



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: Malia Cohen, Aaron Peskin

Clerk: Alisa Somera (415) 554-7711

Monday, December 12, 2016

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 2 - Malia Cohen, and Aaron Peskin

The Land Use and Transportation Committee met in regular session on Monday, December 12, 2016, with Chair Malia Cohen presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Cohen called the meeting to order at 2:23 p.m. On the call of the roll, Chair Cohen and Member Peskin were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

161051 [Amending Ordinance No. 1061 - Sidewalk Width Change - Portion of 30th Avenue Between Clement Street and Geary Boulevard]

Ordinance amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to change the official sidewalk width along a portion of the easterly side of 30th Avenue between Clement Street to the north, and Geary Boulevard to the south; adopting 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. (Public Works)

09/30/16; RECEIVED FROM DEPARTMENT.

10/18/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/17/2016.

Heard in Committee: Speaker: Javier Rivera (Public Works); provided an overview and responded to questions raised throughout the discussion.

Member Peskin moved that this Ordinance be AMENDED on Page 1, Line 4, to replace 'change' with 'reduce'. The motion carried by the following vote:

Ayes: 2 - Cohen, Peskin

Ordinance amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to reduce the official sidewalk width along a portion of the easterly side of 30th Avenue between Clement Street to the north, and Geary Boulevard to the south; adopting 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. (Public Works)

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

Ayes: 2 - Cohen, Peskin

161283 [Extending Interim Zoning Controls - Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts]

Sponsor: Tang

Resolution extending interim zoning controls that require conditional use authorization for Medical Cannabis Dispensaries in the Irving, Judah, Noriega and Taraval Street Neighborhood Commercial Districts and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

11/29/16; ASSIGNED to Land Use and Transportation Committee. President Breed waived the 30-day hold pursuant to Board Rule 3.22.

12/08/16; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Small Business Commission for review and possible recommendation; and Planning Department and Municipal Transportation Agency for informational purposes.

12/09/16; 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: Supervisors Katy Tang and Jane Kim (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Terrance Allen; spoke in support of the matter.

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

Ayes: 2 - Cohen, Peskin

161239 [Resolution of Intent - San Francisco Public Utilities Commission Public Service Easement Vacation Order - Parkmerced Development Project]**Sponsor: Yee**

Resolution declaring the intent of the Board of Supervisors to 1) order the conditional vacation of certain San Francisco Public Utilities Commission public service easements that exist within the Subphases 1A and 1B of the Parkmerced Development Project area, an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; 2) reserve certain easement rights in favor of the SFPUC; 3) delegate authority to the Director of Real Estate to execute certain quit claim deeds; 4) adopt findings under the California Environmental Quality Act; 5) adopt findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; 6) direct the Clerk of the Board of Supervisors to make certain transmittals; and 7) authorize actions by City officials in furtherance of this Ordinance; and setting a hearing date for all persons interested in the proposed vacation of said public service easements.

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

11/22/16; REFERRED TO DEPARTMENT. Referred to Planning Department, Public Utilities Commission, and Public Works for informational purposes.

Heard in Committee: Speaker: Javier Rivera (Public Works); provided an overview and responded to questions raised throughout the discussion.

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

Ayes: 2 - Cohen, Peskin

161240 [San Francisco Public Utilities Commission Public Service Easement Vacation Order - Parkmerced Development Project]**Sponsor: Yee**

Ordinance 1) ordering the conditional vacation of certain San Francisco Public Utilities Commission (SFPUC) public service easements that exist within Subphases 1A and 1B of the Parkmerced Development Project area, an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; 2) reserving easement rights in favor of the SFPUC, subject to conditions specified in this Ordinance; 3) delegating authority to the Director of Real Estate to execute certain quit claim deeds; 4) adopting findings under the California Environmental Quality Act; 5) adopting findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; 6) directing the Clerk of the Board of Supervisors to make certain transmittals; and 7) authorizing actions by City officials in furtherance of this ordinance.

11/15/16; ASSIGNED to Land Use and Transportation Committee. 12/6/2016 - President Breed waived the 30-Day Rule, per Board Rule 3.23.

11/22/16; REFERRED TO DEPARTMENT. Referred to Planning Department, Public Utilities Commission, and Public Works for informational purposes.

Heard in Committee: Speaker: Javier Rivera (Public Works); provided an overview and responded to questions raised throughout the discussion.

Member Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors January 10, 2017, meeting. The motion carried by the following vote:

Ayes: 2 - Cohen, Peskin

161067 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]**Sponsors: Kim; Peskin**

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; 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 UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/3/2016.

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.

10/26/16; RESPONSE RECEIVED. CEQA Clearance under Planning Department Case No. 2014.0926ENV for the 1270 Mission Street Project Final Mitigated Negative Declaration issues on 9/29/2016.

11/04/16; NOTICED. 10-Day Notice published in the Examiner for the 11/14/2016 Land Use and Transportation Committee hearing (pursuant to Government Code Section 65856 and 65090).

11/04/16; RESPONSE RECEIVED. 10/27/2016 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 19767.

11/14/16; CONTINUED. Heard in Committee. Speakers: None.

11/28/16; AMENDED. Heard in Committee. Speakers: AnMarie Rodgers (Planning Department); Supervisor Jane Kim (Board of Supervisors); presented information and answered questions raised throughout the discussion. Eric Tao; spoke in support of the proposed legislation.

11/28/16; RECOMMENDED AS AMENDED.

12/06/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

12/06/16; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

Heard in Committee: Speakers: Supervisor Jane Kim (Board of Supervisors); Aaron Starr (Planning Department); provided an overview and responded to questions raised throughout the discussion.

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

Ayes: 2 - Cohen, Peskin

140877 [Planning Code - Downtown Support Special Use District; Fees in Lieu of On-Site Open Space]**Sponsor: Kim**

Ordinance amending the Downtown Support Special Use District to authorize a monetary contribution (in lieu fee) to satisfy required on-site open space requirements, exclude certain features from floor area ratio and gross floor area calculations, and dedicate the monetary contribution for lighting and safety improvements at Victoria Manolo Draves Park; 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.

07/29/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/28/2014.

08/14/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and Planning Commission for public hearing and recommendation.

09/24/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15080(c)(2)

11/07/14; REMAIN ACTIVE. On 10/28/2014, the Board of Supervisors adopted, and on 11/7/2014 the Mayor approved, Resolution No. 408-14, extending the Planning Commission's review period for an additional 90 days; until 2/14/2015.

02/20/15; REMAIN ACTIVE. On 2/10/2015, the Board of Supervisors adopted, and on 2/20/2015 the Mayor approved, Resolution No. 44-15, extending the Planning Commission's review period for an additional 90 days; until 5/14/2015.

04/10/15; REMAIN ACTIVE. Supervisor Kim requested this matter remain active for an additional six months; 10/2/15

10/16/15; REMAIN ACTIVE. Supervisor Kim requested this matter remain active for an additional six months; 4/2/2016. The sponsor and Planning Department were informed that the matter is outside of the 90 days the Planning Commission has to provide a recommendation.

09/27/16; REMAIN ACTIVE. Supervisor Kim requested that this matter remain open for an additional six months; 3/27/2017

10/04/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Kim submitted a substitute version bearing new title.

10/13/16; REFERRED TO DEPARTMENT. Re-referred substitute (Version 2) 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).

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.

11/29/16; RESPONSE RECEIVED. 11/17/2016 - The Planning Commission held a public hearing and recommended approval with modifications; Resolution No. 19779.

12/06/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Kim submitted a substitute legislation bearing the same title.

Heard in Committee: Speakers: Aaron Starr (Planning Department); Supervisor Jane Kim (Board of Supervisors); Larry Badiner, Ms. Johnson and John Maass (InterContinental Hotel, Project Sponsor); provided an overview and responded to questions raised throughout the discussion. Female Speaker; spoke neither in support nor opposition on the matter.

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

Ayes: 2 - Cohen, Peskin

161066 [Planning Code - Waiving Fees and Exempting Requirements, Authorizing Land Dedication or Construction of Off-Site Units, Establishing 180 Jones Street Affordable Housing Fund, Accepting a \$2,000,000 Gift, Authorizing Payment - 950-974 Market Street]

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.

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.

CONTINUED TO CALL OF THE CHAIR

Ayes: 2 - Cohen, Peskin

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.

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.

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

Ayes: 2 - Cohen, Peskin

161068 [Planning Code - Terrace Infill for Noncomplying Structure Designated as a Significant Building in C-3 Zoning District]**Sponsor: Peskin**

Ordinance amending the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located in a C-3 Zoning District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and 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; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b).

10/26/16; 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. Individual projects enabled by this Ordinance would need subsequent CEQA review.

12/09/16; RESPONSE RECEIVED. 11/16/2016 - The Historic Preservation Commission held a public hearing and recommended approval with modifications; Resolution No. 835.

12/8/2016 - The Planning Commission held a public hearing and recommended approval with modifications.

Heard in Committee: Speaker: Aaron Starr (Planning Department); provided an overview and responded to questions raised throughout the discussion.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to insert a sunset clause and make various clarifying corrections. The motion carried by the following vote:

Ayes: 2 - Cohen, Peskin

Ordinance amending the Planning Code to permit Terrace Infill on a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, and located Assessor's Block Number 0616; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

Ayes: 2 - Cohen, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:37 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.