



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Katy Tang, Eric Mar, Malia Cohen

Clerk: Derek Evans (415) 554-7702

Monday, July 25, 2016

10:45 AM

City Hall, Committee Room 263

Special Meeting

President London Breed appointed Supervisor Mark Farrell, in place of Member Malia Cohen, to the Rules Committee meeting of July 25, 2016.

Present: 2 - Katy Tang, and Mark Farrell

Excused: 1 - Eric Mar

Absent: 1 - Malia Cohen

The Rules Committee met in special session on Monday, July 25, 2016, with Chair Katy Tang presiding.

Vice Chair Mar Excused from Attendance

Supervisor Farrell, seconded by Chair Tang, moved that Vice Chair Mar be excused from attending the Rules Committee meeting of July 25, 2016. The motion carried by the following vote:

Ayes: 2 - Tang, Farrell

Excused: 1 - Mar

Absent: 1 - Cohen

ROLL CALL AND ANNOUNCEMENTS

Chair Tang called the meeting to order at 10:45 a.m. On the call of the roll, Vice Chair Mar and Member Cohen were not present. There was a quorum

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

160698 [Initiative Ordinance - Planning Code - Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses]

Sponsors: Kim; Peskin

Motion ordering submitted to the voters an Ordinance amending the Planning Code to require Conditional Use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use and replacement space; and affirming the Planning Department's determination under the California Environmental Quality Act, at an election to be held November 8, 2016.

(Economic Impact; No Office of Economic Analysis Report)

06/14/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/13/2016.

06/27/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review. Referred to the Controller for financial analysis. Referred to the Mayor and Department of Elections for informational purposes.

06/30/16; RESPONSE RECEIVED. Planning Department determined that this Initiative Ordinance is 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. Individual physical projects would require environmental review.

07/14/16; AMENDED. Heard in Committee. Speakers: April Veneracion Ang, Legislative Aide (Office of Supervisor Jane Kim); Josh Switzky (Planning Department); presented information and answered questions raised throughout the hearing. Gabriel Medina (Mission Economic Development Agency); Mari Eliza; Erick Arguello, President (Calle 24); John Orland; Dairo Romero; Skot Kuiper; spoke in support of the proposed Charter Amendment. David Meckel (California College of the Arts); Muhammad Nadhiri (Axis Development Group); Tim Colen (San Francisco Housing Action Coalition); Sarah Karlinsky (SPUR); Adrian Simi; Steve Vettel (Farella Braun and Martel); Jason Wallace; Kate (Manufacturing association); spoke in opposition of the proposed Charter Amendment. Silvia Johnson; spoke neither in support nor against the proposed Charter Amendment.

Supervisor Peskin requested to be added as a cosponsor.

07/14/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/14/16; CONTINUED AS AMENDED.

07/14/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion that should the proposed ordinance be approved by the voters, it would have a minimal impact on the cost of government.

07/18/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: April Veneracion Ang, Legislative Aide (Office of Supervisor Jane Kim); Marlena Byrne, Deputy City Attorney, and Jon Givner, Deputy City Attorney (Office of the City Attorney); Sophie Hayward (Mayor's Office of Housing and Community Development); Josh Switzky (Planning Department); presented information and answered questions raised throughout the hearing. Adrian Simi (Carpenters Union Local 22); Kate Sofis, Executive Director (SF Made); spoke in opposition of the proposed Initiative Ordinance. Muhammad Nadhiri; Chloe Angelis (Reuben, Junius and Rose); Theo Oliphant (Axis Development Group); Ace "On the Case" Washington; spoke neither in support nor against the proposed Initiative Ordinance.

SERIATIM CONSIDERATION

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by clarifying in the replacement standard that if prior use was PDR but a temporary space under different use came in, it does not wipe the slate clean; the next project sponsor would still be held to the replacement standard. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by exempting the South Beach Marina project. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED by deleting areas zoned M from the replacement requirement. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by lowering the replacement obligation to 0.5 from 0.7 and removing the MUG and MUR areas. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED by amending the grandfathering provision to exempt any project for which an environmental evaluation application was submitted prior to June 14, 2016. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by changing finding (a) to read 'San Francisco is a unique city and its character is made up of the diversity of its people and its businesses.'; inserting additional findings (b) through (j) and re-lettering the previous (b) through (i) as (k) through (t). The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar moved that this Initiative Ordinance be AMENDED by including the Central SoMa proposed plan area to Sec. 202.8 to read 'The following controls shall apply in the following Eastern Neighborhoods Plans Areas: Mission; Eastern SoMa; Western SoMa; and, if adopted, Central SoMa.' The motion carried by the following vote:

Ayes: 2 - Tang, Mar

Noes: 1 - Cohen

07/18/16; CONTINUED AS AMENDED.

07/21/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); Marlana Byrne, Deputy City Attorney (Office of the City Attorney); Sophie Hayward (Mayor's Office of Housing and Community Development); April Veneracion Ang, Legislative Aide (Office of Supervisors Jane Kim); presented information and answered questions raised throughout the hearing. Sharon Stoyer; Jonathan Yute; Mary Lisenhuer; Flora Davis; spoke in support of the proposed Initiative Ordinance. Kate Sofis, Executive Director (SF Made); spoke in opposition of the proposed Initiative Ordinance.

SERIATIM CONSIDERATION

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED by making a typographical correction on Page 2, Line 13, by changing 'this diversity is threatened' to 'this diversity has become threatened'; and on Line 20, by removing the 's' from 'Nonprofits'.. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED on Page 3, Line 8, by adding 'and Mission' after 'South of Market'. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED on Page 5, Line 22, by removing 'require Conditional Use authorization pursuant to Section 303 and shall' and 'additional' requirements; on Line 25 through Page 6, Line 3, by removing 'if a project would result in conversion of building space, where the prior use in such space was PDR of at least 5,000 square feet, Institutional Community of at least 2,500 square feet, or Arts Activities use, through removal, including through demolition of a building that is not unsound, or through change of use, such space' and inserting on Page 6, Line 3, 'such conversion shall, if located within the following zoning districts, require conditional use authorization under Section 303 and the space proposed for conversion'. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED on Page 6, Line 4, by removing the redundant 'PDR'. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 6, Line 9, by removing 'if replaced on the same property or shall include one square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion if replaced off-site.' The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 6, Lines 14 through 22, by modifying the grandfather provision to allow projects with environmental review submitted by June 14, 2016; and removing Subsection (a)(4). The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 6, Line 25, by adding 'and is subject to a deed restriction'. The motion carried by the following vote:

Ayes: 2 - Tang, Cohen

Noes: 1 - Mar

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED on Page 7, Line 17, to update the zone exemption by adding 'and any parcel zoned P on or after July 1, 2016.' The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED on Page 8, Line 5, by inserting a new Section 7 to read as follows '(7) Any project where all of the residential units with the exception of the manager's unit are affordable housing units, as that term is defined in Section 406(b)(1).' The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 8, Line 7, by adding 'and Off-Site Replacement' after Subsection '(g) In Lieu Fee'; on Line 8 by adding 'and/or an off-site replacement option'; and on Line 11 by adding 'by ordinance' after Subsection '(h) The Board of Supervisors'. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

07/21/16; CONTINUED AS AMENDED.

Heard in Committee. Speakers: None.

Supervisor Farrell, seconded by Chair Tang, moved that this Initiative Ordinance be REFERRED WITHOUT RECOMMENDATION AS A COMMITTEE REPORT to the July 26, 2016, Board of Supervisors meeting. The motion carried by the following vote:

Ayes: 2 - Tang, Farrell

Excused: 1 - Mar

Absent: 1 - Cohen

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 10:48 a.m.

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