



# 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, February 25, 2013

10:00 AM

Legislative Chamber, Room 250

### Rescheduled Meeting

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

## MEETING CONVENED

*The meeting convened at 10:05 a.m.*

## REGULAR AGENDA

**120669 [Subdivision Code - Condominium Conversion Impact Fee]****Sponsors: Farrell; Wiener**

Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a condominium conversion impact fee applicable to buildings participating but not being selected in the 2012 or 2013 condominium conversion lotteries only, subject to specified requirements, including lifetime leases for non-purchasing tenants; and adopting environmental findings.

(Economic Impact)

06/12/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/12/2012.

06/20/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Controller, Planning Department, Department of Building Inspection, and Department of Public Works for review and information.

01/04/13; RESPONSE RECEIVED. Statutory exemption per CEQA Section 15273 - Rates, Tolls, Fares and Charges.

01/09/13; NOTICED. The Fee Ad was submitted to the newspaper for publication on January 14 & 21, 2013.

01/15/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

01/28/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Mark Farrell (Board of Supervisors); John Malamut (City Attorney's Office); Bruce Storrs (Department of Public Works); presented information concerning the matter and answered questions raised throughout the hearing. Chin Hoy Loh; Female Speaker; David Wallace; Mark Bridges; Xi Rong Zhoo; Jaime Alvarez; Marlene Tran; Male Speaker; Stacy Salvi; Male Speaker; Jake Block; Tina Moylin; Mike Moylin; Male Speaker; Fin Hatto; Jennifer Grant; Quitanne Ingalls; Jim Ingalls; Lance Wills; Ms. Taylor; Andy Creager; Brian Basinger; Tom; Marie Kuhns; Cheryl Power; Mike Sullivan; Bessie Tam; Darren Bridgett; Joanne Neidorf; Mark Bryan; Sandra Kazee; Julie Costanzo; Miro Brajenovic; Bryce Dille; Greg Efstatis; Brian; Lothar Schubert; Frank Triska; Sheila McLaughlin; Alex Ku; Bobbi Clemens; Female Speaker; Beth Palmer; Josephine Zhao; Male Speaker; Jennifer Lyon; Amy; Lavinia Turner; Cole Goeppinger; Paul Ron; Gabriela Mehner; Jeff; Elena Olzark; Female Speaker; Jake Sprall; spoke in support of the matter. Kenneth Laverne; Female Speaker; Jeremy Mykaels; Nancy McNally; Max Varazslo; Joe Donohoe; Kelly Meehan; Jane Fox; Renee Gibbons; Gypsy Taub; Karen Babbitt; Female Speaker; Cole Berggren; Elizabeth deYoung; Jazzie Collins; William Hannan; Sarah Sherburn-Zimmer; Amy; Jun Chang Tan; Male Speaker; Steve Woo; Hatty Lee; Ryan Thayer; Mitchell Omerberg; Terrie Frye; Sara Shortt; Jean Yaste; Dean Preston; Ted Gullickson; Fernando Marti; Peter Cohen; Eric Wu; Chester Zemini; Sue Vaughan; spoke in opposition to the matter. Walter Paulson; spoke neither in support nor against the matter.

01/28/13; CONTINUED AS AMENDED. Continued as amended to February 25, 2013.

02/14/13; REFERRED TO DEPARTMENT. Referred to the Youth Commission for informational purposes.

*Speakers: Kristen Henry; spoke in support of the matter. Chris Bollis; spoke in opposition to the matter.*

**CONTINUED to March 11, 2013, by the following vote:**

Ayes: 2 - Wiener, Chiu

Absent: 1 - Kim

The meeting recessed at 10:12 a.m., and reconvened at 1:35 p.m.

## SPECIAL ORDER - 1:30 PM

### **130019 [Planning Code, Zoning Map - Central Subway Tunnel Boring Machine Extraction Site Special Use District]**

**Sponsor: Chiu**

Ordinance amending the Planning Code, by adding Section 249.70, to create the Central Subway Tunnel Boring Machine Extraction Site Special Use District for the property located at Assessor's Block No. 0101, Lot No. 004, known as 1731-1741 Powell Street, to facilitate the removal of the tunnel boring machines used in the construction of the Central Subway Project and allow the construction of a previously approved mixed-use residential/retail building; amending Sectional Zoning Maps HT 01 and SU 01 to reflect the Central Subway Tunnel Boring Machine Extraction Site Special Use District; adopting findings, including environmental findings, and findings of consistency with the General Plan.

01/08/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/7/2013.

01/16/13; 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 Municipal Transportation Agency for informational purposes.

01/29/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

01/30/13; REFERRED TO DEPARTMENT. Re-Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for review and recommendation; and Municipal Transportation Agency for information and documentation.

01/30/13; NOTICED. 10-Day Hearing Notice was submitted for publication on 2/1/2013.

02/11/13; CONTINUED. Heard in Committee. Speakers: None.

Continued to February 25, 2013.

02/15/13; RESPONSE RECEIVED. 2/14/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18805.

*Heard in Committee. Speakers: Kevin Guy (Planning Department); Jon Givner (Office of the City Attorney); John Funghi (Municipal Transportation Agency); presented information concerning the matter and answered questions raised throughout the hearing. Brett Gladstone; Laurie Thomas; Ephraim Hirsch; Julie Christensen; spoke in support of the matter. Thomas Lippe; Lawrence B. Karp; Howard Wong; Male Speaker; Lance Carnes; Nan Roth; Mark Bruno; Dario Hadjian; spoke in opposition to the matter.*

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

Ayes: 3 - Wiener, Kim, Chiu

File Nos. 130001, 130002, 130003, and 130004 were heard together.

**130001 [General Plan Amendments - Western South of Market Area Plan]**

Ordinance amending the General Plan, by adding the Western South of Market (SoMa) Area Plan, generally bounded on its western portion by 7th Street, Mission Street, Division Street, and Bryant Street, and on its eastern portion by 7th Street, Harrison Street, 4th Street, and Townsend Street; making conforming amendments to the Housing, Commerce and Industry, and Recreation and Open Space Elements, the Land Use Index, and the SoMa, East SoMa, Mission, Showplace Square/Potrero, and Central Waterfront Area Plans; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Planning Department)

01/04/13; RECEIVED FROM DEPARTMENT.

01/15/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2013.

02/15/13; NOTICED. 10-Day hearing notice was published, mailed, and posted.

*Heard in Committee. Speakers: Corey Teague (Planning Department); Jim Meko, Chair, and Toby Levy, Vice Chair (Western SoMa Citizens Planning Task Force); Chris Schaffer; Peter Cohen; John Elroy; Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Fernando Marti; John Nulty; Jazzie Collins; Daniel Nguyen; Ken Hornby; Caroline Calderon; Andrew Naravage; Karen Nolan; Alfonso Orsini; David Elliott Lewis; Cass Smith; Steve Kuklin; Dennis Flaherty; Caroline Guibert; Anderson Pugash; James Tracy; Marc Salomon; Mr. Lucky; Guy Carson; Skot Kuiper; Teresa Dulalas; Mark Bolton; John Kevin; Antoineetta III; Jamie Whitaker; Amir Massey; spoke in support of the matter. Mark Rennie; Dawn Holliday; Cameron Eng; Terrance Alan; Andrew Gregg; Mother Jones; Robert Passmore; Themistocues Michos; Janet Clyde; Sue Hestor; Jenny Kalie; AC Carter; spoke in opposition to the matter. Henry Karnilowicz; Tom Temprano; Ron Levy; Jeremy Paul; Glendan Hyde; Chris Harney; Joe Harney; Joe Wicht; Vlad Cood; Tom Hutachinda; Tim Colen; Deedee Crosett; Luke Seufferlein; Ani Vartanian; spoke neither in support nor against the matter.*

**CONTINUED to March 4, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130002 [Planning Code - Implementing the Western South of Market Area Plan]****Sponsor: Kim**

Ordinance amending the Planning Code, by adding and amending various sections to implement the goals, objectives, and policies of the Western South of Market Area Plan, bounded generally by 7th Street, Mission Street, Division Street, and Bryant Street on the western portion of the plan area, and 7th Street, Harrison Street, 4th Street, and Townsend Street on the eastern portion of the plan area; and making findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1. (Planning Department)

01/04/13; RECEIVED FROM DEPARTMENT.

01/15/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2013.

02/07/13; NOTICED. Fee Ad was submitted for publication on February 11 & 18, 2013.

*Heard in Committee. Speakers: Corey Teague (Planning Department); Jim Meko, Chair, and Toby Levy, Vice Chair (Western SoMa Citizens Planning Task Force); Chris Schaffer; Peter Cohen; John Elroy; Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Fernando Marti; John Nulty; Jazzie Collins; Daniel Nguyen; Ken Hornby; Caroline Calderon; Andrew Naravage; Karen Nolan; Alfonso Orsini; David Elliott Lewis; Cass Smith; Steve Kuklin; Dennis Flaherty; Caroline Guibert; Anderson Pugash; James Tracy; Marc Salomon; Mr. Lucky; Guy Carson; Skot Kuiper; Teresa Dulalas; Mark Bolton; John Kevlin; Antoineetta III; Jamie Whitaker; Amir Massey; spoke in support of the matter. Mark Rennie; Dawn Holliday; Cameron Eng; Terrance Alan; Andrew Gregg; Mother Jones; Robert Passmore; Themistocues Michos; Janet Clyde; Sue Hestor; Jenny Kalie; AC Carter; spoke in opposition to the matter. Henry Karnilowicz; Tom Temprano; Ron Levy; Jeremy Paul; Glendan Hyde; Chris Harney; Joe Harney; Joe Wicht; Vlad Cood; Tom Hutachinda; Tim Colen; Deedee Crosett; Luke Seufferlein; Ani Vartanian; spoke neither in support nor against the matter.*

**AMENDED to correct various technical errors to section numbers, district references, erroneous controls, and other minor issues, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**AMENDED on Page 106, Lines 18-20, by changing 'Tier B' to 'Tier A', and deleting 'The residential portions of such projects shall also be subject to the Tier 1 Eastern Neighborhood infrastructure impact fees, regardless of the Tier level of the subject property.' by the following vote:**

Ayes: 2 - Wiener, Chiu

Noes: 1 - Kim

**AMENDED on Page 28, Lines 2, 7, and 9, to remove the grandfathering provision for projects meeting certain conditions in the WMUO District and making it available to projects meeting certain conditions in the SALI District, and changing the restrictions of lot mergers in the WMUO zoning district, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**CONTINUED AS AMENDED to March 4, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130003 [Zoning Map - Height and Bulk Revisions to the Western South of Market Area Plan]****Sponsor: Kim**

Ordinance amending Zoning Map Sheets ZN01, ZN07, ZN08, HT01, HT07, and HT08 to revise use districts and height and bulk districts within the Western South of Market Plan Area; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and Planning Code, Section 101.1. (Planning Department)

01/04/13; RECEIVED FROM DEPARTMENT.

01/15/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2013.

02/15/13; NOTICED. 10-Day hearing notice was published, mailed, and posted.

*Heard in Committee. Speakers: Corey Teague (Planning Department); Jim Meko, Chair, and Toby Levy, Vice Chair (Western SoMa Citizens Planning Task Force); Chris Schaffer; Peter Cohen; John Elroy; Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Fernando Marti; John Nulty; Jazzie Collins; Daniel Nguyen; Ken Hornby; Caroline Calderon; Andrew Naravage; Karen Nolan; Alfonso Orsini; David Elliott Lewis; Cass Smith; Steve Kuklin; Dennis Flaherty; Caroline Guibert; Anderson Pugash; James Tracy; Marc Salomon; Mr. Lucky; Guy Carson; Skot Kuiper; Teresa Dulalas; Mark Bolton; John Kevlin; Antoineetta III; Jamie Whitaker; Amir Massey; spoke in support of the matter. Mark Rennie; Dawn Holliday; Cameron Eng; Terrance Alan; Andrew Gregg; Mother Jones; Robert Passmore; Themistocues Michos; Janet Clyde; Sue Hestor; Jenny Kalie; AC Carter; spoke in opposition to the matter. Henry Karnilowicz; Tom Temprano; Ron Levy; Jeremy Paul; Glendan Hyde; Chris Harney; Joe Harney; Joe Wicht; Vlad Cood; Tom Hutachinda; Tim Colen; Deedee Crosett; Luke Seufferlein; Ani Vartanian; spoke neither in support nor against the matter.*

**AMENDED to change all 'B' Bulk designations to 'X', correct the properties along 11th Street, change most properties proposed for RED/40-X zoning to RED-MX/45-X, and rezone parcels on 7th Street to WMUG, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**CONTINUED AS AMENDED to March 4, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130004 [Administrative Code - Adding Western South of Market Area Plan to Eastern Neighborhoods Area Plan Monitoring Program]****Sponsor: Kim**

Ordinance amending the Administrative Code, Section 10E.2, to integrate the Western South of Market (SoMa) Area Plan into the Eastern Neighborhoods Monitoring Program for purposes of reviewing the effectiveness of the Western SoMa Area Plan and inclusion of the Western SoMa Area Plan into the Eastern Neighborhoods reporting requirement, Eastern Neighborhoods capital expenditures plan, and the Eastern Neighborhoods Citizens Advisory Committee; and making environmental findings. (Planning Department)

01/04/13; RECEIVED FROM DEPARTMENT.

01/15/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/14/2013.

*Heard in Committee. Speakers: Corey Teague (Planning Department); Jim Meko, Chair, and Toby Levy, Vice Chair (Western SoMa Citizens Planning Task Force); Chris Schaffer; Peter Cohen; John Elroy; Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Fernando Marti; John Nulty; Jazzie Collins; Daniel Nguyen; Ken Hornby; Caroline Calderon; Andrew Naravage; Karen Nolan; Alfonso Orsini; David Elliott Lewis; Cass Smith; Steve Kuklin; Dennis Flaherty; Caroline Guibert; Anderson Pugash; James Tracy; Marc Salomon; Mr. Lucky; Guy Carson; Skot Kuiper; Teresa Dulalas; Mark Bolton; John Kevlin; Antoineetta III; Jamie Whitaker; Amir Massey; spoke in support of the matter. Mark Rennie; Dawn Holliday; Cameron Eng; Terrance Alan; Andrew Gregg; Mother Jones; Robert Passmore; Themistocues Michos; Janet Clyde; Sue Hestor; Jenny Kalie; AC Carter; spoke in opposition to the matter. Henry Karnilowicz; Tom Temprano; Ron Levy; Jeremy Paul; Glendan Hyde; Chris Harney; Joe Harney; Joe Wicht; Vlad Cood; Tom Hutachinda; Tim Colen; Deedee Crosett; Luke Seufferlein; Ani Vartanian; spoke neither in support nor against the matter.*

**AMENDED on Page 2, Lines 15-18, by deleting the reference to the Western SoMa Needs Assessment; Page 4, Line 17, by deleting the file number reference for the Western SoMa Implementation Matrix; and Page 14, Lines 7-12, by deleting the references to non-voting members, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**CONTINUED AS AMENDED to March 4, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**ADJOURNMENT**

*The meeting adjourned at 5:47 p.m.*