



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: Mark Farrell, Aaron Peskin, Katy Tang

Clerk: Alisa Somera (415) 554-7711

Monday, February 6, 2017

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Mark Farrell, Aaron Peskin, and Katy Tang

The Land Use and Transportation Committee met in regular session on Monday, February 6, 2017, with Chair Mark Farrell presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Farrell called the meeting to order at 1:34 p.m. On the call of the roll, Chair Farrell, Vice Chair Peskin, and Member Tang were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

161064 [Administrative, Planning Codes - New Hotels and Motels Near Places of Entertainment]

Sponsor: Breed

Ordinance amending the Administrative and Planning Codes to authorize the Entertainment Commission to hold a hearing on noise issues related to proposed projects for construction of new hotels and motels, or conversions of existing structures to hotel or motel uses, to be located within 300 feet of a Place of Entertainment, and to provide recommendations to the Planning Department and/or Department of Building Inspection regarding such projects, and require the Planning Department and Planning Commission to consider noise issues when reviewing proposed hotel and motel projects; 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.

10/04/16; ASSIGNED to Land Use and Transportation Committee. 10/6/16 - President Breed waived the 30 day hold pursuant to Board Rule 3.22.

10/13/16; REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation; Planning Department for environmental review; Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); Department of Building Inspection and Entertainment Commission for informational purposes.

10/20/16; 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.

11/30/16; RESPONSE RECEIVED. 11/28/2016 - The Small Business Commission voted unanimously to recommend approval of the proposed legislation.

01/10/17; RESPONSE RECEIVED. 1/5/2017 - The Planning Commission held a public hearing and recommended approval of the proposed legislation with modifications; Resolution No. 19826.

Heard in Committee. Speakers: Conor Johnston (Office of President London Breed); Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion.

Vice Chair Peskin, seconded by Member Tang, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 6, Lines 8-9, by adding '(f) This Section 116.11 shall not apply to Hotel or Motel Projects that have received a Planning Commission approval by October 4, 2016.' The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin, seconded by Member Tang, moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

161317 [Transfer of Affordable Housing Property Assets - Office of Community Investment and Infrastructure - Mayor's Office of Housing and Community Development]

Sponsor: Mayor

Resolution authorizing and approving the acceptance of certain real property assets from the Office of Community Investment and Infrastructure to the Mayor's Office of Housing and Community Development (as housing successor to the San Francisco Redevelopment Agency); and making findings that such acceptance is in accordance with the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1.

12/06/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/15/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; and to Mayor's Office of Housing and Community Development, Planning Department, and Office of Community Investment and Infrastructure for informational purposes.

12/15/16; 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: Benjamin McCloskey (Office of Community Investment and Infrastructure); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

Member Tang, seconded by Vice Chair Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 2-3, by adding 'honor any City or State approved regulatory or financial agreements previously entered into by OCII', and Lines 8-10, by adding 'FURTHER RESOLVED, The Director of MOHCD is hereby directed to provide an annual report to the Board summarizing the transfer of Housing Assets from OCII to MOHCD during the previous year; and, be it'. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Member Tang, seconded by Vice Chair Peskin, moved that this Resolution be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

160748 [Planning Code - Amusement Arcades in South of Market and Eastern Neighborhoods Mixed Use Districts]**Sponsor: Kim**

Ordinance amending the Planning Code to allow amusement arcades in all South of Market and Eastern Neighborhoods Mixed Use Districts except for the Residential Enclave Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

06/28/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/28/2016.

07/06/16; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation; Planning Commission for hearing and recommendation; Planning Department for environmental review.

07/06/16; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change.

09/12/16; RESPONSE RECEIVED. 8/8/2016 - The Small Business Commission voted unanimously to recommend approval of the proposed legislation.

11/02/16; RESPONSE RECEIVED. 9/29/2016 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 19750.

Heard in Committee. Speakers: April Veneracion Ang (Office of Supervisor Jane Kim); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. Hassan Farooq; Eric; Ben Fergosian; Carly Sheer; James Styles; Justine Baly; Female Speaker; spoke in support of the proposed legislation.

Member Tang, seconded by Vice Chair Peskin, moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of February 13, 2017. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Chair Farrell requested File Nos. 161066 and 161249 be called and heard together.

161066 [Planning, Administrative, and Health Codes - Waiving Fees and Exempting Requirements, Authorizing Land Dedication, Establishing 180 Jones Street Affordable Housing Fund, Accepting Gifts, Authorizing Payment - 950-974 Market Street Project]

Sponsor: Kim

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street, in exchange for either (1) the dedication of real property at 180 Jones Street to the Mayor's Office of Housing and Community Development at no cost and payment of approximately \$12,800,000 to the 180 Jones Street Affordable Housing Fund, or (2) the construction of a minimum of 60 and a maximum of 70 affordable studio or efficiency rental units at 180 Jones Street; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,000,000 gift to the 180 Jones Street Affordable Housing Fund; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/04/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/3/2016.

10/13/16; 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. The project at 950-974 Mark Street is covered under CEQA with Planning Department Case No. 2013.1049E under a Mitigated Negative Declaration; subsequent environmental review will be required for the 180 Jones Street project.

10/13/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); Mayor's Office of Housing and Community Development for informational purposes.

12/01/16; RESPONSE RECEIVED. 11/17/2016 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 19781.

12/12/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee: Speakers: Supervisor Jane Kim (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Steve Dunlope; spoke neither in support nor opposition on the matter.

Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); Kate Hartley (Mayor's Office of Housing and Community Development); AnMarie Rodgers (Planning Department); Claudine Asbagh (Planning Department); Steve Vettel; presented information and answered questions raised throughout the discussion. Male Speaker; Ken Stall; Rio Scharff; David Elliott Lewis; Sonya; spoke in support of the proposed legislation. Laura Clark; spoke neither in support nor against the proposed legislation.

Vice Chair Peskin, seconded by Member Tang, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing the amount of conveyance for 180 Jones Street from \$1 to \$10; changing the affordable commitment from \$18,800,000 to \$18,100,000; adding the intent of the Board to reserve 50% of the future affordable development to individuals and families who have an income that is 40% average median income (AMI) or lower; and adding the intent of the Board to provide a preference to tenants who live in City-funded supportive housing. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$11,250,000 to the 180 Jones Street Affordable Housing Fund; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,700,000 gift to the 180 Jones Street Affordable Housing Fund; accepting a \$300,000 gift to the City, to create the Compton's District Transgender, Lesbian, Gay and Bisexual (TLGB) Stabilization Fund, to support the City's efforts to recognize and support historic and present-day TLGB communities in the Tenderloin neighborhood; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Vice Chair Peskin, seconded by Member Tang, moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 13, 2017. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

161249 [Conveyance of Real Property - 180 Jones Street - Mayor's Office of Housing and Community Development - \$1]

Sponsor: Kim

Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate for \$1, consisting of approximately 4,744 square feet in land area for the Mayor's Office of Housing and Community Development, pursuant to the land dedication permitted under a separate Ordinance (File No. 161066); adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of 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, as defined herein.

11/15/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/12/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee: Speakers: Supervisor Jane Kim (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Steve Dunlope; spoke neither in support nor opposition on the matter.

Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); Kate Hartley (Mayor's Office of Housing and Community Development); AnMarie Rodgers (Planning Department); Claudine Asbagh (Planning Department); Steve Vettel; presented information and answered questions raised throughout the discussion. Male Speaker; Ken Stall; Rio Scharff; David Elliott Lewis; Sonya; spoke in support of the proposed legislation. Laura Clark; spoke neither in support nor against the proposed legislation.

Vice Chair Peskin, seconded by Member Tang, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by changing the amount of conveyance for 180 Jones Street from \$1 to \$10; changing the affordable commitment from \$18,800,000 to \$18,100,000; adding the intent of the Board to reserve 50% of the future affordable development to individuals and families who have an income that is 40% average median income (AMI) or lower; and adding the intent of the Board to provide a preference to tenants who live in City-funded supportive housing. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin, seconded by Member Tang, moved that this Resolution be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 13, 2017. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:56 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.