

**City and County of San Francisco
Land Use and Economic Development Committee**

City Hall, Room 263



**Meeting Agenda
Monday, September 22, 2008
1:00 PM
Regular Meeting**

Members: Sophie Maxwell, Gerardo Sandoval, Aaron Peskin

Clerk: Linda Laws (415) 554-4441

Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report

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. 080520 [Below Market Rate Condominium Conversion Program] Mayor, Supervisor McGoldrick**
Ordinance amending the San Francisco Subdivision Code by adding Section 1344 to update and clarify the provisions relating to Below Market Rate Units under the Condominium Conversion Program including provisions related to the calculation of sales price, renting, capital improvements, duration and monitoring of affordability, marketing, and ongoing regulations; and amending Sections 1308, 1309, 1341, 1341B, 1343, 1359, and 1385 to make conforming changes, and making findings including findings under the California Environmental Quality Act (CEQA).

4/15/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/15/2008.

4/18/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental

review.

5/6/08, RESPONSE RECEIVED. Planning Department - non-physical per Section 15060(c)(2) of the CEQA Guidelines.

7/14/08, CONTINUED. Heard in Committee. Speakers: Supervisor McGoldrick; Doug Shoemaker and Myrna Melgar, Mayor's Office of Housing; Mary Ellen Mannix; Richard Henry; Emily Behr; Thomas Blom; Victor Aiuto; Dee; Joanne Woo Knight; Laura Carroll; Paul Utrecht; Patrick Carroll; Phyllis Lund; Soher Youssef; Cornelia Hoppe; Ren Cujak; Heidi Timken; Leslie Johnson; Francisco Da Costa; David Margolis; Jim Ross; David Schachter, 1220 La Playa HOA; Tracy Parent, SF Community Land Trust; Chad Ryan; Helen Leslie; Kathy O'Laughlin; Peter Horvath, Goldmine Hill HOA; Jay Oakman; Marsha Lee; Robert Mills; Reha Serna, Mission Asset Fund; Rebecca Norelset; Marna Schwartz, Housing Justice; Alex Sasayama; Ricardo Corona and Jane Duong, MEDA; Bob Jeffrey; Matthew Cahill; David Cincotta; Nancy Trogman; Rod Nucella. The Mayor was substituted as sponsor and Supervisor McGoldrick changed to co-sponsor. Continued to August 4, 2008.

8/4/08, CONTINUED. Heard in Committee. Speakers: Doug Shoemaker and Myrna Melgar, Mayor's Office of Housing; Heidi Timken; Leslie Johnson; Kathy Trewin; Laura Carroll; Dee; Rebecca Norelset; Patrick Carroll; David Margolis; Soher Yousef; Tina Tracy; Rose Tracy Reinheimer; Chris Grainger; Tom Blom; Rodney Cella; Paul Utrecht; Marsha Lee; Elsa Dixon; Mohsen Tavakolian; Ben Cujak; Joanne Woo Knight; Jay Oakman; Larry Miller; Barbara Wirth; Matthew Cahill; Cornelia Hoppe; David Schachter; Carlos Alas, Jr.; Ruby Harris. Continued to September 22, 2008.

The Chair intends to entertain a motion to continue this item to a Rescheduled Meeting on September 29, 2008 at 10:00 a.m.

2. 070535 [Status of the Eastern Neighborhoods Plan] Supervisor Maxwell

Hearing before the Land Use Committee by the Planning Department regarding the status of the Eastern Neighborhoods Plan.

4/24/07, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

5/7/07, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speaker: Amit Ghosh, Planning Department; Ken Rich, Planning Department; Supervisor Maxwell; Doug Shoemaker, Mayor's Office of Housing; Jessie Blout, Mayor's Office of Economic Workforce Development; Francisco Da Costa; Joe Boss; Charles Clary; Silvia Johnson.

7/30/07, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: Supervisor Maxwell; Ken Rich, Planning Department; Supervisor McGoldrick; Peter Albert, Municipal Transportation Authority; Sarah Dennis, Planning Department; Espanola Jackson; Francisco Da Costa; Sylvia Johnson; Tony Kelly; Robin T.; Calvin Welch; Dennis A.; Katherine Williams; Peter Cohen; Joe Boss.

9/17/07, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: Ken Rich, Planning Department; Supervisor Sandoval; Supervisor McGoldrick; Doug Shoemaker, Mayor's Office of Housing (MOH); Myrna Melgar, MOH; Francisco Da Costa; Judy West, Project Artaud; Espanola Jackson; Charles Brannigan; Shamus Busbey; Frank Schndier; Lew; Greg Markonlis, American Industrial Center; Gary Gee; Sean McArdle, Bay West Group; Tony Kelly; Sue Hestor; Eric; Grace Shanahan, Residential Builders; male speaker; Corinne Woods, Neighborhood Parks Council; Mat Regan, Bay Area Council; John O'Connor; Leo Cassidy; Sean Keeghrein; Dave O'Keefe; Supervisor Maxwell. Supervisor Sandoval absent for the vote.

4/21/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Rahaim, Director of Planning; Ken Rich and Amit Ghosh, Planning Department.

5/19/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Rahaim,

Planning Director; Steve Wertheim, Planning Department; Ken Kirkey, ABAG; Ken Rich, Planning Department; John Malamut, Deputy City Attorney; Espanola Jackson; Ariel Braunstein, Jamie Guarrero, Kate Sofis, Antje Kann, NEMRA; April Veneracion, SOMCAN; Tony Kelly, Potrero Boosters; Beth Weintraub, NEMRA and Weintraub Studios; Fred Snyder, David Allen Trust; Bill Lightner, Lightner Property Group; Tim Colen, SF Housing Action Coalition; John Tedesco; Alexis McNulty; Glenn McNulty; Robert Meyers; Kapa Askenasy; Ingrid Aquino; Carolyn Polikoff, NEMRA; Philip Lessner, Mission Miracle Mile; Sue Hestor; Chris Durazo, SOMCAN; Joe Boss.

6/2/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ken Rich, Planning Department; Michael Yarne and Rhonda Simmons, Office of Economic Workforce Development; Francisco Da Costa; Jazzie Collins, SOMCAN; Ingrid Aquino; Espanola Jackson; Tony Kelly, Potrero Boosters; Kapa Askenasy; Male Speaker; Bill Lightner, Lightner Property Group; John O'Brien, O'Brien Mechanical; Philip Lessner, Mission Miracle Mile; Eric Acosta; Sue Hestor.

6/9/08, CONTINUED. Heard in Committee. Speakers: Ken Rich, Planning Department; Douglas Shoemaker, Mayor's Office of Housing; Sarah Dennis, Planning Department; Alek Felstiner, Unite Here Local 2; Gillian Gillett, Dan Murphy, Jim Salinas, Steve Aiello, SF Housing Action Coalition (SFHAC); Beth Weintraub, Ariel Braunstein, Antje Kann, NEMRA; David Sternberg, Sternberg Benjamin Architects; Jazzie Collins, SOMCAN; Robert Meyers; Mai Doan, Angelica Cabande, SOMCAN; Brett Gladstone, Gladstone & Associates; Rob Black, SF Chamber of Commerce; Jaime Trejo, MEDA/MAC; Meredyth Skemp, SFHAC; Reuben Hechonova, Mission Housing Development Corp.; Joe Olla, Nibbi Brothers; Joseph Chance, SFHAC; Evan Reeves, Center for Creative Land Recycling; Ali Warner, Urban Housing Group; Tracy Zill, Reuben & Junius; Paul Olsen, Hayes Valley Neighborhood Association; Jon Braun, Hausu Architects; Tom Radulovich, Livable City; Matt Regan, Bay Area Council; Maherah Silmi, Cathedral Hill Plaza; Fred Synder; Tony Kelly, Potrero Boosters; Kapa Askensay; Charles Rightenger; Elizabeth Moore, Shamrock Real Estate; Jerry Acosta; Bryan McGee; Fergus O'Sullivan; Angus McCarthy, Residential Builders Association; Maureen Byrne; Gerald O'Keefe; Steve Rooney; Kiernan Buckley, Dan Kerley, John Kerley, Grace Shanahan, Jeff Rocka, Residential

6/23/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ken Rich, Planning Department; Julie Kirshbaum, Municipal Transportation Agency; Sue Exline, Andres Power, Pilar Lavaley, Claudia Flores, Planning Department; Lili Farhang, Department of Public Health; Espanola Jackson; Francisco Da Costa; Corinne Woods, Neighborhood Parks Council; Tony Kelly; Potrero Boosters; Juan Calaf and Diane Wu, Asian Neighborhood Design; Judy West, Project Artaud; Chris Durazo, SOMCAN; Janet Carpinelli, Dogpatch Neighborhood Association; Fernando Marti, Asian Neighborhood Design; Dan Murphy, Urban Green Devco; Sue Hestor; Sean Keighran, Residential Builders Association; Joe Boss.

7/7/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ken Rich, Steve Wertheim and Dan Sider, John Sway, Sarah Dennis, Planning Department; Philip Lessner; Francisco Da Costa; Sue Hestor.

7/14/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Ken Rich and Sarah Dennis, Planning Department; Tony Kelly; Jim Fabris, SF Association of Realtors; Tom Lippe; Sean McArdle, Bay West Group; Lou, Richard, Grace Shanahan, Norinne Byrne, Residential Builders Association; Craig Laporta, Dean Smith, Mark Friedburg, Vanguard Properties; Eva Hom; Thomas Westfall and Amanda Jones, Vanguard Properties; Bryan Maloney, Phil Lessner, Gary Gee, Robert, Residential Builders Association; Kevin Birmingham; Jeanne Carter; Steve Cooney, Kieran Buckley, Steve Buckely, Steve McElroy, Seamus, Jim O'Driscoll, Residential Builders Association; Mark Brennan; Jerry Agosta, Male Speaker; Paul O'Driscoll, Residential Builders Association; John Roach, Jim Taskin; Michael Heavey, Residential Builders Association; Fergus O'Sullivan; Mike Cassidy, Residential Builders Association; John O'Connor; Robert, Paragon Real Estate; Pete Branigan; Sean Keighran, Residential Builders Association; Sue Hestor;

Alice Barkley; Brendan Walsh.

8/11/08, CONTINUED. Heard in Committee. Speakers: John Rahaim, Director of Planning; Ken Rich, Planning Department; Espanola Jackson; Francisco Da Costa. Continued to September 15, 2008.

9/15/08, CONTINUED. Speakers: None. Continued to September 17, 2008.

9/17/08, CONTINUED. Heard in Committee. Speakers: John Rahaim, Ken Rich, Steve Wertheim, Sarah Dennis, Planning Department; Michael Yarne, Mayor's Office of Economic and Workforce Development; Kate Sofis, NEMRA; Nick Pagoulatos, MAC; Yolanda Catzaleo, Street Sheet; Skot Kuiper, Western SOMA Task Force; Debra Walker; Kepa Askenasy, Coalition to Save Potrero; Calvin Welch; Judy West; Bill Lightner, Lightner Property Group; Brett Gladstone, Gladstone & Associates; Eagon Terplan, SPUR; Tracy Boxer Zill, Luce Forward; Philip Lessner, Mission Miracle Mile; Glenn McNulty, TTMI Neighborhood Association; Dan Murphy, Urban Green Forestry; James Taskett, Potrero Hill Imaging. Continued to September 22, 2008.

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 and Economic Development 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.

071649

[Zoning - Entertainment Uses]

Supervisor Peskin

Ordinance amending Sections Tables 810, 811 and 812 102.17, 790.38, and Section 890.37 of the San Francisco Planning Code to define three types of entertainment use based upon size and other factors; amending Sections 1060, 1060.1, 1060.3, 1070, 1070.1 and 1070.3 of the San Francisco Police Code to define the three types of entertainment use authorized by the Planning Code and to require an application and the permit for a place of entertainment or extended-hours activity to specify one of the three types of entertainment use; adopting findings, including environmental findings and findings required by Section 302 of the Planning Code.

(9/09/08 - Supervisor Peskin submitted a substitute ordinance bearing new title.)

12/4/07, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/4/2008.

12/12/07, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comments. 3/11/08, Board adopted 30-day extension for Planning Commission review; see File 080330.

12/14/07, REFERRED TO DEPARTMENT. Referred to Small Business Commission and Entertainment Commission.

1/11/08, RESPONSE RECEIVED. Planning Department non-physical exemption.

4/28/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17580 with recommendation to adopt with modifications.

9/9/08, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing new title.

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.

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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.



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 J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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 Frank Darby by mail to 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

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or 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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics