



# City and County of San Francisco

## Meeting Minutes - Final

### 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, April 5, 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 1:06 p.m.*

## REGULAR AGENDA

**091453 [Planning Code Amendment – Green Landscaping Ordinance]****Sponsors: Mayor; Chu, Dufty, Mar and Maxwell**

Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for “vehicle use area,” “ornamental fencing,” and “permeable surface;” amending the Public Works Code Sections 805, 806 and 807 to create requirements for the establishment of new street trees, replacement of dead street trees, and removal of street trees and adding Section 802.1 to define climate appropriate standards for plantings in the public right-of-way; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/14/2010.

12/22/09; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review. Referred to Planning Commission for review and recommendation. Referred to Department of Public Works for informational purposes.

12/28/09; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

03/03/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18033 recommends approval with modifications.

03/29/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Carmen Chu; Astrid Haryati, Director of Greening, Mayor’s Office; AnMarie Rodgers, Planning Department; Terry Milne, Urban Forestry Council; Jennifer Clary, Clean Water Action; Tom Radulavich, Executive Director, Livable City; Cheryl Adams, Deputy City Attorney.

Supervisors Mar and Maxwell requested to be added as co-sponsors.

03/29/10; CONTINUED AS AMENDED. Continued to April 5, 2010.

*Heard in Committee. Speaker: Diane Wesley Smith, Bayview Hunter’s Point Real Estate & Outreach Services.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**091271 [Zoning – Street Frontages for Most Use Districts]****Sponsors: Mirkarimi; Mar**

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of 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.

12/07/09; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

03/03/10; RESPONSE RECEIVED. Planning Commission Resolution No. 18034 recommends approval with modifications.

03/23/10; SUBSTITUTED.

03/24/10; ASSIGNED to Land Use and Economic Development Committee.

03/29/10; AMENDED. Heard in Committee. Speakers: Supervisor Ross Mirkarimi; Tom Radulavich, Executive Director, Livable City.

03/29/10; CONTINUED AS AMENDED. Continued to April 5, 2010.

03/29/10; REFERRED TO DEPARTMENT. The amended legislation (version 3) was re-referred to the Planning Department for environmental review.

03/30/10; RESPONSE RECEIVED. Not a project per CEQA Guidelines Section 15060(c)(2).

*Heard in Committee. Speakers: Rick Galbreath, Supervisor Ross Mirkarimi's Office; Tom Radulavich.*

*Supervisor Mar requested to be added as a co-sponsor.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

**100265 [Urging the Treasury Oversight Committee to Ratify Socially Responsible Investment Goals in the City's Investment Policy to Encourage Investments Related to Foreclosure Mitigation]****Sponsors: Chiu; Mar and Maxwell**

Resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's Investment Policy to encourage investments related to foreclosure mitigation.

03/09/10; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

03/16/10; REFERRED TO DEPARTMENT. Referred to the Office of the Treasurer and Tax Collector for informational purposes.

*Heard in Committee. Speaker: David Augustine, City Treasurer's Office.*

*Supervisors Mar and Maxwell requested to be added as co-sponsors.*

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

Ayes: 3 - Maxwell, Mar, Chiu

**100008 [Permit and License Fee Elimination]****Sponsor: Chiu**

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Section 2.28, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

01/05/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/4/2010.

04/01/10; TRANSFERRED to Land Use and Economic Development Committee.

04/02/10; RESPONSE RECEIVED. The Small Business Commission recommended approval.

*Heard in Committee. Speaker: Diane Wesley Smith, Bayview Hunter's Point Real Estate & Outreach Services.*

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

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Section 2.28, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

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

Ayes: 3 - Maxwell, Mar, Chiu

**100371 [Eastern Neighborhoods Area Plans - Funding Public Improvements]****Sponsor: Maxwell**

Hearing on the report on Strategies for Funding Public Improvements in the Eastern Neighborhoods Area Plans.

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

04/01/10; RESPONSE RECEIVED. The Planning Department submitted a report.

*Heard in Committee. Speakers: AnMarie Rodgers, Ken Rich, Kearstin Dischinger, Sarah Dennis Phillips, and Adam Van de Water, Planning Department.*

**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.

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 Spernberg; 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.

*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.*

**CONTINUED to April 19, 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.

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.

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, Caldwell's; 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.

*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 Radulovich;*

Kiernan Duffy.  
Continued to April 19, 2010.

**CONTINUED to April 19, 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.

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.

*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.

**CONTINUED to April 19, 2010 by the following vote:**

Ayes: 3 - Maxwell, Mar, Chiu

## ADJOURNMENT

*The meeting adjourned at 3:09 p.m.*