



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, Dean Preston

Clerk: Erica Major (415) 554-4441

Monday, February 3, 2020

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Dean Preston

The Land Use and Transportation Committee met in regular session on Monday, February 3, 2020, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:32 p.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin and Member Preston were noted present. Vice Chair Safai was noted not present. A quorum was present.

Vice Chair Safai was noted present at 1:37 p.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Chair Peskin requested File Nos. 191252, 191253, and 191286 be called together.

191252 [Resolution of Intent for Street Vacation - 301 Mission Street - Millennium Tower]

Sponsor: Mayor

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street, at the intersection of Mission and Fremont Streets, and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower; and setting the Board of Supervisors hearing date, sitting as a Committee of the Whole, for all persons interested in the proposed vacation of said street areas.

12/10/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Javier Rivera (Public Works); Byron A. Rhett (Port); John Malamut (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 2, Line 17, by adding 'March 3'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Resolution declaring the intent of the Board of Supervisors to order the vacation of the sidewalk portion of streets on the south side of Mission Street, at the intersection of Mission and Fremont Streets, and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower; and setting a hearing date for the Board of Supervisors to sit as a Committee of the Whole on March 3, 2020, for all persons interested in the proposed vacation of said street areas.

Chair Peskin moved that this Resolution be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

191253 [Street Vacation - Millennium Tower 301 Mission Perimeter Pile Upgrade Project]

Sponsor: Mayor

Ordinance ordering the vacation of the sidewalk portion of streets on the south side of Mission Street at the intersection of Mission and Fremont Streets and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower, subject to certain conditions; rededicating the area subject to the street vacation to public use for street and right-of-way purposes after the City's issuance of an easement for the abovementioned structural upgrade; adopting environmental findings under the California Environmental Quality Act; adopting findings that the vacation and rededication of the street area are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions in furtherance of this Ordinance.

12/10/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/9/2020.

Heard in Committee. Speakers: Javier Rivera (Public Works); Byron A. Rhett (Port); John Malamut (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 15-16, by striking 'a' and replacing it with 'yet to be introduced' and replacing 'resolution' with 'legislation' and striking 'resolution on file with the Clerk of the Board of Supervisors in File No. _____.'; on page 6, Lines 9-10, by adding 'unless and' after 'operative' and adding 'Board of Supervisors approves the yet to be introduced' after 'until the' adding 'and said Ordinance' before 'is final'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION AS AMENDED to the Board of Supervisors meeting of March 3, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

191286 [Public Trust Exchange Agreement - California State Lands Commission - Exchange of Certain Streets in the Vicinity of the Millennium Tower and Transbay Terminal for Certain Fisherman's Wharf Streets]

Sponsor: Mayor

Resolution approving and authorizing a Trust Exchange Agreement with the California State Lands Commission that would remove the public trust from certain Transbay Streets and impress the public trust on certain Fisherman's Wharf Streets; adopting environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Port's Executive Director and the Director of Property to execute documents and take certain actions in furtherance of this Resolution, as defined herein.

12/17/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

01/08/20; REFERRED TO DEPARTMENT. Referred to the Port Department, Real Estate Division, and Planning Department for informational purposes.

Heard in Committee. Speakers: Javier Rivera (Public Works); Byron A. Rhett (Port); John Malamut (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding 'Millennium Tower and' after 'of the' in the short title; on Page 1, Line 5, by adding 'in the vicinity of the Millennium Tower and Transbay Terminal' after 'Streets'; on Page 7, Lines 10-12, by adding 'and determined that the Trust Addition Streets have a value that is equal to or greater than the value of the Trust Termination Streets and are useful for the particular trust purposes specifically authorized by the Burton Act' after 'Trust Exchange Agreement'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Resolution approving and authorizing a Trust Exchange Agreement with the California State Lands Commission that would remove the public trust from certain Transbay Streets in the vicinity of the Millennium Tower and Transbay Terminal and impress the public trust on certain Fisherman's Wharf Streets; adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of City Planning Code, Section 101.1; and authorizing the Port's Executive Director and the Director of Property to execute documents and take certain actions in furtherance of this Resolution, as defined herein.

Chair Peskin moved that this Resolution be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

191280 [Amended and Restated Land Disposition and Acquisition Agreement - Exchange of 639 Bryant Street for 2000 Marin Street]**Sponsor: Haney**

Ordinance approving an Amended and Restated Land Disposition and Acquisition Agreement with 2000 Marin Property, L.P. for the City's transfer of real property at 639 Bryant Street (Assessor's Parcel Block No. 3777, Lot No. 052) under the jurisdiction of the San Francisco Public Utilities Commission in exchange for real property at 2000 Marin Street (Assessor's Parcel Block No. 4346, Lot No. 003), subject to several conditions, including the reimbursement of certain transaction costs; waiving the Administrative Code, Section 23.3, appraisal and fair market value requirements; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings under the California Environmental Quality Act, including the adoption of a Mitigation Monitoring and Reporting Program.

12/17/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/16/2020.

01/17/20; RESPONSE RECEIVED. The San Francisco Public Utilities Commission submitted proof of posting.

Heard in Committee. Speaker: Michael Carlin (Public Utilities Commission); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 11, Lines 7-9, by adding '(b) Within 30 days of the Amended Agreement being fully-executed by all parties, the SFPUC shall provide the final Amended Agreement to the Clerk of the Board for inclusion into the official file.'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

191281 [Administrative Code - Tenant Buyout Agreements]**Sponsors: Ronen; Preston, Fewer, Haney, Peskin and Walton**

Ordinance amending the Administrative Code to classify certain types of unlawful detainer settlement agreements as "Buyout Agreements;" require the Rent Board to provide more information on the disclosure form that landlords must give to tenants before buyout negotiations commence; require landlords to give the disclosure form to tenants a certain number of days before the Buyout Agreement is executed and to verify to the Rent Board that the disclosures were provided; and allow a tenant to invalidate any provision of the Buyout Agreement in which the tenant waived their rights if the landlord did not timely file the Buyout Agreement with the Rent Board.

12/17/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/16/2020.

12/31/19; REFERRED TO DEPARTMENT. Referred to the Rent Board, Department of Building Inspection, and Public Works for informational purposes.

Heard in Committee. Speakers: Amy Beinart (Office of Supervisor Ronen); Robert A. Collins, Executive Director (Rent Board); presented information and answered questions raised throughout the discussion. Speaker; Lou Franklin; Anastasia Yovanopoulous; Kelly Bill; Speaker; Alicia Bellacelli; Scott Weaver; Stepa Bollin; Peter De Lucca; Gaylin De Lucca; Theresa Flandrich (Senior and Disability Action); spoke neither in support nor against the hearing matter. Sharon Zimmer; Jennifer Chosky; Alicia Sandoval; Speaker; Marvin Green; Alicia San; spoke on various concerns relating to the hearing matter.

AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 8-10, by adding '(4) require landlords to include in the final Buyout Agreement identifying information about the location of the unit,'; on Page 4, Lines 2-3, by adding ', along with the Assessor's Parcel Number (lot and block) of the building where the unit is located; on Page 6, Lines 6-7, by adding '(5) Include the address of the rental unit in question, as well as the Assessor's Parcel Number (lot and block) of the building where the unit is located.'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Ordinance amending the Administrative Code to (1) classify certain types of unlawful detainer settlement agreements as "Buyout Agreements," (2) require the Rent Board to provide more information on the disclosure form that landlords must give to tenants before buyout negotiations commence, (3) require landlords to give the disclosure form to tenants a certain number of days before the Buyout Agreement is executed and to verify to the Rent Board that the disclosures were provided, (4) require landlords to include in the final Buyout Agreement identifying information about the location of the unit, and (5) allow a tenant to invalidate any provision of the Buyout Agreement in which the tenant waived their rights if the landlord did not timely file the Buyout Agreement with the Rent Board.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Safai, Preston

190355 [Planning Code - Authorizing Interim Activities at Development Sites]**Sponsors: Mayor; Haney**

Ordinance amending the Planning Code to enable the use of development project sites during the project approval and entitlement process by authorizing the Planning Department to authorize certain interim activities at development project sites as Temporary Uses for up to 36 months, subject to extension at the discretion of the Planning Director in increments for up to a maximum possible total of 24 additional months; adopting 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 convenience, necessity, and welfare under Planning Code, Section 302.

04/02/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/2/2019.

04/10/19; 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; and Board of Appeals, Entertainment Commission, Arts Commission, Recreation and Parks Department, and Department of Homelessness and Supportive Housing for informational purposes.

04/15/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a physical change in the environment. Each temporary use would require a permit and separate environmental review.

05/02/19; RESPONSE RECEIVED. On April 25, 2019, the Planning Commission met and held a duly noticed public hearing and recommended approval with modification for this proposed legislation.

06/28/19; NOTICED. First 10-Day Fee Ad for 7/8/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

07/03/19; NOTICED. Second 10-Day Fee Ad for 7/8/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

07/08/19; CONTINUED. Heard in Committee. Speakers: Audrey Butkus (Planning Department); presented information and answered questions raised throughout the discussion. Mr. Wright; spoke on various concerns relating to the hearing matter.

09/09/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Mr. Wright; Speaker; spoke on various concerns relating to the hearing matter.

12/06/19; NOTICED. First 10-Day Fee Ad for 12/16/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

12/11/19; NOTICED. Second 10-Day Fee Ad for 12/16/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

12/16/19; AMENDED. Heard in Committee. Speakers: Audrey Merlone (Planning Department); Christopher Tom and Anne Pearson (Office of the City Attorney); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. George Linger; Elle Chan; Eldredge Sanchez; Jimmy Jenkins; David Peterson; Nancy Bulare; spoke in support of the hearing matter.

12/16/19; AMENDED.

12/16/19; AMENDED.

12/16/19; AMENDED.

12/16/19; RECOMMENDED AS AMENDED.

01/07/20; RE-REFERRED to Land Use and Transportation Committee.

01/17/20; NOTICED. First 10-Day Fee Ad for 1/27/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/22/20; NOTICED. Second 10-Day Fee Ad for 1/27/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/27/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speaker: Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

01/27/20; CONTINUED AS AMENDED.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Peskin, Safai, Preston

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:41 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.