



# 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, September 9, 2013

1:30 PM

City Hall, Committee Room 263

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### Regular Meeting

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

## MEETING CONVENED

*The meeting convened at 1:42 p.m.*

## REGULAR AGENDA

### 130672 [Transportation Code - Disabled Parking Placard or License Plate Restrictions]

**Sponsor:** Chiu

Ordinance amending the Transportation Code, Division I, to prohibit, on any street, alley, or portion of a street or alley, or in any municipal or private parking facility, the parking of a vehicle displaying a disabled parking placard or special license plate, in order to obtain special parking privileges, that has been reported as lost, stolen, surrendered, canceled, revoked, expired, or issued to a person who has been reported as deceased for a period exceeding sixty days; is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or is counterfeit, forged, altered, or mutilated.

06/25/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/25/2013.

07/03/13; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency, Police Department, and Mayor's Office of Disability for informational purposes.

07/03/13; RESPONSE RECEIVED. The Mayor's Office of Disability supports the proposed legislation.

*Heard in Committee. Speakers: Hank Willson (Municipal Transportation Agency); presented information concerning the matter and answered questions raised throughout the hearing. Douglas Yep; spoke in support of the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130786 [Fire Code - Repealing, Replacing, and Amending]****Sponsors: Chiu; Farrell**

Ordinance repealing the current Fire Code in its entirety and replacing that code with a new 2013 San Francisco Fire Code consisting of the 2013 California Fire Code and portions of the 2012 International Fire Code, together with San Francisco amendments, with an operative date of January 1, 2014; amending the current Fire Code, Section 511.2, to exempt any building that is covered by Section 511.2 and is equipped with a fire service access elevator pursuant to California Building Code, Section 3007, from the requirement to install an air replenishment system, with an operative date of 30 days after enactment; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

07/30/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

08/07/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Fire Department and Department of Building Inspection for informational purposes.

08/14/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

08/30/13; NOTICED. First Notice: 10-Day Fee Ad was published and posted for the September 9, 2013, committee hearing.

09/05/13; NOTICED. Second Notice: 10-Day Fee Ad was published and posted for the September 9, 2013, committee hearing.

*Heard in Committee. Speakers: Assistant Deputy Chief Michie Wong (Fire Marshal); Assistant Deputy Chief Jose Velo (Fire Department); Chief Joanne Hayes-White (Fire Department); Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Mario Ballarad; Yolanda Jones (Yolanda's Construction); Rudy Corpuz (United Playaz); Dana Crary (Mission Community Market); Emily Nathon (Mission Community Market); Ken Goff; John Hanley; Leah Shaham (SF Bicycle Coalition); Howard Bloomberg; Natalie Burdick (Walk SF); Douglas Yep; Arnie Wolsky; Chuck Wright (Tishman Speyer); spoke in support of the hearing matter. Chief Ruben Grijalva (Former California Fire Marshal); Harry Morel (Local 38); Chris Brown (Local 38); John Means (SPUR); Chief Gary Morris (Former Seattle Fire Chief); Anthony Turiello (Rescue Air); Michael Yaki (Rescue Air); spoke in opposition to the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130372 [Planning Code, Zoning Map - Third Street Formula Retail Restricted Use District]****Sponsor: Cohen**

Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Egbert Avenue; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

04/23/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 5/23/2013.

05/02/13; 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.

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

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.

07/29/13; RESPONSE RECEIVED. 7/25/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18932.

08/08/13; RESPONSE RECEIVED. 6/10/2013 - The Small Business Commission voted 7-0 to recommend approval of the proposed legislation.

08/30/13; NOTICED. 10-Day newspaper publication and posted September 9, 2013, committee hearing notice.

*Heard in Committee. Speakers: Supervisor Malia Cohen (Board of Supervisors); Aaron Starr (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing.*

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

Ayes: 3 - Wiener, Kim, Chiu

Ordinance amending the Planning Code to create the Third Street Formula Retail Restricted Use District; amending Zoning Map Sheet SU10, for property located on Third Street between Williams Avenue and Paul Street; and making findings, including environmental findings pursuant to the California Environmental Quality Act, findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

**CONTINUED AS AMENDED to September 16, 2013, by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130646 [Planning Code - Mixed Use Office District]**

Ordinance amending the Planning Code, Section 842 and 842.49, of the Zoning Control Table, to permit a tourist hotel without a specified room limit in a Mixed Use Office District in height districts that are 105 feet and above with a Conditional Use authorization; 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. (Planning Commission)

06/13/13; RECEIVED FROM DEPARTMENT.

06/25/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/25/2013.

06/28/13; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and recommendation.

*Heard in Committee. Speakers: Sophie Hayward (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Steven Vettel; spoke in support of the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**130706 [Administrative Code - Residential Rent Ordinance, Tenant Financial Hardship Applications for Relief from Landlord Passthrough of Capital Improvement Costs] Sponsors: Mayor; Chiu, Kim, Mar and Campos**

Ordinance amending the Administrative Code to provide standards for Residential Tenant Financial Hardship Applications seeking relief from landlord passthrough of capital improvement costs to a tenant, and procedures for reviewing and deciding the applications; and to require landlord notice to tenants regarding financial hardship application procedures when a landlord applies for certification of capital improvement costs.

07/09/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/8/2013.

07/19/13; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Rent Board for informational purposes.

*Heard in Committee. Speakers: Patrick Otellini, Director (Earthquake Safety); Delene Wolf (Rent Board); Jon Givner (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Maria Zamudio (Causa Justa: Just Cause); Ethel Salmersten; Richard May; Judy Golden; Tina Cheung (CCDC); Bing Rong Tan; Yue Hua Yu; Tommi Avicolti Mecca; Ted Gullickson; Brook Turner; Steve Collier; spoke in support of the hearing matter. Janan New; Barbara Skinner; spoke neither in support nor against the hearing matter.*

**AMENDED on Page 1, Line 6, by changing 'landlord' to 'the Rent Board to provide'; Page 3, Lines 13-14, by capitalizing 'tenant financial hardship', and Line 19, by changing 'determine' to 'determines'; and Page 5, Line 14, by deleting 'Landlord' before 'Notice', by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

Ordinance amending the Administrative Code to provide standards for Residential Tenant Financial Hardship Applications seeking relief from landlord passthrough of capital improvement costs to a tenant, and procedures for reviewing and deciding the applications; and to require the Rent Board to provide notice to tenants regarding financial hardship application procedures, when a landlord applies for certification of capital improvement costs.

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

Ayes: 3 - Wiener, Kim, Chiu

**130782 [Building, Housing Codes - Mandatory Seismic Retrofit Program - Wood-Frame Buildings]****Sponsors: Mayor; Chiu, Wiener, Yee, Tang, Farrell, Breed, Mar and Cohen**

Ordinance amending the Building Code to modify some of the evaluation and retrofit criteria for the Mandatory Earthquake Retrofit Program and add seismic members to the Board of Examiners; amending the Housing Code to require a Report of Residential Building Record (3R Report) to include information on whether a building is included in the program and whether the required upgrade has been completed; adopting environmental findings and findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board to forward the legislation to specified state agencies.

07/30/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

08/07/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and information; and Department of Building Inspection/Building Inspection Commission for public hearing and recommendation.

08/22/13; RESPONSE RECEIVED. The Building Inspection Commission held a public hearing and voted unanimously to support the proposed amendment.

*Heard in Committee. Speaker: Patrick Otellini, Director (Earthquake Safety); presented information concerning the matter and answered questions raised throughout the hearing.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Chiu

**ADJOURNMENT**

*The meeting adjourned at 5:05 p.m.*