



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Meeting Agenda - Final

### Land Use and Economic Development Committee

*Members: Sophie Maxwell, Eric Mar, David Chiu*

*Clerk: Alisa Somera (415) 554-4447*

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Monday, December 7, 2009

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. **091284 [Mission Bay - Park P21 Improvements]**  
Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park"; accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/5/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**2. 091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]**

Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

11/5/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

### 3. 090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]

#### Sponsor: Avalos

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance:" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

5/12/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

5/21/09; REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration Board for informational purposes.

11/2/09; CONTINUED. Heard in Committee. Speakers: Cheryl Adams, Deputy City Attorney; Supervisor Avalos; Delene Wolf, Rent Board; Myriam Zamora, St. Peter's Housing Committee; Karen Kerner, Housing Rights Committee; Mariana Viturro, St. Peter's Housing Committee; David Fix; Teola Watson, Housing Rights Committee; Lena Emmery; Kendra Froshman, Mission SRO Collaborative; Aaron Goodman, Park Merced Residents Organization; Noni Richen and Ilse Cordon, Small Property Owners of San Francisco; Kathy Lipscomb, Senior Action Network; Fran Taylor; Joel Panzer, PPMA; Randall Kostick; Richard Robinson, Community Outreach Program; Mitchell Omerberg, Affordable Housing Alliance; Sarah Shortt, Housing Rights Committee; Josh Vining, Mission SRO Collaborative; Christine Olague, Senior Action Network; Dean Preston; Miguel Wooding; Alex Kaufman; Walter Paulson; Wing Hoo Leung, Community Tenants Association; Olga Milan-Howells; Female Speaker; William Baird; Peter Wright; Lisa Frieke; Andrew Long, SF Apartment Association; Ted Gulickson, SF Tenants Union; Robin Altman; James Wavewell; Craig Birant; Grace Shanahan and Hannah Duffy, Residential Builders Association; Jose Morales; Richard Hart, Angus McCarthy, Mark Brennan, Redman Lyons, David Sternberg, Sean Keighran, John O'Connor, Kieran Buckley, Residential Builders Association; Joseph Smoot.  
Continued to November 9, 2009.

11/9/09; CONTINUED. Heard in Committee. Speakers: Delene Wolf, SF Rent Board; Brook Turner, Coalition for Better Housing; Andrew Long; Jeff Kositsky, Community Housing Partnership; Michelle Horneff-Cohen, Professional Property Management Association; James Wavewell; Alex Kaufman; Nato Green, California Nurses Association; Craig Birant; Joanne Bizino; Male Speaker; Robin Altman; Richard Robinson; Jose Morales; Ted Gulickson, SF Tenants Union; Sara Shortt, Housing Rights Committee; Janan New, SF Apartment Association; Bart Murphy, SF Rent Board; Mark Brennan; Joe O'Donoghue, Residential Builders Association; Mitchell Omerberg, Affordable Housing Alliance; Cheryl Adams, Deputy City Attorney.  
Continued to November 23, 2009.

11/23/09; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor John Avalos, Board of Supervisors; Wayne Snodgrass, Deputy City Attorney; Marlena Byrne, Deputy City Attorney; Steve Rasasco; Ray Hartman; Chuck Totah; Colin Gallagher; Jerry Augusta; Nick Belloni; Shari Matza; Miguel Wooding; Alex Kaufman; Oz Erickson; Maureen DeBoer; Sara Shortt; Richard Robinson; Jose Morales; Michelle Horneff-Cohen; John McNamerney; Joe O'Donoghue; Rose Hi; Ted Gulickson, SF Tenants Union; Dean Preston, Tenants Together; Elizabeth Miller; Noni Richen, Small Property Owners of San Francisco; Andrew Long; Andrew Smith; Mark Brennan; Female Speaker; James Wavro; Peter Wright; Laura Gray; Casey Allen; Eric Brooks, SF Green Party; John Curley; Bart Murphy, SF Rent Board; Tim McCaffee; Male Speaker; George McMan; Carmen LeBrennan; Delene Wolfe, SF Rent Board.

11/23/09; CONTINUED AS AMENDED. Continued to December 7, 2009.

*The Chair will entertain a motion to send this item forward to the Board of Supervisors as a Committee Report on December 8, 2009.*

4. **091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]**  
Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)  
  
11/9/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
5. **090962 [Zoning - Amending the Citywide definition of Tobacco Paraphernalia Establishments by lowering the threshold for retail stores to be considered Tobacco Paraphernalia Establishments]**  
**Sponsor: Chiu**  
Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.  
  
7/28/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
  
7/31/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.  
  
8/3/09; REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comment.  
  
8/3/09; RESPONSE RECEIVED. Non-physical exemption, CEQA, Article 5, Section 15060(c)(2).  
  
11/19/09; RESPONSE RECEIVED. Planning Commission Resolution No. 17982 recommending approval with modifications.

## **SPECIAL ORDER - 2:00 P.M.**

6. **091221 [The Current Economic Crisis: Impact and Recommendations for San Francisco's Women and Girls]**  
**Sponsors: Alioto-Pier; Maxwell and Chu**  
Hearing from experts, including the Department on the Status of Women, on the current economic crisis and its impact on women and girls which will focus on the recommendations, including a "buy local" purchasing policy, systems to engage women in construction and trade jobs created by the stimulus package and increased childcare slots and supports for working parents.  
  
10/27/09; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

## **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.*

#### **091113 [Seismic strengthening of soft-story, wood-frame buildings]**

**Sponsor: Mayor**

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

**Economic Impact**

9/15/09; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee. Referred to Small Business Commission for comment and recommendation. Referred to Planning Department for environmental review and Planning Commission for review and comment. Referred to the Building Commission for review and comment. Referred to Fire Department and Department of Public Works for informational purposes.

11/10/09; SUBSTITUTED. Mayor Newsom submitted a substitute bearing same title.

11/10/09; TRANSFERRED to the Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**091136 [Mandatory prequalification, training and safety certification requirements for public works projects]****Sponsor: Alioto-Pier**

Ordinance amending Administrative Code Chapter 6, Public Works Contracting Policies and Procedures, Section 6.20(f), to require mandatory bidder prequalification for all public works contracts and set minimum requirements for prequalification; amending Section 6.22(o) to establish training requirements applicable to apprentices and journeymen; and amending Section 6.22(p) to establish minimum safety training and certification requirements for electricians working on a jobsite.

9/22/09; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

11/10/09; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute.

11/10/09; TRANSFERRED to the Land Use and Economic Development Committee.

11/10/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

12/1/09; REFERRED TO DEPARTMENT. Referred to Public Works Department for information.

**091300 [SFMTA Fare Evasion Regulation Amendments]****Sponsor: Dufty**

Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 1.1, 7.2, and 7.2.101 to redefine requirements for the SFMTA Proof of Payment Program, eliminate the designation of Proof of Payment Zones, clarify that the prohibitions listed in Article 7 are violations of laws, and permit fare evasion enforcement for failure to display a valid fare receipt or valid fare media at the request of any authorized representative of the transit system or duly authorized peace officer after that person has been observed by the transit representative or peace officer on a public transit vehicle or in the paid area of an SFMTA transit station; and to make technical corrections.

11/10/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**091334 [Booths and Other Private Spaces in Places of Entertainment and Extended Hours Premises]****Sponsor: Mar**

Ordinance amending Sections 1060.10 and 1070.13 of the Police Code to state the visibility requirement applicable to booths and other private spaces in Places of Entertainment and Extended-Hours Premises; to state the purpose of the visibility requirement; and to authorize the Entertainment Commission to adopt regulations implementing the visibility requirement.

11/17/09; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

12/2/09; REFERRED TO DEPARTMENT. Referred to the Police Department for informational purposes. Referred to the Entertainment Commission for informational purposes.

## 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)