



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, April 30, 2012

1:00 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

MEETING CONVENED

The meeting convened at 1:10 p.m.

REGULAR AGENDA

111247 [Planning Code - Permitting Five Feet Ground Floor Height Increases in Designated Lots and Prohibiting Certain Lot Mergers Along Geary Boulevard, Balboa Street, and in the Inner and Outer Clement Neighborhood Commercial Districts]

Sponsor: Mar

Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a 5 feet ground floor height increase a) in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard, from Masonic Avenue to 28th Avenue, except for designated parcels; b) on NC-2 designated parcels on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue; and c) in the Inner Clement Street and Outer Clement Street Neighborhood Commercial Districts (NCDs); 2) amending Section 121.7(b) to prohibit lot mergers resulting in lots with street frontages greater than 50 feet in the Inner and Outer Clement NCDs, and in NC-2 districts on Balboa Street, between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 38th Avenue; and 3) making findings, including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

11/15/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/15/2011.

12/08/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Planning Commission for public hearing and recommendation.

01/31/12; RESPONSE RECEIVED. Project is exempt per General Rule Exclusion, CEQA Guidelines Section 15061(b)(3).

02/06/12; RESPONSE RECEIVED. 2/2/2012 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18532.

03/02/12; RESPONSE RECEIVED. 2/13/2012 - The Small Business Commission held a public hearing and recommended approval.

04/23/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Kimia Haddadan (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Peter Weaver; Susan Landry; spoke in support of the hearing matter.

04/23/12; CONTINUED AS AMENDED. Continued as amended to April 30, 2012.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120101 [Hearing - Commercial Tour Buses and Shuttles]**Sponsor: Olague**

Hearing requesting presentations from the San Francisco Municipal Transportation Agency and San Francisco Police Department regarding impacts and suggestions to mitigate disruption of commercial tour buses and shuttles.

01/31/12; RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

03/23/12; TRANSFERRED to Land Use and Economic Development Committee.

03/26/12; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency and Police Department for informational purposes.

Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Supervisor Christina Olague (Board of Supervisors); Jerry Robbins (Municipal Transportation Agency); Patrick Fosdahl (Department of Public Health); Jon Ballesteros (SF Travel); Daniel Oppenheim (SF Tour Operators Association); Gus Hernandez (Alamo Square Neighborhood Association); presented information concerning the matter and answered questions raised throughout the hearing. Dean Palaganas; Mely Saavedra; Jesus Perez; Raymon Smith; Owen O'Donnell; Gillian Etherington; Lisa Zahner; Kelly Edwards; Erinne Morse; Katrina Jankowski; Alvin Huie; Betty Foote; Gail Gilman; Seth Katzman; Sue Vaughan; Howard Bloomberg; Ken Maley; John Nulty; Guliana Matioli; John Dalias; Espanola Jackson; Edward Mason; spoke in support of the hearing matter. James Biello; Anna Sardoni; Emily Saske; spoke in opposition to the hearing matter. Damien Moruzimi; Walter Paulson; spoke neither in support nor against the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

101497 [Police Code - Prohibiting the Use of Amplified Sound on Open Top Sightseeing Buses]**Sponsor: Chiu**

Ordinance amending the San Francisco Police Code by amending Section 46 to clarify that the definition of "Sound Truck" in that section does not include open top tour buses, amending Section 2901 to clarify that the noise restrictions imposed by Article 29 do not apply to City agencies, adding a new Section 2913 to prohibit the use of amplified sound on open top sightseeing buses in San Francisco except where the sound is audible only to individual listeners, amending Section 2916 to authorize the Department of Public Health and the Police Department to enforce the requirements of Section 2913, and amending Section 2922 to clarify that the Article should not be construed to conflict with Federal or State laws.

12/14/10; ASSIGNED UNDER 30 DAY RULE to Public Safety Committee, expires on 1/13/2011. (Referred to Small Business Commission for comment and recommendation; Planning Department for environmental review; and the Police Department and Department of Public Health for information.)

07/27/11; RESPONSE RECEIVED. The Small Business Commission unanimously recommended approval of the proposed ordinance with one modification.

12/20/11; REMAIN ACTIVE. (12/20/11 - Supervisor Chiu requested that this file remain open for an additional six months; 6/20/12.)

01/05/12; RESPONSE RECEIVED. Exempt from CEQA per Guideline Section 15060(c)(2): activity that will not result in a direct or foreseeable indirect physical change in the environment.

04/25/12; TRANSFERRED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Supervisor Christina Olague (Board of Supervisors); Jerry Robbins (Municipal Transportation Agency); Patrick Fosdahl (Department of Public Health); Jon Ballesteros (SF Travel); Daniel Oppenheim (SF Tour Operators Association); Gus Hernandez (Alamo Square Neighborhood Association); presented information concerning the matter and answered questions raised throughout the hearing. Dean Palaganas; Mely Saavedra; Jesus Perez; Raymon Smith; Owen O'Donnell; Gillian Etherington; Lisa Zahner; Kelly Edwards; Erinne Morse; Katrina Jankowski; Alvin Huie; Betty Foote; Gail Gilman; Seth Katzman; Sue Vaughan; Howard Bloomberg; Ken Maley; John Nulty; Guliana Matioli; John Dalias; Espanola Jackson; Edward Mason; spoke in support of the hearing matter. James Biello; Anna Sardoni; Emily Saske; spoke in opposition to the hearing matter. Damien Moruzimi; Walter Paulson; spoke neither in support nor against the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

110716 [Transportation Code - Tour Bus Parking and Loading]**Sponsors: Chiu; Farrell**

Ordinance amending the San Francisco Transportation Code, Division I, Article 7 by: 1) amending Section 7.2.27 to remove the restriction on the use of white zones by commercial vehicles and clarify that this Section does not apply to Stands established under Division II of the Code and designated for the use of Tour Buses; 2) amending Section 7.2.38 to establish violations for vehicles other than authorized Tour Buses parking or stopping in restricted Tour Bus Stands and for Tour Buses that exceed posted time limits in such Stands; 3) amending Section 7.2.80 to exclude Tour Bus Stands from otherwise applicable parking restrictions imposed in specified use districts on vehicles required to register with the California Public Utilities Commission; and 4) making environmental findings.

07/12/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/11/2011.

07/21/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and the Municipal Transportation Agency and Police Department for informational purposes.

07/27/11; RESPONSE RECEIVED. Activity would not result in a physical change in the environment per CEQA Guidelines Section 15060(c)(2).

Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Supervisor Christina Olague (Board of Supervisors); Jerry Robbins (Municipal Transportation Agency); Patrick Fosdahl (Department of Public Health); Jon Ballesteros (SF Travel); Daniel Oppenheim (SF Tour Operators Association); Gus Hernandez (Alamo Square Neighborhood Association); presented information concerning the matter and answered questions raised throughout the hearing. Dean Palaganas; Mely Saavedra; Jesus Perez; Raymon Smith; Owen O'Donnell; Gillian Etherington; Lisa Zahner; Kelly Edwards; Erinne Morse; Katrina Jankowski; Alvin Huie; Betty Foote; Gail Gilman; Seth Katzman; Sue Vaughan; Howard Bloomberg; Ken Maley; John Nulty; Guliana Matioli; John Dalias; Espanola Jackson; Edward Mason; spoke in support of the hearing matter. James Biello; Anna Sardoni; Emily Saske; spoke in opposition to the hearing matter. Damien Moruzimi; Walter Paulson; spoke neither in support nor against the hearing matter.

Continued to May 14, 2012.

CONTINUED to May 14, 2012, by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120300 [Planning Code - Article 10 - Landmarks Preservation]**Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code, Article 10, entitled "Preservation of Historical Architectural and Aesthetic Landmarks," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

03/27/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/26/2012.

04/03/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

04/06/12; REFERRED TO DEPARTMENT. Re-Referred substitute legislation to the Planning Department/Commission and Historic Preservation Commission for informational purposes.

04/24/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: John Rahaim, Director, and Tim Frye (Planning Department); Brian Cheu (Mayor's Office of Housing); Supervisor Christina Olague (Board of Supervisors); Cheryl Adams (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Joshua Arce; Alan Martinez; Steve Vettel; Sarah Karlinsky; Mike Buhler; Tim Colen; Jackie Flin; Debra Niemann; Richard Zillman; Lucia Bogatay; Daniel Frattin; Peter Lewis; Judith Hiyem; Espanola Jackson; Eddie Ahn; spoke in support of the hearing matter. F. Joseph Butler; Paul Wermer; Inge Horton; G. Bland Platt; Aaron Peskin; spoke in opposition to the hearing matter. Walter Paulson; Howard Wong; Roland Salvato; spoke neither in support nor against the hearing matter.

AMENDED on Page 14, Lines 20-22, to read 'The Department's goal shall be to obtain the participation of at least half of all property owners and half of all occupants in the proposed district. The property owners' and occupants' votes shall be tallied separately and combined and shall be considered by the Board of Supervisors when taking action on the proposed district.', by the following vote:

Ayes: 3 - Mar, Cohen, Wiener
(Supervisor Mar dissented in committee.)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Cohen, Wiener
Noes: 1 - Mar

120301 [Planning Code - Article 11 - Historic Preservation in the C-3 Districts]**Sponsors: Wiener; Olague**

Ordinance amending the San Francisco Planning Code, Article 11, entitled "Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts," in its entirety; and making findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1(b).

03/27/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/26/2012.

04/24/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: John Rahaim, Director, and Tim Frye (Planning Department); Brian Cheu (Mayor's Office of Housing); Supervisor Christina Olague (Board of Supervisors); Cheryl Adams (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Joshua Arce; Alan Martinez; Steve Vettel; Sarah Karlinsky; Mike Buhler; Tim Colen; Jackie Flin; Debra Niemann; Richard Zillman; Lucia Bogatay; Daniel Frattin; Peter Lewis; Judith Hiyem; Espanola Jackson; Eddie Ahn; spoke in support of the hearing matter. F. Joseph Butler; Paul Wermer; Inge Horton; G. Bland Platt; Aaron Peskin; spoke in opposition to the hearing matter. Walter Paulson; Howard Wong; Roland Salvato; spoke neither in support nor against the hearing matter.

AMENDED on Page 17, Lines 24-25, by adding 'and half of all occupants' after 'property owners;' and on Page 18, Lines 3-4, to read 'The property owners' and the occupants' votes, tallied separately and combined, shall be considered by the Board of Supervisors when taking action on the proposed boundary change.', by the following vote:

Ayes: 3 - Mar, Cohen, Wiener
(Supervisor Mar dissented in committee.)

RECOMMENDED AS AMENDED

Ayes: 2 - Cohen, Wiener
Noes: 1 - Mar

ADJOURNMENT

The meeting adjourned at 4:40 p.m.