



# City and County of San Francisco

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

## Meeting Minutes - Final

### Land Use and Economic Development Committee

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

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

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Monday, December 7, 2009

1:00 PM

City Hall, Committee Room 263

### Regular Meeting

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#### MEETING CONVENED

*The meeting convened at 1:07 p.m.*

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

#### REGULAR AGENDA

##### **091284 [Mission Bay - Park P21 Improvements]**

Ordinance designating a portion of State Trust Parcel 5 East of future Terry A. Francois Boulevard at future Mission Bay Boulevard for public open space and park purposes; naming the new park "Bayfront Park;" accepting and irrevocable offer for the acquisition facilities; designating said facilities to public open space and 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, priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No.178,379 and authorizing official acts in connection with this Ordinance. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Barbara Moy and Don Miller, Department of Public Works.*

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

Ayes: 3 - Maxwell, Mar, Chiu

##### **091286 [Approval of Second Amendment to the Redevelopment Agency's Ground Lease within Mission Bay North and South Redevelopment Plans]**

Resolution approving the Second Amendment to the San Francisco Redevelopment Agency's Ground Lease to add certain additional real property within the Mission Bay South Redevelopment Plan Area to the leased premises and to clarify certain maintenance obligations. (Public Works Department)

11/05/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Barbara Moy and Don Miller, Department of Public Works.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**090583 [Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units]****Sponsors: Avalos; Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

05/12/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/11/2009.

05/21/09; REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization & Arbitration Board for informational purposes.

11/02/09; CONTINUED. Heard in Committee. Speakers: Cheryl Adams, Deputy City Attorney; Supervisor Avalos; Delene Wolf, Rent Board; Myriam Zamora, St. Peter's Housing Committee; Karen Kerner, Housing Rights Committee; Mariana Viturro, St. Peter's Housing Committee; David Fix; Teola Watson, Housing Rights Committee; Lena Emmerly; Kendra Froshman, Mission SRO Collaborative; Aaron Goodman, Park Merced Residents Organization; Noni Richen and Ilse Cordoni, Small Property Owners of San Francisco; Kathy Lipscomb, Senior Action Network; Fran Taylor; Joel Panzer, PPMA; Randall Kostick; Richard Robinson, Community Outreach Program; Mitchell Omerberg, Affordable Housing Alliance; Sarah Shortt, Housing Rights Committee; Josh Vining, Mission SRO Collaborative; Christine Olague, Senior Action Network; Dean Preston; Miguel Wooding; Alex Kaufman; Walter Paulson; Wing Hoo Leung, Community Tenants Association; Olga Milan-Howells; Female Speaker; William Baird; Peter Wright; Lisa Frieke; Andrew Long, SF Apartment Association; Ted Gulickson, SF Tenants Union; Robin Altman; James Wavewell; Craig Birant; Grace Shanahan and Hannah Duffy, Residential Builders Association; Jose Morales; Richard Hart, Angus McCarthy, Mark Brennan, Redman Lyons, David Sternberg, Sean Keighran, John O'Connor, Kieran Buckley, Residential Builders Association; Joseph Smoot. Continued to November 9, 2009.

11/09/09; CONTINUED. Heard in Committee. Speakers: Delene Wolf, SF Rent Board; Brook Turner, Coalition for Better Housing; Andrew Long; Jeff Kositsky, Community Housing Partnership; Michelle Horneff-Cohen, Professional Property Management Association; James Wavewell; Alex Kaufman; Nato Green, California Nurses Association; Craig Birant; Joanne Bizino; Male Speaker; Robin Altman; Richard Robinson; Jose Morales; Ted Gulickson, SF Tenants Union; Sara Shortt, Housing Rights Committee; Janan New, SF Apartment Association; Bart Murphy, SF Rent Board; Mark Brennan; Joe O'Donoghue, Residential Builders Association; Mitchell Omerberg, Affordable Housing Alliance; Cheryl Adams, Deputy City Attorney. Continued to November 23, 2009.

11/23/09; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor John Avalos, Board of Supervisors; Wayne Snodgrass, Deputy City Attorney; Marlena Byrne, Deputy City Attorney; Steve Rasasco; Ray Hartman; Chuck Totah; Colin Gallagher; Jerry Augusta; Nick Belloni; Shari Matza; Miguel Wooding; Alex Kaufman; Oz Erickson; Maureen DeBoer; Sara Shortt; Richard Robinson; Jose Morales; Michelle Horneff-Cohen; John McNamerney; Joe O'Donoghue; Rose Hi; Ted Gulickson, SF Tenants Union; Dean Preston, Tenants Together; Elizabeth Miller; Noni Richen, Small Property Owners of San Francisco; Andrew Long; Andrew Smith; Mark Brennan; Female Speaker; James Wavro; Peter Wright; Laura Gray; Casey Allen; Eric Brooks, SF Green Party; John Curley; Bart Murphy, SF Rent Board; Tim McCaffee; Male Speaker; George McMan; Carmen LeBrennan; Delene Wolfe, SF Rent Board.

11/23/09; CONTINUED AS AMENDED. Continued to December 7, 2009.

*Heard in Committee. Speakers: Supervisor John Avalos; Tommi Avicollimecca, HRCSF; Maria Quevedo, SFHC (translated); Jose Morales, SFTU; Tim Colen, SF Housing Action Coalition; Dan Murphy, Urban Green; Karen Kerner, Housing Rights Committee; Tammy Hung, Chinatown Community Development Center; Lidia Avila Y Mariana, Vivienda San Pedro (translated); Jazzie Collins and Christine Olague, Senior Action Network; Andrew Long; Gary Briggs; Meriam Samora (translated); Colin Gallagher; Joe Cassidy; Bruce Allison, Poor; Steve Melino; Melissa Brant; James Nunemacher; Delene Wolf, Rent Board; Shelley Trew; Sherrie Matza; Paul Hyams, Fillmore Centre; Donald Citizen; Noni Richen; Peter Reitz; Simon Casey; John Kevlin, Reuben & Junius; Michelle Horneff-Cohen, Professional Property Management Assoc.; Doug Zarybnisky, The Fillmore Center; Marie Corlett Blits, Deputy City Attorney; Mark Brennan; Walter Paulson; Andrew Smith; Male Speaker; Ted Loewenberg; Joe O'Donoghue; Danita Kulp, SPOSF; Sandra Bishop; Bob Nelkey; Dave Wasserman; Raphael Meldamen, Harvey Milk Association; William Ho, Bernal Heights Neighborhood Center; Brook Turner; Ted Gulickson, SF Tenants Union; Steve Vettell; Richard Robinson; Dean Preston, Tenants Together; Janan New; Mark Brennan; Miguel Wooding; Josh Vining, Mission SRO Collaborative; Camila Contreras, Housing Rights Committee; Robin Altman; Cinthya Munoz, St. Peter's Housing Committee; Elizabeth Miller; Sara Shortt, Housing Rights Committee; Robert Hall; Bart Murphy; Male Speaker; Marlena Byrne, Deputy City Attorney.*

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

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.2 and 37.3 to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979); by amending Section 37.9 to provide that 37.9(a)(8)(vi) limitations on owner move-in evictions do not apply to these newly protected units (new Section 37.9(a)(8)(viii)); by amending 37.9 to provide an owner the option of giving additional notice in lieu of making relocation payments for owner move-in eviction of a newly covered single-family home or individually owned condominium, provided the tenant was initially given specified notice of this status (new Section 37.9(a)(8)(ix)); by amending Section 37.9 to add a 16th just cause for eviction, to provide for eviction from a condominium unit with separable title that was rented by the developer for a limited time period prior to sale of the unit, where the developer has given specified advance notice to the renters (new Section 37.9(a)(16)); and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

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

Ayes: 3 - Maxwell, Mar, Chiu

**091288 [Approval of CEQA Findings for SFPUC Harding Park Recycled Water Project]**

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation and reporting program and a statement of overriding considerations related to the Harding Park Recycled Water Project, Water System Improvement Program funded Project No. CUW 30204; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

11/09/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speaker: Nathan Purkiss, SF Public Utilities Commission.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**090962 [Zoning - Amending the Citywide Definition of Tobacco Paraphernalia Establishments by Lowering the Threshold for Retail Stores to be Considered Tobacco Paraphernalia Establishments]**

**Sponsor: Chiu**

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

07/28/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/27/2009.

07/31/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation.

08/03/09; RESPONSE RECEIVED. Non-physical exemption, CEQA, Article 5, Section 15060(c)(2).

08/03/09; REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comment.

11/19/09; RESPONSE RECEIVED. Planning Commission Resolution No. 17982 recommending approval with modifications.

*Heard in Committee. Speaker: Tara Sullivan, Planning Department.*

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

Ordinance amending the Planning Code to amend the definition of Tobacco Paraphernalia Establishments in Section 227(v), to lower the threshold for retail stores to be considered Tobacco Paraphernalia Establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area projected to the floor, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending Section 723.1 and the Table at Section 723, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1, to change the period of non-use for a non-conforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

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

Ayes: 3 - Maxwell, Mar, Chiu

**SPECIAL ORDER - 2:00 P.M.****091221 [The Current Economic Crisis: Impact and Recommendations for San Francisco's Women and Girls]****Sponsors: Alioto-Pier; Maxwell and Chu**

Hearing from experts, including the Department on the Status of Women, on the current economic crisis and its impact on women and girls which will focus on the recommendations, including a "buy local" purchasing policy, systems to engage women in construction and trade jobs created by the stimulus package and increased childcare slots and supports for working parents.

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Supervisor Carmen Chu; Andrea Shorter, President, Commission on the Status of Women; Kate Howard, Mayor's Office; Jenny Irwin; Veronica Honeycut, City College of San Francisco; Emily Murase, Department on the Status of Women; Linnea Klee, Executive Director, Children's Council of San Francisco; Regina Dick-Endrizzi, Small Business Assistance Center; Theresa Sparks, Human Rights Commission; Thais Rezende, Women's Initiative; Meg Vasey, Executive Director, Tradeswomen, Inc.; Vanessa Flores, Asian Women's Shelter; Paula C. Fiscal, SFID Contractors; Nelson Castillo, Public Health; Dr. Amy Bacharach, SF Women's Political Committee; Gladys Soto and Brenda Barros, SEIU 1021; Katie McCall, Women's Community Clinic; Kay Gulbengay.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**ADJOURNMENT**

*The meeting adjourned at 5:27 p.m.*