



# 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: Alisa Somera (415) 554-4447*

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Monday, November 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 and Legislative Analyst report*
- 3) Department or Agency cover letter and/or report*
- 4) 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. 100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]**

**Sponsors: Mayor; Chiu**

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315 et seq.) (the "Program") to change the name of the Program to the Affordable Inclusionary 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 Sections 416 and 417 to make conforming amendments to the Inclusionary Affordable Housing Program; amending the Van Ness Market Special Use District, Section 249.33, to delete the provision that a project sponsor may only meet up to 50% of the Program's requirements through payment of the fee; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
9/17/10 - 14-Day Fee Ad published and posted.  
11/7/10 - 14-Day Fee Ad published and posted.

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.

4/2/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18056 recommended approval with modifications.

7/27/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

7/27/10; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

8/4/10; REFERRED TO DEPARTMENT. Re-referred th substitute legislation (version 3) to the Planning Department for informational purposes.

10/4/10; CONTINUED. Speakers: None.  
Continued to October 18, 2010.

10/18/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Chandra Egan and Myrna Melgar, Mayor's Office of Housing; Ace Washington; Amalia Aboitiz.

10/18/10; CONTINUED AS AMENDED. Continued to October 25, 2010.

10/25/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Chandra Egan, Mayor's Office of Housing; Amalia Aboitiz.

10/25/10; RECOMMENDED AS AMENDED.

11/2/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/2/10; RE-REFERRED AS AMENDED to the Land Use and Economic Development Committee.

2. **101450** **[Temporary Preservation Easement - Bayview Opera House - 4705 Third Street]**  
**Sponsor: Maxwell**  
Resolution approving a temporary preservation easement affecting a City building located at 4705 Third Street, commonly known as the Bayview Opera House.  
  
11/16/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
3. **101313** **[Zoning Map and Planning Code - Bayshore Boulevard Home Improvement Special Use District]**  
**Sponsor: Maxwell**  
Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; 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.  
  
10/19/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
  
10/27/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; Planning Commission for review and response; and to CEQA for environmental review.
4. **101247** **[Planning Code - Update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund]**  
**Sponsor: Maxwell**  
Ordinance amending the San Francisco Planning Code by amending Sections 420.1 through 420.5 to update the Visitacion Valley Community Facilities and Infrastructure Fee and Fund and to conform the program with other Area Plan fee programs; making conforming changes to Sections 401 (definitions) and 406 (waiver, reduction, or adjustment of development project requirements); and making findings, including environmental findings.  
  
9/28/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
  
10/6/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and the Planning Commission and the Planning Department for information purposes only.  
  
10/6/10; RESPONSE RECEIVED. Exempt from CEQA per Guidelines Section 15273 (Rates, Tolls, Fares and Charges).

- 5. 101094 [Child Care Centers for City Projects and City-Funded Private Projects]**  
**Sponsors: Dufty; Alioto-Pier**  
Ordinance amending the San Francisco Administrative Code by adding Chapter 29B to require a City agency, or a private developer that receives City funds for a development project, as defined, to prepare a feasibility study for providing an on-site child care center whenever it plans to construct or purchase a building, lease more than 50 percent of space in a private building for an initial term of more than one year, or alter more than 50 percent of the space in an existing building; adopting findings, including environmental findings.
- 8/10/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.
- 8/27/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission and Youth Commission for comment and recommendation; and Department of Children, Youth and Their Families, City Administrator, Port, Public Utilities Commission, and Child Care Planning and Advisory Council for informational purposes.
- 9/20/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).
- 9/29/10; RESPONSE RECEIVED. The Small Business Commission had no comment on the proposed legislation.
- 11/5/10; RESPONSE RECEIVED. On October 28, 2010 the Planning Commission held a public hearing and recommended approval with modifications by Resolution No. 18208.
- 6. 101095 [Planning Code - Affordable Housing Program Exemption for Qualified Student Housing]**  
**Sponsor: Dufty**  
Ordinance amending the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 et seq. to exempt certain Qualified Student Housing Projects, as defined, if the project meets certain requirements; and making findings including environmental findings.
- (Economic Impact.)
- 8/10/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.
- 8/30/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; the Planning Commission for public hearing and recommendation; and the Mayor's Office of Housing for informational purposes.
- 8/30/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).
- 7. 101283 [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.
- 10/5/10; RECEIVED AND ASSIGNED to the 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.

## 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.*

### **101313 [Zoning Map and Planning Code - Bayshore Boulevard Home Improvement Special Use District]**

**Sponsor: Maxwell**

Ordinance amending the San Francisco Planning Code by adding Section 249.65 to establish the Bayshore Boulevard Home Improvement Special Use District for the properties on lots fronting Bayshore Boulevard from Jerrold Avenue to the 1-280 Freeway, the west side of Loomis Street from Jerrold Avenue to the 1-280 Freeway, Oakdale Avenue from Loomis Street to Bayshore Boulevard, Marengo Street from Bayshore Boulevard to Waterloo Street and the west side of Boutwell Street from Industrial Street to the 1-280 Freeway, and also including some lots on Cortland Avenue; amending the Zoning Map of the City and County of San Francisco to rezone the designated blocks and lots from the current M-1 and P/M-1 zoning to PDR-2, P/PDR-2 and the Bayshore Boulevard Home Improvement Special Use District; 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.

10/19/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

10/27/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; Planning Commission for review and response; and to CEQA for environmental review.

**101350 [Planning Code – Zoning – Parking in South of Market and Mission Bay Districts]**

**Sponsor: Daly**

Ordinance amending the San Francisco Planning Code by amending Sections 151, 151.1, 155, 161, 249.1, 249.23, and Part VII of Article 9 (1) to remove minimum parking requirements and establish maximum parking limits in M-1, C-M, and South of Market districts and the Folsom and Main Residential/Commercial and Fourth and Freelon Streets Special Use Districts to make them consistent with those of neighboring districts, (2) to require that non-residential and non-hotel parking in C-3 in the South of Market Mixed Use districts adjacent to Downtown maintain a fee structure which discourages long-term commuter parking, (3) to make parking controls in the Mission Bay Districts that are subject to the Planning Code consistent with requirements of neighboring districts; and (4) 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.

10/26/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

11/5/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

## 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 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) bringing in or displaying signs in the meeting room; 4) standing in the meeting room.

The public is encouraged to testify at Committee meetings and to write letters to the Clerk of the Board or to Supervisors: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests 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 debe recibirse antes de mediodía 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.sfbos.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)