

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Mark Farrell, Chair
Land Use and Transportation Committee

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

DATE: June 27, 2017

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, June 27, 2017

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, June 27, 2017. This item was acted upon at the Committee Meeting on Monday, June 26, 2017, at 1:30 p.m., by the votes indicated.

Item No. 35 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.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Mark Farrell - Aye
Supervisor Aaron Peskin - Aye
Supervisor Katy Tang - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney

File No. 170702

Committee Item No. 2
Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date June 26, 2017

Board of Supervisors Meeting Date June 27, 2017

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Referral BIC 060917
- Referral FYI 060917
- No Comm Report Memo 061317
- BIC Response 062117
- Committee Report Request 060817
- Committee Report Request 062217
- Committee Report Memo 062717
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Completed by: Erica Major Date June 22, 2017
Completed by: EM Date 6/27/2017

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

2
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.**

6
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

14
15 By:



16 CHARLES SULLIVAN
17 Deputy City Attorney

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LEGISLATIVE DIGEST

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

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.

Existing Law and Background

California law authorizes the Board of Supervisors to declare the existence of a shelter crisis based on a finding that a significant number of people in the City are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those people. In Ordinance No. 57-16, enacted on April 22, 2016, the Board of Supervisors declared the existence of a shelter crisis in the City and County of San Francisco, permitting the City to take necessary steps to facilitate temporary homeless housing without strict compliance with housing, health or safety laws.

In light of the ongoing shelter crisis and the tent encampment crisis in the Mission District, on May 17, 2017, the Mayor signed Ordinance No. 97-17 (Board File No. 170467), approving an agreement with LMC San Francisco I Holdings, LLC, an affiliate of Lennar Multifamily Communities ("Lennar") to allow the City to build a temporary navigation center at 1515 South Van Ness Avenue (the "Use Agreement"). Under the Use Agreement, the City does not pay a use fee to Lennar.

In finalizing certain exhibits for the Use Agreement, the City agreed to process permits for Lennar's subsequent project at the site under the City's premium plan check program without payment of the associated fee under San Francisco Building Code section 106A.4.13.

Terms of the Proposed Ordinance

The proposed ordinance would approve the Building Code fee waiver for Lennar's project at the site. Lennar will still be required to submit all required applications and fees (other than the one waived fee) for permits.

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BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection
1660 Mission Street, San Francisco, California 94103-2414

Voice (415) 558-6164 - Fax (415) 558-6509

June 21, 2017

Edwin M. Lee
Mayor

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

COMMISSION

Angus McCarthy
President

Debra Walker
Vice-President

Kevin Clinch
Gail Gilman
John Konstin
Frank Lee
James Warshell

Dear Ms. Calvillo:

RE: 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.

Sonya Harris
Secretary

Tom C. Hui
Director

The Building Inspection Commission met and held a public hearing on June 21, 2017 regarding File No. 170702 on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners voted unanimously to support this proposed amendment.

The Commissioners voted as follows:

President McCarthy	Yes	Vice-President Walker	Yes
Commissioner Gilman	Yes	Commissioner Konstin	Yes
Commissioner Lee	Yes	Commissioner Warshell	Yes

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Sonya Harris
Commission Secretary

cc: Tom C. Hui, S.E., Director
Mayor Edwin M. Lee
Supervisor Hillary Ronen
Board of Supervisors

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

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

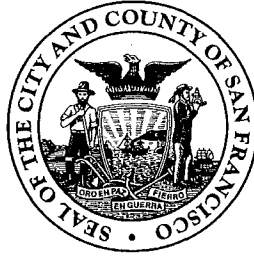
File No. 170702

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.

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

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

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

DATE: June 9, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following 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.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports 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

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

Member, Board of Supervisor
District 2



MARK FARRELL

City and County of San Francisco

DOB
Com. Clerk
Leg. Dep.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 JUN 22 AM 10:05

DATE: June 22, 2017
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Mark Farrell
RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Mark S. Farrell

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, June 27, 2017, as Committee Reports:

170702 Fee Waiver - LMC San Francisco I Holdings, LLC - 1515 South Van Ness Avenue

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.

170349 Administrative Code - Owner Move-In Reporting Requirements

Ordinance amending the Administrative Code regarding owner move-in and relative move-in ("OMI") evictions to require a landlord seeking to recover possession of a unit for an OMI to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord's relative for at least 36 continuous months; require a landlord to provide the tenant with a form prepared by the Rent Board to be used to advise the Rent Board of any change in address; clarify the evidentiary standard for finding that an OMI was not performed in good faith; require a landlord to file documentation with the Rent Board regarding the status of an OMI, and requiring the Rent Board to transmit a random sampling of such documentation to the District Attorney; extend from three to five years the time period after an OMI during which a landlord who intends to re-rent the unit must first offer the unit to the displaced tenant; require the Rent Board to annually notify the unit occupant of the maximum rent for the unit for five years after an OMI; and extend the statute of limitations for wrongful eviction claims based on an unlawful OMI from one year to five years.

170417 Administrative Code - Owner Move-In Evictions and Other Landlord-Tenant Matters

Ordinance amending the Administrative Code regarding owner and relative move-in ("OMI") evictions to require a landlord seeking to recover possession of a unit for an OMI to provide the tenant with an approved form to advise the Rent Board of address changes; clarify the evidentiary standard for finding that an OMI was performed in good faith; require a landlord to file documentation with the Rent Board regarding the status of the OMI, with a penalty for not filing such documentation, and requiring the Rent Board to transmit a random sampling of such documentation to the District Attorney; extend from three to five years the time period after an OMI during which a landlord who intends to re-rent the unit must first offer the unit to the displaced tenant; authorize a tenant who has been charged excess rent within five years after an OMI to sue for treble damages; as to matters not limited to OMI evictions, provide that a landlord's failure to timely file a copy of the notice to vacate with the Rent Board is a defense in an unlawful detainer proceeding; provide that a tenant waiver of rights in a buyout agreement is not enforceable if the buyout is not timely filed with the Rent Board; extend from one to three years the statute of limitations for wrongful eviction claims; authorize interested non-profit organizations to sue for wrongful eviction and collection of excess rent; and making clarifying changes.

170296 Planning Code, Zoning Map - Corona Heights Large Residence Special Use District

Ordinance amending the Planning Code and Sectional Maps SU06 and SU07 of the Zoning Map to create the Corona Heights Large Residence Special Use District (the area within a perimeter established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of Assessor's Parcel No. 2620, Lot No. 063, the eastern property line of Assessor's Parcel No. 2619, Lot No. 001A, and Douglass Street; and all additional parcels fronting States Street), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the district; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, June 26, 2017, at 1:30 p.m.

Member, Board of Supervisor
District 2



City and County of San Francisco

MARK FARRELL

DATE: June 8, 2017
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Mark Farrell
RE: Land Use and Transportation Committee
COMMITTEE REPORTS

RECEIVED
BOARD OF SUPERVISORS
2017 JUN - 8 AM 9:45
AK

Mark S. Farrell

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, June 13, 2017, as Committee Reports:

170630 Real Property Conveyance - 1 Lillian Court, also known as Shoreview Park - Office of Community Investment and Infrastructure - Recreation and Park - At No Cost

Resolution authorizing and approving the acceptance of Shoreview Park, located at 1 Lillian Court, from the Office of Community Investment and Infrastructure to the City and County of San Francisco on behalf of its Recreation and Park Department, at no cost; and making findings that such acceptance is in accordance with the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section, 101.1.

170349 Administrative Code - Owner Move-In Reporting Requirements

Ordinance amending the Administrative Code to require a landlord seeking to recover possession of a rental unit based on an owner move-in ("OMI") or relative move-in ("RMI") to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord's relative for at least 36 continuous months; require a landlord seeking to recover possession of a rental unit based on an OMI or RMI to provide the tenant with a form prepared by the Rent Board to be used to advise the Rent Board of any change in address; require a landlord to file annual documentation with the Rent Board for three years after an OMI or RMI showing whether the landlord or relative is occupying the unit as his or her principal place of residence; require the Rent Board to annually notify the unit occupant of the maximum rent for the unit for three years after an OMI or RMI; and extend the statute of limitations for wrongful eviction claims based on an unlawful OMI or RMI from one year to three years.

170702 Fee Waiver – LMC San Francisco I Holdings, LLC – 1515 Van Ness Avenue

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; and adopting findings under the California Environmental Quality Act.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, June 12, 2017, at 1:30 p.m.

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Mark Farrell, Chair
Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk

DATE: June 13, 2017

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, June 13, 2017

The following file scheduled to be presented as a **COMMITTEE REPORT** at the Tuesday, June 13, 2017 Board Meeting was **CONTINUED TO THE CALL OF THE CHAIR** at the Committee Meeting on Monday, June 12, 2017, at 1:30 p.m.

Item No. 36, File No. 170702, was not sent as a Committee Report.

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: *for* Mayor Edwin M. Lee
RE: Fee Waiver - 1515 South Van Ness Avenue - LMC San Francisco I Holdings, LLC
DATE: June 6, 2017

Attached for introduction to the Board of Supervisors is an ordinance approving a fee waiver under San Francisco 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.

Please note that this legislation is co-sponsored by Supervisor Ronen.

I respectfully request a waiver of the 30-day hold and that this item be calendared in Land Use Committee on June 12, 2017.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

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SAN FRANCISCO
2017 JUN - 6 PM 3:55
BY *EB*