



# 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, December 13, 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. **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.
- 4/20/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.
- 4/27/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for review and recommendation.
- 5/4/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).
- 7/14/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18116 and Historic Preservation Commission Resolution No. 649 recommended approval with modifications.
- 7/20/10; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.
- 7/20/10; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.
- 7/26/10; REFERRED TO DEPARTMENT. Referred the substitute legislation to the Planning Department for review and comment.
- 9/21/10; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee. Supervisor Alioto-Pier submitted a substitute ordinance bearing same title.
- 9/23/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Planning Department for review and comment.
- 9/27/10; 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 the Land Use and Economic Development Committee.
- 12/6/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 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.
- 12/6/10; CONTINUED AS AMENDED. Continued to December 13, 2010.
- The Chair will entertain a motion to send this item forward as a Committee Report to the full Board on December 14, 2010.*

**2. 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.

8/10/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

9/1/10; 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.

9/28/10; RESPONSE RECEIVED. On September 13, 2010 the Small Business Commission heard and recommended approval.

9/28/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

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

12/6/10; CONTINUED. 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.

**3. 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.

1/12/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.  
11/21/2010 - 14-day fee ad published.

1/19/10; 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.

1/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

8/3/10; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

8/31/10; 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.

11/2/10; SUBSTITUTED AND ASSIGNED to the Land Use and Economic Development Committee.

11/5/10; 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.

12/6/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 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 Residents 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.

12/6/10; CONTINUED AS AMENDED. Continued to December 13, 2010.

*The Chair will entertain a motion to send this item forward as a Committee Report to the full Board on December 14, 2010.*

**4. 101447 [Accept and Expend Grant - Market and Octavia Historic Resource Preservation Project - \$83,529]**

**Sponsor: Chiu**

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of \$83,529 from the National Park Service for the period August 1, 2010, through August 31, 2012, in order to conduct the Market and Octavia Historic Resource Preservation Project.

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

5. **101026** **[Hearing - Academy of Art University Non-Compliance with Master Plan]**  
**Sponsor: Maxwell**  
Hearing on the status of the Academy of Art University's non-compliant standing with the City's Institutional Master Plan requirement, and progress report on the related environmental review.

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

8/2/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Rahaim, Director, and Christine Haw, Planning Department; David Secota, Academy of Art University; David Cincotta, Jeffer Mangels Butler & Marmaro; Paul Correa, Academy of Art University; Brad Paul; Tony Kelly; Abe Brown; Sue Hestor.

6. **101053** **[Planning Code - Zoning - Consistent Street Frontages Controls]**  
**Sponsor: Mirkarimi**  
Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 209.8, 210.3, 212, 231, 243, 253, and 253.2, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, and 249.26, to create comprehensive and consistent street frontage controls for residential districts, to create consistent ground floor controls for industrial districts, to permit certain small corner commercial uses in RM-3 and RM-4 districts, to modify floor area ratio controls in the Van Ness Special Use District, to modify conditional use requirements for buildings over 40 feet in RM and RC districts, to amend the procedure for certain exceptions from off-street parking and loading requirements, and permit parking and loading exceptions to preserve historic buildings and landmark trees, and to make certain Planning Code controls consistent across C-3 Districts; 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.

8/3/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

8/25/10; REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation, Planning Commission for public hearing and recommendation, to the Planning Department for environmental review, and to Department of Public Works, Planning Department, Department of Building Inspection, Chief Bureau of Fire Prevention and Public Safety and the San Francisco Parking Authority for information purposes only.

9/20/10; RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060 (c)(2).

12/1/10; RESPONSE RECEIVED. 11/8/10 - Small Business Commission heard and recommended approval of parts of ordinance that regulate commercial uses.

- 7. 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).
- 11/22/10; CONTINUED TO CALL OF THE CHAIR. Speakers: Francisco Da Costa; Espanola Jackson; Walter Paulson; Niecy Joshua.
- The Chair will entertain a motion to send this item forward as a Committee Report to the full Board on December 14, 2010.*
- 8. 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.
- 10/5/10; 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.
- 11/22/10; CONTINUED. Speakers: Espanola Jackson; Francisco Da Costa.
- Continued to December 6, 2010.
- 12/6/10; CONTINUED. 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.
- 9. 101492 [Hearing - Public Utilities Commission Energy Resources Plan]**  
**Sponsor: Maxwell**  
Hearing on the status of the Public Utilities Commission's work to update the Energy Resources Plan.
- 11/23/10; RECEIVED AND ASSIGNED to the City Operations and Neighborhood Services Committee.
- 12/9/10; TRANSFERRED 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.*

#### **101522 [Public Works Code - Handbill Distribution]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Public Works Code by amending Sections 184.69, 184.70, and 184.72 to ban distribution of handbills on private premises unless the handbills are securely placed upon or attached to and do not damage the premises, specifying a minimum of 30-point font size for "No Handbills" signs, and replacing criminal penalties for unlawful distribution of handbills with administrative penalties, and making environmental findings.

12/7/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**101523 [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]**

**Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts, and by amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

12/7/10; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.



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## 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)