



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: Eric Mar, Malia Cohen, Scott Wiener

Clerk: Alisa Miller (415) 554-4447

Monday, December 3, 2012

1:00 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Eric Mar, Malia Cohen, and Scott Wiener

MEETING CONVENED

The meeting convened at 1:11 p.m.

REGULAR AGENDA

120704 [Disapproving Street Encroachment - 10 Niantic Avenue]

Resolution overturning Department of Public Works' recommendation for disapproval and granting revocable permission to Lee Yun Ling & Cindy Zhou, for the occupancy of a portion of the public right-of-way of a portion of a new single family dwelling encroaching 3-feet into the public right-of-way at 10 Niantic Avenue (Assessor's Block No. 7178, Lot No. 001), conditioned upon the payment of an annual assessment fee as prescribed under Article 15, Section 786.7 of the Public Works Code; this project is consistent with the General Plan Referral and General Planning Code, Section 101.1. (Public Works Department)

06/14/12; RECEIVED FROM DEPARTMENT.

06/26/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

John Kwong (Department of Public Works); Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Glen Hatakeyama; Steve Heide; Marc Christensen; Ronald Rebina; spoke in opposition to the matter. Female Speaker; spoke neither in support nor against the matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to uphold the Department of Public Works' recommendation and disapprove the encroachment permit by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

Resolution upholding Department of Public Works' recommendation for disapproval and disapproving the application for a revocable encroachment permit to Lee Yun Ling & Cindy Zhou, for the occupancy of a portion of the public right-of-way of a portion of a new single family dwelling encroaching 3-feet into the public right-of-way at 10 Niantic Avenue (Assessor's Block No. 7178, Lot No. 001), under Article 15, Section 786.7 of the Public Works Code. (Public Works Department)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

121130 [Transfer of Airspace Parcel Agreements - 151 Third Street - Successor Agency to the San Francisco Redevelopment Agency and San Francisco Museum of Modern Art]

Sponsors: Kim; Mayor

Resolution approving and authorizing the Director of Real Estate to execute Agreement for Transfer of Airspace Parcel within Block No. 3722, Lot No. 078, at 151 Third Street from the Successor Agency to the San Francisco Redevelopment Agency to the City and County of San Francisco; and Agreement for Transfer of Airspace Parcel from the City and County of San Francisco to the San Francisco Museum of Modern Art.

11/20/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Supervisor Jane Kim (Board of Supervisors); John Updike, Director (Department of Real Estate); presented information concerning the matter and answered questions raised throughout the hearing. Steve Vettel; spoke in support of the hearing matter. Ronald Rebina; spoke neither in support nor against the matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

121066 [Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]

Sponsor: Olague

Ordinance amending San Francisco Administrative Code, Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance), Section 37.9, to add new Subsection 37.9(l), providing for hearings at the Rent Board on tenant allegations of landlord harassment constituting a wrongful endeavor to recover possession of the tenant's unit.

10/30/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/30/2012.

11/06/12; REFERRED TO DEPARTMENT. Referred to the Rent Board and District Attorney for informational purposes.

Supervisor Christina Olague (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Justice Morrighan; Josh Vining; Susan Weisberg; Renee Curran; Kendra Froshman; Victoria Hamilton; Ralph Silverman; Ben Schaffer; Lucia Kimble; Maria Castanon; Blanca Solis; Jesus Perez; Mely Saavedra; Angelica Cabande; Elisa Gasca; Sara Short; Ted Gullickson; Female Speaker; Maria Eyu; spoke in support of the hearing matter. Bart Murphy; Brook Turner; Janan New; spoke in opposition to the matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Cohen, Wiener

Noes: 1 - Mar

120880 [Planning Code - Valencia Street Neighborhood Commercial Transit District]**Sponsor: Campos**

Ordinance amending the San Francisco Code, Section 726.52, of the Zoning Control Table, for the Valencia Street Neighborhood Commercial Transit District to: 1) permit a personal service use on the third story and above with a Conditional Use Authorization; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

09/04/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/4/2012.

09/11/12; 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.

09/18/12; RESPONSE RECEIVED. Not a project per CEQA Section 15060(c)(2).

10/26/12; RESPONSE RECEIVED. 10/22/2012 - The Small Business Commission held a hearing and voted 6-0 to recommend approval of the proposed legislation.

11/30/12; RESPONSE RECEIVED. 11/29/2012 - The Planning Commission held a public hearing and recommended approval; Resolution No. 18749.

Stephany Asley, Legislative Aide (Office of Supervisor David Campos); Aaron Starr (Planning Department); Chris Schulman (Small Business Commission); presented information concerning the matter and answered questions raised throughout the hearing. Rob Amina; spoke in opposition to the matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120434 [Police Code - Amendments to Junk Dealer and Junk Gatherer Permit Process]**Sponsor: Cohen**

Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21, 974.22, 895, 2.26 and 2.27 and repealing Sections 974.5, 974.6, 974.10-2, 974.23 and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of December 31, 2012; 2) establish an annual permit for junk dealers with junk yards and a two-year permit for other junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; and 5) update fees; and making environmental findings.

05/01/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/31/2012.

05/10/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

05/10/12; TRANSFERRED to Land Use and Economic Development Committee.

05/11/12; REFERRED TO DEPARTMENT. Referred to the Police Department for informational purposes.

06/19/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

09/25/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

10/10/12; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; and Police Department and Treasurer/Tax Collector for informational purposes.

10/12/12; RESPONSE RECEIVED. The Police Department provided comments on the proposed legislation.

Lieutenant O'Sullivan (Police Department); presented information concerning the matter and answered questions raised throughout the hearing. Dan Dodt; spoke in support of the hearing matter. Mark Bet; spoke neither in support nor against the matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to change the expiration of junk dealer and junk gatherer permits from December 31, 2012, to June 30, 3013, by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

Ordinance amending the San Francisco Police Code Sections 974.1, 974.2, 974.4, 974.8, 974.9, 974.10-1, 974.11, 974.14-1, 974.14-2, 974.21, 974.22, 895, 2.26 and 2.27 and repealing Sections 974.5, 974.6, 974.10-2, 974.23 and 896 through 898 to: 1) cause all existing junk dealer and junk gatherer permits to expire as of June 30, 2013; 2) establish an annual permit for junk dealers with junk yards and a two-year permit for other junk dealers; 3) provide for permit suspensions and revocations to remain in effect during any administrative appeal; 4) amend the permit enforcement process; and 5) update fees; and making environmental findings.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120060 [Hearing - Improved Taxi Service Quarterly Report]**Sponsor: Wiener**

Hearing on the San Francisco Municipal Transportation Agency's progress increasing and improving Taxi service in San Francisco pursuant to File No. 101422 (Ordinance No. 45-11) to include quantitative data demonstrating the Agency's progress in meeting demand for Taxi service as a way to reduce non-permitted Taxi service.

01/24/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

01/31/12; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency for informational purposes.

02/06/12; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ed Reiskin, Director (Municipal Transportation Agency); Chris Hayashi (Municipal Transportation Agency); presented information concerning the matter and answered questions raised throughout the hearing. Dean Clark; John Han; Charles Rathbone; Mark Gruberg; Brad Newsham; Alan Craigie; spoke on the hearing matter.

05/07/12; CONTINUED. Speakers: None.

Continued to June 11, 2012.

06/11/12; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Chris Hayashi (Municipal Transportation Agency); presented information concerning the matter and answered questions raised throughout the hearing. Dean Clark; Naeem Malik; spoke on various issues concerning the hearing matter.

11/19/12; CONTINUED. Heard in Committee. Speakers: None.

11/26/12; CONTINUED.

Chris Hayashi (Municipal Transportation Agency); presented information concerning the matter and answered questions raised throughout the hearing. Rob Dermeni; Mark Brueber and Rua Grafis (United Taxicab Workers); spoke on the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120619 [Separating Sharp Park Golf Course Plan from the Natural Area Plan]**Sponsor: Olague**

Resolution to remove all management proposals and activities derived from the Sharp Park Conceptual Restoration Alternatives Report's Alternative A18 from the Environmental Impact Report for the San Francisco Recreation and Park Department's Significant Natural Resource Areas Management Plan, and to consider proposals and alternatives for the future of Sharp Park Golf Course through a separate and complete California Environmental Quality Act review process.

06/26/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

07/10/12; REFERRED TO DEPARTMENT. Referred to the Planning Department and Recreation and Park Department for informational purposes.

11/19/12; CONTINUED. Heard in Committee. Speakers: Brent Plater (Wild Equity Institute); Neal Desai (National Parks Conservation Association); Arthur Feinstein (Sierra Club); Noreen Weeden (Golden Gate Audubon); Amy Zehring (Wild Equity Institute); John Baldini (Wild Equity Institute); David Wolk (Wild Equity Institute); Virginia Marshall (Sequoia Audubon Society); Female Speaker; Eric Mixon (Wild Equity Institute); Stan Zeavin; Margaret Goodale (Pacifica's Environmental Family); Lazar Keitelman; Rachel Tom (Wild Equity Institute); Rose Braz (Center for Biological Diversity); Gwynn Mackellen (Sierra Club); Laura Cleveland; Male Speaker; Victor Carmichael; spoke in support of the matter. Al Markel; Richard Harris (San Francisco Public Golf Alliance); Sally Stephens (San Francisco Dog Owners Group); spoke in opposition of the matter.

Speakers: Supervisor Christina Olague (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Ronald Rebina; spoke neither in support nor against the matter.

TABLED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

ADJOURNMENT

The meeting adjourned at 3:31 p.m.