



# 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 6, 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 1:35 p.m.*

## REGULAR AGENDA

### 140952 [Administrative Code - Better Streets Policy - Including the National Association of City Transportation Officials Urban Design Guides]

**Sponsor: Wiener**

Ordinance amending the Administrative Code to include the National Association of City Transportation Officials Urban Street Design Guide and Urban Bikeway Design Guide as an additional reference in City transportation planning and design projects and programs.

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

09/19/14; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency, Planning Department, Planning Commission, Department of Public Works, Public Utilities Commission, Department of the Environment, and Recreation and Park Department for informational purposes.

*Heard in Committee. Speakers: Darby Watson (Municipal Transportation Agency); presented information concerning the matter and answered questions raised throughout the hearing. Nicole Snyder (Walk SF); spoke in support of the proposed legislation. Male Speaker; spoke neither in support nor opposition on the matter.*

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

Ayes: 3 - Wiener, Kim, Cohen

**140806 [Health, Building Codes - Ventilation Requirement for Urban Infill Development and Establishing Fees]****Sponsors: Cohen; Kim**

Ordinance amending the Health Code, Article 38, to require an enhanced ventilation system for sensitive use projects within the Air Pollutant Exposure Zone and establishing document review fees; amending the Building Code to correspond to the Health Code changes; making environmental findings, and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

07/15/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/14/2014.

07/29/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Department of Building Inspection for informational purposes; Department of Public Health and Department of the Environment.

08/14/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2)

09/02/14; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

09/16/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; the Department of Building Inspection for recommendation; and the Department of Public Health and the Department of the Environment for informational purposes.

09/22/14; NOTICED.

09/24/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15080(c)(2).

09/28/14; NOTICED.

*Heard in Committee. Speakers: Karen Cohn, Environmental Health (Department of Public Health); Wade Wietgreffe (Planning Department); Calvin Broomhead (Department of the Environment); Jay Song (Department of Building Inspection); presented information concerning the matter and answered questions raised throughout the hearing. Phil Martien (Bay Area Air Quality Management District); Mark Belinsky (Birdi); Azibuike Akaba (Regional Asthma Management Preservation); Dr. Raymond Tompkins (African American Health and Economic Council); Marie Harrison (Green Action for Health & Environmental Justice); Eric Brooks (SF Green Party); Sean K; spoke in support of the proposed legislation. Male Speaker; spoke neither in support nor opposition on the matter.*

**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

**140889 [Hearing - Reduction of Water Usage In San Francisco]****Sponsor: Wiener**

Hearing with the Public Utilities Commission, Department of Public Works, Recreation and Park Department, and the Department of the Environment to report on San Francisco's overall strategy to reduce water usage, and each department's efforts to reduce water usage, to determine whether or not to move forward with legislation 1) to require that multi-unit buildings be separately metered for water, and 2) to require increased water recycling/reuse through City recycling plants, other means of recycling and code changes to require that new construction have the capacity to have separate new and recycled water systems.

07/29/14; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

08/13/14; REFERRED TO DEPARTMENT. Referred to the Public Utilities Commission, Department of Public Works, Recreation and Parks Department and Department of Environment for informational purposes.

*Heard in Committee. Speakers: Steve Ritchie and Paula Kehoe (Public Utilities Commission); Rachel Gordon (Public Works); Dennis Kern (Recreation and Park); Calvin Broomhead (Department of the Environment); Steven Panelli (Department of Building Inspection); presented information concerning the matter and answered questions raised throughout the hearing. Eric Brooks (SF Green Party); Male Speaker; Sean K.; Male Speaker; spoke on various concerns regarding the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Cohen

*File Nos. 130412 and 130442 were called together.*

**130412 [Public Works Code - Installation of Communications Infrastructure in Excavation Projects]****Sponsors: Chiu; Wiener and Cohen**

Ordinance amending the Public Works Code to require the installation of City-owned communications infrastructure in excavation projects where the City has determined that it is both financially feasible and consistent with the City's long-term goals to develop the City's communications infrastructure. (9/30/14 - Supervisor Chiu submitted a substitute ordinance bearing new title.)

05/07/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

05/31/13; REFERRED TO DEPARTMENT. Referred to the Department of Public Works, Municipal Transportation Agency, Department of Public Health, Planning Department, Department of the Environment, Public Utilities Commission, Department of Technology, and Mayor's Office on Disability for informational purposes.

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

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

10/03/14; REFERRED TO DEPARTMENT. Referred to the Department of Public Works, Municipal Transportation Agency, Department of Public Health, Planning Department, Department of the Environment, Public Utilities Commission, Department of Technology, and Mayor's Office on Disability for informational purposes.

*Heard in Committee. Speakers: Bryant Bailess and Male Speaker (Department of Technology); Jerry Mitchell (Public Works); Erin Hagan (Public Utilities Commission); presented information concerning the matter and answered questions raised throughout the hearing. Eric Brooks (SF Green Party); spoke in support of the proposed legislation. Male Speaker; spoke neither in support nor opposition on the matter.*

**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

**130442 [Hearing - City Fiber Network]****Sponsors: Chiu; Wiener and Cohen**

Hearing into the vision and strategy of the Department of Technology and other City agencies regarding the expansion and uses, including support for public WiFi, of the City's fiber network.

05/07/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

05/13/13; REFERRED TO DEPARTMENT. Referred to the Department of Technology for informational purposes.

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

*Heard in Committee. Speakers: Bryant Bailess and Male Speaker (Department of Technology); Jerry Mitchell (Public Works); Erin Hagan (Public Utilities Commission); presented information concerning the matter and answered questions raised throughout the hearing. Eric Brooks (SF Green Party); Male Speaker; spoke on various concerns regarding the hearing matter.*

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

Ayes: 3 - Wiener, Kim, Cohen

**140804 [Planning Code - Arcades in the Haight Street Neighborhood Commercial District]****Sponsors: Breed; Wiener and Kim**

Ordinance amending the Planning Code to permit arcades in the Haight Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/15/14; ASSIGNED to Land Use and Economic Development Committee.

07/28/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; San Francisco Police Department and Entertainment Commission for informational purposes.

07/31/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines.

09/19/14; RESPONSE RECEIVED. Recommendation - Approval with Modifications.

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

10/03/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; San Francisco Police Department and Entertainment Commission for informational purposes.

*Heard in Committee. Speakers: Coner Johnston (Office of Supervisor Breed); presented information concerning the matter and answered questions raised throughout the hearing. Male Speaker; spoke neither in support nor opposition on the matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

*The Committee recessed from 1:48 p.m. - 1:51 p.m.*

**140844 [Planning Code - Formula Retail and Large-Scale Retail Controls]**

Ordinance amending the Planning Code to amend the definition of Formula Retail to include businesses that have 19 or more outlets worldwide; expand the applicability of Formula Retail controls to other types of uses; require Conditional Use authorization for Formula Retail establishments in the C-3-G district with facades facing Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; delete the requirement for Conditional Use authorization when a Formula Retail establishment changes operator but remains the same size and use category; define intensification and abandonment for Formula Retail uses; require Formula Retail uses to comply with performance guidelines; amend the Conditional Use criteria for Large-Scale Retail Uses except for General and Specialty Grocery stores, to require an economic impact study and establish new fees for said study; amend Neighborhood Commercial Districts that required Conditional Use for Financial and Limited Financial Services to principally permit Financial and Limited Financial Services; delete the Conditional Use requirement for Walk-Up Facilities that are not set back 3 feet; and adopting findings, including environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

06/30/14; RESPONSE RECEIVED. On June 9, 2014, the Small Business Commission recommended approval of the proposed Ordinance.

07/18/14; RESPONSE RECEIVED. On July 17, 2014, the Planning Commission voted to recommend the Board of Supervisors approve the proposed Ordinance.

07/21/14; RECEIVED FROM DEPARTMENT.

07/29/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/28/2014.

08/19/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; Office of Community Investment and Infrastructure and Office of Economic Analysis for informational purposes.

09/18/14; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2).

09/22/14; NOTICED.

09/28/14; NOTICED.

*Heard in Committee. Speakers: None.*

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

Ayes: 3 - Wiener, Kim, Cohen

**130788 [Planning Code - Expanding Formula Retail Controls]****Sponsor: Mar**

Ordinance amending the Planning Code to expand the definition of formula retail to include businesses that have eleven or more outlets worldwide, and to include businesses 50% or more owned by formula retail businesses; expand the applicability of formula retail controls to other types of retail uses; expand the notification procedures for formula retail applications; require an economic impact study as part of the formula retail conditional use application; charge administrative fees to pay for staff review time of such studies; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1. (5/13/14 - Supervisor Mar submitted a substitute ordinance bearing a new title.)

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.

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

08/08/13; 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.

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

10/22/13; REACTIVATED PURSUANT TO RULE 3.42 to Land Use and Economic Development Committee. Board approval of a 60-day Extension for Planning Commission review (File No. 131041).

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

05/21/14; RESPONSE RECEIVED. Not a project under CEQA guidelines Sections 15060(c) and 15378.

05/21/14; REFERRED TO DEPARTMENT. Re-referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

07/18/14; RESPONSE RECEIVED. On July 17, 2014, the Planning Commission voted to recommend the Board of Supervisors approve the proposed Ordinance.

09/22/14; NOTICED.

09/28/14; NOTICED.

*Heard in Committee. Speakers: None.*

**CONTINUED October 27, 2014, by the following vote:**

Ayes: 3 - Wiener, Kim, Cohen

## ADJOURNMENT

*The meeting adjourned at 5:22 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.*