



# 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*

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**Monday, March 22, 2010**

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

**Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 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 an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; 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.)

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.

2/1/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Teng Chow; Male Speaker; Tom Radulovich, Executive Director, Livable City; Male Speaker; Gerry Crowley.

2/1/10; CONTINUED AS AMENDED.

2/8/10; DUPLICATED. Heard in Committee. Speakers: None.

Duplicated into File No. 100150.

2/8/10; RECOMMENDED AS COMMITTEE REPORT.

2/9/10; PASSED ON FIRST READING.

2/23/10; CONTINUED ON FINAL PASSAGE.

3/9/10; AMENDED.

3/9/10; PASSED ON FIRST READING AS AMENDED.

3/16/10; RE-REFERRED to the Land Use and Economic Development Committee. Supervisor Mar requested to be added as a co-sponsor.

**2. 100092 [Hunters Point Shipyard and Candlestick Point Development Project]**

**Sponsor: Maxwell**

Hearing on the Hunters Point Shipyard Phase 2 and Candlestick Point Integrated Development Project, including a discussion of the land use and design, housing, community benefits, employment and contracting, open space, sustainability, financing, infrastructure, and transportation components of the plan.

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

2/8/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Tiffany Bohee, Mayor's Office of Economic & Workforce Development; David Thom, IBI Group; Olsen Lee, Redevelopment Agency; Chris Iglesias, Mayor's Office of Economic & Workforce Development; Francisco da Costa; Espanola Jackson; Pastor Aurelias Walker; Mary Jean Robertson; Stephen Leeper, SFOP; Bradley Bradley; Eric Butler; Allen Bowl; Stormy Henry; Andre Davis; Lakia Evans; Michael Patton; Javier Marquez; Tera Gray; Christina Sandoval; Lashawnda Collins; Rob Black, Chamber of Commerce; Joshua Arce, Brightline Defense Project; Keshawn Paris; Arthur Feinstein; Linda Schaffer; Ari Coleman; Joanne Hopkins; Eric Brooks, SF Green Party; Rev. Arnold Townsend; Chris Jackson, SF Labor Council; Dennis Kelly; Connie Ford; Manny Flores; Ace Washington; Tina State.

**3. 091251 [Development Fee Collection Procedure; Administrative Fee]****Sponsors: Mayor; Dufty**

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, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary 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 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; providing that the ordinance's operative date is May 15, 2010; and adopting findings, including environmental findings.

10/27/09; RECEIVED AND ASSIGNED 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.

11/23/09; REFERRED TO DEPARTMENT. Referred substitute legislation (version 2) to Planning Department for environmental review; to Building Inspection Commission for public hearing and recommendation.

11/24/09; RESPONSE RECEIVED. Exempt from CEQA per Statutory Exemption CEQA Section 15273: Rates, Tolls, Fares, and Charges.

12/15/09; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing same title.

12/15/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

12/28/09; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Building Inspection Commission for review and recommendation.

1/26/10; RESPONSE RECEIVED. The Building Inspection Commission voted 6-1 to recommend approval.

2/1/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18015 recommended approval with modifications.

3/9/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

3/9/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee. 03/18/10 - Submitted fee ad for publication on 03/22/10 and 03/29/10.

3/15/10; RESPONSE RECEIVED. The Eastern Neighborhoods Citizens Advisory Committee passed Resolution No. 2010-2-2 recommending approval with modifications.

3/16/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 4) to the Building Inspection Commission and the Planning Commission for informational purposes.

3/16/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

*This is an informational hearing only. The Committee cannot take formal action until April 5, 2010.*

**4. 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; and making findings including findings under the California Environmental Quality Act.

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.

11/24/09; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

2/1/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18017 recommended approval with modifications.

3/9/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

3/9/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee. 03/18/10 - Submitted fee ad for publication on 03/22/10 and 03/29/10.

3/16/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 2) to the Planning Commission and the Building Inspection Commission for informational purposes.

3/16/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

*This is an informational hearing only. The Committee cannot take formal action until April 5, 2010.*

**5. 091275 [Development Impact and In-Lieu Fees]****Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Planning Code to create Article 4 for development impact fees and requirements, move Planning Code Sections 135(j), 135.3(d), 135.3(e), 139, 143, 149, 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 renumber and amend the sections; to provide that the Department of Building Inspection (DBI) will collect the development fees prior to issuance of the first building permit or other document authorizing project construction and verify that any in-kind public improvements required in lieu of a development fee are implemented prior to issuance of the first certificate of occupancy; to allow a project sponsor to defer payment of a development fee upon agreeing to pay a deferral surcharge, which option shall expire after three years unless further extended; to add introductory sections to Article 4 for standard definitions and procedures, delete duplicative code provisions and use consistent definitions, language and organization throughout; to require annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; to provide that the ordinance's operative date is May 15, 2010; and to instruct 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; adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

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.

12/15/09; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

12/15/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

12/29/09; REFERRED TO DEPARTMENT. Referred substitute legislation to the Planning Department for environmental review; to the Planning Commission for public hearing and recommendation; and to the Building Inspection Commission for informational purposes.

12/29/09; RESPONSE RECEIVED. Exempt from review as per CEQA Section 15273 Rules, Tolls, Fares and Charges.

2/1/10; RESPONSE RECEIVED. The Planning Commission recommended approval with modifications.

3/9/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

3/9/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee. 03/18/10 - Submitted fee ad for publication on 03/22/10 and 03/29/10.

3/16/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

3/17/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Planning Commission and the Building Inspection Commission for informational purposes.

*This is an informational hearing only. The Committee cannot take formal action until April 5, 2010.*

**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.*

#### **100330 [Veteran Commons Special Use District - 150 Otis Street]**

**Sponsor: Chiu**

Ordinance adding Planning Code Section 249.46 to establish the Veteran Commons Special Use District for property located at 150 Otis Street, Block No. 3513, Lot No. 07; amending the City's Zoning Map, Sheet Nos. HT07 and SU07 to change the height district from 85 to 125 feet and reflect the boundaries of the Veteran Commons Special Use District; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

3/16/10; ASSIGNED to the Land Use and Economic Development Committee.

#### **100332 [Revisions to Integrated Project Delivery Construction Contracting Procedures]**

**Sponsor: Maxwell**

Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures.

3/16/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

#### **100333 [Bid Discount for Small and Micro-Local Business Enterprise that Joint Venture to Bid on Construction Contracts]**

**Sponsor: Maxwell**

Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprise that joint venture with other firms to bid on construction contracts.

3/16/10; 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. 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)