

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689



MEETING MINUTES
Monday, December 8, 2008
1:00 PM
City Hall, Room 263
Regular Meeting

Land Use and Economic Development Committee

Members: Sophie Maxwell, Gerardo Sandoval, Aaron Peskin

Clerk: Linda Laws (415) 554-4441

Members Present: *Sophie Maxwell, Gerardo Sandoval, Aaron Peskin, Jake McGoldrick.*

Members Excused: *None.*

Members Absent: *None.*

FONTSIZE= +1MEETING CONVENED

The meeting convened at 1:10 p.m. Board President Peskin appointed Supervisor McGoldrick to serve in the absence of President Peskin on the Land Use & Economic Development Committee for today's meeting only.

FONTSIZE= +1REGULAR AGENDA

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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.

Heard in Committee. Speaker: Ashur Yoseph, Department of Public Works.

RECOMMENDED by the following vote:

Ayes: 2 - Maxwell, Peskin
Absent: 1 - Sandoval

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081398 [Agreement to modify an existing Municipal Railway Easement for the J-Church line] Supervisor Duffy

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.

Heard in Committee. Speaker: John Updike, Department of Real Estate.
Continued to December 15, 2008.

CONTINUED by the following vote:

Ayes: 2 - Maxwell, Peskin
Absent: 1 - Sandoval

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081275 [Summary Vacation of Stevenson Street east of 10th Street]

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.

Heard in Committee. Speaker: Male Speaker.
12/8/08 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

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Ordinance ordering the summary vacation of a portion of Stevenson Street east of 10th Street; 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)

Continued to December 15, 2008.

CONTINUED AS AMENDED by the following vote:

Ayes: 2 - Maxwell, Peskin
Absent: 1 - Sandoval

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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.

Heard in Committee. Speaker: Tim Ramirez, SFPUC.

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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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.

Heard in Committee. Speakers: Supervisor Mirkarimi; Barbara Moy, Department of Public Works.

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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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.

Heard in Committee. Speakers: Supervisor Mirkarimi; AnMarie Rogers, Planning; Bob Davis, Entertainment Commission; Robert Garcia; Lily Subias; Debra Walker; Steven Rasba; Mike Suskin; Michael O'Connor; Cheryl Adams, Deputy City Attorney.

2/8/08 Amendment of the whole bearing same title.
Supervisor Maxwell requested to be added as a co-sponsor.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

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RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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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.

Heard in Committee. Speakers: Supervisor Alioto-Pier; Tara Sullivan-Lenane, Planning Department; Mary LaRocca; Robert Bardell and Bob David, Golden Gate Valley Neighborhood Association; Cesar Faedi; Serena Bardell, Golden Gate Valley Neighborhood Association; Michael Williams, Union Street Merchants Association; Leslie Leonhardt; Mark Young, Red Mango; Roberto Montoya; Paul Werhdel, Pacific Heights Residential Association; Rory Chan; Female Speaker.

12/8/08 Amendment of the whole bearing same title.

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RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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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.

Heard in Committee. Speakers: Gary Dowd, SFPUC; Bruce Keene, Russian Hill Improvement Association; John Renesch; Claudio Micor and Roland Salvato, Aquatic Park Neighbors; Zach Stewart, Canessa; David Reskin; Betty Foote; Jeanine Loughran, Shannon Smith, Thomas Branch, Russian Hill Improvement Association; Alfred Chiantelli; Kevin O'Brien, Russian Hill Improvement Association;

Russell Massmann, Tanya Yutovsky, John Loughran, Aquatic Park Neighbors; Jill Bitner; Female Speaker; Knut Asketh, Norwegian Seamen's Church of San Francisco; Jeff Shanahan;

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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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.

Heard in Committee. Speakers: Susan Cleveland-Knowles, Deputy City Attorney; Blake Nemecek; Jamie Spector, SF Community Land Trust; Ji Guan Ji; Debbie Sheen, Chinatown Coalition for Better Housing; Peter Cohen, SF Community Land Trust; Miguel Woolery, SF Tenants Association; Benjamin Emery and Steve Woo, SF Community Land Trust; Ted Gullickson, SF Tenants Union.

12/8/08 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

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Ordinance amending the Subdivision Code by adding Article 11, consisting of Sections 1399.1 through 1399.22, to create 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.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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081100 [Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in the NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City] 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.

Heard in Committee. Speakers: AnMarie Rogers, Planning Department; Roland Salvato and Claudio Micor, Aquatic Park Neighbors; Zach Stewart; Regina Dick-Endrizzi, Small Business Commission; Russell Massmann, Aquatic Park Neighbors; John Loughran, Russian Hill Improvement Association.
12/8/08 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

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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 NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City border; amending Sections 703.1, 711.1, 712.1, 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.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Maxwell, Sandoval, Peskin

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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 Yousef; 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 Norolset; 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 Yousef; Jennifer Wilson.

11/24/08, CONTINUED AS AMENDED. Continued to December 8, 2008.

Heard in Committee. Speakers: Myrna Melgar and Doug Shoemaker, Mayor's Office of Housing; Christopher Grainger; Rose Tracy Reinheimer; Dee Modglin; Rebecca Norolset; Tina Tracy; Laura Carroll; Leslie Johnson, Timken Johnson; Joanne Woo Knight; Barbara Wirth; Helen Leslie; Keidi Timken, Timken Johnson; Richard Backer; Miguel Wooding, Tenants Union; Robert Jeffery; Paul Utrecht, Citizens for Fairness in Affordable Housing; Soher Yousef; Marcia Wade; Victor Aiuto; Supervisor McGoldrick.

12/8/08 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

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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 the provisions relating to Original Subdividers who rent their Units; providing for alternatives for compliance with the ordinance; 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).

Supervisor Sandoval dissented in Committee.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 2 - Maxwell, McGoldrick

Noes: 1 - Sandoval

Absent: 1 - Peskin

FONTSIZE= +1**ADJOURNMENT**

The meeting adjourned at 5:30 p.m.