

BOARD of SUPERVISORS



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## MEMORANDUM

TO: John Rahaim, Director, Planning Department

FROM: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

DATE: June 9, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Lee on June 6, 2017:

**File No. 170702**

**Ordinance approving a fee waiver under Building Code, Section 106A.4.13, for LMC San Francisco I Holdings, LLC's project at 1515 South Van Ness Avenue; and adopting findings under the California Environmental Quality Act.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department

1 [Fee Waiver - LMC San Francisco I Holdings, LLC - 1515 South Van Ness Avenue]

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3 **Ordinance approving a fee waiver under Building Code, Section 106A.4.13, for LMC San**  
4 **Francisco I Holdings, LLC's project at 1515 South Van Ness Avenue; and adopting**  
5 **findings under the California Environmental Quality Act.**

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7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. CEQA Findings. For purposes of the California Environmental Quality Act  
16 (California Public Resources Code Sections 21000 et seq.) and this ordinance, the Board of  
17 Supervisors adopts its own environmental findings regarding the Planning Department's  
18 Community Plan Exemption for the project at 1515 South Van Ness Avenue (the "Property").  
19 The Board of Supervisors environmental findings are in Motion No. M17-064 on file with the  
20 Clerk of the Board of Supervisors in File No. 161002, which is incorporated herein by  
21 reference.

22 Section 2. Background.

23 (a) California Government Code Sections 8698 through 8698.2 authorize the  
24 governing body of a political subdivision, including the Board of Supervisors, to declare the  
25 existence of a shelter crisis upon making certain findings. These Government Code  
provisions authorize the City to suspend state or local statutes, ordinances, and regulations  
for new public facilities opened to homeless persons in response to the shelter crisis.

1 (b) In Ordinance No. 57-16, enacted on April 22, 2016, the Board of Supervisors  
2 found that a significant number of persons within the City are without the ability to obtain  
3 shelter, and that the situation has resulted in a threat to the health and safety of those  
4 persons. For that reason, and based on factual findings set forth in that ordinance, the Board  
5 of Supervisors declared the existence of a shelter crisis in the City in accordance with  
6 California Government Code Sections 8698 through 8698.2.

7 (c) In light of the ongoing shelter crisis and the tent encampment crisis in the  
8 Mission District, on May 16, 2017, the Board of Supervisors approved by Resolution  
9 No. 0097-17 (Board File No. 170467) an agreement with LMC San Francisco I Holdings, LLC,  
10 an affiliate of Lennar Multifamily Communities ("Lennar") to allow the City to use the Property  
11 for a temporary navigation center (the "Use Agreement"). Under the Use Agreement, the City  
12 does not pay a use fee to Lennar.

13 (d) Lennar had intended to begin demolition work on the Property in early January  
14 2018, but under the Use Agreement the City negotiated for the right to use the Property for  
15 the temporary navigation center until March 1, 2018, subject to agreement on certain terms  
16 regarding operations, at a significant cost to Lennar. In return for this extension, the City has  
17 agreed to process permits for Lennar's new project on the Property under the City's existing  
18 premium plan check program without payment of the associated fee under San Francisco  
19 Building Code section 106A.4.13 (the "Building Code Fee Waiver"). Lennar is required to  
20 submit all required applications and fees (other than the Building Code Fee Waiver) for  
21 permits, and City retains all rights to issue, deny or condition any permits in keeping with  
22 standard practices under the San Francisco Building Code.

23 (e) On June \_\_, 2017, the Building Inspection Commission held a duly noticed  
24 public hearing on the Building Code Fee Waiver pursuant to Charter Section D3.750-5 and  
25 approved the Building Code Fee Waiver.

1 Section 3. Approval of Fee Waiver. The Board of Supervisors approves the Building  
2 Code Fee Waiver for Lennar's new project on the Property, in accordance with subsection (d)  
3 of Section 2 of this ordinance.

4 Section 4. Effective Date; Retroactive Operation.

5 (a) This ordinance shall become effective 30 days after enactment. Enactment  
6 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or  
7 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors  
8 overrides the Mayor's veto of the ordinance.

9 (b) This ordinance shall apply to any contract entered into by the City on or after  
10 June 6, 2017, to provide the Building Code Fee Waiver for Lennar's new project on the  
11 Property.

12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14  
15 By:

  
16 CHARLES SULLIVAN  
17 Deputy City Attorney

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