



**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, Scott Wiener, Aaron Peskin*

*Clerk: Andrea Ausberry (415) 554-4442*

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**Monday, April 25, 2016**

**1:30 PM**

**City Hall, Legislative Chamber, Room 250**

**Regular Meeting**

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**Present:** 3 - Malia Cohen, Scott Wiener, and Aaron Peskin

*The Land Use and Transportation Committee met in regular session on Monday, April 25, 2016, with Chair Malia Cohen presiding.*

**ROLL CALL AND ANNOUNCEMENTS**

*Chair Cohen called the meeting to order at 1:33 p.m. On the call of the roll, Chair Cohen, Vice Chair Wiener, and Member Peskin were noted present. There was a quorum.*

**AGENDA CHANGES**

*There were no agenda changes.*

**REGULAR AGENDA**

**150456 [Planning Code - Measurement of Rooftop Appurtenances and Infill Spaces for Noncomplying Structures in C-3 Zoning Districts]****Sponsor: Mayor**

Ordinance amending the Planning Code, by adding a new Subsection 188(g), to modify the measurement methodology for rooftop appurtenances and create a process to authorize certain types of infill floor area in existing structures, located in a C-3 (Downtown Commercial) Zoning District, which exceed the current height limit; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

05/05/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/4/2015.

05/13/15; REFERRED TO DEPARTMENT. Referred to Planning Department of environmental review; and Planning Commission for hearing and recommendation.

05/15/15; 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.

07/24/15; RESPONSE RECEIVED. 7/23/2015 - The Planning Commission conducted a public hearing and recommended approval with modifications.

10/26/15; CONTINUED. Heard in Committee. Speakers: Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. Jim Abrams; spoke in support of the hearing matter. Sue Hestor; spoke in opposition to the hearing matter. Caroline Guibert (Coblentz Patch Duffy & Bass LLP); spoke neither in support nor against the hearing matter.

Continued to the Land Use and Transportation Committee meeting of November 16, 2015.

11/16/15; CONTINUED. Heard in Committee. Speaker: Aaron Starr (Planning Department); presented information and answered questions raised throughout the hearing.

12/14/15; CONTINUED. Speakers: Sylvia Johnson; spoke neither in support nor against the hearing matter.

01/25/16; CONTINUED. Heard in Committee. Speakers: None.

*Heard in Committee. Speakers: None.*

**Chair Cohen, seconded by Member Peskin, moved that this Ordinance be TABLED. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

**151211 [Planning Code - Landmark Designation - 90-92 Second Street (aka the Bourdette Building)]****Sponsors: Kim; Peskin**

Ordinance designating 90-92 Second Street (aka the Bourdette Building), Assessor's Block No. 3707, Lot No. 012, as a Landmark under Planning Code, Article 10; and making environmental findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

11/13/15; RECEIVED FROM DEPARTMENT.

12/01/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/31/2015.

04/15/16; NOTICED. Landmark notice mailing to property owners.

*Heard in Committee. Speakers: Shannon Ferguson (Planning Department); April Ang (Office of Supervisor Kim); provided an overview and responded to questions raised throughout the discussion.*

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

Ayes: 3 - Cohen, Wiener, Peskin

**160253 [Health Code - Exempting The Humidor from Certain Provisions of the Tobacco Sales Permit Ordinance]****Sponsor: Peskin**

Ordinance exempting The Humidor, formerly located at 275 Battery Street, from two prohibitions in the Tobacco Sales Permit Ordinance on the issuance of such a permit for The Humidor's new location at One Embarcadero Center: the prohibitions on issuing the permit in a Supervisorial District with 45 or more such permits, and on issuing the permit to a tobacco shop.

03/15/16; ASSIGNED to Public Safety and Neighborhood Services Committee. 3/21/2016 - President Breed waived the 30-Day Rule pursuant to Board Rule No. 3.23.

03/21/16; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, Planning Department, Office of the Treasurer and Tax Collector, and Office of Small Business for informational purposes.

04/05/16; TRANSFERRED to Land Use and Transportation Committee. 4/5/2016 - President Breed transferred this matter from Public Safety and Neighborhood Services to Land Use and Transportation Committee.

04/11/16; RECOMMENDED AS COMMITTEE REPORT. Heard in Committee. Speakers: Ben Bakhshi and Fernando Cortez (The Humidor); Stanley Coheman; Anne Ceconi; Peter Nelson; spoke in support of the hearing matter.

04/11/16; RESPONSE RECEIVED. The Department of Public Health opposes an exception to the law; 4/8/16

04/12/16; PASSED, ON FIRST READING.

04/19/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

04/19/16; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

*Heard in Committee. Speakers: None.*

**Vice Chair Wiener moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

**160255 [Planning, Administrative Codes - Inclusionary Affordable Housing Fee and Requirements; Preparation of Economic Feasibility Report; Establishing Inclusionary Housing Technical Advisory Committee]**

**Sponsors: Kim; Peskin, Yee and Mar**

Ordinance amending the Planning and Administrative Codes to increase the Inclusionary Affordable Housing fee and other requirements; require the Controller to prepare an economic feasibility report regarding the City's inclusionary housing requirements and make recommendations by July 31, 2016, and every three years thereafter; and establish the Inclusionary Housing Technical Advisory Committee to provide advice about the economic feasibility of proposals to set maximum economically viable inclusionary housing requirements, and set forth the membership and duties of the Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public convenience, necessity, 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.

03/15/16; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Transportation Committee.

03/22/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

03/29/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); and Department of Building Inspection; Rent Board; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; and Office of the Controller for informational purposes.

04/04/16; RESPONSE RECEIVED. Not defined as a project under CEQA

04/08/16; NOTICED.

04/11/16; RESPONSE RECEIVED. Approval with Modification.

04/12/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

04/14/16; REFERRED TO DEPARTMENT. Re-referred (Version 3) to Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); and Department of Building Inspection; Rent Board; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; and Office of the Controller for informational purposes.

04/14/16; NOTICED.

04/15/16; RESPONSE RECEIVED. Not defined as a project under CEQA

04/18/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisors Jane Kim and Mark Farrell (Board of Supervisors); John Rahaim, Director (Planning Department); AnMarie Rodgers (Planning Department); Sophie Hayward (Mayor's Office of Housing and Community Development); Kate Stacy (Office of City Attorney); provided an overview and responded to questions raised throughout the discussion. Alex Lantsberg, Adrian Simi and Jay Bradshaw (Carpenters Union); Eric Tao (AGI Avant); Matthew Miller (Carpenters Union); Kathryn Devincena (Laurel Heights Improvement Association); Bob Tillman; Andrew Yip; Joel Koppel; Carlos Wallace; Marlene Morgan (Coalition of San Francisco Neighborhoods); Tes Welborn (D5 Action); Sonia Traus (San Francisco Bay Area Renter's Association); Steve; Ken Coleman (California Housing Action); Peter Cohen; spoke in support of the hearing matter.

04/18/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

04/18/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

04/18/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

04/18/16; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); AnMarie Rodgers (Planning Department); provided an overview and responded to questions raised throughout the discussion. Robert Tillman (RRTI, Inc.); Meriden Maldamar; Alex; Calvin; spoke in support of the hearing matter.

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE on Page 22, Line 13, by adding 'income'; Page 24, Line 19, by adding 'as they existed on January 12, 2016,'; Page 26, Lines 3-5, by adding 'except for buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet,' Lines 6-10, by adding 'Any buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet shall comply with the provisions of subsections (b)(1)(A), (B) and (C) of the Section 415.3 during the limited periods of time set forth therein.', Lines 22-23, by adding 'as they existed on January 12, 2016,'; Page 27, Lines 8-10, by adding 'Notwithstanding the foregoing, a development project shall not pay a fee or provide off-site units in a total amount greater than the equivalent of 33% of the number of units constructed on-site.', Lines 17-18, by adding ', in conformance with the income limits for the Small Sites Program.'; Page 28, Lines 8-9, by adding 'Such deadline shall be extended in the event of any litigation seeking to invalidate the City's approval of such project, for the duration of the litigation.', Lines 20-22, by adding 'The inclusionary housing requirements for these projects shall be those requirements contained in the projects' existing approvals.'; Page 35, Line 11, by striking 'low-income to Moderate/Middle-income', adding 'qualified', striking 'defined', adding 'set forth'; Page 37, Line 16, by adding 'low income', Line 19, by adding 'low income or moderate/middle income', Page 38, Line 6, by striking 'A', adding 'a', adding 'low income households'; Page 46, Lines 8-10, by adding 'Any adjustment in income levels shall be adjusted commensurate with the percentage of units required so that the obligation for inclusionary housing is not reduced by any change in income levels.' The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE on Page 24, Lines 1-5, by striking 'Any residential or predominantly residential mixed-use development project that has submitted a complete Environmental Evaluation application after January 12, 2016, but on or before June 6, 2016, and that replaces a pre-existing non-conforming commercial use on a property in excess of 10 acres shall provide affordable units in the amount of 15.5% of the number of units constructed on-site.'; Page 28, Lines 17-20, by striking 'or (4) any housing development project that, on or before June 7, 2016, has entered into a final, approved and executed agreement between the Project Sponsor and the City, demonstrating that the housing units are not subject to the Costa Hawkins Rental Housing Act.' The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

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

Ayes: 2 - Cohen, Peskin

Noes: 1 - Wiener

**151245 [Hearing - Short-Term Residential Rentals Enforcement]****Sponsor: Wiener**

Hearing on short-term residential rentals registration and enforcement activity, current staffing levels of the Office of Short-Term Residential Rental Administration and Enforcement, and any need for additional resources of policies to adequately enforce the law; and requesting the Office of Short-Term Residential Rental Administration and Enforcement to report.

12/01/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/09/15; REFERRED TO DEPARTMENT. Referred to the Office of Short-Term Residential Rental Administration and Enforcement since they have been requested to report.

01/11/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Kevin Guy, Director (Office of Short-Term Residential Rental Administration and Enforcement); presented information and answered questions raised throughout the discussion. Jim Lazarus (San Francisco Chamber of Commerce); Keith Baraka (Airbnb host); Tom O'Connor (San Francisco Firefighters, Local 798); Matthew Holtz; Guy Bristow; Jerry Guo (BetterHousingPolicies.org); Alfonso Faustino; Eliana Telles; Giuliana Halasz; Esther Kvejci; Lawrence Gordon; Gabriela Sapp (Hispanic Chamber of Commerce); Peter Kwan; Michael Chen; Debbie Eller; Ashley Valdespiwo; Female Speaker; Joel Lee; Female Speaker; Linda Litehiser; Cecelia Khoo; Dr. Lisa Fromer; Reed Eller; Keith Freedman; Jennifer Fieber (San Francisco Tenants Union); Tony Robles (Senior & Disability Action); Theresa Flandorich (North Beach Tenants Committee); Roger Ritter (West of Twin Peaks Central Council); Wendy Testu; Emily Kernisian; Jennifer Amdary; lam Lewis; Tess Welborn; Barbara Ristau; David Jacoby; spoke on various concerns regarding the hearing matter.

*Heard in Committee. Speakers: Kevin Guy, Director (Office of Short-Term Rentals); provided an overview and responded to questions raised throughout the discussion. Mark Bruno; Reed Eller; spoke on various concerns regarding the hearing matter.*

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

Ayes: 3 - Cohen, Wiener, Peskin

**ADJOURNMENT**

*There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:03 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.*