



# 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, Malia Cohen*

*Clerk: Andrea Ausberry (415) 554-4442*

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Monday, October 20, 2014

1:30 PM

City Hall, Committee Room 263

### Regular Meeting

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**Present:** 3 - Scott Wiener, Jane Kim, and Malia Cohen

## MEETING CONVENED

*The meeting convened at 1:40 p.m.*

## REGULAR AGENDA

### **141006 [Interim Zoning Controls - New Ground Floor Office Uses Facing 2nd Street, from King and Folsom Streets]**

**Sponsor: Kim**

Resolution imposing interim zoning controls requiring conditional use authorization for new office uses facing 2nd Street, from King to Folsom Streets, for eighteen months; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

09/23/14; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/07/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Small Business Commission for comment and recommendation; Planning Commission for informational purposes.

10/10/14; NOTICED.

*Heard in Committee. Speakers: Patrick Valentino, Kim Kobasic, Rob Strasser, and Leslie Hennessy (South Beach Business Merchant Association); Michael Anthony and Alice Rodgers (SBRMB Neighborhood Association); T. Mitchell; Nate (The American Grilled Cheese Kitchen); spoke in support of the proposed legislation.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

*File Nos. 120796 and 120814 were called together.*

**120796 [Planning Code, Zoning Map - Establishing the Divisadero Street Neighborhood Commercial District and Deleting the Divisadero Street Restricted Use District]****Sponsor: Breed**

Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial District (NCD) along Divisadero Street between Haight and O'Farrell Streets, deleting the Divisadero Street Alcohol Restricted Use District (RUD), amending various other Code sections to make conforming and other technical changes, amending the Zoning Map to add the Divisadero Street NCD and deleting the Divisadero Street RUD, affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/24/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

07/27/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

07/31/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

08/09/12; REFERRED TO DEPARTMENT. The substitute legislation was re-referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

10/30/12; REMAIN ACTIVE. 10/30/2012 - The Board of Supervisors adopted a 45-day extension for Planning Commission approval (File No. 121052 / Resolution No. 405-12); 12/24/2012.

11/26/12; RESPONSE RECEIVED. 11/26/2012 - The Small Business Commission held a hearing and recommended approval of the legislation.

12/04/12; RESPONSE RECEIVED. 11/29/2012 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18751.

02/26/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

03/13/13; REFERRED TO DEPARTMENT. Re-referred substitute legislation to the Planning Department/Commission and Small Business Commission for informational purposes.

06/17/13; RESPONSE RECEIVED. 6/13/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18906.

07/26/13; RESPONSE RECEIVED. 7/25/2013 - The Planning Commission held a public hearing and recommended the issue of formula retail be studied further to increase understanding and examine potential impacts; Resolution No. 18931.

06/04/14; REMAIN ACTIVE. Supervisor Breed requested this matter to remain active for an additional six months; 12/10/14.

09/23/14; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

10/07/14; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; Planning Commission for informational purposes.

10/10/14; NOTICED.

10/17/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c).

*Heard in Committee. Speakers: Conor Johnston (Office of Supervisor Breed); Diego Sanchez (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Tom Radulovich (Livable City); Female Speaker; spoke in support of the proposed legislation. Ace Washington; spoke in opposition to the proposed legislation.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

**120814 [Planning Code, Zoning Map - Establishing the Fillmore Street Neighborhood Commercial District]****Sponsor: Breed**

Ordinance amending the Planning Code to establish the Fillmore Street Neighborhood Commercial District (NCD) along Fillmore Street between Bush and McAllister Streets; amending various other Code sections to make conforming and other technical changes; amending the Zoning Map to add the Fillmore Street NCD; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/31/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/30/2012.

08/10/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

10/23/12; RESPONSE RECEIVED. General Rule Exclusion per CEQA Guidelines Section 15061(b)(3).

10/30/12; REMAIN ACTIVE. 10/30/2012 - The Board of Supervisors adopted a 45-day extension for Planning Commission approval (File No. 121051 / Resolution No. 404-12); 12/26/2012.

01/15/13; REMAIN ACTIVE. The Board of Supervisors adopted a 90-day extension for Planning Commission approval (File No. 130021); 04/15/2013.

03/05/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

03/19/13; REFERRED TO DEPARTMENT. Re-referred the substitute legislation to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

06/17/13; RESPONSE RECEIVED. 6/13/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18907.

07/26/13; RESPONSE RECEIVED. 7/25/2013 - The Planning Commission held a public hearing and recommended the issue of formula retail be studied further to increase understanding and examine potential impacts; Resolution No. 18931.

06/04/14; REMAIN ACTIVE. Supervisor Breed requested this matter to remain active for an additional six months; 12/10/14.

09/23/14; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

10/06/14; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; Planning Department for informational purposes.

10/10/14; NOTICED.

*Heard in Committee. Speakers: Conor Johnston (Office of Supervisor Breed); Diego Sanchez (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Tom Radulovich (Livable City); Female Speaker; spoke in support of the proposed legislation. Ace Washington; spoke in opposition to the proposed legislation.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

**120881 [Planning Code, Zoning Map - Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts]****Sponsor: Chiu**

Ordinance amending the Planning Code, by repealing Section 158 and amending various other Code Sections, to modify controls for uses and accessory uses in Commercial and Residential Commercial (RC) Districts; eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach Neighborhood Commercial Districts (NCDs), and the Washington-Broadway Special Use District (SUD); make maximum residential parking permitted in Downtown Commercial and RC Districts consistent with Neighborhood Commercial Transit (NCT) Districts; make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; make surface parking lots a non-conforming use in Downtown Commercial Districts; modify conformity requirements in various use districts; modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; permit certain exceptions from exposure and open space requirements for historic buildings; remove references to deleted sections of the Code; amend Zoning Map Sheet SU01 to consolidate the two Washington-Broadway SUDs and revise the boundaries; and making environmental findings, Section 302, findings, and findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1.

09/04/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/4/2012.

09/17/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Small Business Commission for review and recommendation; and Planning Commission for informational purposes only.

09/20/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

08/12/13; REMAIN ACTIVE. Supervisor Chiu requested this matter remain active for an additional six months; 2/12/2014.

06/02/14; REMAIN ACTIVE. Supervisor Chiu requested this matter remain active for an additional six months; 12/10/14.

09/15/14; NOTICED.

09/21/14; NOTICED.

09/29/14; CONTINUED. Heard in Committee. Speakers: No Speakers.

*Heard in Committee. Speakers: Judson True (Office of Supervisor Chiu); presented information concerning the matter and answered questions raised throughout the hearing. Tom Radulovich (Livable City); spoke in support of the proposed legislation.*

**Supervisor Kim, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

**CONTINUED AS AMENDED to October 27, 2014, by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

**141010 [Hearing - Night Noise Permits in Residential Areas]****Sponsor: Kim**

Hearing on noticing requirements and issuance of night noise permits in residential areas; and request for presentations from the Department of Building Inspection, the Municipal Transportation Agency, the Department of Public Health, and the Department of Public Works on their consideration of neighborhood concerns in issuing night noise permits and road closures.

09/23/14; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/09/14; REFERRED TO DEPARTMENT. Referred to Municipal Transportation Agency, Department of Public Health, Public Utilities Commission, and Department of Building Inspection for informational purposes.

*Heard in Committee. Speakers: Lyn Fong (Public Works); June Winthrop (Department of Public Health); Brian Dusseault (Municipal Transportation Agency); Patrick O'Riordan and Dan Lowrey, Deputy Director (Department of Building Inspection); presented information concerning the matter and answered questions raised throughout the hearing. Jim Lazarus (Chamber of Commerce); Charlie Lavery (Operating Engineers 3); Michael Theriault (SF Building Traders); Tad Bogdan and Bill Jaenike (Metropolitan Association); Jim; Chuck Wright (Tishman Speyer); Peter Read (Lend Lease); Alice Rodgers (SBRMB Neighborhood Association); Andy Schreck and Andy Ball (Suffolk Construction); Shawn Sherburne; Ramon Hernandez (Local 261); Dave Osgood (Rincon Point); Peter Garza (Local 21); spoke on various concerns regarding the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Cohen

**141023 [Development Agreement - 181 Fremont Street, LLC - 181 Fremont Street - Transbay Redevelopment Project Area]****Sponsors: Mayor; Kim**

Ordinance approving a Development Agreement between the City and County of San Francisco and 181 Fremont Street, LLC, for certain real property, known as 181 Fremont Street, located in the Transbay Redevelopment Project Area, consisting of two parcels located on the east side of Fremont Street, between Mission and Howard Streets; making findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); and waiving certain provisions of Administrative Code, Chapter 56, and Planning Code, Section 249.28.

09/30/14; ASSIGNED to Land Use and Economic Development Committee.

10/09/14; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; Planning Department; Office of Community Investment and Infrastructure; Real Estate; and Mayor's Office of Housing for informational purposes.

10/10/14; NOTICED.

10/17/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2).

*Heard in Committee. Speakers: Kevin Guy (Planning Department); Courtney Pash, Ms. Benjamin and Tiffany Bohee, Director (Office of Community Investment and Infrastructure); presented information concerning the matter and answered questions raised throughout the hearing.*

**Supervisor Kim, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

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

Ayes: 3 - Wiener, Kim, Cohen

## ADJOURNMENT

*The meeting adjourned at 5:00 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Economic Development Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.*