



City and County of San Francisco
Meeting Minutes
Land Use and Transportation Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Malia Cohen, Scott Wiener, Jane Kim

Clerk: Alisa Somera (415) 554-4447

Monday, October 19, 2015

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Malia Cohen, Scott Wiener, and Jane Kim

ROLL CALL AND ANNOUNCEMENTS

Chair Malia Cohen called the meeting to order at 1:47 p.m. On the call of the roll, Chair Cohen, Vice Chair Wiener, and Member Kim were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

150710 [Amending Ordinance No. 1061 - Sidewalk Width Change - Portions of Silver and Revere Avenues]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to change the official sidewalk width at the westerly corner of the intersection of Silver and Revere Avenues and portions of Revere Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

06/26/15; RECEIVED FROM DEPARTMENT.

07/07/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/6/2015.

07/14/15; REFERRED TO DEPARTMENT. Referred to Planning Department and Public Works for informational purposes; Planning Department for environmental review.

07/23/15; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Heard in Committee. Speakers: Javier Rivera (Public Works); presented information and answered questions raised throughout the discussion. Male Speaker; spoke in support of the hearing matter. Francisco Da Costa (EJA); spoke neither in support nor against the hearing matter.

Member Kim moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

150790 [Planning Code - Establishing a New Citywide Transportation Sustainability Fee]**Sponsors: Mayor; Wiener, Breed and Christensen**

Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions, as long as the Transportation Sustainability Fee remains operative; amending Section 401 to add definitions reflecting these changes; amending Section 406 to clarify affordable housing and homeless shelter exemptions from the Transportation Sustainability Fee; making conforming amendments to the Area Plan fees in Planning Code, Article 4; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings, including general findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

07/28/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

07/29/15; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for hearing and recommendation; Office of the Treasurer and Tax Collector, Municipal Transportation Agency, Mayor's Office of Housing and Community Development, Office of Community Investment and Infrastructure, Housing Opportunity, Partnership and Engagement, and Rent Board for informational purposes.

08/14/15; RESPONSE RECEIVED. Not defined as a project under CEQA guidelines Section 15378(b)(4).

09/08/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

09/11/15; NOTICED.

09/15/15; RESPONSE RECEIVED.

09/16/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for hearing and recommendation; Police Department and the Office of Economic and Workforce Development for informational purposes; and the Small Business Commission for comment and recommendation.

09/17/15; NOTICED.

09/21/15; CONTINUED. Heard in Committee. Speakers: Charlie Cross (University of San Francisco); Male Speaker; spoke in opposition of the hearing matter.

09/28/15; CONTINUED. Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Director John Rahaim (Planning Department); Ed Reiskin, Alicia John Baptiste, and Female Speaker (Municipal Transportation Agency); Anna LaForte (Transportation Authority); presented information and answered questions raised during the discussion. Nicole Fryer (Walk SF); Tom Radulovich (Livable City); Tyler Frisbee (Bicycle Coalition); Rofenstein; Deedee Workman (SF Chamber of Commerce); Tim Colan; Mr. Ericson; Howard Strassine; Peter Cohen; John Patoris; spoke in support of the hearing matter. Male Speaker; Elizebeth Myers; Barbara Westover; Monica Diehart; David Serrano Sewell (Hospital Council); Abbie Yant (St. Francis Memorial Hospital); Stuart Fond (Chinese Hospital); Sister Mary Kilgariff (St. Mary's Medical Center); Peter Straus; Sam Gressin; David McElroy; Male Speaker; Steve Vetta; Female Speaker; spoke in opposition of the hearing matter. Andrew Yip: spoke neither in support nor opposition of the hearing matter.

10/05/15; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: John Rahaim, Director (Planning Department); Victoria Wise (SF Municipal Transportation Agency); Jon Givner and Andrea Ruiz-Esquide (Office of the City Attorney); presented information and answered questions raised during the discussion. Peter Straus; Tim Cohen; Cathy Deluca; Jim Lasarus; Alice Rodgers; Mr. Martell; spoke in support of the hearing matter. Charlie Cross; Brian Cahill; Male Speaker; Abbie Yant; Sister Mary Kilgariff; Stuart Fong; Melisa White; John Grissom; Peter Cohen; Eric Tao; Ken Cleveland; spoke in opposition of the hearing matter. Andrew Yip; spoke neither in support nor opposition of the hearing matter.

Chair Cohen moved to AMEND the ordinance to remove Area Plan Exemptions as proposed by Supervisor Avalos. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Chair Cohen move to RESCIND the vote regarding Area Plan Exemption proposed by Supervisor Avalos. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Vice-Chair Wiener moved to AMEND the ordinance by adopting Chair Cohen's amendment to remove area plan residential TSF fee credit submitted. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Chair Cohen moved to AMEND the ordinance to increase the PDR exemption threshold from 800 gross square feet to 1500 gross square feet. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Chair Cohen, seconded by Supervisor Avalos, moved to AMEND the ordinance to remove the hospital exemption. The motion passed by the following vote:

Ayes: 2 - Avalos, Cohen

Noes: 1 - Wiener

Absent: 1 - Kim

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Vice-Chair Wiener, seconded by Supervisor Avalos, moved to AMEND the ordinance to increase the frequency of the economic feasibility study from every 5 years to every 3 years. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Vice-Chair Wiener, seconded by Supervisor Avalos, moved to AMEND the legislation to exempt all non-profit post-secondary educational institution from the Transportation Sustainability Fee. The motion passed by the following vote:

Ayes: 2 - Avalos, Wiener

Noes: 1 - Cohen

Absent: 1 - Kim

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Chair Cohen moved to AMEND the ordinance and adopt Supervisor Avalos' amendment to direct the Planning Department and the Controller to conduct a study of the feasibility of making the impact fees variable based on the economic feasibility of different areas of town (Geographic Based Fee Structure). The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Vice-Chair Wiener, seconded by Chair Cohen, moved to AMEND the ordinance to increase the fee schedule for projects over 100 units (only for those units exceeding the 100 unit threshold) and 100,000 gross square feet or more by \$1. The motion passed by the following vote:

Ayes: 2 - Wiener, Cohen

Noes: 1 - Avalos

Absent: 1 - Kim

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Vice-Chair Wiener moved to AMEND the ordinance to revise the grandfathering provision for both residential and non-residential projects to require projects which filed an application after July 21, 2015, to pay 100% of the TSF fee. The motion passed by the following vote:

Ayes: 2 - Wiener, Cohen

Noes: 1 - Avalos

Absent: 1 - Kim

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Supervisor Avalos moved to AMEND the ordinance regarding grandfathering projects to require projects filed before July 1, 2014, to pay 50% of the fee, and those who filed after July 1, 2014, to pay 75% of the fee for both residential and nonresidential projects.

Seeing no support for the motion Supervisor Avalos did not pursue a vote and no actions were taken on the motion.

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Supervisor Avalos moved to AMEND the ordinance so that \$1 increase to the fee for residential projects exceeding 100 units apply to the entirety of the project and not just those units exceeding the 100 unit threshold. The motion failed by the following vote:

Ayes: 1 - Avalos
Noes: 2 - Wiener, Cohen
Absent: 1 - Kim

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Supervisor Avalos, seconded by Supervisor Cohen, moved AMEND the ordinance to increase the fee for non-residential projects between 800,000 to 99,000 gross square feet to 21.04 (\$3 increase) and for non-residential project 100,000 gross square feet and up to \$24.04. The motion failed by the following vote:

Ayes: 1 - Avalos
Noes: 2 - Wiener, Cohen
Absent: 1 - Kim

All of the above listed amendments are included in the following "Amendment of the Whole Bearing New Title."

10/05/15; CONTINUED AS AMENDED. Jon Givner (Office of the City Attorney) clarified the Committee's intention in relation to the adopted amendments for grandfathering provisions and fee schedule for residential and non-residential units.

10/09/15; NOTICED.

Heard in Committee. Speakers: Corey Teague (Planning Department); presented information and answered questions raised throughout the discussion. Dee Dee Workman; spoke in support of the hearing matter. David Serrano; Abby Yance; Elizabeth Ferver; Stewart Fong; Francisco Da Costa; Andrew Yip; spoke neither in support nor against the hearing matter.

Vice Chair Wiener, seconded by Member Kim, moved that this Ordinance be AMENDED on Page 9, Line 9, by adding 'not' after 'that have', Line 10, by adding 'before' after 'application', and Lines 10-11, by adding ', and file the first such application on or after July 22, 2015,'; Page 11, Line 6, by adding an 's' to 'subsection', Lines 6-7, by adding 'and (c)', and Lines 15-25, by adding '(c) Calculation Method for Residential Uses. Areas of Residential use within a project that creates no more than 99 dwelling units shall pay the fee listed in Table 411A.5. When a project creates more than 99 dwelling units, the fees for areas of Residential use shall be calculated as follows: The number of dwelling units greater than 99 shall be divided by the total number of dwelling units created to determine the proportion of the project represented by those dwelling units. The resulting quotient shall be multiplied by the total gross floor area of Residential use in the project. The resulting product represents the number of gross square feet of Residential use in the project that is subject to the higher fee rate in Table 411A.5 for dwelling units above 99. The remainder of gross square feet of Residential use in the project is subject to the lower fee rate in Table 411A.5 for dwelling units at or below 99.'; Page 12, Line 6, by adding '(gsf)' after 'Foot', Line 8-9, by adding 'for all gsf Residential use in the first 99 dwelling units (see Section 411A.4(c) above).', Line 10, by striking 'any' and adding 'all', and adding 's' to 'unit', Lines 11-14, by adding 'for all gsf of Residential use in all dwelling units at and above the 100th unit (see Section 411A.4(c) above).', Lines 14-15, by adding 'for all gsf of Non-Residential uses less than 100,000 gsf.', Line 16, by striking 'any' and adding 'all', and Lines 16-17, by adding 'for all gsf of Non-Residential use greater than 9,999 gsf.'; and Page 20, Line 6, by adding 'to the extent possible, the' after 'account', and Line 7, by adding 'areas of the' after 'different', and striking 'neighborhoods' after 'City'. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions, as long as the Transportation Sustainability Fee remains operative; amending Section 401 to add definitions reflecting these changes; amending Section 406 to clarify affordable housing and homeless shelter exemptions from the Transportation Sustainability Fee; making conforming amendments to the Area Plan fees in Planning Code, Article 4; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings, including general findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1.

Vice Chair Wiener moved that this Ordinance be RECOMMENDED AS AMENDED to the Board of Supervisors for consideration on November 3, 2015. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

150737 [Interim Zoning Controls - Signs in Transit Center District Plan Area and between Folsom, Harrison, Essex and Second Streets]

Sponsor: Kim

Resolution imposing interim zoning controls in the Transit Center District Plan Area ("Plan Area"), which is bounded by Market Street on the north, Folsom Street on the South, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but excluding the planned Rooftop Park between Mission, Howard, Second and Beale Streets and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment Plan, which include portions of land bounded by Spear, Mission, Folsom and Second Streets, to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

07/07/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/6/2015.

07/14/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for comment and recommendation; Planning Department, Public Works, and Municipal Transportation Agency for informational purposes.

07/23/15; RESPONSE RECEIVED.

09/22/15; REMAIN ACTIVE. 9/22/2015 - The Board of Supervisors approved Motion No. M15-142, extending the 50-day hearing period for an additional 45 days to October 26, 2015.

09/25/15; NOTICED. 10-Day Notice of Public Hearing for the 10/5/2015 Land Use and Transportation Committee hearing on the interim zoning controls was published and posted (mailed notice not required since the affected area is more than 30 acres).

10/05/15; CONTINUED. Heard in Committee. Speakers: None.

Speakers: None.

Member Kim moved that this Resolution be CONTINUED to the Land Use and Transportation Committee meeting of November 2, 2015. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

File Nos. 150845 and 150846 were heard together.

150845 [General Plan Amendment - 302 Silver Avenue - Urban Design Element Map 5]

Sponsor: Avalos

Ordinance amending the General Plan by revising Map 5 of the Urban Design Element to change the bulk designation shown on the Map for 302 Silver Avenue, Assessor's Block No. 5952, Lot No. 002; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

08/21/15; RECEIVED FROM DEPARTMENT.

09/08/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/8/2015.

09/16/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for informational purposes; Small Business Commission for comment and recommendation.

10/09/15; NOTICED. 10-Day Notice of Public Hearing published in the Examiner (Government Code, Section 65096; Planning Code, Section 340; Charter, Section 4.105; Board Rule 3.24).

Heard in Committee. Speakers: Frances Hsieh (Office of Supervisor John Avalos); Tina Chang (Planning Department); Daniel Ruth (Jewish Home of San Francisco); presented information and answered questions raised throughout the discussion. Francisco Da Costa (EJA); Marleen Norman; Fran Gensberg; Arlene Krieger; Pastor Dawn Hyde; Stephanie Cajina; Dixie Waldrip; spoke in support of the hearing matter. Andrew Yip; spoke neither in support nor against the hearing matter.

Vice Chair Wiener moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

150846 [Planning Code, Zoning Map - Creating the Jewish Home of San Francisco Special Use District, 302 Silver Avenue]**Sponsor: Avalos**

Ordinance amending the Planning Code and Zoning Map to create the Jewish Home of San Francisco Special Use District located at 302 Silver Avenue, Assessor's Block No. 5952, Lot No. 002; to allow an increase in height within portions of the Special Use District; and adopting findings, including environmental findings about the negative declaration and mitigation monitoring and reporting plan, Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

08/21/15; RECEIVED FROM DEPARTMENT.

09/08/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/8/2015.

09/16/15; REFERRED TO DEPARTMENT. Referred to Human Services Agency, Mayor's Office of Housing and Community Development, and Planning Department for informational purposes; Planning Commission for hearing and recommendation.

10/09/15; NOTICED. 10-Day Notice was published in the Examiner (Government Code, Sections 65856 & 65090).

Heard in Committee. Speakers: Frances Hsieh (Office of Supervisor John Avalos); Tina Chang (Planning Department); Daniel Ruth (Jewish Home of San Francisco); presented information and answered questions raised throughout the discussion. Francisco Da Costa (EJA); Marleen Norman; Fran Gensberg; Arlene Krieger; Pastor Dawn Hyde; Stephanie Cajina; Dixie Waldrip; spoke in support of the hearing matter. Andrew Yip; spoke neither in support nor against the hearing matter.

Vice Chair Wiener moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

150972 [Zoning - Interim Prohibition Extension on Commercial Mergers in the Proposed Calle 24 Special Use District]**Sponsors: Mayor; Campos**

Urgency Ordinance approving an extension of the interim prohibition on commercial storefront mergers of greater than 799 gross square feet in the proposed Calle 24 Special Use District, which generally includes all lots bounded by 22nd Street, Potrero Avenue, Cesar Chavez Street, Capp Street, and both sides of 24th Street from Capp Street to Bartlett Street, as well as certain additional adjacent lots, for 10 months and 15 days in accordance with California Government Code, Sections 65858, et seq.; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Supervisor Wiener dissented in Committee.)

09/29/15; ASSIGNED to Land Use and Transportation Committee. 10/1/2015 - President Breed waived the 30-day hold.

10/06/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Small Business Commission for response; and Office of Economic and Workforce Development and Real Estate for informational purposes.

10/16/15; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Member Kim moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Cohen, Kim

Noes: 1 - Wiener

File Nos. 150748 and 150763 were heard together.

150748 [Hearing - Annual Housing Balance Report - 2015]

Sponsor: Kim

Hearing to present findings from the inaugural Housing Balance Report; and requesting the Planning Department to report.

07/07/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

07/14/15; REFERRED TO DEPARTMENT. Referred to Planning Department for informational purposes.

07/20/15; CONTINUED. Heard in Committee. Speakers: Patrick Monette-Shaw; Windy; spoke in support of the hearing matter.

07/27/15; CONTINUED TO CALL OF THE CHAIR. Member Kim moved that this Hearing be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Cohen Wiener, Kim

Member Kim, seconded by Vice Chari Wiener, moved to rescind the previous vote to allow for public comment. The motion carried by the following vote:

Ayes: 3 - Cohen Wiener, Kim

Heard in Committee. Speaker: George Racy; spoke in support of the hearing matter.

Heard in Committee. Speakers: John Rahaim, Director, and Teresa Ojeda (Planning Department); Sophie Hayward (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Francisco Da Costa; Hiroshi Fukuda; Andrew Yip; spoke on various concerns regarding the hearing matter.

Member Kim moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

150763 [Housing Balance Report - FY2014-2015]**Sponsor: Kim**

Resolution receiving and approving the first bi-annual Housing Balance Report, submitted as required by Planning Code, Section 103.

07/14/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

07/15/15; REFERRED TO DEPARTMENT. Referred to Planning Department; Mayor's Office of Housing and Community Development; Rent Board; and Housing Opportunity, Partnership and Engagement for informational purposes.

07/20/15; CONTINUED. Heard in Committee. Speakers: Patrick Monette-Shaw; Windy; spoke in support of the hearing matter.

07/27/15; CONTINUED TO CALL OF THE CHAIR. Member Kim moved that this Resolution be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:
Ayes: 3 - Cohen Wiener, Kim

Member Kim, seconded by Vice Chari Wiener, moved to rescind the previous vote to allow for public comment. The motion carried by the following vote:
Ayes: 3 - Cohen Wiener, Kim

Heard in Committee. Speaker: George Racy; spoke in support of the hearing matter.

Heard in Committee. Speakers: John Rahaim, Director, and Teresa Ojeda (Planning Department); Sophie Hayward (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Francisco Da Costa; Hiroshi Fukuda; Andrew Yip; spoke on various concerns regarding the hearing matter.

Member Kim moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:13 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Transportation Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.