



# 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: Sophie Maxwell, Eric Mar, David Chiu*

*Clerk: Alisa Somera (415) 554-4447*

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Monday, February 22, 2010

1:00 PM

City Hall, Committee Room 263

#### Regular Meeting

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**Present:** 3 - Sophie Maxwell, Eric Mar and David Chiu

## MEETING CONVENED

*The meeting convened at 2:07 p.m.*

## REGULAR AGENDA

### 091477 [Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

12/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/4/2010.

01/27/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

02/10/10; RESPONSE RECEIVED. Planning Commission Motion Nos. 17978 and 17979 adopted findings and Planning Commission Resolution No. 17980 recommends approval.

*Heard in Committee. Speakers: AnMarie Rodgers, Planning Department; Jim Reuben, Reuben and Junius.*

#### **RECOMMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]****Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19G of the San Francisco Health Code by amending Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, 1009.29, 1009.30, 1009.31, and 1009.32, and repealing Section 1009.24, to update findings and prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) unenclosed dining areas of restaurants, 7) service waiting areas, 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley, 9) farmers markets, and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; and making conforming changes in the Health Code.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

12/22/09; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Rent Board for informational purposes.

01/05/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

01/14/10; REFERRED TO DEPARTMENT. Referred to the Youth Commission for review and recommendation.

02/01/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Dr. Mitch Katz, Director, Department of Public Health; Karen Licavoli, BREATHE California; Luisa Sicairos, Youth Leadership Institute; Jul Lynn Parsons, Mayor's Disability Council; Carol McGruder; Male Speaker; Dr. Steven Fugaro, President, San Francisco Medical Society; Tonya Williams; Marshon Smith, Girls After School Academy; Bob Gordon; Dr. John Maa, American Heart Association; Brian Davis, Tobacco Free Coalition; Michelle Xiong; Bob Planthold; Lily Wu; Suki Wen, Chinese Progressive Association; Mr. Deng; Dave Burnett; Keisha Nzeni, American Heart Association; Don Alan and Alex Rooney, Hemlock Tavern; Derek Burke, Vertigo Bar; Chris Schulman, OEWD; Michael Nulty, Alliance for a Better District 6; Steven Lewis; Naphtali Offen, UCSF; Kiana Evans, GASA Tobacco Free Project; Lanette Day; Teresita Maalihan; Lisa Hagerty, American Heart Association; Brian Spiers, Lucky 13; Jeffrey Beck, Lone Star Saloon; Paul Miller, Truck; Klaus Burmeister, Zeitgeist; Bob Lafroos, Occidental Cigar Bar; Tim Eicher, CAD; Michael Ege; Joe Barron, Grant's Pipe Shop; Vijay Rao; Lin Gan; Alex Tom, Chinese Progressive Association; Richard Robinson; Steve Black; Gerry Crowley; Ileana Russo.

02/01/10; CONTINUED AS AMENDED.

02/18/10; RESPONSE RECEIVED. The Youth Commission voted 14-2 in support of the proposed ordinance.

*Heard in Committee. Speakers: Espanola Jackson; Jul Lynn Parsons; Shan Shan Gao, Goby Yu and Jenny Deng, Chinese Progressive Association; Bob Gordon, SF Tobacco Free Coalition; Alex T. Tom, Chinese Progressive Association; Regina Dick-Endrizzi, Small Business Commission; Vickie Rice-Sutton; Rob Black, SF Chamber of Commerce; Melanie Lau-Smith, Department of Public Health; Marshon Smith, Kiana Evans and Tonya Williams, Girls After School Academy; Nancy Cross; Anna Conda; Walter Paulson; Noni Richen; Naphtali Offen; Liz Williams, Americans for Nonsmokers' Rights; Don Alan, Hemlock Tavern; Mitch Hagstrand; Keisha Nzewi, American Heart Association; John Bozeman, Building Owners & Managers Association of San Francisco; Chris Bowman; Brian Davis, SF Tobacco Free Coalition; Chris Schulman, OEWD; Patricia Breslin, Hotel Council of San Francisco; Lisa Hagerty, Hagerty-McMahon Consulting; Francisco Da Costa; Karen Licavoli, Breathe California; Aaron Goodman; Richard Robinson; Suki Wen and Jessie Yu, Chinese Progressive Association; Andrew Shen, Deputy City Attorney.*

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

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, and 1009.29-1009.32, and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

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

Ayes: 3 - Maxwell, Mar, Chiu

**091020 [Discretionary Review Reform for a Two-Year Trial Period - Planning Department Fees]**

Ordinance amending the San Francisco Planning Code by amending Section 311 and 312 to provide that a request for discretionary review will be heard by the Planning Commission or its designee if the application demonstrates exceptional and ordinary circumstances as defined, to replace the term Residential Design Guidelines with the term Residential Design Standards, and to repeal the ability of a project sponsor to request discretionary review; amending Sections 352 and 355 to allow for collection and refund of fees associated with Planning Department Reconsideration; adopting environmental and Section 302 findings. (Planning Department)

08/12/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 9/11/2009. 10/13/09 - Submitted fee ad for publication on 10/16/09 and 10/23/09.

10/19/09; CONTINUED. Heard in Committee. Speakers: John Rahaim, Larry Badiner, Elaine Forbes, Craig Nikitas, Planning Department; John Schlesinger, AIA; Seth Brookshire; Henry Karnilowicz, Occidental Express; Jed Lane, Miraloma Park Improvement Club; Joe Butler; Penelope Clark; Hiroshi Fukuda; Marilyn Amini; Sue Hestor; Joe McClane; Ron Miguel, Planning Commission.  
Continued to November 2, 2009.

11/02/09; CONTINUED. Heard in Committee: Larry Badiner, Elaine Forbes, John Rahaim, Planning Department; Aaron Goodman, Park Merced Residents Organization; Peter Cohen; Gerri Crowley; Judith Hoyiam; Paul Wormer; Female Speaker; Alex Schoeder; Damien Quisdale; Henry Karnilowicz; Jeremy Shaw, Giberling & Associates; Eugene Philips; Joe McClain; Richard Robinson, Community Outreach Program; Steve Williams; Sean Keighran, Residential Builders Association; Dave Sternberg; John Bardis; Marilyn Amini; Ron Miguel, Planning Commission; Craig Nikitas, Planning Department.  
Continued to November 23, 2009.

11/23/09; CONTINUED. Heard in Committee. Speakers: Elaine Forbes, Planning Department; Eric Brooks, SF Green Party; John Kevlin, Reuben and Julius; Penelope Clark, RHN; John Schlesinger; Karen Breslin, Mirahoma Park Improvement Club; Peter Cohen; Donald Stroh; Hiroshi Fukuda; Rose Hi; Demian Quesnel, EVPA; Marilyn Amini; Steve Williams; Judith Hoyiam.  
Continued to February 22, 2010.

*Heard in Committee. Speakers: John Rahaim, Craig Nikitas, and Elizabeth Watty, Planning Department; Marlena Byrne, Deputy City Attorney; Larry Badiner, and Elaine Forbes, Planning Department; Espanola Jackson; Aaron Goodman, Park Merced Residents Organization; Darren Iguchi, John Lum Architecture; Raymond Holland, Planning Association for the Richmond; Steven Currier, OMMRA; Joram Altman; Karen Breslin, West of Twin Peaks Council; James Stavoy; John Kevlin, Reuben and Julius; Chris Houston; Bobbie Sue Hood; John Schlesinger; Penelope Clark; Ellen Tsang, Russian Hill Neighborhood Association; Edgar, Aquatic Park Neighbors; Ernestine Weiss; David Ehrlich; John Maniscalco; David Gast, Gast Architects; Alex Schroeder, SF Homeowners for Fairness in Planning; Jeremy Schaub, Gabriel Y. Ng & Associates; Joe Acayan; Henry Karnilowicz; Richard Robinson; David Tornheim; Bradley Wiedmaier; Steve Williams; Kathy Debincheze.*

**CONTINUED to March 8, 2010 by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

## ADJOURNMENT

*The meeting adjourned at 6:07 p.m.*