

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 21, 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

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15 By: _____
16 CHARLES SULLIVAN
17 Deputy City Attorney
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