obligation under either Program in exchange for recording an Affordable Housing Transfer Fee Restriction on the affected property providing that 1% of the value of the property be paid to the Citywide Affordable Housing Fund at every future transfer of the Property.

(Economic Impact.)

10/27/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/3/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review; referred to Building Inspection Commission for informational purposes.

**091271****[Zoning - Amending Planning Code to Create a Comprehensive and Consistent Set of Street Frontage Controls]****Sponsor: Mirkarimi**

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; 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.

**Attachments:** [Legislation Ver1](#)

11/3/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/18/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review.

**091275**      **[Development Impact and In-Lieu Fees]****Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, credits, notice, lien procedure, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number.

(Economic Impact.)

**Attachments:** [Legislation Ver1](#)

11/3/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/18/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review; referred to Building Inspection Commission for informational purposes.

**091300**      **[SFMTA Fare Evasion Regulation Amendments]****Sponsor: Dufty**

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 1.1, 7.2, and 7.2.101 to redefine requirements for the SFMTA Proof of Payment Program, eliminate the designation of Proof of Payment Zones, clarify that the prohibitions listed in Article 7 are violations of laws, and permit fare evasion enforcement for failure to display a valid fare receipt or valid fare media at the request of any authorized representative of the transit system or duly authorized peace officer after that person has been observed by the transit representative or peace officer on a public transit vehicle or in the paid area of an SFMTA transit station; and to make technical corrections.

**Attachments:** [Legislation Ver1](#)

11/10/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

## 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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. 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, 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 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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)