



# City and County of San Francisco

## Meeting Minutes

### 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*

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Monday, December 14, 2009

1:00 PM

City Hall, Committee Room 263

#### Regular Meeting

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## MEETING CONVENED

*The meeting convened at 1:05 p.m.*

**Present:** 3 - Sophie Maxwell, Eric Mar and David Chiu

## REGULAR AGENDA

### 090319 [Zoning Ordinance Providing for a Five Feet Special Height Exception for Ground Floor Commercial Uses in NC-1 Designated Parcels]

**Sponsor: Avalos**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

03/17/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/16/2009.

03/24/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation. Referred to Planning Department for environmental review.

03/26/09; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

08/04/09; SUBSTITUTED.

08/04/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2009.

08/13/09; REFERRED TO DEPARTMENT. Referred substituted version to Planning Commission for public hearing and recommendation.

11/18/09; RESPONSE RECEIVED. Planning Commission Resolution No. 17974 recommending approval with modifications.

*Heard in Committee. Speakers: Frances Hsieh, Legislative Aide to Supervisor Avalos; AnMarie Rodgers, Planning Department; Dan Weaver.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091398 [San Francisco Public Utilities Commission - Feasibility Analysis of Local Cogeneration Projects and Update on the Electricity Resource Plan]**

**Sponsor: Maxwell**

Hearing on the San Francisco Public Utilities Commission's analysis of the feasibility and environmental benefits of possible local cogeneration projects, and an update on the Electricity Resource Plan including timing and the role of cogeneration in the report.

12/08/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Speakers: Eric Brooks, SF Green Party; Richard Robinson.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091162 [Purchaser's Authority to Permit Informal Solicitation of Certain Contracts for Purchase of Goods or Services and to Set Aside Contracts for Small Local Businesses]**

**Sponsors: Chu; Chiu, Maxwell, Mayor, Dufty, Mirkarimi and Campos**

Ordinance amending Administrative Code section 21.5 to allow Purchaser to permit informal solicitation for contracts for commodities and services up to \$100,000 and for those contracts utilizing federal grant funds where authorized and to update Purchaser's authority to set aside contracts for local small businesses.

10/06/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/20/09; SUBSTITUTED. Supervisor Chu submitted a substitute ordinance bearing same title.

10/20/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/29/09; TRANSFERRED to Land Use and Economic Development Committee.

11/30/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

*Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.*

*Continued to January 4, 2010.*

**CONTINUED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091163 [Economic Stimulus Measures for Capital Project Acceleration]****Sponsors: Chu; Chiu, Maxwell, Mayor, Duffy, Mirkarimi and Campos**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.1, to add a definition for a department head and designee and to increase the threshold amount for sealed competitively bid construction contracts from \$100,000 to \$400,000 with a future increase by the Controller in 2015; amending Section 6.20, to update and conform references to Administrative Code Chapter 14B; amending Section 6.21, to update and conform references to Administrative Code Chapter 14B; amending Section 6.22(A), to clarify and conform to state law the minimum contract amount requiring performance and payment bonds to \$25,000; amending Section 6.22(J), to allow for early release of retention to subcontractors certified by the Human Rights Commission as Local Business Enterprises or subcontractors on multi-year construction projects; amending Section 6.40, to increase the minimum competitive amount for the procurement of professional services for public work projects from \$25,000 to \$100,000 with a future increase in 2015 by the Controller; amending Section 6.60 to update and conform references to the Municipal Transportation Agency; amending Section 6.62, Job Order Contracts, to amend the Local Business Enterprise goal enforcement procedure and allow for micro-LBE set-asides, to increase the maximum contract amount from \$3,000,000 to \$5,000,000 and the maximum contract time to five years, to increase the maximum service order amount from \$200,000 or \$400,000 (depending on the program) to \$400,000 for all purposes, and adding new subcontractor listing and subcontractor substitution requirements.

10/06/09; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/6/2009.

10/29/09; TRANSFERRED to Land Use and Economic Development Committee.

12/01/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; referred to the Human Rights Commission for information.

12/08/09; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/09/09; REFERRED TO DEPARTMENT. Referred substitute to Small Business Commission for review and recommendation. Referred substitute to the Human Rights Commission for informational purposes. Referred to Public Works Department for informational purposes.

*Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.*

*Continued to January 4, 2010.*

**CONTINUED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091404 [Procedures to Attain Local Business Enterprise Subcontracting Goals for Design-Build and Integrated Project Delivery Contracts]****Sponsors: Chiu; Mayor, Dufty, Mirkarimi, Campos and Chu**

Ordinance amending Administrative Code Chapter 14B, Local Business Enterprise, and Non-Discrimination in Contracting Ordinance, to add a new Section 14B.19 establishing uniform procedures to attain project LBE goals for design-build and integrated project delivery contracts.

12/08/09; ASSIGNED to Land Use and Economic Development Committee. President Chiu waived the 30 day rule.

12/09/09; REFERRED TO DEPARTMENT. Referred to the Human Rights Commission for informational purposes.

12/10/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

*Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.*

*Continued to January 4, 2010.*

**CONTINUED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091405 [Local Business Enterprise and Non-Discrimination in Contracting Ordinance]****Sponsors: Chiu; Chu, Maxwell and Mayor**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and not less than 50% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, (2) permit departments to designate Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$5,000,000 and \$20,000,000, and (6) contractors who achieve total LBE participation in excess of 35% of their established LBE subcontracting and subconsulting goals are to be excepted from satisfying good faith outreach requirements.

12/08/09; ASSIGNED to Land Use and Economic Development Committee. President Chiu waived the 30 day rule.

12/10/09; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation. Referred to the Human Rights Commission, Public Utilities Commission and the Department of Public Works for informational purposes.

*Heard in Committee. Speakers: Supervisor Carmen Chu; Theresa Sparks, Human Rights Commission; Ed Reiskin, Director of Public Works; Veronica Ng, Human Rights Commission; Chris Iglesias; Male Speaker; Lloyd Kraal; Kathy Perry; Byron, Bridge Micro; Ed Lau; Oren Sellstrom, Coalition for Economic Equity; Alex Chu; Andre, Hercules Builders; Aileen Hernandez, Coalition for Economic Equity; Richard Robinson; Bob Moreley.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Ordinance amending the San Francisco Administrative Code by amending Sections 14B.2, 14B.3, 14B.7, 14B.8, 14B.13 to (1) each fiscal year, require departments to set aside not less than 50% of public works/construction contracts worth \$400,000 or less and to set a goal of not less than 25% of other contracts worth \$100,000 or less for the Micro-Local Business Enterprise Set Aside Program, (2) permit departments to designate public works/construction Job Order Contracts, without limitation as to dollar value, as set aside for the Micro-Local Business Enterprise Set Aside Program in order to satisfy the department's 50% requirement, (3) require departments to report quarterly during the year 2010 and thereafter yearly to the Board of Supervisors on the contracts set aside for the Micro-Local Business Enterprise Set Aside Program, and to cooperate with HRC's requests for information to fulfill its reporting requirements, and (4) require Micro - LBEs that subcontract any portion of a set-aside contract to perform at least 25% of the contract work, (5) create a SBA-LBE category, in addition to the Small and Micro-LBE categories, that gives contractors with income set with reference to Small Business Administration limits a bid preference of 2% on contracts between \$5,000,000 and \$20,000,000, (6) provide that subcontracting and consulting goals may be satisfied only with Small and Micro-LBEs, except that if there are insufficient Small and Micro-LBEs available, the HRC Director may permit the use of SBA-LBEs or set separate goals for Small and Micro-LBEs and SBA LBEs, (7) contractors who achieve total LBE participation on a bid or proposal in excess of 35% of their established LBE subcontracting and subconsulting goals are to be excepted from satisfying good faith outreach requirements and (8) total LBE participation on a bid or proposal to be calculated using only Micro and Small-LBE contractors, joint venture partners and subcontractors and subconsultants, except that SBA-LBE subcontractors and subconsultants may be counted if the Director has established goals for them.

*Continued to January 4, 2010.*

**CONTINUED AS AMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091200 [Inter-Departmental Coordination with Large Public and Private Events in Golden Gate Park]**

**Sponsors: Mar; Chu**

Hearing to discuss inter-departmental coordination with large public and private events in Golden Gate Park which will be based around transportation, parking, noise, outreach, and neighborhood notification.

10/20/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Dennis Kern, Director of Operations, Dana Ketchum, Permits and Reservations Manager, and Nick Kinsey, Property Manager, Recreation & Parks Department; Sgt. Frank Lee, Police Department; Judson True, Municipal Transportation Agency; Larry Stringer, Department of Environmental Services; Martha Cohen, Mayor's Office of Economic and Workforce Development; Raymond Holland, Planning Association for the Richmond; Marc Caswell and Lisa Ruth Elliott, SF Bicycle Coalition; Harley Stricklen; Kash and Nathan Frankel, SF Bicycle Coalition; Pat Lamken; Susan Fry; Jean Barish; Ted Loewenberg; Allon Scott, Another Planet Entertainment; Richard Robinson.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**090835 [Residential Rent Ordinance Prohibiting Owner Move-In Evictions of Households with a Child Under the Age of 18, Except by an Owner Moving In with a Child and Except Where the Owner Only Owns One Unit in the Building]**

**Sponsors: Mar; Chiu**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(i) to prohibit owner move-in evictions where any tenant is under the age of 18 and a member of a household which has resided in the unit for at least 12 months.

06/23/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/23/2009.

06/30/09; REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form.

08/17/09; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Dr. Mitch Katz, Director, Department of Public Health; Alexa Delwiche, Office of the Legislative Analyst; Delene Wolf, Executive Director, SF Rent Board; Maria Luz Torre; Ethel S. Silverstein; Richard Hanlin; Cinthya, St. Peter's Housing Committee; Peter Reitz, Small Property Owners of SF; Lisa Tresca; Noni Richen, Small Property Owners of SF; Susan Prentice, SEIU; Ted Gullicksen, SF Tenants Union; Jazzie Collins, SOMCAN; Hene Kelly, SAN; Mai Doan and Jack DeJesus, SOMCAN; Andrew Long; Christina Olague, Senior Action Network; Mr. Leong (translated); Sara Shortt, Housing Rights Committee; Lupe Arreola, SF Human Rights Commission; Karen Luchiana; Natasha; Andreas Benjamin; Chelsea Boilard, Coleman Advocates; Carla Lechne; Janan New, Apartment Association; Male Speaker.

08/17/09 - Amendment of the whole, bearing a new title.

08/17/09 - Supervisor Chiu requested to be added as a co-sponsor.

08/17/09; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

08/18/09; REFERRED TO DEPARTMENT. Referred to Youth Commission for review and recommendation.

09/24/09; RESPONSE RECEIVED. Youth Commission voted to support the proposed ordinance with modifications.

*Heard in Committee. Speakers: David Fix, Plan C Board of Directors; Noni Richen, President, Small Property Owners; Andrew Long; Richard Robinson; King Chen; Peter Reitz, Small Property Owners; Michelle Horneff-Cohen, Professional Property Management Association; Ted Loewenberg; Eric Castonian; Jean Barish; Ted Gullickson; Lisa Ferke; Gary Briggs.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.9(j) to prohibit an owner move-in eviction where a child under the age of 18 resides in the unit with a tenant who has a custodial or family relationship with that child, and that tenant has resided in the unit for 12 months or more, except that this provision will not apply where there is only one unit owned by the landlord in the building or where the owner who will move into the unit pursuant to a Section 37.9(a)(8) eviction has a custodial or family relationship with a child under the age of 18 who will reside in the unit with the owner; and renumbering current Section 37.9(j) as Section 37.9(k).

(Supervisor Maxwell dissented in Committee.)

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 2 - Mar, Chiu

Noes: 1 - Maxwell

## ADJOURNMENT

*The meeting adjourned at 4:36 p.m.*