



City and County of San Francisco

Meeting 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: Alisa Somera (415) 554-4447

Monday, February 1, 2010

1:00 PM

City Hall, Committee Room 263

Regular Meeting

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. [100047](#) **[Planning Code - Interim Controls Related to Affordable Housing Requirements]**

Sponsors: Mayor; Chiu

Resolution approving interim controls providing that the alternatives provided to project applicants of residential development under Planning Code Section 315 et seq. shall, except for certain eligible projects, be suspended and replaced by an interim affordable housing fee that is equivalent to the current in lieu fee and amending the housing requirements for residential projects in the Rincon Hill Area Plan for 18 months or until a permanent ordinance amending Planning Code Section 315 et seq. is adopted; and making findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Attachments: [Legislation Ver1](#)

[Response PLN 012010](#)

[Comm Packet 012510](#)

[Comm Packet 020110](#)

1/12/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee. Notice of 1/25/10 public hearing in committee; published on 1/16/2010.

1/14/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

1/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15378(b)(4).

1/25/10; CONTINUED. Speaker: Aaron Goodman.

Continued to February 1, 2010.

The Chair will entertain a motion to send this item forward as a Committee Report to the full Board of Supervisors on February 2, 2010.

2. **091165** **[Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]**

Sponsor: Chiu

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Table 810 to require a conditional use to install a garage in an existing residential structure in the Broadway NCD, the North Beach NCD, and the Chinatown Mixed Use and Community Business Districts; adding Section 249.46 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in a residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs and the Telegraph Hill - North Beach Residential Special Use District; amending Section 155 to add Columbus Avenue between Washington and North Point Streets to the list of streets where garage entries, driveways or other vehicular access to offstreet parking or loading are prohibited; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including 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.

(Fiscal Impact.)

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

[Response_PLN_012110](#)

[Comm_Packet_020110](#)

10/6/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.
11/24/09, introduced extension of Planning Commission review period to February 14, 2010 in Board, see File No. 091366. Adopted in Board 12/8/09.

10/14/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public review and recommendation; referred to Planning Department for environmental review; referred to Department of Public Works for informational purposes.

1/27/10; RESPONSE RECEIVED. Pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378 it is exempt from environmental review. Planning Commission Resolution No. 18011 recommends approval with modifications.

3. [091443](#) **[Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**

Sponsors: Mar; Avalos

Ordinance amending Articles 19F and 19G of the San Francisco Health Code by amending Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, 1009.29, 1009.30, 1009.31, and 1009.32, and repealing Section 1009.24, to update findings and prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) unenclosed dining areas of restaurants, 7) service waiting areas, 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley, 9) farmers markets, and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; and making conforming changes in the Health Code.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 020110](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

12/22/09; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Rent Board for informational purposes.

1/5/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

1/14/10; REFERRED TO DEPARTMENT. Referred to the Youth Commission for review and recommendation.

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 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.

091475

[General Plan Amendment - Market and Octavia Area Plan]

Ordinance amending the Market and Octavia Area Plan of the General Plan (an Area generally described as approximately one square mile surrounding the Market Street and Octavia Boulevard intersection) to amend the historic resource provisions of the Plan to integrate the results of the Historic Resource Survey by removing language calling for the Area Plan Level Survey, calling out new historic districts, replacing interim procedures for the review of projects that may affect historic resources with permanent review procedures for projects in historic districts; and adding a new design principle; amending the provisions related to alleys to include terminology consistent with other Area Plans; and making environmental findings and findings that the proposed amendments are consistent with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

Attachments: [Legislation Ver1](#)

[Response PLN 121509](#)

12/28/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/6/10; REFERRED TO DEPARTMENT. Referred to the Historic Preservation Commission for informational purposes.

091476

[Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase the heights of certain parcels and retain the current heights on other parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

Attachments: [Legislation Ver1](#)

[Response PLN 121509](#)

12/28/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/6/10; REFERRED TO DEPARTMENT. Referred to the Historic Preservation Commission for informational purposes.

091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

Attachments: [Legislation Ver1](#)

12/28/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/27/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

100009 [Acceptance of Streets and Roadway Structures for Maintenance and Liability Purposes]

Sponsor: Dufty

Ordinance accepting for maintenance and liability purposes the streets and roadway structures listed herein, subject to specified limitations and conditions, pursuant to California Streets and Highways Code Section 1806 and San Francisco Administrative Code Sections 1.51 et seq.; and approving Department of Public Works Order No. 178,355.

Attachments: [Legislation Ver1](#)

1/5/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

100029 [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Attachments: [Legislation Ver1](#)

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

1/14/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Planning Department and the Public Utilities Commission for informational purposes.

100041**[Personal Wireless Service Facility Site Permits and Associated Fees]****Sponsors: Avalos; Campos**

Ordinance amending the San Francisco Public Works Code by adding Article 25, Sections 1500 through 1526, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9 to eliminate obsolete provisions related to such permits, making the provisions of the ordinance retroactive, and making environmental findings.

Attachments: [Legislation Ver1](#)

[Response PLN 012010](#)

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/19/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Department of Public Works, Department of Public Health, Planning Department and Recreation and Parks Department for informational purposes.

1/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

100046**[Planning Code - Amending Inclusionary Affordable Housing Ordinance]****Sponsors: Mayor; Chiu**

Ordinance amending the Planning Code by amending the Residential Inclusionary Affordable Housing Program, Section 315 et seq. (the "Program") to change the name of the Program to the Affordable Housing Program and to require all project applicants to pay the Affordable Housing fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 315 et seq. in the Rincon Hill Area Plan be provided as rental; and making findings including findings under the California Environmental Quality Act.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 012010](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/19/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Planning Commission for public hearing and recommendation.

1/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

1/26/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

1/26/10; ASSIGNED to the Land Use and Economic Development Committee.

1/29/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation to the Planning Commission for public hearing and recommendation.

100048**[Amendment to Solar Energy Incentive Program]****Sponsors:** Daly; Mirkarimi

Ordinance amending the San Francisco Environment Code by amending Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require that all systems receiving City incentives be installed by individuals trained under the City workforce development program, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

Attachments: [Legislation Ver1](#)

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/19/10; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development for informational purposes.

100054**[Workforce Development - Public Service Academies]****Sponsor:** Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Sections 30.30 through 30.35, to establish public safety and public health training programs for San Francisco Unified School District high school students.

Attachments: [Legislation Ver1](#)

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/19/10; REFERRED TO DEPARTMENT. Referred to the Youth Commission for review and recommendation. Referred to the Office of Economic and Workforce Development, Police Department, Sheriff's Department, Fire Department, and the Department of Public Health for informational purposes.

100058**[Requiring Just Cause for Eviction from Residential Properties Owned by Specified Lenders After Foreclosure]****Sponsors:** Mayor; Dufty

Ordinance adding Administrative Code Chapter 37B "Eviction of Residential Tenants by Foreclosing Lender," to provide just cause eviction protections for existing residential tenants after foreclosure, and require that notice of this Chapter be given to residential tenants of the property.

Attachments: [Legislation Ver1](#)

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/19/10; REFERRED TO DEPARTMENT. Referred to the Rent Board for informational purposes.

100093**[Housing Code – Residential Hotel Notice Posting Requirement]****Sponsors:** Campos; Chiu

Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

Attachments: [Legislation Ver1](#)

1/26/10; 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.

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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

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