



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: Aaron Peskin, Ahsha Safai, Matt Haney

Clerk: Erica Major (415) 554-4441

Monday, October 21, 2019

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Matt Haney

The Land Use and Transportation Committee met in regular session on Monday, October 21, 2019, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:39 p.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin, Vice Chair Safai, and Member Haney were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

190810 [Administrative, Public Works Codes - Recording of Jurisdictional Transfers and Street Vacations]

Sponsor: Peskin

Ordinance amending the Administrative Code and Public Works Code to require that any resolution approving a jurisdictional transfer of real property (a transfer of the authority over City-owned real property between City departments) be recorded in the Office of the Recorder together with a legal description and map of the real property; to require that any petition to the Board of Supervisors for a street vacation include a legal description and County Surveyor-approved map, and that the Clerk of the Board record in the Office of the Recorder a copy of the adopted Ordinance together with the legal description and map; and affirming the Planning Department's determination under the California Environmental Quality Act.

07/23/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/22/2019.

07/30/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Public Works and Office of the Assessor-Recorder for informational purposes.

07/30/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Heard in Committee. Speaker: Bruce Storrs, County Surveyor (Office of the County Surveyor); presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 11-12, striking 'either the legal description in the City's title insurance policy for the Real Property or'. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Supervisor Haney was noted absent at 2:05 p.m.

190839 [Planning Code - Fulton Street Grocery Store Special Use District]

Sponsor: Brown

Ordinance amending the Planning Code to allow a grocery store use that is a formula retail use in the Fulton Street Grocery Store Special Use District ("District"), on Fulton Street between Laguna and Octavia Streets, subject to conditional use authorization, and adding criteria for such authorization; clarify the definition of a grocery store use within the District; eliminate square footage requirements for commercial uses in the District other than a grocery store and for subsequent uses in a location previously approved for a grocery store; extend the time period for effectiveness of controls for the District to five years from the effective date of the Ordinance; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

07/30/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2019.

08/05/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review.

10/15/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

10/17/19; RESPONSE RECEIVED. On October 17, 2019, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speakers: Veronica Flores and Aaron Starr (Planning Department); Darrell Hollis (Trader Joe's); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 19, striking 'and 058 through 198, inclusive' and replacing it with ', 015, and 028'; removing the Periodic Reporting Requirement; and adding other clarifying and confirming changes. The motion carried by the following vote:

Ayes: 2 - Peskin, Safai

Absent: 1 - Haney

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Peskin, Safai

Absent: 1 - Haney

Supervisor Haney was noted present at 2:13 p.m.

Chair Peskin requested that File Nos. 190947, 190844, and 190845 be called together.

190947 [Public Works Code - Major Encroachment Permit - 3333 California Street Project]

Sponsor: Stefani

Ordinance approving a major encroachment permit for Laurel Heights Partners, LLC ("Permittee") to occupy portions of Presidio Avenue, Masonic Avenue, Pine Street, Euclid Avenue, Mayfair Drive, and Laurel Street adjacent to 3333 California Street (Assessor's Parcel Block No. 1032, Lot No. 003) for the purpose of installing and maintaining landscape planters, differentiated paving, corner bulb-outs, and other improvements; waiving conflicting requirements under Public Works Code, Sections 800 et seq. and 810A, in connection with Permittee's implementation of the encroachment permit and project development; making findings 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.

09/17/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/17/2019.

Heard in Committee. Speakers: Nicholas Foster (Planning Department); Iowayna Pena (Office of Economic and Workforce Development); John Kwong (Public Works); Ken Rich (Office of Economic and Workforce Development); Dan Safier (Laurel Heights Partners); John Malamut and Jon Givner (Office of the City Attorney); Doug Shoemaker, President (Mercy Housing); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. Harvey Molton; Xiomara Cisneros (Bay Area Council); Frank Selgado; Ron Miguel (SPUR); Speaker; Vincent; Mr. Segel; Leonard Basoco (Northern California Carpenters Regional Council); Pamela Mendelson (Maven); Corey Smith (San Francisco Housing Action Coalition); Alex Landsberg; Thomas Silva; Tim Colen (San Francisco Housing Action Coalition); Christopher Peterson; spoke in support of the hearing matter. Mary Jacobi; Richard Frisbee (Laurel Heights Improvement Association); Josh Klipp; Judy Doane (Save Laurel Hill); Katherine Devincenzi (Laurel Heights Improvement Association); Susan McConkey (3333 Community Association); Lloyd; Krisanthy Desby; Speaker; Kathy Peck; Jeannine Black; Hayli McNillan; Barbara Glacier; Speaker; Debra Cylon; spoke in opposition of the hearing matter. Mr. Wright; Eileen Boken; Speaker; Michael Nulty (Alliances for a Better District 6); spoke neither in support nor against the hearing matter.

REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of November 5, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190844 [Planning Code, Zoning Map - 3333 California Street Special Use District]**Sponsor: Stefani**

Ordinance amending the Planning Code and Zoning Map to create the 3333 California Street Special Use District; and making environmental findings, 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.

(Economic Impact)

07/30/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2019.

08/05/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Department of Building Inspection, Planning Department, Mayor's Office of Housing and Community Development, and Department of Aging and Adult Services for informational purposes.

09/03/19; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Stefani introduced a substitute Ordinance bearing a new title.

09/11/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Department of Building Inspection, Planning Department, Mayor's Office of Housing and Community Development, and Department of Aging and Adult Services for informational purposes.

09/12/19; RESPONSE RECEIVED. On September 5, 2019, Planning Commission met and held a duly noticed hearing and recommended approval.

10/11/19; NOTICED. 10-Day Notice for 10/21/2019 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speakers: Nicholas Foster (Planning Department); Iowayna Pena (Office of Economic and Workforce Development); John Kwong (Public Works); Ken Rich (Office of Economic and Workforce Development); Dan Safier (Laurel Heights Partners); John Malamut and Jon Givner (Office of the City Attorney); Doug Shoemaker, President (Mercy Housing); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. Harvey Molton; Xiomara Cisneros (Bay Area Council); Frank Selgado; Ron Miguel (SPUR); Speaker; Vincent; Mr. Segel; Leonard Basoco (Northern California Carpenters Regional Council); Pamela Mendelson (Maven); Corey Smith (San Francisco Housing Action Coalition); Alex Landsberg; Thomas Silva; Tim Colen (San Francisco Housing Action Coalition); Christopher Peterson; spoke in support of the hearing matter. Mary Jacobi; Richard Frisbee (Laurel Heights Improvement Association); Josh Klipp; Judy Doane (Save Laurel Hill); Katherine Devincenzi (Laurel Heights Improvement Association); Susan McConkey (3333 Community Association); Lloyd; Krisanthi Desby; Speaker; Kathy Peck; Jeannine Black; Hayli McNillan; Barbara Glacier; Speaker; Debra Cylon; spoke in opposition of the hearing matter. Mr. Wright; Eileen Boken; Speaker; Michael Nulty (Alliances for a Better District 6); spoke neither in support nor against the hearing matter.

Vice Chair Safai moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding a provision to Uses Not Permitted under Planning Code, Section 249.86; adding restrictions to the hours of operation for commercial uses within the Special Use District from 6:00 a.m. to 12:00 a.m.; updating language around senior housing; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney
(Economic Impact)

REFERRED WITHOUT RECOMMENDATION AS AMENDED to the Board of Supervisors meeting of November 5, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190845 [Development Agreement - Laurel Heights Partners, LLC - 3333 California Street Project - California Street at Presidio Avenue]**Sponsor: Stefani**

Ordinance approving a Development Agreement between the City and County of San Francisco and Laurel Heights Partners, LLC, a Delaware limited liability company, for the development of an approximately 10.25-acre site located at California Street at Presidio Avenue (3333 California Street), with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,665 square feet, and approximately 2.87 acres of privately owned, publicly accessible open space; making findings under the California Environmental Quality Act, and findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); approving certain development impact fees for the project, and waiving certain Planning Code fees and requirements; confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56; ratifying certain actions taken in connection with the Development Agreement, as described herein; and authorizing certain actions to be taken under the Development Agreement, as described herein.

(Economic Impact)

07/30/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2019.

08/05/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Department of Building Inspection, Planning Department, Mayor's Office of Housing and Community Development, and Department of Aging and Adult Services for informational purposes.

09/03/19; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Stefani introduced a substitute Ordinance bearing a new title.

09/11/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Department of Building Inspection, Planning Department, Mayor's Office of Housing and Community Development, and Department of Aging and Adult Services for informational purposes.

09/12/19; RESPONSE RECEIVED. On September 5, 2019, Planning Commission met and held a duly noticed hearing and recommended approval.

10/11/19; NOTICED. 10-Day Notice Published in the Examiner and mailed to property owners and local agencies pursuant to Planning Code Section 56.8, 306.3, and 56.14 and Government Code Section 65867.

Heard in Committee. Speakers: Nicholas Foster (Planning Department); lowayna Pena (Office of Economic and Workforce Development); John Kwong (Public Works); Ken Rich (Office of Economic and Workforce Development); Dan Safier (Laurel Heights Partners); John Malamut and Jon Givner (Office of the City Attorney); Doug Shoemaker, President (Mercy Housing); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. Harvey Molton; Xiomara Cisneros (Bay Area Council); Frank Selgado; Ron Miguel (SPUR); Speaker; Vincent; Mr. Segel; Leonard Basoco (Northern California Carpenters Regional Council); Pamela Mendelson (Maven); Corey Smith (San Francisco Housing Action Coalition); Alex Landsberg; Thomas Silva; Tim Colen (San Francisco Housing Action Coalition); Christopher Peterson; spoke in support of the hearing matter. Mary Jacobi; Richard Frisbee (Laurel Heights Improvement Association); Josh Klipp; Judy Doane (Save Laurel Hill); Katherine Devincenzi (Laurel Heights Improvement Association); Susan McConkey (3333 Community Association); Lloyd; Krisanthly Desby; Speaker; Kathy Peck; Jeannine Black; Hayli McNeillan; Barbara Glacier; Speaker; Debra Cylon; spoke in opposition of the hearing matter. Mr. Wright; Eileen Boken; Speaker; Michael Nulty (Alliances for a Better District 6); spoke neither in support nor against the hearing matter.

Vice Chair Safai moved that this Ordinance be **AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 2, Line 21, striking '847' and replacing it '857' and adding '(including 10 car share spaces)' after 'parking spaces'; on Page 3, Line 25, adding 'if approved by the City's Public Utilities Commission,' after '(7)'; on Page 5, Lines 8-10, by adding 'Subject to the subsequent approval of the City's Public Utilities Commission to accept the AWSS Community Benefit Fee, acting in its sole discretion (the "SFPUC Approval")', the' after '(b)'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney
(Economic Impact)

REFERRED WITHOUT RECOMMENDATION AS AMENDED to the Board of Supervisors meeting of November 5, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin requested that File Nos. 190548 and 190989 be called together.

190548 [Planning Code - Jobs Housing Linkage Fee and Inclusionary Housing]**Sponsors: Haney; Fewer, Ronen, Mar, Peskin, Walton and Yee**

Ordinance amending the Planning Code to modify the Jobs Housing Linkage Fee by allowing indexing of the fee, adding options for complying with the fee, requiring payment of the fee no later than at the time of first certificate of occupancy, dedicating funds for permanent supportive housing and the preservation and acquisition of affordable housing, and to remove the monetary limit for the Small Sites Funds under the Inclusionary Housing Program; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.
(Economic Impact)

05/14/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/13/2019.

05/17/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review.

06/13/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

07/26/19; REMAIN ACTIVE. The Board of Supervisors adopted Resolution No. 337-19 (File No. 190770) extending the Planning Commission's review period by 90 days; 11/13/2019.

09/10/19; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Haney introduced a substitute Ordinance bearing a new title.

09/17/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Planning Department for environmental review; and the Planning Department, Department of Building Inspection, Office of the City Administrator, Office of the Controller, and Mayor's Office of Housing and Community Development for informational purposes.

09/26/19; RESPONSE RECEIVED. On September 19, 2019, the Planning Commission conducted a duly noticed public hearing and recommended approval of the proposed legislation.

10/09/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

10/11/19; NOTICED. First 10-Day Fee Ad for 10/21/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

10/16/19; NOTICED. Second 10-Day Fee Ad for 10/21/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Fred Brousseau (Office of the Budget and Legislative Analyst); Ted Egan (Office of the Controller); presented information and answered questions raised throughout the discussion. Cynthia Gomez (Local 2); Alexandra Goldman (Tenderloin Neighborhood Development Corporation); Tracey Brieger (Jobs with Justice); Mike Rosseau; Mr. Chang (San Francisco Chamber of Commerce); Cesar Palancares (Local 2); Aaron Fenton (Boston Properties); Doug Shoemaker (Mercy Housing); Theresa Flandrich (Senior and Disability Action); Lorraine Petty (Senior and Disability Action); Peter Cohen (Council of Community Housing Organizations); Theresa Imperial (Bishop); Susan Marsh; Dean Preston; Speaker; David Woo; Galina; Christopher Peterson; Maya Chupa; Fernando Marti (Council of Community Housing Organizations); spoke in support of the hearing matter. Hannah Schwartz (SPUR); John Kevlin (Reubin, Junius, and Rose); spoke in opposition of the hearing matter. Mr. Wright; Carl Shannon (Tishman Speyer); Xiomara Cisneros (Bay Area Council); Corey Smith (San Francisco Housing Action Coalition); spoke neither in support nor against the hearing matter.

Member Haney moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by striking ‘allowing’ and replacing it with ‘clarifying the’; on Page 1, Line 5, by striking ‘requiring payment of the fee no later than at the time of first certificate of occupancy’ and adding ‘phasing increases to the fee’ after ‘the fee’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Ordinance amending the Planning Code to modify the Jobs Housing Linkage Fee by clarifying the indexing of the fee, adding options for complying with the fee, phasing increases to the fee, dedicating funds for permanent supportive housing and the preservation and acquisition of affordable housing, and to remove the monetary limit for the Small Sites Funds under the Inclusionary Housing Program; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

(Economic Impact)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Peskin, Haney

Noes: 1 - Safai

190989 [Hearing - Budget and Legislative Analyst Report - Jobs-Housing Fit]

Sponsor: Mar

Hearing on the Budget and Legislative Analyst’s Job-Housing Fit report that evaluates the current and planned housing stock in San Francisco relative to projected jobs at different income levels, determines if existing and planned housing is adequate and affordable for projected population growth, and provides information on the contributions of the City’s Jobs Housing Linkage program and affordable housing programs on jobs-housing fit; and requesting the Office of the Budget and Legislative Analyst, Mayor’s Office of Housing and Community Development, and Planning Department to report.

09/24/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

10/02/19; REFERRED TO DEPARTMENT. Referred to the Mayor’s Office of Housing and Community Development, Budget and Legislative Analyst’s Office, and the Planning Department for informational purposes and requesting the agencies to report.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Fred Brousseau (Office of the Budget and Legislative Analyst’s); Ted Egan (Office of the Controller); presented information and answered questions raised throughout the discussion. Cynthia Gomez (Local 2); Alexandra Goldman (Tenderloin Neighborhood Development Corporation); Tracey Brieger (Jobs with Justice); Mike Rosseau; Mr. Chang (San Francisco Chamber of Commerce); Cesar Palancares (Local 2); Aaron Fenton (Boston Properties); Doug Shoemaker (Mercy Housing); Theresa Flandrich (Senior and Disability Action); Lorraine Petty (Senior and Disability Action); Peter Cohen (Council of Community Housing Organizations); Theresa Imperial (Bishop); Susan Marsh; Dean Preston; Speaker; David Woo; Galina; Christopher Peterson; Maya Chupa; Fernando Marti (Council of Community Housing Organizations); spoke in support of the hearing matter. Hannah Schwartz (SPUR); John Kevlin (Reubin, Junius, and Rose); spoke in opposition of the hearing matter. Mr. Wright; Carl Shannon (Tishman Speyer); Xiomara Cisneros (Bay Area Council); Corey Smith (San Francisco Housing Action Coalition); spoke neither in support nor against the hearing matter.

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

Ayes: 3 - Peskin, Safai, Haney

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 6:37 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.