

City and County of San Francisco

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



**MEETING MINUTES**

**Monday, May 18, 2009**

**1:00 PM**

**City Hall, Room 263**

**Regular Meeting**

Land Use and Economic Development Committee

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***Members: Sophie Maxwell, Eric Mar, David Chiu***

***Clerk: Linda Laws (415) 554-4441***

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**Members Present:** *Sophie Maxwell, Eric Mar, David Chiu.*

**Members Excused:** *None.*

**Members Absent:** *None.*

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**MEETING CONVENED**

The meeting convened at 1:06 p.m.

**REGULAR AGENDA**

- 081525**      **[Sale of City Property Subject to Declaration of Covenants]**      **Mayor**  
Ordinance ordering the sale at public auction of seven City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sale is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this Ordinance.  
11/25/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.  
3/30/09, CONTINUED. Heard in Committee. Speakers: Rich Hillis, Office of Economic and Workforce Development; Bryan Hornbeck, SFSA; Lynn Valente; Robin Levitt, HVNA; Paul Olsen. Continued to April 27, 2009.  
4/27/09, CONTINUED. Speakers: None. Continued to May 18, 2009.  
Heard in Committee. Speakers: Rich Hillis, Office of Economic and Workforce Development; Alex Lantsberg, Carpenter's Local 22; Espanola Jackson; Aaron Goodman, Parkmerced Residents Association.  
5/18/09 Amendment of the Whole bearing new title.  
**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance authorizing the sale of twelve City-owned properties located along the former Central Freeway right of way and the newly constructed Octavia Boulevard by public auction or pursuant to negotiated purchase and sale agreements and subject to a declaration of covenants; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the sales are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing other actions in furtherance of this ordinance.

Continued to June 1, 2009.

**CONTINUED AS AMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**090274 [Planning - Union Street Neighborhood Commercial District - Small Self-Service Restaurants and Self-Service Specialty Food Uses] Supervisor Alioto-Pier**

Ordinance amending Planning Code Section 725.1, Section 725.44, and Section 725.69A of the Union Street Neighborhood Commercial District Zoning Control Table to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

3/12/09, REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review; referred to Small Business Commission for review and comment.

3/27/09, RESPONSE RECEIVED. Non-physical per CEQA Guidelines Section 15060(c)(2).

4/27/09, RESPONSE RECEIVED. Planning Commission Resolution No. 17867 recommending approval.

Heard in Committee. Speakers: Supervisor Alioto-Pier; Tara Sullivan, Planning Department; Leslie Leonhardt, Union Street Association.

5/18/09 Amendment of the Whole bearing same title.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**

To Board June 2, 2009.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**090276 [Housing Code Section 503(d) "Housing Access:" extend protections to all persons sharing housing by deleting references to "families;" and technical correction to Section 503(b)] Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families," and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009. 03/13/09 - Referred to the Building Inspection Commission and the Rent Board for review and comment.

Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf,

Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute;

**REFERRED by the following vote:**

Ayes: 2 - Mar, Chiu

Excused: 1 - Maxwell

**090277 [Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required] Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3: to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009. 03/13/09 - Referred to the Building Inspection Commission and the Rent Board for review and comment.

Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute;

**REFERRED by the following vote:**

Ayes: 2 - Mar, Chiu

Excused: 1 - Maxwell

**090278 [Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach] Supervisors Daly, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined solely on whether the rent increase would result in tenant's total rent exceeding 33% of tenant's gross income; rent increase stayed pending determination of application; rent increase will not be in effect until the increase will not cause tenant financial hardship, or until the landlord can demonstrate that "inability to impose the rent increase is causing the landlord greater hardship than the tenant's hardship;" hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

3/11/09, REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form. 4/29/09 Received City Attorney signature.

4/29/09, REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration

Board for informational purposes.

Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute;

**REFERRED by the following vote:**

Ayes: 2 - Mar, Chiu

Excused: 1 - Maxwell

**090279 [Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits] Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code 503(b) "superficial floor area" standards (Section 37.9(a)(2)).

3/3/09, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/2/2009.

3/11/09, REFERRED TO DEPARTMENT. Referred to City Attorney to approve as to form. 4/29/09 Received City Attorney signature.

4/29/09, REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration Board for informational purposes.

Heard in Committee. Speakers: Supervisor Daly; Ted Eagan, Office of Economic Analysis; Darlene Wolf, Residential Rent Stabilization & Arbitration Board; Aaron Goodman, Parkmerced Residents Organization; Marvin Rous; Howard Epstein, Small Property Owners Association of SF Institute; Andrew Long; Bonnie Wordsworth; Peter Masiak, Central City SRO; Jim Fabris, SF Association of Realtors; Daniel Quigg; Jazzie Collins, SOMCAN; Sara Shortt and Teola Watson, Housing Rights Committee; Noni Richen and Peter Reitz, Small Property Owners of SF Institute;

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code 503(b) "superficial floor area" standards (Section 37.9(a)(2)).

Recommended referral to Government Audit and Oversight Committee.

**REFERRED by the following vote:**

Ayes: 2 - Mar, Chiu

Excused: 1 - Maxwell

## **ADJOURNMENT**

The meeting adjourned at 4:08 p.m.