



# 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: Eric Mar, Malia Cohen, Scott Wiener*

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

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Monday, January 24, 2011

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. 110001 **[Agreement to Acquire Easement in Connection with the Bay Division Pipeline Reliability Upgrade Project - Bay Tunnel]**  
Resolution approving and authorizing acceptance of a Right of Way Easement deed for a 50-year, exclusive, subsurface easement, at no charge, from United States Department of the Interior, for the purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Bay Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

12/28/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

*The Chair will entertain a motion to send this item forward to the full Board as a Committee Report on January 25, 2011.*

- 2. 110002 [Exchange of Quitclaim Deeds - San Francisco Unified School District]**  
Resolution (1) authorizing and directing execution of a quitclaim deed from the City and County of San Francisco to the San Francisco Unified School District, a political subdivision of the State of California, for 110 public school properties; (2) authorizing and directing the acceptance of a quitclaim deed by the City and County of San Francisco from the San Francisco Unified School District for five properties owned in fee by the City and County of San Francisco; and (3) adopting findings pursuant to City Planning Code Section 101.1. (Real Estate Department)

12/30/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

- 3. 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.

12/15/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; Planning Department for environmental review; and Department of Public Works and Department of Public Health for informational purposes only.

12/22/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines, Section 15060(c)(2).

1/18/11; RESPONSE RECEIVED. 1/10/11 - The Small Business Commission considered the legislation and recommended approval.

**4. 101105 [Environment Code - Existing Commercial Buildings Energy Performance]**  
**Sponsors: Mayor; Dufty and Chiu**

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.

12/13/10; AMENDED. Heard in Committee. Speakers: Johanna Partin, Mayor's Office; Melanie Nutter, Department of the Environment; Francisco Da Costa; Ken Cleveland; Steven Krolik; Ron Black, SF Chamber of Commerce; Eric Brooks, SF Green Party; Barry Hooper, Department of the Environment.

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

12/13/10; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

**5. 110036 [Adoption of Guidelines for the Establishment and Use of Infrastructure Financing Districts]**

**Sponsor: Elsbernd**

Resolution adopting guidelines for the establishment and use of Infrastructure Financing Districts in the City and County of San Francisco.

1/11/11; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**6. 101557 [Creating an Infrastructure Financing District and Adopting an Infrastructure Financing Plan - Rincon Hill Area]**

**Sponsor: Mayor**

Ordinance creating an Infrastructure Financing District and adopting an Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

Economic Impact

12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

7.     **101558**     **[Formation of an Infrastructure Financing District - Rincon Hill Area]**  
          **Sponsor: Mayor**  
          Resolution proposing the formation of an Infrastructure Financing District for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).  
  
          12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.  
  
          1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.
8.     **101559**     **[Approving the Infrastructure Financing Plan - Rincon Hill Area]**  
          **Sponsor: Mayor**  
          Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).  
  
          12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.  
  
          1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.
9.     **101560**     **[Special Election for the Infrastructure Financing District - Rincon Hill Area]**  
          **Sponsor: Mayor**  
          Resolution calling for a special election for the City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).  
  
          12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.  
  
          1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.
10.    **101561**     **[Declaring the Results of the Special Election for the Infrastructure Financing District - Rincon Hill Area]**  
          **Sponsor: Mayor**  
          Resolution declaring the results of special election for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).  
  
          12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.  
  
          1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.
11.    **101562**     **[Intention to Issue Bonds for the Infrastructure Financing District - Rincon Hill Area]**  
          **Sponsor: Mayor**  
          Resolution of intention to issue bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).  
  
          12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.  
  
          1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

**12. 101563 [Authorizing Issuance of Bonds for the Infrastructure Financing District - Rincon Hill Area]****Sponsor: Mayor**

Resolution authorizing the issuance of bonds for City and County of San Francisco Infrastructure Financing District No. 1 (Rincon Hill Area).

12/14/10; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

1/5/11; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

## 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.*

#### **110008 [Planning Code - Amending Inclusionary Housing Ordinance to Add New Alternative in Market and Octavia Plan Area]**

**Sponsor: Dufty**

Ordinance amending the San Francisco Planning Code by amending Section 415.5 to provide for a new land dedication alternative in the Market and Octavia Plan Area in lieu of payment of the Affordable Housing Fee; and adding Section 415.10 to provide for the requirements of such land dedication; making findings including environmental findings and findings of consistency with the Priority Policies and the General Plan.

1/4/11; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/10/11; 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 Market and Octavia Citizens Advisory Committee for informational purposes.

1/14/11; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3), and 15378.

#### **110009 [Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]**

**Sponsor: Maxwell**

Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

1/4/11; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/12/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Mayor's Office of Housing, Housing Authority, and Redevelopment Agency for informational purposes.

1/14/11; RESPONSE RECEIVED. Exempt per CEQA Guidelines Section 15273, Rates, Tolls, Fares and Changes.

**110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]****Sponsor: Mirkarimi**

Ordinance (1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and (2) 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.

1/4/11; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

1/12/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Planning Commission for public hearing and recommendation.

1/14/11; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3), and 15378.

**110024 [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]****Sponsor: Mirkarimi**

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact.)

1/11/11; 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 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)