

**City and County of San Francisco**

**Land Use and Economic Development Committee**

*City Hall, Room 263*



**Meeting Agenda**

**Monday, December 8, 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. [081372](#) [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]**

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park Mission Creek Park ; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

10/27/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/24/08, CONTINUED. Heard in Committee. Speakers: Ashur Yoseph, Department of Public Works; Sue Hestor. Continued to December 8, 2008.

2. [081398](#) **[Agreement to modify an existing Municipal Railway Easement for the J-Church line]** **Supervisor Dufty**

Resolution approving and authorizing agreements for the modification of an existing MUNI easement in exchange for fee interest in a portion of the original easement area and rail transit improvements for the J-Church line at 21st Street and Chattanooga Street; adopting findings that the agreements are exempt from Environmental Review and are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Executive Director/CEO of the San Francisco Municipal Transportation Agency and the Director of Property to execute documents and take certain actions in furtherance of this resolution.

11/4/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/24/08, CONTINUED. Heard in Committee. Speakers: John Updike, Director, Department of Real Estate; Sue Hestor; Jim Nelson, MTA Real Estate. Continued to December 8, 2008.

3. [081275](#) **[Summary Vacation of Stevenson Street between 8th and 9th Streets]**

Ordinance ordering the summary vacation of Stevenson Street between 8th and 9th Streets; adopting findings pursuant to the California Streets and Highways Code Sections 8330 et seq.; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the vacation and sale are in conformity with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing official acts in furtherance of this Ordinance. (Real Estate Department)

10/20/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*The Chair intends to entertain a motion to send this item to Board as a Committee Report on December 9, 2008.*

4. [081280](#) **[Accept and Expend State Coastal Commission Grant Funds - \$185,000]** **Supervisor Chu**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a State Coastal Commission Grant in the amount of \$185,000.

10/7/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

5. [081284](#) **[Intent to change the name of Avery Street between Post Street and Geary Boulevard to Boswell Way]** **Supervisor Mirkarimi**

Resolution declaring the Board of Supervisors' intention to change the name of Avery Street between Geary Boulevard and Post Street to Boswell Way in recognition of Reverend Hamilton T. Boswell, the longtime pastor of the Jones Memorial United Methodist Church and advocate for San Francisco's African American community.

10/7/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/17/08, REFERRED TO DEPARTMENT. Referred to Public Works, Parking and Traffic, Police Department and Fire Department for review and recommendation.

10/21/08, RESPONSE RECEIVED. Department of Public Works has no issues with the proposed renaming.

10/22/08, RESPONSE RECEIVED. Fire Department has no objections and supports the resolution; recommends that the Division of Emergency Communications be contacted in order for the street name change to be entered in the Computer Assisted Dispatch system.

11/5/08, RESPONSE RECEIVED. Police Department has no objections and recommends that Department of Emergency Services is notified so that any changes to geographical data within the Computer Aided Dispatch system are updated.

11/14/08, RESPONSE RECEIVED. Parking and Traffic has no objections to the name change.

6. [081125](#) **[Promoting and Sustaining Music and Culture in San Francisco]** **Supervisor Mirkarimi**

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

8/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2008.

11/6/08, REFERRED TO DEPARTMENT. Referred to Entertainment Commission and Planning Commission for informational purposes.

11/24/08, CONTINUED. Heard in Committee. Speakers: Robert Garcia, Save our Streets. Continued to December 8, 2008.

7. [080872](#) **[Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]** **Supervisor Alioto-Pier**

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

6/17/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/17/2008.

6/27/08, REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation. Referred to Planning Department for environmental review and Planning Commission for review and comment.

10/17/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17703 recommending approval.

8. [081327](#) **[Preserving the Francisco Reservoir as public recreation and open space]** **Supervisor Alioto-Pier**  
Resolution declaring the policy of the Board of Supervisors to maintain the Francisco Reservoir as open space and urging the San Francisco Public Utilities Commission, in light of the General Plan designating the property as such, to preserve the property for public recreation and open space.  
10/21/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.
9. [081513](#) **[Limited Equity Housing Cooperative Conversions]** **Supervisor Peskin**  
Ordinance approving a method for Limited Equity Housing Cooperatives to convert existing residential buildings to limited-equity housing cooperatives, and making findings including findings under the California Environmental Quality Act.  
11/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.  
12/2/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.  
*The Chair intends to entertain a motion to send this item to Board as a Committee Report on December 9, 2008.*
10. [081100](#) **[Zoning - Providing for a five feet special height exception for active ground floor uses in Neighborhood Commercial Districts]** **Supervisor Sandoval**  
Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.  
8/5/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/4/2008.  
8/19/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment and Planning Department for environmental review.  
10/7/08, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing new title.  
10/7/08, ASSIGNED to Land Use and Economic Development Committee.  
11/3/08, REFERRED TO DEPARTMENT. Referred Version 2 to Planning Commission for review and comment and Planning Department for environmental review  
11/19/08, RESPONSE RECEIVED. Planning Commission failed to pass a resolution regarding the proposed Ordinance. Therefore, there is no Planning Commission recommendation to the Board of Supervisors regarding the proposed Ordinance.  
12/1/08, RESPONSE RECEIVED. Planning Commission transmitted revised recommendation implicitly disapproving the proposed Ordinance.  
*The Chair intends to entertain a motion to send this item to Board as a Committee Report on December 9, 2008.*

11. [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 Norelest; 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.
- 9/22/08, CONTINUED. Speakers: None. Continued to September 29, 2008.
- 9/29/08, CONTINUED. Speakers: None. Continued to October 20, 2008.
- 10/20/08, CONTINUED. Speakers: None. Continued to November 3, 2008.
- 11/5/08, CONTINUED. Speakers: None. Continued to November 24, 2008.
- 11/24/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor McGoldrick; Doug Shoemaker and Myrna Melgar, Mayor's Office of Housing; Susan Cleveland-Knowles, Deputy City Attorney; Heidi Timken and Leslie Johnson, Timken Johnson Hwang; Dee Modglin; Paul Utrecht, Citizens for Fairness in Affordable Housing; Barbara Wirth; Emily Behr; David Schachter, 1220 La Playa HOA; Mohsen Tavakolian; Robert Jeffrey; Ben Cujak, CCRCCP; Tina Tracy; Rebecca Norset; Victor Aiuto; Soher Youseff; Jennifer Wilson.
- 11/24/08, CONTINUED AS AMENDED. Continued to December 8, 2008.
- The Chair intends to entertain a motion to send this item to Board as a Committee Report on December 9, 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.*

### **081504 [Massage Services in South of Market Residential/Service Mixed Use District] Supervisors Daly, Dufty**

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; 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.

11/25/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/25/2008.

12/3/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review, Planning Commission for review and recommendation and Small Business Commission for comment and recommendation.

## 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.**

Agendas are available on the internet at [www.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_meetings)

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](mailto: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](http://www.sfgov.org/ethics)