



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

Monday, October 4, 2010

1:00 PM

City Hall, Committee Room 263

Regular Meeting

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

MEETING CONVENED

The meeting convened at 1:08 p.m.

REGULAR AGENDA

100881 [Zoning Map Amendment - 1717-17th Street to Conform with Lot Line Adjustment]

Sponsor: Maxwell

Ordinance amending the San Francisco Zoning Map by amending the lot reference applicable to 1717-17th Street, and an adjacent property, referred to as 495 DeHaro Street, so that the height district applicable to each lot in its entirety is 48-X and 45-X, respectively, in conformance with a lot line adjustment between the subject properties; and making various findings, including environmental findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

06/29/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/29/2010. 9/24/10 - Hearing notice was posted, published and mailed.

07/21/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; the Planning Commission for public hearing and recommendation.

07/22/10; RESPONSE RECEIVED. Environmental review completed in a Mitigated Negative Declaration adopted April 5, 2010; Case No. 2004.0946E.

09/17/10; RESPONSE RECEIVED. The Planning Commission held a public hearing on September 16, 2010 and recommended approval of the proposed legislation by Resolution No. 18174.

Heard in Committee. Speaker: AnMarie Rodgers, Planning Department.

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

100917 [Planning Code Amendments - Area Plan Impact Fee and Jobs-Housing Linkage Program]

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

07/08/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/19/2010. 9/12/10 - 14-Day Fee Ad published in newspaper; submitted 9/10/10.

07/26/10; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Department of Building Inspection for informational purposes.

09/27/10; CONTINUED. Heard in Committee. Speaker: Steve Wertheim, Planning Department. Continued to October 4, 2010.

Heard in Committee. Speakers: Steve Wertheim, Planning Department; Deborah Frieden, SF Jazz.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ordinance amending the San Francisco Planning Code sections related to Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park) and Jobs-Housing Linkage Fee to (1) improve Planning Code readability and ease of application with regard to impact fees; (2) create consistent definitions and application across the Area Plan Impact Fee and Jobs-Housing Linkage Fee provisions; (3) better recognize and account for the impact of existing conditions of development sites affected by the Area Plan Impact Fees and the Jobs-Housing Linkage Fee; (4) promote adaptive re-use of existing buildings in the Eastern Neighborhoods; and (5) clarify the impact fees associated with the Eastern Neighborhoods' on-going "legitimization" program; and adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Department)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101200 [Planning Code - Preservation, Rehabilitation and Maintenance of Preservation Lots; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]**Sponsors: Chiu and Maxwell**

Ordinance amending Section 128 of the San Francisco Planning Code to require approval of a plan for preservation, rehabilitation, and maintenance of a Preservation Lot property prior to receipt of a Statement of Eligibility for Transferable Development Rights (TDR), to establish reporting procedures regarding the preservation, rehabilitation, and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/21/10; DUPLICATED. See File No. 100851.

09/21/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

09/21/10; RE-REFERRED to Land Use and Economic Development Committee.

09/27/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Clint Callan, Old St. Mary's Cathedral; Gigi Plaid.

09/27/10; CONTINUED AS AMENDED. Continued to October 4, 2010.

Heard in Committee. Speaker: George Williams, SPUR.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

100046 [Planning Code, Administrative Code - Amending Inclusionary Housing Ordinance]**Sponsors: Mayor; Chiu**

Ordinance amending the Planning Code and Administrative Code by amending the Residential Inclusionary Affordable Housing Program, Planning Code Section 415 et seq. (formerly Code Section 315, et seq.) (Program) to change the name of the Program to the Affordable Housing Program and to require all project applicants to pay the Affordable Housing Fee unless they are eligible for an alternative; making other amendments to the Program including expanding the uses of the Citywide Affordable Housing Fund, deleting provisions relating to certain requirements for off-site units, and deleting provisions requiring a refund of fees after issuance of certificate of occupancy; amending Sections 416 and 417 to make conforming amendments to the Affordable Housing Program; amending Section 827 to delete the requirement that 50% of on- or off-site affordable housing units provided under Section 415 et seq. in the Rincon Hill Area Plan be provided as rental; amending the Administrative Code by amending Chapter 56 related to Development Agreements to create certain exceptions from its requirements for rental housing developments with on-site inclusionary units; and making findings including findings under the California Environmental Quality Act.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010. 9/17/10 - 14-Day Fee Ad published.

01/19/10; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Planning Commission for public hearing and recommendation.

01/20/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Sections 15060(c)(3) and 15378.

01/26/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

01/26/10; ASSIGNED to Land Use and Economic Development Committee.

01/29/10; REFERRED TO DEPARTMENT. Re-referred the substitute legislation to the Planning Commission for public hearing and recommendation.

04/02/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18056 recommended approval with modifications.

07/27/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

07/27/10; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

08/04/10; REFERRED TO DEPARTMENT. Re-referred th substitute legislation (version 3) to the Planning Department for informational purposes.

Speakers: None.

Continued to October 18, 2010.

CONTINUED to October 18, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101096 [Setting Nutritional Standards for Restaurant Food Sold Accompanied by Toys or Other Youth Focused Incentive Items]**Sponsors: Mar; Campos, Chiu and Avalos**

Ordinance amending Article 8 of the San Francisco Health Code by adding Sections 471.1 through 471.8, to set nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items.

08/10/10; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/9/2010.

08/16/10; REFERRED TO DEPARTMENT. Referred to the Small Business Commission and the Youth Commission for review and comment. Referred to the Department of Public Health for informational purposes.

08/24/10; TRANSFERRED to Land Use and Economic Development Committee.

08/26/10; RESPONSE RECEIVED. The Small Business Commission will not be commenting on the legislation.

09/27/10; RESPONSE RECEIVED. On September 20, 2010 the Youth Commission voted 14-2 to support the proposed legislation.

09/27/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Barbara Garcia and Dr. Rajiv Bahtia, Department of Public Health; Juanita Alvarado; Jessica Marshall; Eileen Woods, Hillwood Academic Day School; Guillermina Castellanos, Maria Dolores Lugo, Theresa Molina, Rosario Hurtado, Adriana Villeda, Dora Castro, Juana Aguilar, and Petra Rosas, Colectiva de Mujeres; Marianne Szeto, Shape Up SF; Charles Collins, YMCA San Francisco; Stefan Harvey, CA Center for Public Health Advocacy; Hannah Thompson, UCSF; Amy Beck, MD, and Adam Schickedanz, MD, UCSF Department of Pediatrics; Matt Richardson, Shape Up SF; Colleen Kavanagh, Campaign for Better Nutrition; Alex Benn; Karen Wells and Dr. Cynthia Goody, McDonald's Corporation; Scott Rodrick, Rodrick Foods; Ming Sue; Albert Chang, Chinatown Merchant Association; Quatan Chong, Chinese News Owner; Jenny Wu, Solid Rock Media; Olivia Xue; Ken Ching; Maggy Mo, Beauty Salon; Amir Sahebalzamani; Regina Yin; Johnnise Downs, California Restaurant Association; John Chin; Marty Martinez.

09/27/10; CONTINUED AS AMENDED. Continued to October 4, 2010.

Heard in Committee. Speakers: Libby Albert; Leslie Golken; Regina Fletcher; Rebecca McGurty; Kathy Adetley; Eileen Woods; Juliet Simms; Terry Adelle; Jessica Marshall; Terry Moch; Dr. Rhea Boyd, UCSF; Debra Lapidis; Dr. Rajiv Bahtia, Department of Public Health; Dr. Adam Schickedanz, UCSF; Dr. Jessica Schumer, UCSF; Francisco Da Costa.

RECOMMENDED by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101115 [Directing the Controller to Prepare an Infrastructure Financing Plan]**Sponsor: Mayor**

Resolution authorizing and directing the Controller and his designee to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.

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

08/27/10; REFERRED TO DEPARTMENT. Referred to the City Controller and Office of Public Finance for informational purposes.

Speakers: None.

Continued to October 18, 2010.

CONTINUED to October 18, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101116 [Resolution of Intention to Establish an Infrastructure Financing District]**Sponsor: Mayor**

Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to call a public hearing on the formation of the district and to provide public notice thereof and other matters related thereto.

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

08/27/10; REFERRED TO DEPARTMENT. Referred to the City Controller and Office of Public Finance for informational purposes.

Speakers: None.

Continued to October 18, 2010.

CONTINUED to October 18, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

101254 [Affirmation of Support of San Francisco's Bid for the 34th America's Cup and Endorsement of Host City]**Sponsors: Mayor; Chiu, Mirkarimi, Dufty, Alioto-Pier, Maxwell and Chu**

Resolution supporting the efforts of the City and the San Francisco America's Cup Organizing Committee to bring the 34th America's Cup to the San Francisco Bay and encouraging BMW Oracle Racing and the Golden Gate Yacht Club to select San Francisco as the official Host City for the 34th America's Cup in 2013 and endorsing the Term Sheet for hosting the 34th America's Cup in San Francisco.

09/28/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Supervisor Chris Daly, Board of Supervisors; Cheryl Adams, Deputy City Attorney; Jennifer Matz, Director, Office of Economic and Workforce Development; Supervisor Ross Mirkarimi, Board of Supervisors; Kyri McClellan, Office of Economic and Workforce Development; Craig Hartman; Martha Cohen, Office of Economic and Workforce Development; Monique Moyer, Director, Port of San Francisco; Phil Ginsburg, General Manager, Recreation and Park Department; Mark Buell, President, Ron Young, Golden Gate Yacht Club Recreation and Park Commission; Paul Kaplan, KKML; Kame Richards, Pineapple Sails; Anthony Poplawski, Marine Firemen's Union; Larry White, Harbor Master; Christian Yuhas, MEBA; Ron Young, Golden Gate Yacht Club; Norman Pierce; Peter Stoneberg, St. Francis Yacht Club; Jack Bair, SF Giants; Joy Oganeka, BAADS; Jeff Breen, BAADS; Christina Rubke, BAADS; Bob Naber, Board Member YRA; Paul Oliva, South Beach Yacht Club; Ace Washington; Jamie Whitaker, Rincon Hill Neighborhood Association; Bill Reilly; Kevin Mannell, Advanced Marine Electric Propulsion; John Sawgmeister, Sail Long Beach; Robert Razina; Peter Kacandes; Kers Calusen, Bays Youth Sailing; Arian Paul; Marceline Therrien, District 6 Resident; Mia Bernt, Pacific Inter Club Yacht Association; Shawn Grassman; Francisco Da Costa; Garret Greenhalgh, Spinnaker Sailing; Carisa Harris, Treasure Island Sailing Center; Jay Palace, Group Experiential Learning; Ronald Wallace, Bay Area Association of Disabled Sailors; Timothy Ballard, Corinthian Yacht Club; John Havemen, Beacon Economics; Male Speaker, Director, St. Francis Yacht Club Foundation; Male Speaker; Female Speaker; John Berno.

AMENDED on Page 4, Line 15, by adding 'the Department of the Environment,' after 'the Controller,'; and on Page 5, Line 4, by inserting 'FURTHER RESOLVED, In accordance with Chapter 29 of the Administrative Code (Findings of Fiscal Feasibility and Responsibility), and as required thereunder, the City will conduct a financial feasibility study at such time as the project components are better defined through the process contemplated by this Resolution; and, be it'.

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

Ayes: 3 - Maxwell, Mar, Chiu

ADJOURNMENT

The meeting adjourned at 5:38 p.m.