

City and County of San Francisco

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



MEETING MINUTES
Monday, November 24, 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, Aaron Peskin, Jake McGoldrick.*
Members Excused: *None.*
Members Absent: *Gerardo Sandoval.*

MEETING CONVENED

The meeting convened at 1:04 p.m.

The Board President appointed Supervisor McGoldrick to serve in his place during the Land Use and Economic Development Committee meeting on November 24, 2008.

AGENDA CHANGES

REGULAR AGENDA

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.

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

CONTINUED by the following vote:

Ayes: 2 - Maxwell, Peskin

Absent: 2 - Sandoval, McGoldrick

081276 [Real Property Lease Amendment and Sale - 875 Stevenson Street]

Resolution approving a third amendment to the City's lease at 875 Stevenson Street and approving the sale of a portion of Stevenson Street between 9th and 10th Streets to 1355 Market Street Associates, L.P. following the vacation of such portion of Stevenson Street; and finding the sale and improvement of the Stevenson Street Property is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1, and is categorically exempt from environmental review under the California Environmental Quality Act. (Real Estate Department)

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

Heard in Committee. Speakers: Amy Brown, Director of Real Estate.

RECOMMENDED by the following vote:

Ayes: 2 - Maxwell, Peskin

Absent: 2 - Sandoval, McGoldrick

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.

Heard in Committee. Speakers: John Updike, Director, Department of Real Estate; Sue Hestor; Jim Nelson, MTA Real Estate.

Continued to December 8, 2008.

CONTINUED by the following vote:

Ayes: 2 - Maxwell, Peskin

Absent: 2 - Sandoval, McGoldrick

081202 [Interim Zoning Requiring Conditional Use Authorization for Change in Use or Reduction of 15,000 square feet or more of Recreational Space]

Supervisor Daly

Resolution imposing interim zoning controls establishing a requirement for conditional use authorization for a change in use or reduction in size of any recreational space of 15,000 square feet or more including indoor or outdoor facilities for a six (6) month period and making a determination of consistency with the priority policies of Planning Code Section 101.1.

9/9/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

9/16/08, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.

9/19/08, RESPONSE RECEIVED. Planning Department - exempt from environmental review, non-physical per Section 15060(c)(3) of the CEQA Guidelines.

11/17/08, CONTINUED. Heard in Committee. Speaker: Sue Hestor Continued to November 24, 2008.

Heard in Committee. Speakers: Supervisor Daly; Mason Briggsby.

11/24/08 - Amendment of the whole, bearing same title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Maxwell, McGoldrick

Absent: 2 - Sandoval, Peskin

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.

Heard in Committee. Speakers: Robert Garcia, Save our Streets.

Continued to December 8, 2008.

CONTINUED by the following vote:

Ayes: 2 - Maxwell, McGoldrick

Absent: 2 - Sandoval, Peskin

081232 [Zoning - Requiring a Conditional Use Permit for Formula Retail Uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts] Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 209.9, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

9/16/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/16/2008.

9/23/08, REFERRED TO DEPARTMENT. Referred to Planning Commission for review and comment; and Planning Department for environmental review.

10/30/08, RESPONSE RECEIVED. Planning Department - Exempt under the General Rule Exclusion (State Guidelines, Section 15061(b)(3)).

11/13/08, RESPONSE RECEIVED. The Small Business Commission voted to unanimously support the proposed legislation.

11/17/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17735 recommending approval

with modifications.

Heard in Committee. Speakers: Supervisor McGoldrick; Andrew Junius, Reuben & Junius, LLP; Tara Sullivan, Planning Department.

11/24/08 - Amendment of the whole, bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance amending the Planning Code by adding new Section 209.10, to require a conditional use permit for formula retail uses in the Residential-Commercial Combined Medium Density (RC-3) and Residential-Commercial Combined High Density (RC-4) Districts along Van Ness Avenue, from Golden Gate Avenue to Chestnut Street; and 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: 2 - Maxwell, McGoldrick

Absent: 2 - Sandoval, Peskin

081088 [Requirement of Conditional Use authorization for any permit application to remove dwelling units] Supervisor McGoldrick

Ordinance amending the Planning Code by amending Section 317 to require Conditional Use authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

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.

9/23/08, RESPONSE RECEIVED. Planning Department - Not physical per Section 15060(c)(2) of the CEQA Guidelines.

11/17/08, RESPONSE RECEIVED. Planning Commission Resolution No. 17725 recommending disapproval.

Heard in Committee. Speakers: Supervisor McGoldrick; AnMarie Rodgers, Planning Department.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Maxwell, McGoldrick

Absent: 2 - Sandoval, Peskin

081446 [Eastern Neighborhoods MOU] Supervisor Maxwell

Resolution approving a Memorandum of Understanding between City departments relating to the planning of various capital projects in the Eastern Neighborhoods Plan Area, subject to the approval of the affected City departments and commissions; establishing an Eastern Neighborhoods Infrastructure Finance Working Group; and making findings under the California Environmental Quality Act.

11/18/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Sarah Dennis.

11/24/08 - Amendment of the whole, bearing same title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

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

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.

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.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Continued to December 8, 2008.

CONTINUED AS AMENDED by the following vote:

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

ADJOURNMENT

The meeting adjourned at 3:30 p.m.