



# 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: Eric Mar, Malia Cohen, Scott Wiener*

*Clerk: Alisa Miller (415) 554-4447*

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Monday, March 26, 2012

1:00 PM

City Hall, Committee Room 263

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### Regular Meeting

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*President David Chiu appointed Supervisor Christina Olague to serve on the Land Use and Economic Development Committee for the meeting of March 26, 2012, in place of Supervisor Eric Mar.*

**Present:** 3 - Malia Cohen, Scott Wiener, and Christina Olague  
**Excused:** 1 - Eric Mar

## MEETING CONVENED

*The meeting convened at 1:04 p.m.*

**Supervisor Wiener moved to excuse Supervisor Eric Mar from the Land Use and Economic Development Committee meeting of March 26, 2012. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Olague  
Excused: 1 - Mar

## REGULAR AGENDA

### 120244 [Multifamily Housing Revenue Bonds - 1180 Fourth Street Family Housing]

**Sponsor: Kim**

Resolution authorizing the issuance and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$48,155,000 for the purpose of providing financing for the acquisition and construction of a 150-unit multifamily rental housing project known as 1180 Fourth Street Family Housing; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters.

03/13/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

*Heard in Committee. Speaker: Joan McNamara (Mayor's Office of Housing); presented information concerning the matter and answered questions raised throughout the hearing.*

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

Ayes: 3 - Cohen, Wiener, Olague  
Excused: 1 - Mar

**111337 [Planning Code - Extension of Time for Legitimization of Existing Eastern Neighborhoods Uses]****Sponsor: Cohen**

Ordinance amending the San Francisco Planning Code Section 179.1(b) to: 1) extend through November 12, 2012, the period of time in which existing uses in the Eastern Neighborhoods area that have operated without permits may file an application for determination of eligibility for legitimization; 2) establish a deadline within which the applicant must proceed with the legitimization process; and 3) make 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.

12/13/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/12/2012.

12/21/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Planning Commission for public hearing and recommendation.

12/28/11; RESPONSE RECEIVED. 12/12/2011 - The Small Business Commission voted 5-0 to recommend approval with modifications.

01/05/12; RESPONSE RECEIVED. Exempt from CEQA per Guidelines Sections 15060(c)(2) and 15378, non-physical exemption.

03/01/12; RESPONSE RECEIVED. 2/23/2012 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18549.

03/12/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: AnMarie Rodgers (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Martin Gickhorn; spoke in support of the hearing matter. James Maerie; Angelo King; Kate Suffis; Dan Murphy; spoke in opposition to the hearing matter.

03/12/12; CONTINUED AS AMENDED. Continued as amended to March 26, 2012.

*Heard in Committee. Speaker: AnMarie Rodgers (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Cohen, Wiener, Olague

Excused: 1 - Mar

**111374 [Planning Code - Creating a New Definition of Student Housing]****Sponsor: Wiener**

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36 to create a definition of Student Housing; 2) amending Section 135(d)(2) to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3) to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR, and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307 to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312 to require notice for a change of use to Group Housing; 6) amending Section 317 to prohibit the conversion of residential units into Student Housing; 7) amending Section 401 to make conforming amendments and amend the definition of Qualified Student Housing; and 7) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

12/15/11; RECEIVED FROM DEPARTMENT.

01/10/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/9/2012.

02/02/12; RESPONSE RECEIVED. 10/27/2011 - The Planning Commission held a public hearing and recommended approval; Resolution No. 18485.

02/27/12; CONTINUED. Speakers: John Bardis; Espanola Jackson; Caroline Guibert; John Sanger; spoke in opposition to the hearing matter and in support of the continuance.

Continued to March 26, 2012.

*Heard in Committee. Speakers: Sophie Hayward (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Rose Hillson; Tim Colen; Robert Garcia; Linda Chapman; Caroline Guibert; spoke in support of the hearing matter. James Haas; John Bardis; Brad Paul; Hiroshi Fukuda; Megann Sept; Anthony Molinar; spoke in opposition to the hearing matter.*

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

Ordinance amending the San Francisco Planning Code by: 1) adding a new Section 102.36, to create a definition of Student Housing; 2) amending Section 135(d)(2), to adjust the minimum open space requirements for dwelling units that do not exceed 350 square feet, plus a bathroom; 3) amending Section 207(b)(3), to exempt Student Housing from the unit mix requirement in RTO, NCT, DTR and Eastern Neighborhoods Mixed Used Districts; 4) amending Section 307, to permit the conversion of Student Housing into residential uses, when certain conditions are met; 5) amending Section 312, to require notice for a change of use to Group Housing; 6) amending Section 317, to prohibit the conversion of residential units into Student Housing, except in specified circumstances; 7) amending Section 401, to make conforming amendments and amend the definition of Qualified Student Housing; 8) amending Section 214, to create a new subsection (k), to permit additional square footage above the floor area ratio limits for Qualified Student Housing projects in buildings in the C-3-G and C-3-S Districts, that are not designated as Significant or Contributory pursuant to Article 11; 9) amending Tables 814, 840, 841, 842 and 843, to make conforming amendments; and 10) making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

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

Ayes: 3 - Cohen, Wiener, Olague

Excused: 1 - Mar

**110853 [Planning, Administrative Codes - Public Art Fee and Public Artwork Trust Fund]  
Sponsors: Mayor; Chiu**

Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and all non-residential projects that are within zoning districts MUG, MOU, MUR, UMU, SPD, RC-3, RC-4, RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-2, and C-M that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted a complete Development Application on or after January 1, 2013; 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) making 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.

07/19/11; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/18/2011.

08/15/11; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Department of Building Inspection and Arts Commission for informational purposes.

08/23/11; RESPONSE RECEIVED. Exempt from CEQA per Article 18, Statutory Exemptions, Section 15273 (Rates, Tolls, Fares, and Charges).

10/31/11; RESPONSE RECEIVED. 10/27/11 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 18477.

11/22/11; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

12/16/11; REFERRED TO DEPARTMENT. Re-Referred substitute legislation to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Department of Building Inspection and Arts Commission for informational purposes.

12/22/11; NOTICED. 14-Day Fee Ad was submitted for publication on 12/25/2011 & 1/2/2012.

01/09/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Jason Elliott (Mayor's Office); Supervisor David Chiu (Board of Supervisors); AnMarie Rodgers (Planning Department); Jill Manton, Director of Programs (Arts Commission); Tom DeCaigny, Director of Cultural Affairs (Arts Commission); Ron Miguel (Planning Commission); presented information concerning the matter and answered questions raised throughout the hearing. Debra Walker; Angelica Cabande; Tony Kelly; Male Speaker; Skot Kuiper; Sean Keigran; Joe Boss; spoke in support of the matter.

01/09/12; CONTINUED AS AMENDED. Continued as amended to January 30, 2012.

01/12/12; NOTICED. 14-Day Fee Ad was submitted for publication on 1/16/2012 & 1/23/2012.

01/30/12; AMENDED. Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Ray Hart; Francisco Da Costa; spoke in opposition to the matter. Walter Paulson; spoke neither in support nor against the matter.

01/30/12; CONTINUED AS AMENDED. Continued to February 27, 2012.

02/27/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); AnMarie Rodgers (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Steve Huang; spoke in support of the hearing matter. Male Speaker; spoke neither in support nor against the

hearing matter.

02/27/12; CONTINUED AS AMENDED. Continued to March 5, 2012.

03/05/12; CONTINUED. Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Cheryl Adams (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing.

Continued to March 26, 2012.

03/07/12; NOTICED. 14-Day Fee Ad was submitted for publication on 3/12/12 & 3/19/12.

*Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); AnMarie Rodgers (Planning Department); Jason Elliott (Mayor's Office); April Veneracion (Supervisor Jane Kim's Office); presented information concerning the matter and answered questions raised throughout the hearing. Skot Kuiper; spoke in support of the hearing matter. Linda Chapman; Robert Garcia; spoke in opposition to the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.*

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

Ordinance: 1) amending the San Francisco Planning Code Section 429 to provide that developers currently required to spend one percent (1%) of construction costs for public artwork on any new development project or addition to an existing building over 25,000 square feet located in a C-3 district have an option to contribute all or a portion of that fee to a City fund dedicated to support public art, and to extend the fee to all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013, on the following parcels: (a) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, and UMU Districts; (b) properties that are zoned MUG, MOU, or MUR and that are north of Division/Duboce/13th Streets; and (c) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall); 2) amending the San Francisco Administrative Code by adding Section 10.200-29 to establish a Public Artwork Trust Fund, funded through contributions and Public Art Fees, for the creation, installation, exhibition, conservation, preservation, and restoration of temporary and permanent public art and capital improvements to nonprofit art facilities within the C-3 district and within a half mile of the boundary of the C-3 district or, if the project is in another zoning district, within a half mile of the project boundary, to be administered and expended by the Arts Commission; and 3) making 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.

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

Ayes: 3 - Cohen, Wiener, Olague

Excused: 1 - Mar

**120141 [Permit of Northeast-Facing Wall Sign - Total Outdoor Corporation - 1650 Mission Street]**

Resolution authorizing the execution of a permit to enter and use property for installation and maintenance of a northeast-facing wall sign at 1650 Mission Street by and between the City and County of San Francisco and Total Outdoor Corporation, a Delaware Corporation, permittee. (Real Estate Department)

02/13/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

02/29/12; RECOMMENDED. Heard in Committee. Speakers: John Updike, Acting Director (Real Estate); Harvey Rose (Budget and Legislative Analyst); provided an overview and responded to questions raised throughout the discussion. Douglas Yep; Walter Paulson; spoke neither in support nor opposition on the matter.

03/06/12; RE-REFERRED to Land Use and Economic Development Committee.

03/07/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for review.

03/09/12; RESPONSE RECEIVED. Exempt from CEQA per Guidelines Section 15301, Existing Structures.

03/09/12; RESPONSE RECEIVED. The Planning Department provided comments on the proposed legislation.

03/12/12; CONTINUED. Heard in Committee. Speakers: John Updike, Director (Department of Real Estate); Cheryl Adams (City Attorney's Office); Dan Sider (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Milo Hanke; Kearstin Krehbiel; Tom Radulovich; spoke in opposition to the hearing matter.

Continued to March 26, 2012.

03/22/12; RESPONSE RECEIVED. 3/20/12 - The Real Estate Division held a community meeting. A fact sheet and public comments submitted to the Board for consideration.

*Heard in Committee. Speakers: John Updike, Director (Real Estate Division); Dan Sider (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Jonathan Dobres; spoke in support of the hearing matter. Milo Hanke; Juan Monsanto; Sue Hestor; spoke in opposition to the hearing matter. Walter Paulson; spoke neither in support nor against the hearing matter.*

**REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Cohen, Wiener, Olague

Excused: 1 - Mar

## ADJOURNMENT

*The meeting adjourned at 2:50 p.m.*