



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: Sophie Maxwell, Eric Mar, David Chiu

Clerk: Alisa Somera (415) 554-4447

Monday, March 22, 2010

1:00 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Sophie Maxwell, Eric Mar and David Chiu

MEETING CONVENED

The meeting convened at 1:06 p.m.

REGULAR AGENDA

091165 [Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach, and Chinatown]**Sponsors: Chiu; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including 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.

(Fiscal Impact.)

10/06/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/6/2009. 11/24/09, introduced extension of Planning Commission review period to February 14, 2010 in Board, see File No. 091366. Adopted in Board 12/8/09.

10/14/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public review and recommendation; referred to Planning Department for environmental review; referred to Department of Public Works for informational purposes.

01/27/10; RESPONSE RECEIVED. Pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378 it is exempt from environmental review. Planning Commission Resolution No. 18011 recommends approval with modifications.

02/01/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Tara Sullivan, Planning Department; Teng Chow; Male Speaker; Tom Radulovich, Executive Director, Livable City; Male Speaker; Gerry Crowley.

02/01/10; CONTINUED AS AMENDED.

02/08/10; DUPLICATED. Heard in Committee. Speakers: None.

Duplicated into File No. 100150.

02/08/10; RECOMMENDED AS COMMITTEE REPORT.

02/09/10; PASSED ON FIRST READING.

02/23/10; CONTINUED ON FINAL PASSAGE.

03/09/10; AMENDED.

03/09/10; PASSED ON FIRST READING AS AMENDED.

03/16/10; RE-REFERRED to Land Use and Economic Development Committee. Supervisor Mar requested to be added as a co-sponsor.

Heard in Committee. Speaker: Female Speaker.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811, and 812, to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Mason Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require mandatory discretionary review by the Planning Commission to install a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure of four or more units without prior authorization by the Planning Commission; adopting findings, including 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.
(Fiscal Impact.)

Continued to March 29, 2010.

CONTINUED AS AMENDED to March 29, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

100092 [Hunters Point Shipyard and Candlestick Point Development Project]**Sponsor: Maxwell**

Hearing on the Hunters Point Shipyard Phase 2 and Candlestick Point Integrated Development Project, including a discussion of the land use and design, housing, community benefits, employment and contracting, open space, sustainability, financing, infrastructure, and transportation components of the plan.

01/26/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

02/08/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Tiffany Bohee, Mayor's Office of Economic & Workforce Development; David Thom, IBI Group; Olsen Lee, Redevelopment Agency; Chris Iglesias, Mayor's Office of Economic & Workforce Development; Francisco da Costa; Espanola Jackson; Pastor Aurelias Walker; Mary Jean Robertson; Stephen Leeper, SFOP; Bradley Bradley; Eric Butler; Allen Bowl; Stormy Henry; Andre Davis; Lakia Evans; Michael Patton; Javier Marquez; Tera Gray; Christina Sandoval; Lashawnda Collins; Rob Black, Chamber of Commerce; Joshua Arce, Brightline Defense Project; Keshawn Paris; Arthur Feinstein; Linda Schaffer; Ari Coleman; Joanne Hopkins; Eric Brooks, SF Green Party; Rev. Arnold Townsend; Chris Jackson, SF Labor Council; Dennis Kelly; Connie Ford; Manny Flores; Ace Washington; Tina State.

Heard in Committee. Speakers: Tiffany Bohee, Mayor's Office of Economic & Workforce Development; David Thom, Urban Planning & Design Team; Steve Pratt, Lennar; Tom Evans, SF Redevelopment Agency; Espanola Jackson; Francisco Da Costa; Jordan Ward, SFOP; Michael Theriault, SF Building Trades; Tim Colen, Housing Action Coalition; Matt Regan, Bay Area Council; Al Norman, Bayview Merchants Assoc.; Leo Choy and Richard Ow, Bayview Chinese Community; Rev. Arnold Townsend, Rhema Wood Church; Patrick Uniacke, Gaelic Football Assoc.; Pastor Alex Toeina; Rev. Bayview Hunters Point Community; Rev. Amos Brown, NAACP; Tera Gray, BVHP Community; Nyese Joshua; Manuel Flores, Local 22; Levinski Chief; Ryan Conlan; Rev. Dan Solard; Walter Paulson; Rev. Gary Manns; Chris Jackson, SF Labor Council; George Jones.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091251 [Development Fee Collection Procedure; Administrative Fee]**Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or, in the case where a site permit is issued, the first addendum authorizing construction of the project, with a temporary option for the project sponsor to defer payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; providing that the ordinance's operative date is May 15, 2010; and adopting findings, including environmental findings.
(Economic Impact.)

10/27/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

11/03/09; REFERRED TO DEPARTMENT. Referred to Building Inspection Commission for public hearing and recommendation; referred to Planning Department for environmental review.

11/03/09; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing same title.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/23/09; REFERRED TO DEPARTMENT. Referred substitute legislation (version 2) to Planning Department for environmental review; to Building Inspection Commission for public hearing and recommendation.

11/24/09; RESPONSE RECEIVED. Exempt from CEQA per Statutory Exemption CEQA Section 15273: Rates, Tolls, Fares, and Charges.

12/15/09; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing same title.

12/15/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

12/28/09; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Building Inspection Commission for review and recommendation.

01/26/10; RESPONSE RECEIVED. The Building Inspection Commission voted 6-1 to recommend approval.

02/01/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18015 recommended approval with modifications.

03/09/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 03/18/10 - Submitted fee ad for publication on 03/22/10 and 03/29/10.

03/15/10; RESPONSE RECEIVED. The Eastern Neighborhoods Citizens Advisory Committee passed Resolution No. 2010-2-2 recommending approval with modifications.

03/16/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 4) to the Building Inspection Commission and the Planning Commission for informational purposes.

03/16/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

03/19/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Craig Adelman, Mayor's Office of Housing; AnMarie Rodgers, Planning

Department; Ted Egan, Controller's Office of Economic Analysis; Gerardo Blum and Adrian Simi, Carpenters Local 22; Joel Koppel, SF Electrical Industry; Tony Rodriguez, Local 483 Fire Sprinklers; Michael Theriault, SF Building Trades; David O'Kelly, Carpenters Union; Ed Reyes, Ironworkers Local 377; Bob Glover; Kevin Kitchingham, Bernal Heights Neighborhood Ctr.; Charley Lavery and Chris Snyder, Operating Engineers 3; Calvin Welch, CCHO; Peter Cohen, MO CAC; Joe Boss, Dogpatch; Fernando Marti, Eastern Neighborhood CAC; Warner Schmalz, Forum Design; Paul O'Driscoll; Steven Curries; Brian Spiers, Brian Spiers Construction; Henry Karnilowicz, Occidental Express; Sarah Karlinsky, SF Planning & Urban Research Assoc.; Marc Babsin, Emerald Fund; Tony Kelly, Potrero Boosters; Triston McLaughlin; Shemus McCounty; Carl Shannon, Tishman Speyer; Lydia Tan, BRIDGE Housing Corp.; Tony Guzzetta, Local 38 Plumbers Union; Stephanie Wedge; Louie Ravano, RBA; Tim Collin; Bruce Balman and Steve Cooney, RBA; Jim Levesque; Jim Foley, Dawn Kitchen & Bath; Suzanne Gregg; Laren Lad; John Roach, Paradigm Real Estate Group; Male Speaker; Leo Krastoff, Caldwells; Jeff Rocket; Chris Foley; Sue Hester; David Spernberg; Male Speaker; Richard Harris; Grace Shanahan; Hannah Duffy; Kieran Duffy; John McKenan; Shawn Canon; Manuel Flores, Local 22; Morris Casey. Continued to April 5, 2010.

CONTINUED to April 5, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091252 [Affordable Housing Transfer Fee Restriction Alternative for Inclusionary and Jobs Housing Linkage Programs]**Sponsor: Mayor**

Ordinance amending the San Francisco Planning Code by amending Sections 313.4 and 315.5 and by adding Section 313.16 to add an alternative for compliance with the Jobs Housing Linkage Program and the Residential Inclusionary Affordable Housing Program by allowing a project sponsor to defer 33% of its obligation under either Program in exchange for recording an Affordable Housing Transfer Fee Restriction on the affected property providing that 1% of the value of the property be paid to the Citywide Affordable Housing Fund at every future transfer of the Property; and making findings including findings under the California Environmental Quality Act.
(Economic Impact.)

10/27/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/26/2009.

11/03/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review; referred to Building Inspection Commission for informational purposes.

11/24/09; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

02/01/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18017 recommended approval with modifications.

03/09/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 03/18/10 - Submitted fee ad for publication on 03/22/10 and 03/29/10.

03/15/10; RESPONSE RECEIVED. The Eastern Neighborhoods Citizens Advisory Committee failed to pass a resolution recommending approval with modifications.

03/16/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 2) to the Planning Commission and the Building Inspection Commission for informational purposes.

03/16/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

03/19/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Craig Adelman, Mayor's Office of Housing; AnMarie Rodgers, Planning Department; Ted Egan, Controller's Office of Economic Analysis; Gerardo Blum and Adrian Simi, Carpenters Local 22; Joel Koppel, SF Electrical Industry; Tony Rodriguez, Local 483 Fire Sprinklers; Michael Theriault, SF Building Trades; David O'Kelly, Carpenters Union; Ed Reyes, Ironworkers Local 377; Bob Glover; Kevin Kitchingham, Bernal Heights Neighborhood Ctr.; Charley Lavery and Chris Snyder, Operating Engineers 3; Calvin Welch, CCHO; Peter Cohen, MO CAC; Joe Boss, Dogpatch; Fernando Marti, Eastern Neighborhood CAC; Warner Schmalz, Forum Design; Paul O'Driscoll; Steven Curries; Brian Spiers, Brian Spiers Construction; Henry Kamilowicz, Occidental Express; Sarah Karlinsky, SF Planning & Urban Research Assoc.; Marc Babsin, Emerald Fund; Tony Kelly, Potrero Boosters; Triston McLaughlin; Shemus McCounty; Carl Shannon, Tishman Speyer; Lydia Tan, BRIDGE Housing Corp.; Tony Guzzetta, Local 38 Plumbers Union; Stephanie Wedge; Louie Ravano, RBA; Tim Collin; Bruce Balman and Steve Cooney, RBA; Jim Levesque; Jim Foley, Dawn Kitchen & Bath; Suzanne Gregg; Laren Lad; John Roach, Paradigm Real Estate Group; Male Speaker; Leo Krastoff, Caldwells; Jeff Rocket; Chris Foley; Sue Hester; David Spenberg; Male Speaker; Richard Harris; Grace Shanahan; Hannah Duffy; Kieran Duffy; John McKenan; Shawn Canon; Manuel Flores, Local 22; Morris Casey.
Continued to April 5, 2010.

CONTINUED to April 5, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

091275 [Development Impact and In-Lieu Fees]**Sponsors: Mayor; Dufty**

Ordinance amending the San Francisco Planning Code to create Article 4 for development impact fees and requirements, move Planning Code Sections 135(j), 135.3(d), 135.3(e), 139, 143, 149, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4, and renumber and amend the sections; to provide that the Department of Building Inspection (DBI) will collect the development fees prior to issuance of the first building permit or other document authorizing project construction and verify that any in-kind public improvements required in lieu of a development fee are implemented prior to issuance of the first certificate of occupancy; to allow a project sponsor to defer payment of a development fee upon agreeing to pay a deferral surcharge, which option shall expire after three years unless further extended; to add introductory sections to Article 4 for standard definitions and procedures, delete duplicative code provisions and use consistent definitions, language and organization throughout; to require annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; to provide that the ordinance's operative date is May 15, 2010; and to instruct the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number; adopting findings, including Section 302, environmental findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

11/03/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 12/3/2009.

11/18/09; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation; referred to Planning Department for environmental review; referred to Building Inspection Commission for informational purposes.

12/15/09; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

12/15/09; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

12/29/09; REFERRED TO DEPARTMENT. Referred substitute legislation to the Planning Department for environmental review; to the Planning Commission for public hearing and recommendation; and to the Building Inspection Commission for informational purposes.

12/29/09; RESPONSE RECEIVED. Exempt from review as per CEQA Section 15273 Rules, Tolls, Fares and Charges.

02/01/10; RESPONSE RECEIVED. The Planning Commission recommended approval with modifications.

03/09/10; SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing new title.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee. 03/18/10 - Submitted fee ad for publication on 03/22/10 and 03/29/10.

03/15/10; RESPONSE RECEIVED. The Eastern Neighborhoods Citizens Advisory Committee passed Resolution No. 2010-2-2 recommending approval with modifications.

03/16/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

03/17/10; REFERRED TO DEPARTMENT. Referred the substitute legislation (version 3) to the Planning Commission and the Building Inspection Commission for informational purposes.

03/19/10; RESPONSE RECEIVED. The Planning Department provided information on affected projects.

Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Craig Adelman, Mayor's Office of Housing; AnMarie Rodgers, Planning Department; Ted Egan, Controller's Office of Economic Analysis; Gerardo Blum and Adrian Simi, Carpenters Local 22; Joel Koppel, SF Electrical Industry; Tony Rodriguez, Local 483 Fire Sprinklers; Michael Theriault, SF Building Trades; David O'Kelly, Carpenters Union; Ed Reyes, Ironworkers Local 377; Bob Glover; Kevin Kitchingham, Bernal Heights Neighborhood Ctr.;

Charley Lavery and Chris Snyder, Operating Engineers 3; Calvin Welch, CCHO; Peter Cohen, MO CAC; Joe Boss, Dogpatch; Fernando Marti, Eastern Neighborhood CAC; Warner Schmalz, Forum Design; Paul O'Driscoll; Steven Curries; Brian Spiers, Brian Spiers Construction; Henry Kamilowicz, Occidental Express; Sarah Karlinsky, SF Planning & Urban Research Assoc.; Marc Babsin, Emerald Fund; Tony Kelly, Potrero Boosters; Triston McLaughlin; Shemus McCounty; Carl Shannon, Tishman Speyer; Lydia Tan, BRIDGE Housing Corp.; Tony Guzzetta, Local 38 Plumbers Union; Stephanie Wedge; Louie Ravano, RBA; Tim Collin; Bruce Balman and Steve Cooney, RBA; Jim Levesque; Jim Foley, Dawn Kitchen & Bath; Suzanne Gregg; Laren Lad; John Roach, Paradigm Real Estate Group; Male Speaker; Leo Krastoff, Caldwells; Jeff Rocket; Chris Foley; Sue Hester; David Spenberg; Male Speaker; Richard Harris; Grace Shanahan; Hannah Duffy; Kieran Duffy; John McKenan; Shawn Canon; Manuel Flores, Local 22; Morris Casey. Continued to April 5, 2010.

CONTINUED to April 5, 2010 by the following vote:

Ayes: 3 - Maxwell, Mar, Chiu

ADJOURNMENT

The meeting adjourned at 4:59 p.m.