



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

Monday, April 22, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

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

MEETING CONVENED

The meeting convened at 1:42 p.m.

REGULAR AGENDA

File Nos. 121019 and 130248 were heard together.

121019 [Administrative Code - California Environmental Quality Act Procedures]**Sponsor: Wiener**

Ordinance amending Administrative Code, Chapter 31, to reflect revisions in the California Environmental Quality Act (CEQA) and to update and clarify certain procedures provided for in Chapter 31, including without limitation: codifying procedures for appeals of exemptions and negative declarations; providing for the Board of Supervisors (Board) to make the final CEQA decision on projects requiring Board legislative action, negating the need to file formal CEQA appeals; revising noticing procedures for environmental impact reports and negative declarations for plan area projects exceeding 20 acres; expanding noticing requirements for certain exempt projects; clarifying existing noticing requirements for exempt projects; and making environmental findings.

10/16/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/15/2012.

10/29/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Planning Commission for review and recommendation.

11/13/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

11/20/12; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/03/12; RESPONSE RECEIVED. 11/29/2012 - The Planning Commission held a public hearing and made advisory recommendations to Supervisor Wiener.

01/29/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

02/06/13; REFERRED TO DEPARTMENT. Re-Referred substitute legislation to the Planning Department/Commission for public hearing and recommendation; and Department of Building Inspection, County Clerk, Department of Public Works, Department of Public Health, Fire Department, and Port for informational purposes.

03/18/13; RESPONSE RECEIVED. 3/14/2013 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18826.

03/27/13; RESPONSE RECEIVED. 3/14/2013 - The Historic Preservation Commission held a public hearing and recommended approval with modifications; Resolution No. 704.

04/02/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

04/04/13; REFERRED TO DEPARTMENT. Referred to the Planning Department/Commission, Department of Building Inspection, County Clerk, Department of Public Works, Department of Public Health, Fire Department, and Port for informational purposes.

04/05/13; RESPONSE RECEIVED. Non-physical exemption: Not a project per CEQA Guidelines Section 15060(c)(2).

04/08/13; AMENDED. Heard in Committee. Speakers: John Rahaim, Director, Sarah Jones, and AnMarie Rodgers (Planning Department); Elaine Warren, and Jon Givner (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Kristin Hansen; Sally Stephens; Po Bronson; Samuel Ball; Frank Noto; Robert Brust; Anthony Urbino; Michael Theriault; Nik Kestner; Elizabeth Stampe; Tomiquia Moss; Tim Colen; Steven Aiello; Evan Reeves; Robin Levitt; Mark English; Michael Rice; Female Speaker; Raymond Holland; Ron Miguel; Jim Lazarus; Fernando Marti; Matt Regan; Leah Shahum; Tom Tunny; Female Speaker; Michael Schulte; David Sternberg; Kiernan Buckley; Redmond Langs; Sean Kiegran; spoke in support of the hearing matter. Francisco Da Costa; Tes Welborn; Howard Wong; George Wooding; Dr. Espanola Jackson; Paul Page; Charlie Zhang; Hiroshi Fukuda; Michael Russom; Rose Hillson; Mark Bittner; Lynne Beeson; Denis Mosgofian; Bernie Choden; Judith Hoyer; Ms. Crowley; Dawn Trenner; Nancy Wuerfel; Edward Mata; David Osgood; Malana Moberg; Roland Salvato; Michelle Myers; Rebecca Evans; Karen Babbitt; Judy Berkowitz; Linda Chapman; Supervisor Jake McGoldrick; Mr. Welsh; Eric Brooks; Supervisor Aaron Peskin; spoke in opposition to the hearing matter. Steve Zeltzer; Mike Buhler; Judy Irving; Marlayne Morgan; John Rizzo; Mike Casey; Pilar Schiavo; Jonathan Goldberg; Raymond Castillo; Bradley Weedmeyer; Supervisor John Bardis; spoke neither in support nor against the hearing matter.

04/08/13; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Elaine Warren (City Attorney's Office); John Rahaim, Director, and Sarah Jones (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Robert Poole; Matt Regan; Evan Reeves; Julie Christensen; Matt O'Grady; Stephanie Greenburg; David Tse; Daniel Frattin; spoke in support of the proposed legislation in File No. 121019. Ron Miguel; Steven Aiello; Fernando Marti; Jim Lazarus; Supervisor Aaron Peskin; spoke in support of the amendments being proposed for File No. 121019. Aaron Goodman; George Wooding; Eric Brooks; Bernie Choden; Michael Russom; Tes Welborn; Hiroshi Fukuda; Gil Criswell; Dave Osgood; Angelica Cabande; Rose Hillson; Karen Babbitt; spoke in support of the proposed legislation in File No. 130248. Paul Wermer; Malana Moberg; Roland Salvato; Robert Woods; Howard Wong; Peter Cohen; Asa Monet; Andrew Resignato; Pastor Lynn Gavin; Cynthia Crews; Albert Sandoval; Eihway Su; spoke on various concerns regarding the proposed legislation.

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

Ayes: 3 - Wiener, Kim, Chiu

CONTINUED AS AMENDED to May 6, 2013, by the following vote:

Ayes: 2 - Wiener, Chiu

Noes: 1 - Kim

130248 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**Sponsors: Kim; Campos, Avalos and Mar**

Ordinance amending Administrative Code, Chapter 31, to provide for appeals under the California Environmental Quality Act to the Board of Supervisors of environmental impact reports, negative declarations, exemption determinations, and determinations on modified projects; to clarify and update existing Chapter 31 procedures, including without limitation: to provide for the Planning Department or Planning Commission to approve all exemption determinations; to require the Planning Department to establish an electronic notification system; to expand noticing of exempt projects; to require new noticing when filing notices of exemption and notices of determination; to revise noticing of negative declarations and environmental impact reports for plans of 20 acres or more; to provide an expanded role for the Historic Preservation Commission; and making environmental findings.

03/12/13; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Economic Development Committee.

03/20/13; REFERRED TO DEPARTMENT. Referred to the City Attorney for approval as to form.

04/09/13; SUBSTITUTED, AND ASSIGNED to Land Use and Economic Development Committee. Approved as to form on 4/9/13, thereby starting the 30-Day Rule.

04/12/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission and Historic Preservation Commission for review and recommendation; and Department of Building Inspection, County Clerk, Department of Public Works, Department of Public Health, Fire Department, Port, and Recreation and Park Department for informational purposes.

04/17/13; RESPONSE RECEIVED. Non-physical exemption pursuant to CEQA Section 15060(c)(2).

Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Elaine Warren (City Attorney's Office); John Rahaim, Director, and Sarah Jones (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Robert Poole; Matt Regan; Evan Reeves; Julie Christensen; Matt O'Grady; Stephanie Greenburg; David Tse; Daniel Frattin; spoke in support of the proposed legislation in File No. 121019. Ron Miguel; Steven Aiello; Fernando Marti; Jim Lazarus; Supervisor Aaron Peskin; spoke in support of the amendments being proposed for File No. 121019. Aaron Goodman; George Wooding; Eric Brooks; Bernie Choden; Michael Russom; Tes Welborn; Hiroshi Fukuda; Gil Criswell; Dave Osgood; Angelica Cabande; Rose Hillson; Karen Babbitt; spoke in support of the proposed legislation in File No. 130248. Paul Wermer; Malana Moberg; Roland Salvato; Robert Woods; Howard Wong; Peter Cohen; Asa Monet; Andrew Resignato; Pastor Lynn Gavin; Cynthia Crews; Albert Sandoval; Eihway Su; spoke on various concerns regarding the proposed legislation.

CONTINUED to May 6, 2013, by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

120669 [Subdivision Code - Condominium Conversion Impact Fee]**Sponsors: Farrell; Wiener, Chiu and Yee**

Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a condominium conversion impact fee applicable to certain buildings that would be permitted to convert during a six year period, and subject to specified requirements, including lifetime leases for non-purchasing tenants; adding Section 1396.5, to suspend the annual condominium conversion lottery until 2024 and resume said lottery under specified circumstances tied to permanently affordable rental housing production; amending Section 1396, to restrict future condominium lotteries to buildings of no more than four units with a specified number of owner occupied units for three years prior to the lottery; and adopting environmental findings.

(Economic Impact)

(Supervisor Wiener dissented in committee.)

06/12/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 7/12/2012.

06/20/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Controller, Planning Department, Department of Building Inspection, and Department of Public Works for review and information.

01/04/13; RESPONSE RECEIVED. Statutory exemption per CEQA Section 15273 - Rates, Tolls, Fares and Charges.

01/09/13; NOTICED. The Fee Ad was submitted to the newspaper for publication on January 14 & 21, 2013.

01/15/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

01/28/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Mark Farrell (Board of Supervisors); John Malamut (City Attorney's Office); Bruce Storrs (Department of Public Works); presented information concerning the matter and answered questions raised throughout the hearing. Chin Hoy Loh; Female Speaker; David Wallace; Mark Bridges; Xi Rong Zhoo; Jaime Alvarez; Marlene Tran; Male Speaker; Stacy Salvi; Male Speaker; Jake Block; Tina Moylin; Mike Moylin; Male Speaker; Fin Hatto; Jennifer Grant; Quitanne Ingalls; Jim Ingalls; Lance Wills; Ms. Taylor; Andy Creager; Brian Basinger; Tom; Marie Kuhns; Cheryl Power; Mike Sullivan; Bessie Tam; Darren Bridgett; Joanne Neidorf; Mark Bryan; Sandra Kazee; Julie Costanzo; Miro Brajenovic; Bryce Dille; Greg Efstratis; Brian; Lothar Schubert; Frank Triska; Sheila McLaughlin; Alex Ku; Bobbi Clemens; Female Speaker; Beth Palmer; Josephine Zhao; Male Speaker; Jennifer Lyon; Amy; Lavinia Turner; Cole Goepfinger; Paul Ron; Gabriela Mehner; Jeff; Elena Olzark; Female Speaker; Jake Sprall; spoke in support of the matter. Kenneth Laverne; Female Speaker; Jeremy Mykaels; Nancy McNally; Max Varazslo; Joe Donohoe; Kelly Meehan; Jane Fox; Renee Gibbons; Gypsy Taub; Karen Babbitt; Female Speaker; Cole Berggren; Elizabeth deYoung; Jazzie Collins; William Hannan; Sarah Sherburn-Zimmer; Amy; Jun Chang Tan; Male Speaker; Steve Woo; Hatty Lee; Ryan Thayer; Mitchell Omerberg; Terrie Frye; Sara Shortt; Jean Yaste; Dean Preston; Ted Gullickson; Fernando Marti; Peter Cohen; Eric Wu; Chester Zemini; Sue Vaughan; spoke in opposition to the matter. Walter Paulson; spoke neither in support nor against the matter.

01/28/13; CONTINUED AS AMENDED. Continued as amended to February 25, 2013.

02/14/13; REFERRED TO DEPARTMENT. Referred to the Youth Commission for informational purposes.

02/25/13; CONTINUED. Speakers: Kristen Henry; spoke in support of the matter. Chris Bollis; spoke in opposition to the matter.

02/27/13; RESPONSE RECEIVED. 2/19/2013 - The Youth Commission voted to take no position, but urged consideration of certain issues.

03/11/13; CONTINUED. Heard in Committee. Speakers: Kristin Henry; spoke in support of the hearing matter. Bruce Allison; Laura Cuzman; Marian Wallace; Ernestine Weiss; Michael Lyon; Gilbert Criswell; spoke in opposition to the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.

Continued to March 25, 2013.

03/25/13; CONTINUED. Hearing in Committee. Speakers: Marlene Tran; Josephine Zhao; Alex Ku; spoke in support of the hearing matter. Marian Wallace; spoke in opposition to the matter.

Continued to April 15, 2013.

04/15/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisors Mark Farrell and Norman Yee (Board of Supervisors); John Malamut (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Male Speaker; spoke in support of the hearing matter. Wing Hoo Leung; Gum Gee Lee; Ryan Thayer; Tina Cheung; Cynthia Crews; Gil Criswell; Steve Collier; Teresa Dulalas; Marti Dulalas; Sarah Sherburn-Zimmer; Sue Vaughan; Andre Lopez; Miguel Carrera; Jesus Perez; Brian Basinger; Ben Ng; Lori Liederman; Jennifer Friedenbach; Melly; Fernando Marti; Maria Zumuda; Peter Cohen; Sara Short; Ted Gullickson; Jason Hain; Eric Brooks; spoke in opposition to the hearing matter.

04/15/13; CONTINUED AS AMENDED.

04/17/13; RESPONSE RECEIVED. Non-physical exemption pursuant to CEQA Section 15060(c)(2).

Heard in Committee. Speakers: Supervisors Mark Farrell and David Campos (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Susan Weisberg; Mervyn Wong; Wing Hoo Leung; Derek Zarda; Nella Manuel; Hatty Lee; Stephen Tennis; Lorenzo Listana; Mitchel Omerberg; Peter Cohen; Kathy Lipscomb; Gil Criswell; Steve Collier; Lori Liederman; Susan Vaughan; Fernando Marti; Ron Schmidt; Eihway Su; Layla Stanley; Gen Fujoka; Jessica Layman; Sara Short; Ted Gullickson; Joy Abounds; spoke in support of the hearing matter. Iris Biblowitz; Lizbeth Gordon; Peter Reitz; Tes Welborn; Josephine Zhao; Paul Utretch; Cynthia Crews; Noni Richen; Carolyn Short-McKenna; spoke in opposition to the hearing matter. Tony Robles; Myriam Zamora; Ana Gutierrez; Female Speaker; spoke neither in support nor against the hearing matter.

RECOMMENDED by the following vote:

Ayes: 2 - Kim, Chiu

Noes: 1 - Wiener

130286 [Term Sheet Endorsement - Development of Seawall Lot 337 and Pier 48 and Finding of Fiscal Feasibility]

Sponsors: Mayor; Kim, Chiu and Wiener

Resolution finding the proposed development of Seawall Lot 337 and Pier 48, bounded by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay and adjacent to AT&T Park, fiscally feasible under Administrative Code, Chapter 29, and endorsing the Term Sheet between Seawall Lot 337 Associates, LLC and the Port Commission.

(Fiscal Impact)

03/26/13; ASSIGNED to Land Use and Economic Development Committee.

04/03/13; REFERRED TO DEPARTMENT. Referred to the Port, Planning Department, and Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Phil Williamson (Port Commission); Mike Martin (Office of Economic and Workforce Development); Jack Bair and Fran Well (San Francisco Giants); presented information concerning the matter and answered questions raised throughout the hearing. Tim Donovan; Michael McKenna; Corinne Woods; Manuel Flores; Jim Lazarus; Alice Rodgers; Keith Greggor; Kate Sofis; spoke in support of the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Wiener, Kim, Chiu

ADJOURNMENT

The meeting adjourned at 6:35 p.m.