



# 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, March 25, 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 1:36 p.m.*

## REGULAR AGENDA

**121162 [Planning Code - Inclusionary Affordable Housing Program, Updates, and Clarifications]****Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code, Section 401, and provisions of the Inclusionary Affordable Housing Ordinance, Sections 415 et seq., to update and clarify provisions of the Inclusionary Affordable Housing Program by providing a cap on rent increases; clarifying the timing of off-site developments; requiring rental units that convert to ownership to sell at less than the price for ownership units under certain circumstance; establishing pricing for affordable Single Room Occupancy units; changing the status of projects using California Debt Limit Allocation Committee tax exempt bonds so that such projects are subject to the Program, but that units may qualify as on or off-site units under certain circumstances; allowing income levels of qualifying households to exceed those specified in certain situations; authorizing the Mayor's Office of Housing to charge a monitoring fee to verify occupancy of affordable units; making technical clarifications and corrections; and making environmental findings and findings of consistency with the General Plan.

(Economic Impact)

12/04/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/3/2013.

12/06/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

12/13/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Mayor's Office of Housing, Department of Building Inspection, and Controller for informational purposes.

12/20/12; RESPONSE RECEIVED. 12/13/2012 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18771.

03/19/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee. Mayor Lee submitted a substitute ordinance.

03/20/13; REFERRED TO DEPARTMENT. Re-referred the substitute ordinance to the Planning Department/Commission, Mayor's Office of Housing, Department of Building Inspection, and City Controller for informational purposes.

*Heard in Committee. Speakers: Daniel Adams (Mayor's Office of Housing); AnMarie Rodgers (Planning Department); Chandra Egan (Mayor's Office of Housing); presented information concerning the matter and answered questions raised throughout the hearing. Bernie Choden; Jose Morales; spoke neither in support nor against the hearing matter.*

**AMENDED on Page 45, Lines 5-9, by adding 'Section 17. The deletion of the exemption for projects using CDLAC tax-exempt bond financing under Planning Code Section 415.3(c)(4)(A) (i) in this Ordinance No. \_\_\_\_ shall not apply to projects approved by the Planning Commission or Planning Department on or before March 25, 2013 as long as such projects meet all of the requirements of Section 415.3(c)(4).', by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

Ordinance amending the Planning Code, Section 401, and provisions of the Inclusionary Affordable Housing Ordinance, Sections 415 et seq., to update and clarify provisions of the Inclusionary Affordable Housing Program (Program) by reducing certain on-site requirements under Charter, Section 16.110; providing a cap on rent increases; clarifying the timing of off-site developments; requiring rental units that convert to ownership to sell at less than the price for ownership units under certain circumstance; establishing pricing for affordable Single Room Occupancy units; changing the status of projects using California Debt Limit Allocation Committee tax exempt bonds so that such projects are subject to the Program, but that units may qualify as on- or off-site units under certain circumstances; allowing income levels of qualifying households to exceed those specified in certain situations; clarifying that the threshold application of the Program to projects of 10 units or more applies to the South of Market Youth and Family Special Use District and all other areas of the City; making technical clarifications and corrections; and making environmental findings and findings of consistency with the General Plan.

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

Ayes: 3 - Wiener, Kim, Chiu

**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.

02/25/13; CONTINUED. Speakers: Kristen Henry; spoke in support of the matter. Chris Bollis; spoke in opposition to the matter.

02/27/13; RESPONSE RECEIVED. 2/19/2013 - The Youth Commission voted to take no position, but urged consideration of certain issues.

03/11/13; CONTINUED. Heard in Committee. Speakers: Kristin Henry; spoke in support of the hearing matter. Bruce Allison; Laura Cuzman; Marian Wallace; Ernestine Weiss; Michael Lyon; Gilbert Criswell; spoke in opposition to the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.

Continued to March 25, 2013.

*Hearing in Committee. Speakers: Marlene Tran; Josephine Zhao; Alex Ku; spoke in support of the hearing matter. Marian Wallace; spoke in opposition to the matter.*

*Continued to April 15, 2013.*

**CONTINUED to April 15, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**121084 [Freeway Agreement - California Department of Transportation - State Highway Route 101, South Van Ness Avenue to Golden Gate Avenue]**

Resolution adopting a freeway agreement with the California Department of Transportation (Caltrans) for a portion of State Highway Route 101 from South Van Ness Avenue to Golden Gate Avenue; and authorizing official acts related thereto. (Public Works Department)

11/02/12; RECEIVED FROM DEPARTMENT.

11/20/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/28/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

12/06/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

*Heard in Committee. Speaker: Peg Divine (Department of Public Works); presented information concerning the matter and answered questions raised throughout the hearing.*

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

Ayes: 3 - Wiener, Kim, Chiu

**121004 [Planning Code - Market Street Masonry Historic District]****Sponsors: Kim; Breed**

Ordinance amending the Planning Code, by adding a new Appendix M to Article 10 (Preservation of Historical, Architectural, and Aesthetic Landmarks), to create the Market Street Masonry Historic District, a discontinuous landmark historic district; and making findings, including environmental findings, and findings of consistency with the General Plan, and Planning Code, Section 101.1(b).

10/10/12; RECEIVED FROM DEPARTMENT.

10/23/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

03/13/13; NOTICED. March 25, 2013 Committee Hearing Notice was mailed to property owners.

*Heard in Committee. Speakers: Moses Corrette (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130119 [Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]**

**Sponsors: Mayor; Chiu, Wiener, Yee, Farrell, Breed, Mar and Tang**

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

02/05/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/7/2013.

02/19/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and informational purposes; and Building Inspection Commission for public hearing and recommendation.

02/20/13; RESPONSE RECEIVED. 2/20/2013 - The Building Inspection Commission held a public hearing and voted unanimously to support the proposed amendment.

02/25/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

02/26/13; NOTICED. 14-Day Fee Ad was submitted for newspaper publication on 3/4 & 3/11/2013.

03/12/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

03/13/13; REFERRED TO DEPARTMENT. Re-referred substitute legislation to the Department of Building Inspection and Planning Department for informational purposes.

03/18/13; CONTINUED. Heard in Committee. Speakers: Patrick Otellini, Director (Earthquake Safety Implementation Program); Ted Egan, City Economist (Controller's Office); presented information concerning the matter and answered questions raised throughout the hearing. Peter Vaernet; Heidi Tremayne (Earthquake Engineering Research Institute, Northern CA Chapter); John Barry; Paul Wermer; Laura Samant (SPUR); Ephraim Hirsch; Grace Kang (Structural Engineers Association of Northern CA); Henry Karnilowicz (SF Council of District Merchants Association); John Paxton (CAPSS); Glen Altenberg (CAPSS); Sharyl Rabinovici (Mills College); Michael Willis (MWA Architects); David Friedman (Earthquake Engineering Research Institute); Noel Commins; Ron Kingston; George Orbelian (Orbelian Holdings, L.P.); Jeremy Paul (CAPSS); Michael Hamman; Janan New; Female Speaker; Michelle Cohen; Brad Tardy; Homayoun Sikaroudi (West Coast Premier Construction); spoke in support of the hearing matter. Bernie Choden; Mike Howard; Hiroshi Fukuda; spoke in opposition to the hearing matter. Maria Zamudio (Causa Justa: Just Cause); Courtney Clarkson; Sara Short; Ted Gullickson; spoke neither in support nor against the hearing matter.

*Heard in Committee. Speakers: Patrick Otellini, Director (Earthquake Safety Implementation Program); Jeff Buckley (Mayor's Office); Tom Hui, Acting Director (Department of Building Inspection); presented information concerning the matter and answered questions raised throughout the hearing. Henry Karnilowicz; Janan New; Chris Poland; Alex Ku; spoke in support of the hearing matter. Rua Graffis; spoke in opposition to the matter. Bernie Choden; Josephine Zhao; spoke neither in support nor against the hearing matter.*

**AMENDED on Page 17, Line 10, by adding '(a)', and Lines 19-24, by adding '(b) The City intends that each landlord who files an application for certification of capital improvement costs under Administrative Code §37.7(c)(3) concurrently provide written notice of hardship application procedures to each affected unit, and sign a declaration under penalty of perjury so attesting, and that City Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" be amended within 12 months of the effective date of this Ordinance to address this provision.', by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

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

Ayes: 3 - Wiener, Kim, Chiu

**ADJOURNMENT**

*The meeting adjourned at 2:42 p.m.*