



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

Monday, December 6, 2010

1:00 PM

City Hall, Committee Room 263

Regular Meeting

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

MEETING CONVENED

The meeting convened at 1:08 p.m.

REGULAR AGENDA

101448 [Installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area - \$80,000]

Sponsor: Maxwell

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency using approximately \$80,000 in designated federal grant monies for the installation of Public Art in the Hunters Point Shipyard Redevelopment Project Area.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/23/10; REFERRED TO DEPARTMENT. Referred to the San Francisco Redevelopment Agency for information purposes only.

Heard in Committee. Speakers: Amabel Akwa-Asare, Redevelopment Agency; Anne Taupier, Office of Economic and Workforce Development; Thor Kaslofsky, Redevelopment Agency; Francisco Da Costa; Eric Brooks, SF Green Party; Al Norman, Jr.

RECOMMENDED.. by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101449 [Rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area - \$7,258,890]**Sponsor: Maxwell**

Resolution making findings under Section 33445 of the California Health and Safety Code and consenting to the Redevelopment Agency of the City and County of San Francisco's payment of funds in the amount of \$7,258,890 for the pre-development and rehabilitation of Building 813 in the Hunters Point Shipyard Redevelopment Project Area.

11/16/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/29/10; REFERRED TO DEPARTMENT. Referred to the San Francisco Redevelopment Agency for information purposes only.

Heard in Committee. Speakers: Amabel Akwa-Asare, Redevelopment Agency; Anne Taupier, Office of Economic and Workforce Development; Thor Kaslofsky, Redevelopment Agency; Francisco Da Costa; Eric Brooks, SF Green Party; Al Norman, Jr.

RECOMMENDED.. by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101006 [Administrative Code - Revisions to Local Business Enterprise Ordinance]**Sponsors: Chu; Chiu**

Ordinance amending Administrative Code Chapter 14B to set a separate minimum competitive amount applicable to general services contracts; to clarify ownership requirements for certification of local businesses with no single majority owner; to limit the SBA-LBE program to construction and construction-related contracting; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to revise subcontracting goals for professional services contracts to apply to contracts that exceed the minimum competitive amount; to revise good faith efforts outreach and documentation requirements to apply to contracts that exceed the threshold amount or minimum competitive amount; to simplify reporting requirements; and to make technical corrections.

07/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/26/2010.

08/17/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation; and the Human Rights Commission, Public Utilities Commission, Department of Public Works, and Planning Department for informational purposes only.

09/17/10; RESPONSE RECEIVED. On September 13, 2010 the Small Business Commission heard and recommended approval of the proposed legislation.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ordinance amending Administrative Code Chapter 14B to increase minimum competitive amount for general services contracts to \$400,000; to clarify ownership requirements for certification of local businesses with no single majority owner and make other clarifications to address certification of businesses under common ownership or with multiple locations; to clarify requirements for setting aside contracts under the mandatory Micro-LBE Set-Aside program; to exclude contracts under the threshold amount or minimum competitive amount from good faith efforts outreach and documentation requirements; to simplify and coordinate reporting requirements; to re-authorize the Treasurer to negotiate financial instruments in support of the Surety Bond and Financial Assistance Program after these provisions were inadvertently rescinded; and to make technical corrections.

Heard in Committee. Speakers: Katy Tang, Legislative Aide to Supervisor Carmen Chu; Theresa Sparks, Director, and Alaric Degrafinried, Human Rights Commission; Naomi Kelly, Office of Contract Administration; Francisco Da Costa; Walter Paulson.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101007 [Administrative Code - Revising Requirements for Purchasing Goods and Services]**Sponsors: Chu; Chiu**

Ordinance amending Administrative Code Chapters 21 and 21C to conform Purchasing requirements to Administrative Code Chapter 14B by defining minimum competitive amounts of \$100,000 for professional services and commodities contracts and \$400,000 for general services contracts, clarify "bid-splitting," and make miscellaneous changes to City procurement requirements; to clarify information technology purchases; to update and conform references to Administrative Code Chapter 14B; to rescind the Sealer of Weights and Measures' authority under Section 21.32 to donate food purchases; to rescind the local tax adjustment set forth in Administrative Code Chapter 21C; to enact a new Section 21.32 to adjust bids likely to result in local sales tax revenue; to reenact and renumber Administrative Code Sections 21.25, 21.25-1, 21.25-2, 21.25-3, 21.25-4, and 21.25-x regarding prevailing wage requirements as Chapter 21C; and to make certain technical corrections.

07/27/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/26/2010.

08/17/10; REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation; and the Human Resources Department, Office of the Controller, Mayor's Budget Office, Department of Technology, Office of the City Administrator and the Office of the Treasurer-Tax Collector for informational purposes.

09/28/10; RESPONSE RECEIVED. The Small Business Commission provided its response and recommendation of approval.

Heard in Committee. Speakers: Katy Tang, Legislative Aide to Supervisor Carmen Chu; Theresa Sparks, Director, and Alaric Degrafinried, Human Rights Commission; Naomi Kelly, Office of Contract Administration; Francisco Da Costa; Walter Paulson.

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101105 [Environment Code - Existing Commercial Buildings Energy Performance]**Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Environment Code by adding Chapter 20, Sections 2000 through 2009, to adopt the San Francisco Existing Commercial Buildings Energy Performance Ordinance, requiring owners of nonresidential buildings to conduct Energy Efficiency Audits of their properties and file Annual Energy Benchmark Summaries for their buildings, and making environmental findings.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/9/2010.

09/01/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation. Referred to the Planning Department for environmental review. Referred to the Department of the Environment, Department of Building Inspection, US Environmental Protection Agency and the American Society of Heating, Refrigerating, and Air-conditioning Engineers, Inc., for informational purposes.

09/28/10; RESPONSE RECEIVED. On September 13, 2010 the Small Business Commission heard and recommended approval.

09/28/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Johanna Partin, Mayor's Office; Melanie Nutter, Director, and Barry Hooper, Department of the Environment; Francisco Da Costa; Kathy Diehl, U.S. Environmental Protection Agency; Ken Cleaveland, BOMA San Francisco; Steven Ring, Cushman & Wakefield; Hal Brownstone, BOMA San Francisco; Walter Paulson; Steven Krolik; Dan Geiger, U.S. Green Building Council; Matt Macko, Environmental Building Strategies; Jim Cantrell, Cantrell Harris & Associates; Jim Lazarus, SF Chamber of Commerce; Eric Brooks, SF Green Party; John Malamut, City Attorney's Office.

Continued to December 13, 2010.

CONTINUED to December 13, 2010, by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101091 [Planning Code - Notice Requirement for "Other Entertainment Uses" in the Van Ness Avenue Special Use District]**Sponsors: Alioto-Pier; Chiu**

Ordinance amending the San Francisco Planning Code by amending Sections 243 and 209.8 to require conditional use authorization for "Other Entertainment Uses" in the Van Ness Avenue Special Use District and that the Commercial Establishment use controls of the nearest C-2 District apply in RC Districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/03/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for review and recommendation; and the Entertainment Commission for informational purposes.

09/20/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

11/23/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/01/10; RESPONSE RECEIVED. 11/22/10 - Small Business Commission's Legislation and Policy Committee approved a dual recommendation.

Heard in Committee. Speakers: Supervisor Michela Alioto-Pier, Board of Supervisors; AnMarie Rodgers, Planning Department; Mark Rennie, California Music and Culture Association; Tom Radulavich, Livable City; John Malamut, City Attorney's Office.

DIVIDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

Ordinance amending the San Francisco Planning Code by amending Section 243 to require notice for "Other Entertainment Uses" in the Van Ness Avenue Special Use District; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

AMENDED on Page 11, Lines 11-12, by deleting 'be permitted only as a conditional use under Section 303 of this Code'; and adding 'require notification as set forth in Section 312 of this Code.'

Supervisor Chiu requested to be added as a co-sponsor.

RECOMMENDED AS AMENDED AND DIVIDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101536 [Planning Code - Commercial Establishment Use Controls in RC Districts]**Sponsor: Alioto-Pier**

Ordinance amending the San Francisco Planning Code by amending Section 209.8 to require that the Commercial Establishment use controls of the nearest C-2 District apply in RC Districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Heard in Committee. Speakers: Supervisor Michela Alioto-Pier, Board of Supervisors; AnMarie Rodgers, Planning Department; Mark Rennie, California Music and Culture Association; Tom Radulavich, Livable City; John Malamut, City Attorney's Office.

Divided from File No. 101091.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents and determinations under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents and determinations.

04/20/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/21/2010.

04/27/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for review and recommendation.

05/04/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

07/14/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18116 and Historic Preservation Commission Resolution No. 649 recommended approval with modifications.

07/20/10; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

07/20/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/26/10; REFERRED TO DEPARTMENT. Referred the substitute legislation to the Planning Department for review and comment.

09/21/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee. Supervisor Alioto-Pier submitted a substitute ordinance bearing same title.

09/23/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Planning Department for review and comment.

09/27/10; CONTINUED. Heard in Committee. Speakers: Bill Barnes, Legislative Aide to Supervisor Alioto-Pier; AnMarie Rodgers and Bill Wycko, Planning Department; Zach Stewart, Canessa; Sue Vaughan, Sierra Club; David Tornheim; Nan Roth, Telegraph Hill Dwellers; Paul Wermer; Bret Gladstone; Tom Radulavich, Livable City; David Pilpel; David Glover.
Continued to October 25, 2010.

10/25/10; CONTINUED. Speaker: David Glover.

Continued to November 15, 2010.

11/15/10; CONTINUED. Speaker: Joan Wood.

11/16/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Supervisor Michela Alioto-Pier, Board of Supervisors; Kate Stacy, City Attorney's Office; David Pilpel; Sue Hestor; David Glover; Eric Brooks, SF Green Party; Hiroshi Fukuda; Francisco Da Costa; Joan Wood; David Tornheim; Steve Williams; Bill Wycko, Planning Department.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Continued to December 13, 2010.

CONTINUED AS AMENDED to December 13, 2010, by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

100041 [Public Works Code, Administrative Code - Personal Wireless Service Facility Site Permits and Associated Fees]**Sponsors: Avalos; Campos and Mar**

Ordinance amending the San Francisco Public Works Code by: (1) adding Article 25, Sections 1500 through 1528, to establish new requirements for Personal Wireless Service Facility Site Permits and to increase certain fees for obtaining such permits, (2) amending the San Francisco Administrative Code by amending Chapter 11, Article 1, Section 11.9, to eliminate obsolete provisions related to such permits, (3) making the provisions of the ordinance retroactive, and (4) making environmental findings.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010. 11/21/2010 - 14-day fee ad published.

01/19/10; 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.

01/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

08/03/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

08/31/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation to the Department of Public Works, Department of Public Health, Planning Department, and Recreation and Park Department for informational purposes.

10/26/10; RESPONSE RECEIVED. On October 7, 2010 the Planning Commission held a public hearing and recommended approval of the proposed legislation by Resolution No. 18192.

11/02/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

11/05/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation (version 3) to the Department of Public Works, Department of Public Health, Planning Department, and Recreation and Park Department for informational purposes.

Heard in Committee. Speakers: Supervisor John Avalos, Board of Supervisors; William Sanders, City Attorney's Office; Brad Cahoon, T-Mobile; Natasha Ernst, NextG Networks of California; Joan Wood; Steven R. Krolik, Presidio Heights Residences for Public Safety; Male Speaker; Female Speaker; Jim Lazarus, SF Chamber of Commerce; Wendy Robinson; Male Speaker; Francisco Da Costa; Angelo P. King; Robert Olson; Al Norman, Jr.; Paul Aubritton; Kate Stacy, City Attorney's Office.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Continued to December 13, 2010.

CONTINUED AS AMENDED to December 13, 2010, by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101283 [Hearing - San Francisco Public Utilities Commission's Community Benefits Program]**Sponsor: Maxwell**

Hearing on the status of the San Francisco Public Utilities Commission's Community Benefits Program.

10/05/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/18/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ed Harrington, General Manager, Public Utilities Commission; Rhonda Simmons, Mayor's Office of Economic and Workforce Development; Juliet Ellis, Public Utilities Commission; Darolyn Davis and Bernida Reagan, Davis & Associates Communications; Tommy Moala, Assistant General Manager – Wastewater Enterprise, Public Utilities Commission; Espanola Jackson; Eric Brooks; Deidje Gipson; Terry Anders; Joshua Arce.

11/22/10; CONTINUED. Speakers: Espanola Jackson; Francisco Da Costa.

Continued to December 6, 2010.

Heard in Committee. Speakers: Juliet Ellis, Tommy Moala, Karen Kubek, Harlan Kelly, Jr., and Sam Murray, Public Utilities Commission; Alex; David Pilpel.

Continued to December 13, 2010.

CONTINUED to December 13, 2010, by the following vote:

Ayes: 2 - Maxwell, Chiu

Absent: 1 - Mar

101485 [Southeast Digester Task Force - Biosolids Digester Facility Project]**Sponsor: Maxwell**

Resolution urging the Public Utilities Commission to incorporate the Southeast Digester Task Force recommendations into the Biosolids Digester Facility Project, to select the preferred site and expedite implementation.

11/23/10; RECEIVED AND ASSIGNED to Rules Committee.

12/01/10; TRANSFERRED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Juliet Ellis, Tommy Moala, Karen Kubek, Harlan Kelly, Jr., and Sam Murray, Public Utilities Commission; Alex; David Pilpel.

RECOMMENDED.. by the following vote:

Ayes: 2 - Maxwell, Chiu

Absent: 1 - Mar

101486 [Commending the Community Benefits Program]**Sponsor: Maxwell**

Resolution commending the San Francisco Public Utilities Commission's Community Benefits Program.

11/24/10; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/01/10; TRANSFERRED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Juliet Ellis, Tommy Moala, Karen Kubek, Harlan Kelly, Jr., and Sam Murray, Public Utilities Commission; Alex; David Pilpel.

RECOMMENDED.. by the following vote:

Ayes: 2 - Maxwell, Chiu

Absent: 1 - Mar

ADJOURNMENT

The meeting adjourned at 5:48 p.m.