



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: Eric Mar, Malia Cohen, Scott Wiener

Clerk: Alisa Miller (415) 554-4447

Monday, December 10, 2012

1:00 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Eric Mar, Malia Cohen, and Scott Wiener

MEETING CONVENED

The meeting convened at 1:18 p.m.

REGULAR AGENDA

121168 [Street Encroachment - 54 Peralta Avenue]

Sponsor: Chiu

Resolution granting revocable permission to Aquilina Family 2001 Revocable Trust to occupy a portion of the public right-of-way to remove and reconstruct a portion of a City owned and maintained retaining wall to construct a concrete driveway ramp, with accessible transition slopes to conform to the existing sidewalk grade, that will provide vehicular access to a proposed new residence with a garage at 54 Peralta Avenue (Assessor's Block No. 5512, Lot No. 029), conditioned upon the payment of an annual assessment fee of \$215; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

12/04/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

12/07/12; NOTICED. Hearing notice was posted and mailed to property owners.

Heard in Committee. Speakers: Eleanor Tang and John Kwong (Department of Public Works); Reza Khoshnevisan (SIA Consulting Corporation); presented information concerning the matter and answered questions raised throughout the hearing. Carl Passero; Michael McCabe; Rochelle Kimall; Lew Randall; spoke in opposition to the matter.

REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

121003 [Street Artist Spaces - Hallidie Plaza - East of 5th Street]

Resolution approving re-designation of 47 selling spaces at Hallidie Plaza, east of 5th Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces for one year from the regulations of Police Code Section 2405(c)(3), (4), and (11), relating to size of space and distance between street artists. (Arts Commission)

10/11/12; RECEIVED FROM DEPARTMENT.

10/23/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Howard Lazar (Arts Commission); presented information concerning the matter and answered questions raised throughout the hearing. Female Speaker; spoke in support of the hearing matter. Francisco Da Costa; Walter Paulson; spoke neither in support nor against the matter.

RECOMMENDED.. by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120789 [Planning Code - Landmark Designation of 4004-4006 Third Street - Sam Jordan's Bar]**Sponsor: Cohen**

Ordinance designating 4004-4006 Third Street (Sam Jordan's Bar), Lot No. 030 in Assessor's Block No. 5253, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

07/23/12; RECEIVED FROM DEPARTMENT.

07/31/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Mary Brown (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Clyde Curtis; Francisco Da Costa; Ace Washington; Randall Evans; spoke in support of the hearing matter. Walter Paulson; spoke neither in support nor against the matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

121061 [Planning Code - Landmark Designation of 401 Castro Street (Twin Peaks Tavern)]**Sponsor: Wiener**

Ordinance designating 401 Castro Street (Twin Peaks Tavern), Assessor's Block No. 3582, Lot No. 71, as a landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

10/23/12; RECEIVED FROM DEPARTMENT.

11/06/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/6/2012.

Heard in Committee. Speakers: Moses Corrette (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Walter Paulson; Douglas Yep; spoke neither in support nor against the matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120772 [Health, Transportation Codes - Prohibiting Smoking at Certain Outdoor Events]**Sponsors: Mar; Cohen**

Ordinance amending the San Francisco Health Code by adding Article 19L to prohibit smoking at outdoor events on property owned by the City and County of San Francisco where approval is required under Article 6 of the San Francisco Transportation Code; the San Francisco Transportation Code by amending Sections 6.2 and 6.7 establishing obligations for producers of outdoor events that require approval for temporary use or occupancy of a public street to notify the public that the event is smoke-free; and making environmental findings.

07/17/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee.

07/24/12; TRANSFERRED to Budget and Finance Committee.

07/24/12; REFERRED TO DEPARTMENT. Referred to Planning Department for determination of environmental impact.

08/23/12; RESPONSE RECEIVED. Not a project, exemption per CEAQ Section 15060 (C) (3).

09/26/12; TRANSFERRED to Land Use and Economic Development Committee.

Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Ernestine Weiss; Karen Licavoli; Manny Diaz; Rosalyn Moya; Brianna Hines; Brian Davis; Kimberly Wong; Stefan White; Francisco Da Costa; spoke in support of the hearing matter. Douglas Yep; spoke in opposition to the matter. Walter Paulson; spoke neither in support nor against the matter.

Supervisor Cohen requested to be added as a co-sponsor.

AMENDED on Page 1, Line 23 by changing '1010.10' to '19L.1'; Page 4, Line 1 by changing '1010.11' to '19L.2'; and Page 5, Line 5 by changing '1010.12' to '19L.3', Line 20 by changing '1010.13' to '19L.4', Line 21 by deleting 'this', and Line 22 by changing '1010.12(b)' to '19L.3(b)' by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

121107 [Health Code - Disclosing Landlord's Prohibition of Smoking in Residential Rental Units; Designating Units as Smoke Free or Smoking Optional]**Sponsors: Mar; Cohen**

Ordinance amending the San Francisco Health Code by adding Article 19M relating to multi-unit residential rental properties where less than 100 percent of the units are designated as smoke free, to require that owners designate each unit as either smoke free or smoking optional, and include that designation in residential vacancy listings; provide a list to a rental applicant showing the designation of units in the building as smoke free or smoking optional, before offering a unit to that applicant; disclose in writing to any rental applicant whether the landlord has designated the unit for rent as smoke free or smoking optional, prior to entering into a new lease or rental agreement; develop and maintain a master list available to all tenants that identifies the location of each smoke free unit and each smoking optional unit; and comply with a timeline and process to designate the units as smoke free or smoking optional (one year for owners of 50 units or less in the City, two years for owners of more than 50 units in the City).

11/06/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/6/2012.

11/14/12; REFERRED TO DEPARTMENT. Referred to the Rent Board and Department of Public Health for informational purposes.

Heard in Committee. Speakers: Aliana Krushul (Department of Public Health); presented information concerning the matter and answered questions raised throughout the hearing. Kendra Froshman; Ben Schaffer; Brian Davis; Charlie Goss; Victoria Paffe; Steve Von Moore; Jennifer Joey Smith; spoke in support of the hearing matter. Ernestine Weiss; Steffan White; spoke in opposition to the matter. Walter Paulson; spoke neither in support nor against the matter.

Supervisor Cohen requested to be added as a co-sponsor.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by renumbering sections, deleting the operative date, and making other clarifying changes by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

Ordinance amending the San Francisco Health Code by adding Article 19M relating to multi-unit residential rental properties where less than 100 percent of the units are designated as smoke free, to require that owners designate each unit as either smoke free or smoking optional, and include that designation in residential vacancy listings; provide a list to a rental applicant showing the designation of units in the building that are smoking optional, before offering a unit to that applicant; disclose in writing to any rental applicant whether the landlord has designated the unit for rent as smoke free or smoking optional, prior to entering into a new lease or rental agreement; develop and maintain a master list available to all tenants that identifies the location of each smoking optional unit; and comply with a timeline and process to designate the units as smoke free or smoking optional (one year for owners of 50 units or less in the City, two years for owners of more than 50 units in the City).

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

120830 [Hearing - Post Redevelopment in the Western Addition]**Sponsor: Olague**

Hearing requesting presentations from Planning Department, the Oversight Board, and the Mayor's Office of Economic and Workforce Development regarding the status of programs and initiatives in the Western Addition, particularly on Fillmore Street, in the post Redevelopment Agency area.

09/04/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

09/11/12; REFERRED TO DEPARTMENT. Referred to the Planning Department, Oversight Board, and Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Supervisor Christina Olague (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Male Speaker; Jay Crawford; Adrienne Williams; Francisco Da Costa; Daniel Landry; Ace Washington; Douglas Yep; spoke on various concerns regarding the hearing matter.

FILED by the following vote:

Ayes: 3 - Mar, Cohen, Wiener

ADJOURNMENT

The meeting adjourned at 3:39 p.m.