



# 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: Scott Wiener, Jane Kim, David Chiu*

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

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Monday, July 22, 2013

1:30 PM

City Hall, Committee Room 263

### Regular Meeting

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**Present:** 3 - Scott Wiener, Jane Kim, and David Chiu

## MEETING CONVENED

*The meeting convened at 1:38 p.m.*

## REGULAR AGENDA

**130703 [Sale of Easement - Public Utilities Commission to Pacific Gas and Electric Company - Watershed Lands Near the Caltrans I-280 Crystal Springs Rest Stop - Unincorporated San Mateo County - \$15,400]**

Resolution approving and authorizing the sale of an easement on the City and County of San Francisco's property, consisting of approximately 23,000 square feet of watershed lands in unincorporated San Mateo County near the Caltrans I-280 Crystal Springs Rest Stop (the Easement Area or Crystal Springs Station) by the San Francisco Public Utilities Commission, for the price of \$15,400; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan and eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

07/08/13; RECEIVED FROM DEPARTMENT.

07/16/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speaker: John Updike, Director (Real Estate Division); presented information concerning the matter and answered questions raised throughout the hearing.*

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

Supervisor Chiu was noted absent at 2:59 p.m. and present at 3:12 p.m.

**130631 [Hearing - City's Plan to Ensure Transit Service Keeps Pace with Current and Future Development]**

**Sponsor: Wiener**

Hearing directed to the Mayor's Office, Planning Department, Municipal Transportation Agency (MTA), Transportation Authority, Office of Economic and Workforce Development, the Office of the Controller, and the Port of San Francisco to report on how the City is planning to expand Muni's service capacity, including how that expansion will be paid for on an on-going basis, in light of significant planned development, population growth, and job growth, as well as Muni's current lack of sufficient, reliable service capacity; the departments will be asked to discuss how they evaluate the need for additional transit service, what increase in service levels are needed, how the increase will occur, and how it will be paid for on an ongoing basis to accommodate growth projections associated with planned and future development projects and population and job increases; and the departments also will analyze whether MTA's baselines budget should be increased in light of development and population trends.

06/11/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

06/28/13; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Municipal Transportation Agency, Transportation Authority, Office of Economic and Workforce Development, City Controller, and Port since the matter directs them to provide a report.

*Heard in Committee. Speakers: John Rahaim, Director (Planning Department); Ken Rich (Office of Economic and Workforce Development); Ed Reiskin, Director (Municipal Transportation Agency); Rachel Hiatt (Transportation Authority); presented information concerning the matter and answered questions raised throughout the hearing. Janet Morrison (San Francisco Tomorrow); Ina Dearman; Jim Lazarus (SF Chamber of Commerce); Hiroshi Fukuda; Buffy Martin-Tarbox (SF Waterfront Alliance); John Parrish; Sue Hestor; Alice Rogers; spoke on various concerns regarding the hearing matter.*

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

Ayes: 2 - Wiener, Kim

Absent: 1 - Chiu

**130459 [Planning Code - Mission Alcoholic Beverage Special Use District and Valencia Street Neighborhood Commercial Transit District]****Sponsors: Campos; Wiener**

Ordinance amending the Planning Code, Mission Alcoholic Beverage Special Use District controls, to allow the transfer of liquor licenses and relocation of uses under specified circumstances, to restrict the sale of alcohol for off-site consumption, and to exempt from the controls grocery stores and certain institutional, arts, and other uses; establishing operating conditions for certain establishments with a liquor license; amending the Valencia Street Neighborhood Commercial Transit District controls to restrict the conversion of existing ground floor retail uses to restaurants; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

05/14/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 6/13/2013.

05/31/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for review and recommendation; and Police Department for informational purposes.

06/07/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

06/25/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/02/13; REFERRED TO DEPARTMENT. Re-referred the substitute legislation (version 2) to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for review and recommendation; and Police Department for informational purposes.

07/17/13; RESPONSE RECEIVED. 7/8/2013 - The Small Business Commission voted 6-0 to recommend approval of the proposed legislation.

07/17/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

*Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Sophie Hayward (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. H. Ehrman (Elixir); spoke in support of the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Chiu

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

Ayes: 3 - Wiener, Kim, Chiu

**130437 [Hearing - Reviewing the Proliferation of Parklets]****Sponsor: Mar**

Hearing to look at how parklets have spread in certain parts of the City, examine their impact, and consider the benefits they may provide to merchant corridors.

05/07/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

07/16/13; TRANSFERRED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Paul Chasan (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Christian Gable; Nicole Kush (SF Beautiful); Komal Panjwani (SF Beautiful); Natalie Burdick (Walk San Francisco); Nicole Agbayani (Excelsior Action Group); Craig Hollow (Out of Site Youth Arts Program); spoke on various concerns regarding the hearing matter.*

**FILED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**120966 [Administrative Code - Healthy Food Retailer Incentives Program]****Sponsors: Mar; Kim, Cohen and Chiu**

Ordinance amending the Administrative Code, by adding Chapter 59, Sections 59.1-59.9, to establish a Healthy Food Retailer Incentives Program to oversee and coordinate the City's incentive and assistance programs for Healthy Food Retailers.

09/25/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/25/2012.

10/10/12; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and Office of Economic and Workforce Development for informational purposes.

05/13/13; REMAIN ACTIVE. Supervisor Mar requested this matter remain active for an additional six months; 11/13/2013.

06/18/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

06/28/13; REFERRED TO DEPARTMENT. Referred substitute legislation (version 2) to the Small Business Commission for review and recommendation; and Department of Public Health, Office of Economic and Workforce Development, Planning Department, and Human Services Agency for informational purposes.

07/15/13; RESPONSE RECEIVED. 6/24/2013 - The Small Business Commission voted 5-0 to recommend approval of the proposed legislation.

*Heard in Committee. Speakers: Supervisor Eric Mar (Board of Supervisors); Jorge Rivas (Office of Economic and Workforce Development); Susana Hennessey-Lavery (Department of Public Health); Larry Brucia (Sutti Associates); Michael Janis (Southeast Food Access); Kenneth Hill; Antonio Williams; Jazz Vasser; Ryan Thayer and Jessica Estrada (Tenderloin Neighborhood Development Corp.); presented information concerning the matter and answered questions raised throughout the hearing. Stephen Tennis (TNDC); Fred Perez Devamco, Jr. (THCSC); Female Speaker; Tammy Wong (Healthy Coalition); Vera Pittman (A Aims Project); Julie Yu Yu Tan (Tenderloin Healthy Corner Store Coalition); Meredith Minkler (UC Berkeley, School of Public Health); Dave Seiler (TNDC); Male Speaker; Ella Manuel; Female Speaker; Conny Ford (Jobs With Justice); Colleen Rivecca (St. Anthony's); spoke in support of the hearing matter.*

*Supervisor Chiu requested to be added as a co-sponsor.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130712 [Interim Zoning Controls - Specific Formula Retail Uses on Market Street, from 6th Street to Van Ness Avenue]****Sponsor: Kim**

Resolution imposing interim zoning controls requiring conditional use authorization for formula retail uses, as defined, on Market Street, from 6th Street to Van Ness Avenue, subject to specified exceptions, for 18 months; and making findings, including findings of consistency with the priority policies of Planning Code, Section 101.1, and environmental findings.

(Economic Impact)

07/09/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

07/11/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and recommendation; and Small Business Commission for review and recommendation.

07/12/13; NOTICED. July 22, 2013, Land Use Committee hearing notice was published and mailed to property owners.

07/17/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

*Heard in Committee. Speakers: John Rahaim, Director, and Sophie Hayward (Planning Department); Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Tom Hart (Shorenstein); Jim Lazarus (SF Chamber of Commerce); Alice Rogers; Female Speaker; Eric Brooks (SF Green Party/Our City); Julian Dash; spoke in support of the hearing matter.*

**AMENDED on Page 1, Line 1, by adding 'Specific' before 'Formula'; Page 4, Line 12-13, by deleting 'as defined herein, on Market Street, between 6th Street and Van Ness Avenue' and adding 'with frontage on Market Street, between 6th Street and Van Ness Avenue that are also a) financial services, as defined in Section 790.110; b) fringe financial services, as defined in Section 790.111; c) restaurants, as defined in Section 790.91; d) limited restaurants, as defined in Section 790.90; or e) pharmacies, as defined in Section 790.102(c)'; Page 4, Lines 15-16, by deleting 'FURTHER RESOLVED, That these interim controls shall not apply to general grocery stores, as defined in Planning Code Section 790.102(a); and, be it'; and Page 4, Line 17, by deleting 'formula retail' after 'That any' by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

(Economic Impact)

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

Ayes: 3 - Wiener, Kim, Chiu

**130744 [Police Code - Aerial Signs and Advertising]****Sponsors: Kim; Avalos**

Ordinance amending the Police Code to prohibit the use of aircraft, self-propelled, or buoyant objects to display any sign or advertising device in airspace over the City and County of San Francisco; and making environmental findings.

(Economic Impact)

07/15/13; DUPLICATED. See File No. 130661.

07/15/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

07/15/13; CONTINUED AS AMENDED. Continued as Amended to July 22, 2013.

07/17/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Port, Police Department, and City Administrator for informational purposes.

07/17/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

*Heard in Committee. Speakers: Milo Hanke (SF Beautiful); Alex Walker (SF Beautiful); Alice Rogers; spoke in support of the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Chiu

(Economic Impact)

*Continued as amended to July 29, 2013.*

**CONTINUED AS AMENDED to July 29, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130570 [Planning Code, Zoning Map - Yerba Buena Center Mixed-Use Special Use District]**

Ordinance amending the Planning Code and Zoning Map, by adding Section 249.71, to create the Yerba Buena Center Mixed-Use Special Use District (SUD) located at 706 Mission Street, Assessor's Block No. 3706, Lot No. 093 and portions of Lot No. 277, to facilitate the development of the 706 Mission Street, The Mexican Museum and Residential Tower Project, by modifying specific Planning Code regulations related to permitted uses, the provision of a cultural/museum use within the SUD, floor area ratio limitations, dwelling unit exposure, height of rooftop equipment, bulk limitations, and curb cut locations; amending the Zoning Map to add the SUD and increase the height of property in the SUD from 400 feet to 480 feet; and making environmental findings and findings of consistency with the General Plan. (Planning Commission)

06/03/13; RECEIVED FROM DEPARTMENT.

06/11/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/11/2013.

07/05/13; NOTICED. 10-Day Publication Notice was submitted to the newspaper on 7/2/2013.

07/15/13; CONTINUED. Heard in Committee. Speakers: Kevin Guy and John Rahaim, Director (Planning Department); Tiffany Bohee, Executive Director (Successor Agency); Sean Jeffries (Millennium Partners); Tim Kelly (Keyser Marston Associates); Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Ricardo Padilla (Latino Comics Expo); Michael Theriault (SF Building Trades); Arturo Riera (Yerba Buena Gardens Festival); Nora Wagner and David de la Torre (Mexican Museum); Arturo Taboada (Mexican Museum); Luz Maria Rodriguez and Michael McKenna (IBEW Local 6); Benjamin Bac Sierra; Don Marcos (Filipino Cultural Center); Stefano Cassolato (Citywide Permit Consulting); Mary McCue (MGM Management/Yerba Buena Gardens); Ken Pilgrim (Westin Hotel); Virginia Grandi (Yerba Buena Alliance); Cameron Deal; Helen Sause; Manuel Flores; Mely Saavedra; Aurora Grajeda; Dave Gonzales; Alex Finkelstein; David Elliott Lewis; Rosario Anaya; Victor Marquez; Robert Dendos; spoke in support of the hearing matter. Thomas Lippe (Lippe Gaffney Wagner); Joe Fang; Ronald Wornick; Margaret Lin Collins; Edward Collins; Tim Kochis; Lynn Sedway; Paul Sedway; Rick Smith; Andrew Bryant; Matthew Shoenberg; Desmond Whitchurch; spoke in opposition to the hearing matter. Denise Childs (Contemporary Jewish Museum); Walter Paulson; spoke neither in support nor opposition to the hearing matter.

Continued to July 22, 2013.

*Heard in Committee. Speakers: John Rahaim, Director (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Margo Bradish (Cox Castle); Rick Smith; spoke in support of the hearing matter. Thomas Lippe (Lippe Gaffney Wagner LLP); Joe Fang (Four Seasons HOA); Matthew Shoenberg (FOYB); spoke in opposition to the hearing matter.*

**REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130186 [Environment Code - Repealing Yellow Pages Distribution Pilot Program]**  
**Sponsor: Chiu**

Ordinance amending the Environment Code by repealing Yellow Pages Distribution Pilot Program.

02/27/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/28/2013.

03/06/13; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation; and Department of the Environment for informational purposes.

*Heard in Committee. Speaker: Eric Brooks; spoke neither in support nor against the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Chiu



**130464 [Administrative Code - California Environmental Quality Act Procedures, Appeal of Exempt Project Modification]****Sponsors: Kim; Chiu, Campos, Avalos, Mar and Yee**

Ordinance amending Administrative Code, Chapter 31, to provide for appeal to the Environmental Review Officer to reconsider a determination of the Environmental Review Officer that an exempt project modification does not require a new decision under the California Environmental Quality Act; and making environmental findings.

05/14/13; ASSIGNED to Land Use and Economic Development Committee.

05/16/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission and Historic Preservation Commission for public hearing and recommendation; and Municipal Transportation Agency, Department of Building Inspection, County Clerk, Department of Public Works, Department of Public Health, Fire Department, Port, and Recreation and Park Department for informational purposes.

05/20/13; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Rick Caldeira (Office of the Clerk of the Board); AnMarie Rodgers (Planning Department); Elaine Warren (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Bernie Choden; Eric Brooks; Calvin Welsh; spoke on various concerns regarding the proposed legislation in File Nos. 121019, 130248, and 130464.

05/24/13; RESPONSE RECEIVED. Non-physical exemption pursuant to CEQA Section 15060(c)(2).

06/17/13; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Sarah Jones and John Rahaim, Director (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Erin Franks; Tim Colen; Steven Aiello; Sean Keighran; spoke in support of the proposed legislation in File No. 121019. Rose Hillson; spoke in support of the proposed legislation in File Nos. 130248 and 130464. Tes Welborn; Katherine Howard; Linda Chapman; Bernie Choden; Fernando Marti; Calvin Mulch; spoke on various concerns regarding the proposed legislation in File Nos. 121019, 130248, and 130464.

07/16/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

07/17/13; RESPONSE RECEIVED. The Historic Preservation Commission held a public hearing and recommended approval; Resolution No. 708.

07/18/13; RESPONSE RECEIVED. The Planning Commission held a public hearing and the motion to approve the proposed legislation failed.

07/19/13; REFERRED TO DEPARTMENT. Re-referred substitute legislation (version 2) to the Planning Department for environmental review; Planning Commission and Historic Preservation Commission for public hearing and recommendation; and Municipal Transportation Agency, Department of Building Inspection, County Clerk, Department of Public Works, Department of Public Health, Fire Department, Port, and Recreation and Park Department for informational purposes.

*Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); Sophie Hayward (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Eric Brooks (SF Green Party/Our City); Rose Hillson; Alice Rogers; spoke in support of the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Chiu

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

Ayes: 3 - Wiener, Kim, Chiu

**ADJOURNMENT**

*The meeting adjourned at 6:09 p.m.*