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: Scott Wiener, Jane Kim, David Chiu

Clerk: Alisa Miller (415) 554-4447

Monday, April 1, 2013 **1:30 PM** **City Hall, Committee Room 263**

Regular Meeting

Present: 3 - Scott Wiener, Jane Kim, and David Chiu

MEETING CONVENED

The meeting convened at 1:36 p.m.

REGULAR AGENDA

130018 **[Planning Code - Deleting the Sunset Provision of the Excelsior Alcohol Restricted Use District]**

Sponsor: Avalos

Ordinance amending the Planning Code, Section 785, to delete the sunset provision of the Excelsior Alcohol Restricted Use District; and making findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

01/08/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/7/2013.

01/15/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for review and recommendation; and Police Department for informational purposes.

01/24/13; RESPONSE RECEIVED. Not a project pursuant to CEQA Guidelines Section 15060(c)(2).

01/24/13; RESPONSE RECEIVED. The Police Department submitted their support of the propsed legislation.

03/22/13; RESPONSE RECEIVED. 3/21/2013 - The Planning Commission held a public hearing a recommended approval; Resolution No. 18828.

03/28/13; RESPONSE RECEIVED. 3/11/2013 - The Small Business Commission voted 7-0 to recommend approval.

Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Sophie Hayward (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Angie Minken; Joelle Renealey; spoke in support of the hearing matter.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

121065 **[Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]**
Sponsor: Chiu

Ordinance amending the Planning Code, Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

10/30/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/30/2012.

11/07/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

11/09/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

02/20/13; RESPONSE RECEIVED. 2/11/2013 - The Small Business Commission voted 7-0 to recommend approval of the legislation with modifications.

03/14/13; REFERRED TO DEPARTMENT. Referred to the Police Department for informational purposes.

03/18/13; RESPONSE RECEIVED. 3/14/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18823.

03/19/13; NOTICED. Submitted 4/1/2013 hearing notice for newspaper publication on 3/22/2013.

03/26/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Jon Givner (City Attorney's Office); Regina Dick-Endrizzi, Director (Office of Small Business); Sophie Hayward (Planning Department); Jocelyn Kane, Executive Director (Entertainment Commission); Captain Greg McEachern (Police Department); presented information concerning the matter and answered questions raised throughout the hearing. Linda Chapman; Terrance Alan; Michael Nulty; spoke in support of the hearing matter. Sean Marciniak; spoke in opposition to the hearing matter. Walter Paulson; John Nulty; spoke neither in support nor against the hearing matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

Ordinance amending the Planning Code, by amending Section 723, to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding new Section 788, to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

CONTINUED AS AMENDED to April 8, 2013, by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

120474 **[Planning, Administrative Codes - Transfer of Development Rights]**
Sponsor: Chiu

Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

05/17/12; REFERRED TO DEPARTMENT. Referred to the Planning Department/Commission for informational purposes.

03/19/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

03/27/13; REFERRED TO DEPARTMENT. Re-referred substitute legislation to the Planning Department/Commission for informational purposes.

Heard in Committee. Speakers: Aaron Starr, and Dan Sider (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Tom Radulavich (Livable City); Mike Buhler (SF Architectural Heritage); Michael Nulty; spoke in support of the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.

AMENDED on Page 4, Lines 16-17, by changing 'Planning Commission' to 'Historic Preservation Commission'; Page 6, Line 23, by deleting 'pursuant to Section 1114'; Page 7, Lines 20-21, by deleting 'pursuant to the provisions of Section 1114'; and Page 19, Line 10, by adding 'Historic Preservation Commission', by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

ADJOURNMENT

The meeting adjourned at 2:53 p.m.