



# 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*

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Monday, May 3, 2010

1:00 PM

City Hall, Committee Room 263

#### Regular Meeting

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

## MEETING CONVENED

*The meeting convened at 1:10 p.m.*

## REGULAR AGENDA

### 100332 [Revisions to Integrated Project Delivery Construction Contracting Procedures; Signature Authority for Administrative Code Chapter 6 Contracts and Related Documents]

#### **Sponsors: Maxwell; Mar and Chiu**

Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures and revise Subsection 6.1(H) to allow a department head to designate an individual to execute, on his or her behalf, contracts awarded under Chapter 6 and related documents.

03/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/15/2010.

03/30/10; REFERRED TO DEPARTMENT. Referred to the Human Rights Commission and the Department of Public Works for informational purposes.

04/19/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Ed Reiskin, Director of Public Works; Alaric Degrafinried, Human Rights Commission; Niecey Joshua; Willie Ratcliff, Liberty Builders; Charlie Walker; Lloyd Kraal; Francisco Da Costa; Espanola Jackson; Len Turner, Turner Group Construction; Michael Baines, Baines Group, Inc.; Charles Adams and Kelton Finney Adams, Albion Power Company; Eddy Lau, Council of Asian American Association; Joshua Arce, Brightline Defense Project; Paul Lucas, Sun Electric; Utuma Belfrey, Sustainable Futures; Bob Riley; Female Speaker. Supervisor Mar requested to be added as a co-sponsor.

04/19/10; CONTINUED AS AMENDED. Continued to May 3, 2010.

*Heard in Committee. Speakers: Ed Reiskin, Director of Public Works; Francisco Da Costa; Espanola Jackson.*

#### **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**

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

Ayes: 3 - Maxwell, Mar, Chiu

**100333 [Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts]****Sponsors: Maxwell; Mar and Chiu**

Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprises that joint venture with other firms to bid on construction contracts.

03/16/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/15/2010.

03/30/10; REFERRED TO DEPARTMENT. Referred to the Human Rights Commission, the Department of Public Works, the Public Utilities Commission, and the Planning Department for informational purposes.

04/19/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Ed Reiskin, Director of Public Works; Alaric Degrafinried, Human Rights Commission; Niecey Joshua; Willie Ratcliff, Liberty Builders; Charlie Walker; Lloyd Kraal; Francisco Da Costa; Espanola Jackson; Len Turner, Turner Group Construction; Michael Baines, Baines Group, Inc.; Charles Adams and Kelton Finney Adams, Albion Power Company; Eddy Lau, Council of Asian American Association; Joshua Arce, Brightline Defense Project; Paul Lucas, Sun Electric; Utuma Belfrey, Sustainable Futures; Bob Riley; Female Speaker.  
Supervisor Mar requested to be added as a co-sponsor.

04/19/10; CONTINUED AS AMENDED. Continued to May 3, 2010.

*Heard in Committee. Speakers: Ed Reiskin, Director of Public Works; Francisco Da Costa; Espanola Jackson.*

**RECOMMENDED AS COMMITTEE REPORT 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 of 80 percent of the total amount of fees due to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed, 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 July 1, 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.

03/22/10; CONTINUED. 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 Spenberg; Male Speaker; Richard Harris; Grace Shanahan; Hannah Dufty; Kieran Dufty; John McKenan; Shawn Canon; Manuel Flores, Local 22; Morris Casey.

Continued to April 5, 2010.

04/05/10; CONTINUED. Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Diane Wesley Smith, Bayview Hunter's Point Real Estate & Outreach Services; Joel Koppel, SF Electrical Industry; Michael Theriault, SF Building Trades; Tim Collin; Marjorie, American Institute of Architects; Tony Guzzetta, Local 38 Plumbers Union; Tony Kelly, Potrero Boosters; Manuel Flores, Local 22 Carpenters; Steven Curries; Male Speaker; Hannah Dufty; Grace Shanahan; John O'Connor; Jim Chapel; David Sternberg; Joe Boss; Tom Radulavich; Kiernan Dufty.

Continued to April 19, 2010.

04/19/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Dan Murphy; Male Speaker; Steve Atkinson; Tim Collin, SF Housing Coalition; Shawn Canon; Brian Spiers, Brian Spiers Construction; Hannah Dufty; John O'Connor; Richard Harris; Paul Driscoll; Male Speaker; Kiernan Dufty.

04/19/10; CONTINUED AS AMENDED. Continued to May 3, 2010.

*Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Calvin Welch, CCHO; Tim Colen, SF Housing Action Coalition; Michael Theriault, SF Building Trades; Joe Boss; Andrew McDewitt, Local 22; Peter Cohen, Market Octavia Advisory Committee; Sean Keigran; John O'Connor; Grace Shanahan.*

#### **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

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 of 85 percent of the total amount of fees due, or 80 percent of the total amount of fees due if the project is subject to payment of a neighborhood infrastructure impact development fee, to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed, 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 July 1, 2010; and adopting findings, including environmental findings. (Economic Impact.)

#### **RECOMMENDED AS AMENDED 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 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 (Fee Deferral Program), which option shall expire after three years unless further extended; to require the Planning Commission to hold a hearing prior to expiration of the Fee Deferral Program to review its effectiveness and make recommendations to the Board of Supervisors; 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 July 1, 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.

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03/22/10; CONTINUED. 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 Spenberg; Male Speaker; Richard Harris; Grace Shanahan; Hannah Dufty; Kieran Dufty; John McKenan; Shawn Canon; Manuel Flores, Local 22; Morris Casey.  
Continued to April 5, 2010.

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Continued to April 19, 2010.

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04/19/10; CONTINUED AS AMENDED. Continued to May 3, 2010.

*Heard in Committee. Speakers: Michael Yarne, Mayor's Office of Economic and Workforce Development; Calvin Welch, CCHO; Tim Colen, SF Housing Action Coalition; Michael Theriault, SF Building Trades; Joe Boss; Andrew McDevitt, Local 22; Peter Cohen, Market Octavia Advisory Committee; Sean Keigran; John O'Connor; Grace Shanahan.*

#### **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**

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 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 (Fee Deferral Program), which option shall expire after three years unless further extended; to require the Planning Commission to hold a hearing prior to expiration of the Fee Deferral Program to review its effectiveness and make recommendations to the Board of Supervisors; 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 July 1, 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.

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

Ayes: 3 - Maxwell, Mar, Chiu

**100492 [Supplemental Agreement to Install an Additional Water Pipeline Over Union Pacific Railroad Company Property in Stanislaus County]**

Resolution approving and authorizing a Supplemental Agreement with Union Pacific Railroad Company to install an additional water pipeline within an existing easement area over Railroad property near the City of Oakdale in Stanislaus County required for the San Joaquin Pipeline System Project No. CUW37301 for a fee of \$2,500; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

04/12/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speaker: Amy Brown, Director of Property.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**100048 [Amendment to Solar Energy Incentive Program]****Sponsors: Daly; Mirkarimi**

Ordinance amending the San Francisco Environment Code by amending Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require that all systems receiving City incentives be installed by individuals trained under the City workforce development program, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

01/12/10; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/12/2010.

01/19/10; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development for informational purposes.

*Heard in Committee. Speakers: Supervisor Chris Daly, Board of Supervisors; Barbara Hale, Assistant General Manager – Power, SF PUC; Jaymes Callahan, Vista Solar; Jeanine Conner, Luminalt; Joshua Arce, Brightline Defense Project; Espanola Jackson; Walter Paulson. Supervisor Mar requested to be added as a co-sponsor.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Ordinance amending the San Francisco Environment Code Sections 18.2, 18.4, 18.7-2, and 18.7-4, to: (1) require all systems receiving City incentives be installed by an individual, firm or organization qualified as a workforce development installer by the Office of Economic & Workforce Development, unless specified exceptions apply, and (2) eliminate increased incentives for residential properties in the case of systems installed by individuals trained under the City workforce development program.

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

Ayes: 3 - Maxwell, Mar, Chiu

**100372 [Federal Stimulus Funds - Jobs Now Program]****Sponsor: Maxwell**

Hearing on the status of the Jobs Now Program.

03/23/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speakers: Trent Rhorer, Director of Human Services Agency; Ronald Thompson; Carrie Portis, Executive Director, SF Works.*

**FILED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

## **ADJOURNMENT**

*The meeting adjourned at 3:08 p.m.*