



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, June 12, 2017

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 4 - Mark Farrell, Aaron Peskin, Katy Tang, and Malia Cohen

The Land Use and Transportation Committee met in regular session on Monday, June 12, 2017, with Chair Mark Farrell presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Farrell called the meeting to order at 1:31 p.m. On the call of the roll, Chair Farrell and Member Tang were noted present. Vice Chair Peskin was noted not present. There was a quorum.

Vice Chair Peskin was noted present at 1:35 p.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

161351 [Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]**Sponsors: Breed; Kim, Peskin, Safai and Tang**

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; to require minimum dwelling unit mix in all residential districts; affirming the Planning Department's determination 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.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/12/2016.

12/20/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); and to Mayor's Office of Housing and Community Development and Office of Community Investment and Infrastructure for informational purposes.

12/20/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15060(c) and 15378 because it does not result in a physical change in the environment.

02/28/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

03/01/17; REFERRED TO DEPARTMENT. Referred substitute legislation (version 2) to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); and to Mayor's Office of Housing and Community Development and Office of Community Investment and Infrastructure for informational purposes.

03/23/17; 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.

04/18/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Kim introduced a substitute ordinance bearing the same title.

04/21/17; REFERRED TO DEPARTMENT. Referred substitute legislation (version 3) to Planning Department for environmental review; to Planning Commission for public hearing and recommendation pursuant to Planning Code, Section 302(b); and to Mayor's Office of Housing and Community Development, Office of Community Investment and Infrastructure, and Rent Board for informational purposes.

05/05/17; NOTICED. First 10-Day Fee Ad for 5/15/2017 Land Use and Transportation Committee hearing published in the Examiner, pursuant to Government Code Section 6062(a).

05/11/17; NOTICED. Second 10-Day Fee Ad for 5/15/2017 Land Use and Transportation Committee hearing published in the Examiner, pursuant to Government Code Section 6062(a).

05/15/17; CONTINUED. Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion. Rufus Watkins (United Neighbors); Debra Benedict and Theresa Flanarant (Senior & Disability Action); Denis Mosgofian; Charles Minster (Senior & Disability Action); Wing Hoo Leung (Community Tenants Association); Kathy Lipscomb (Senior & Disability Action); Leroy Chin; Tony Robles (Senior & Disability Action); Darby Thomas (Democratic Socialists of America); Jen; Senay Tong; Dale Smith (Democratic Socialists of America); Renee Curran (Neighbors United); David Woo; Lori Liederman; Marie Sorensen; Peter Papadopoulos; Jennifer; Trevor Martin; Julian Ball; Iris Biblowitz; Don L. Boyd; CW Johnson (Mental Health Association of San Francisco); Eric H. Marcoux (Tenderloin Peoples' Congress); Sharon; Marla Knight; Jared Brickett; Theresa Imperial; Kathe Burick; Rafael Mandelman (City College Board of Trustees); Jason Henderson (Hayes Valley Neighborhood Association); Brad Schaffmen; Chris Durazo; Raylena Menesa; Tes Welborn (Haight Ashbury Neighborhood Council); Moshee Fong; Nancy Makowski; Charlie Amir; Gabriel Medina; Female Speaker; Otto Duffy; Carmen Balest; Peter Cohen; Laura Suai; spoke in opposition to the proposed legislation and in support of the proposed continuance. Shawn Richard; spoke neither in support nor against the proposed legislation.

05/22/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee.

Speakers: John Rahaim, Director, and Jacob Dunlop (Planning Department); Ted Egan (Controller's Office); Supervisor Jane Kim, and Supervisor Mark Farrell (Board of Supervisors); presented information and answered questions raised throughout the discussion. Mark Gleason (Teamsters Local 665); Christian Pradia (UICW Local 648); Jay Streets (Carpenter's Local 22); Alex Lantsberg (Carpenter's Local 22); Tony Rodriguez (Local 483); Jose Fuentez Almanza (IBEW Local 6); David Hooper; Tom O'Connor; Diego Hernandez (Local 261); Anthony Urbina (Sheet Metal Workers Union Local 104); Corey Smith; Denis Mosgofian; Female Speaker; Laura Clark; spoke in support of the proposed legislation. Calvin Welch (San Franciscans for Community Planning); Paul Webber (Coalition for San Francisco Neighborhoods); Rufus Watkins (Neighbor's United); Lauri Leiderman; Denis Antinori; Female Speaker; spoke in opposition to the proposed legislation. Rudy Gonzalez (Teamsters JC7); Paul Slade; Jen Fieber (San Francisco Tennant's Union); Fernando Marti; Deepa Varma (San Francisco Tennant's Union; Peter Cohen; Tess Welborn; Renee Curran (Neighbors United); Tony Robles (Senior and Disability Action); Jen Snyder (Neighbors United); Theresa Imperial; Lorraine Petty (Senior Disability Action and D5 Action); Theresa Flandrich (Senior and Disability Action); Chris Torazzo; Pheobe Haynes; spoke neither in support nor against the proposed legislation.

05/22/17; CONTINUED AS AMENDED.

05/25/17; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302.

06/01/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Mayor's Office of Housing and Community Development, Office of Community Investment and Infrastructure, and Rent Board for informational purposes.

06/01/17; 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.

06/05/17; CONTINUED. Heard in Committee. Speaker: Tracy Flander; spoke neither in support nor against the proposed legislation.

Heard in Committee. Speakers: None.

Vice Chair Peskin moved that this Ordinance be CONTINUED to the June 19, 2017, Land Use and Transportation Committee meeting. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170602 [Real Property Conveyance - Land Dedication by Bryant Street Holdings LLC - 2070 Bryant Street - Inclusionary Affordable Housing]**Sponsors: Mayor; Ronen**

Resolution approving and authorizing an agreement for the conveyance of a parcel of real estate located at 2070 Bryant Street, consisting of approximately 19,000 square feet of land within Assessor's Parcel Block No. 4022 in San Francisco County, to the Mayor's Office of Housing and Community Development, pursuant to the land dedication process permitted under Planning Code, Section 419; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and 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.

05/16/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

05/23/17; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development for informational purposes; Planning Department for environmental review.

06/01/17; RESPONSE RECEIVED. CEQA covered with Community Plan Evaluation, Planning Department Case No. 2013.0677EE, 2000-2070 Bryant Street, affirmed by the Board of Supervisors on September 13, 2016 by Motion No. M16-019.

06/05/17; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speaker: Lydia Ely (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Farrell, Peskin, Tang

170630 [Real Property Conveyance - 1 Lillian Court, also known as Shoreview Park - Office of Community Investment and Infrastructure - Recreation and Park - At No Cost]**Sponsor: Cohen**

Resolution authorizing and approving the acceptance of Shoreview Park, located at 1 Lillian Court, from the Office of Community Investment and Infrastructure to the City and County of San Francisco on behalf of its Recreation and Park Department, at no cost; 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.

05/23/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

05/31/17; REFERRED TO DEPARTMENT. Referred to Office of Community Investment and Infrastructure, Recreation and Parks Department, Mayor's Office of Housing and Community Development, and Real Estate Division for informational purposes.

Heard in Committee. Speakers: Supervisor Malia Cohen (Board of Supervisors); Phil Ginsburg, General Manager (Recreation and Park Department); presented information and answered questions raised throughout the discussion. Janice Powell, President, and Belinda Powell (Shoreview Park Association); Sarah Sherburn-Zimmer (Housing Rights); spoke in support of the hearing matter.

Member Tang moved that this Resolution be RECOMMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170554 [Amending Ordinance No. 1061 - Sidewalk Width Change - Southeast Corner of Mission and First Streets, First Street, and Fremont Street]**Sponsor: Kim**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to change the official sidewalk width of certain locations along First Street southeast of Mission Street, along Mission Street between First and Fremont Streets, and along Fremont Street southeast of Mission Street, and creating a new sidewalk bulb-out at the east corner of First and Mission Streets; 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.

05/09/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/8/2017.

05/22/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

05/23/17; RESPONSE RECEIVED. The Environmental Planning Division of the Planning Department determined that the effects of the project were fully reviewed under the Transit District Area Plan and Transit Tower EIR certified by the San Francisco Planning Commission on May 24, 2012, by Motion No. 18628.

Heard in Committee. Speaker: Barbara Lopez (Office of Supervisor Jane Kim); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Farrell, Peskin, Tang

170702 [Fee Waiver - LMC San Francisco I Holdings, LLC - 1515 South Van Ness Avenue]**Sponsors: Mayor; Ronen**

Ordinance approving a fee waiver under Building Code, Section 106A.4.13, for LMC San Francisco I Holdings, LLC's project at 1515 South Van Ness Avenue; and adopting findings under the California Environmental Quality Act.

06/06/17; ASSIGNED to Land Use and Transportation Committee. President Breed waived the 30 day hold per Board Rule 3.22.

06/09/17; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for comment and recommendation; Planning Department for informational purposes.

Heard in Committee. Speakers: None.

Vice Chair Peskin moved that this Ordinance be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170349 [Administrative Code - Owner Move-In Reporting Requirements]**Sponsors: Farrell; Sheehy, Cohen and Breed**

Ordinance amending the Administrative Code to require a landlord seeking to recover possession of a rental unit based on an owner move-in (“OMI”) or relative move-in (“RMI”) to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord’s relative for at least 36 continuous months; require a landlord seeking to recover possession of a rental unit based on an OMI or RMI to provide the tenant with a form prepared by the Rent Board to be used to advise the Rent Board of any change in address; require a landlord to file annual documentation with the Rent Board for three years after an OMI or RMI showing whether the landlord or relative is occupying the unit as his or her principal place of residence; require the Rent Board to annually notify the unit occupant of the maximum rent for the unit for three years after an OMI or RMI; and extend the statute of limitations for wrongful eviction claims based on an unlawful OMI or RMI from one year to three years.

04/04/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/4/2017.

04/11/17; REFERRED TO DEPARTMENT. Referred to Rent Board, Mayor's Office of Housing and Community Development, and Office of Community Investment and Infrastructure for informational purposes.

05/16/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Farrell introduced a substitute Ordinance bearing a new title.

05/23/17; REFERRED TO DEPARTMENT. Referred to the Rent Board, Mayor's Office of Housing and Community Development, and the Office of Community Investment and Infrastructure for informational purposes.

06/05/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Jordan Davis; Tracy Flander; Charlie Gauss; Tony Robles (Senior Disability Action); spoke in support of the proposed legislation. Janan New; spoke neither in support nor against the proposed legislation.

06/05/17; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Terry Haggerty (Causa Justa, Just Cause); Sarah Sherburn-Zimmer (Housing Rights); Female Speaker; Versa Verdugo; Susan Freskin; Kathy Limpscomb and Anna Stay (Senior Disability Action); Sherman Ping; Mei Wu; Wei Xiang Leo; Lona Lei; Li Sa; Amy Han; Nancy Wong; Female Speaker; Kuaong; Female Speaker; Sandy Chu; Ivy; Female Speaker; James Young; Hon; Annie Chui; Lena Young; Andy; Roween Wong; Cindy; spoke in support of the hearing matter. Jeff Giaquinto (San Francisco Tenants Union); David Woo (Neighbors United); Jordin Davis (Causa Justa, Just Cause); Susan Marsh; Lilia (Housing Rights Committee); Kathy Woo; Kathy; Mor Dang; Mui Lee; Qua Ma; Cynthia Fong (Housing Rights Committee); Deepa Varma (San Francisco Tenants Union); spoke in opposition of the hearing matter. Scott Weaver (San Francisco Tenants Union); Tony Robles and Theresa Flandrich (Senior Disability Action); Jen Snyder; Jose Morales (Causa Justa, Just Cause); Fernando Marti; Evelyn Posamentier; Wei Ti Chi Chung; Peter Cohen; Charlie Gauss; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, by having the Rent Board send notices of evictions to the District Attorney including a new “statement of occupancy” and a list of owners who have not complied with the new requirement; amending the misdemeanor regulations; making the new start date January 1, 2018; extending the “statement of occupancy” requirement to five years; adopting the requirement to have the “statement of occupancy” sent every 90 days until the owner takes back possession of the unit; extending the statute of limitations to five years; clarifying the process for right first refusal; and adding other clarifying verbiage. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Ordinance amending the Administrative Code regarding owner move-in and relative move-in ("OMI") evictions to 1) require a landlord seeking to recover possession of a unit for an OMI to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord's relative for at least 36 continuous months; 2) require a landlord to provide the tenant with a form prepared by the Rent Board to be used to advise the Rent Board of any change in address; 3) clarify the evidentiary standard for finding that an OMI was not performed in good faith; 4) require a landlord to file documentation with the Rent Board regarding the status of an OMI, and requiring the Rent Board to transmit a random sampling of such documentation to the District Attorney; 5) extend from three to five years the time period after an OMI during which a landlord who intends to re-rent the unit must first offer the unit to the displaced tenant; 6) require the Rent Board to annually notify the unit occupant of the maximum rent for the unit for five years after an OMI; and 7) extend the statute of limitations for wrongful eviction claims based on an unlawful OMI from one year to five years.

Vice Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the June 26, 2017, Land Use and Transportation Committee meeting. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170434 [Planning Code - Construction of Accessory Dwelling Units]

Sponsor: Peskin

Ordinance amending the Planning Code to bring the requirements and procedures for authorizing the construction of Accessory Dwelling Units (ADUs) in single-family homes into conformity with the new mandates of state law; 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 findings of public convenience, necessity, and welfare under Planning Code, Section 302; and directing the Clerk to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption pursuant to state law requirements.

04/17/17; DUPLICATED. Duplicated from File No. 170125.

04/17/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Duplicated from File No. 170125.

Heard in Committee. Speakers: Kimia Haddadan (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith; Laura Clark; Lawrence Paul; Tom Radulovich; Kristy Wong (SPUR); Male Speaker; spoke in support of the proposed legislation. Michael Murphy; spoke neither in support nor against the proposed legislation.

04/17/17; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

06/09/17; RESPONSE RECEIVED. Environmental review under Note to File for Planning Department Case No. 2016-004042ENV ADU Program 2017 Amendments, May 2, 2017.

Heard in Committee. Speakers: Cory Smith (San Francisco Housing Action Coalition); Male Speaker; spoke in support of the hearing matter. Laura Clark; spoke in opposition of the hearing matter.

Member Tang moved that this Ordinance be CONTINUED to the June 26, 2017, Land Use and Transportation Committee meeting. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Supervisor Tang was noted absent at 3:51 p.m. and for the remainder of the meeting.

Supervisor Farrell was noted absent at 4:14 p.m. and for the remainder of the meeting.

President London Breed appointed Supervisor Malia Cohen, in place of Supervisor Katy Tang, to the Land Use and Transportation Committee for the meeting of June 12, 2017, for File No. 170311.

170311 [Hearing - Southern Bayfront Strategy]

Sponsor: Cohen

Hearing on the Southern Bayfront Strategy; and requesting the Office of Economic Workforce and Development to report.

03/21/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

03/29/17; REFERRED TO DEPARTMENT. Referred to Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Ken Rich (Office of Economic and Workforce Development); Carly Pain (Municipal Transportation Agency); Phil Ginsburg, General Manager (Recreation and Park Department); Sarah Dennis-Phillips (Pier 70); presented information and answered questions raised throughout the discussion. Female Speaker; Jarrell Edwards; Boris Smith; spoke on various concerns relating to the hearing matter.

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

Ayes: 2 - Peskin, Cohen

Absent: 2 - Farrell, Tang

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 4:22 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.