



**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, Jane Kim*

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

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**Monday, October 5, 2015**

**1:30 PM**

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

**Regular Meeting**

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**Present:** 4 - Malia Cohen, Scott Wiener, Jane Kim, and John Avalos

## **ROLL CALL AND ANNOUNCEMENTS**

*Chair Malia Cohen called the meeting to order at 1:37 p.m. On the call of the roll, Chair Cohen, Vice-Chair Wiener, and Member Kim were noted present. There was a quorum.*

## **AGENDA CHANGES**

*There were no agenda changes.*

## **REGULAR AGENDA**

### **150871 [Planning Code - Technical Amendments and Corrections]**

**Sponsor: Mayor**

Ordinance amending the Planning Code to correct errors, reenact previously-existing language that was repealed in error as part of the Article 2 Reorganization Ordinance, update the Code, and make nonsubstantive language revisions to simplify and clarify text; affirming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.

09/08/15; ASSIGNED to Land Use and Transportation Committee. 9/17/15 - President Breed waived 30-Day Rule;

09/16/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Department of Building Inspection for informational purposes; Planning Commission for hearing and recommendation; and the Small Business Commission for comment and recommendation.

09/28/15; 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.

09/29/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

*Heard in Committee. Speakers: Aaron Starr (Planning Department); presented information and answered questions raised during the discussion. Andrew Yip; spoke neither in support nor opposition of the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Cohen, Wiener, Kim

**150737 [Interim Zoning Controls - Signs in Transit Center District Plan Area and between Folsom, Harrison, Essex and Second Streets]****Sponsor: Kim**

Resolution imposing interim zoning controls in the Transit Center District Plan Area ("Plan Area"), which is bounded by Market Street on the north, Folsom Street on the South, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex and Second Streets, but excluding the planned Rooftop Park between Mission, Howard, Second and Beale Streets and those portions of the Plan Area included in Zone 1 of the Transbay Redevelopment Plan, which include portions of land bounded by Spear, Mission, Folsom and Second Streets, to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

07/07/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/6/2015.

07/14/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for comment and recommendation; Planning Department, Public Works, and Municipal Transportation Agency for informational purposes.

07/23/15; RESPONSE RECEIVED.

09/22/15; REMAIN ACTIVE. 9/22/2015 - The Board of Supervisors approved Motion No. M15-142, extending the 50-day hearing period for an additional 45 days to October 26, 2015.

09/25/15; NOTICED. 10-Day Notice of Public Hearing for the 10/5/2015 Land Use and Transportation Committee hearing on the interim zoning controls was published and posted (mailed notice not required since the affected area is more than 30 acres).

*Heard in Committee. Speakers: None.*

**CONTINUED to October 19, 2015, by the following vote:**

Ayes: 3 - Cohen, Wiener, Kim

*Supervisor Kim was noted absent at 2:38 p.m. and for the remainder of the meeting.*

*President Breed appointed Supervisor Avalos, in place of Supervisor Kim, to the Land Use and Transportation Committee for the October 5, 2015, meeting starting at 2:38 p.m.*

**150790 [Planning Code - Establishing a New Citywide Transportation Sustainability Fee]****Sponsors: Mayor; Wiener, Breed and Christensen**

Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions, as long as the Transportation Sustainability Fee remains operative; amending Section 401 to add definitions reflecting these changes; amending Section 406 to clarify affordable housing and homeless shelter exemptions from the Transportation Sustainability Fee; making conforming amendments to the Area Plan fees in Planning Code, Article 4; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings, including general 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.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

07/28/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

07/29/15; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for hearing and recommendation; Office of the Treasurer and Tax Collector, Municipal Transportation Agency; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; Housing Opportunity, Partnership and Engagement; HOPE SF; and Rent Board for informational purposes.

08/14/15; RESPONSE RECEIVED. Not defined as a project under CEQA guidelines Section 15378(b)(4).

09/08/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

09/11/15; NOTICED.

09/15/15; RESPONSE RECEIVED.

09/16/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for hearing and recommendation; Police Department and the Office of Economic and Workforce Development for informational purposes; and the Small Business Commission for comment and recommendation.

09/17/15; NOTICED.

09/21/15; CONTINUED. Heard in Committee. Speakers: Charlie Cross (University of San Francisco); Male Speaker; spoke in opposition of the hearing matter.

09/28/15; CONTINUED. Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Director John Rahaim (Planning Department); Ed Reiskin, Alicia John Baptiste, and Female Speaker (Municipal Transportation Agency); Anna LaForte (Transportation Authority); presented information and answered questions raised during the discussion. Nicole Fryer (Walk SF); Tom Radulovich (Livable City); Tyler Frisbee (Bicycle Coalition); Rofenstein; Deedee Workman (SF Chamber of Commerce); Tim Colan; Mr. Ericson; Howard Strassine; Peter Cohen; John Patoris; spoke in support of the hearing matter. Male Speaker; Elizebeth Myers; Barbara Westover; Monica Diehart; David Serrano Sewell (Hospital Council); Abbie Yant (St. Francis Memorial Hospital); Stuart Fond (Chinese Hospital); Sister Mary Kilgariff (St. Mary's Medical Center); Peter Straus; Sam Gressin; David McElroy; Male Speaker; Steve Vettal; Female Speaker; spoke in opposition of the hearing matter. Andrew Yip; spoke neither in support nor opposition of the hearing matter.

*Heard in Committee. Speakers: John Rahaim, Director (Planning Department); Victoria Wise (SF Municipal Transportation Agency); Jon Givner and Andrea Ruiz-Esquide (Office of the City Attorney); presented information and answered questions raised during the discussion. Peter Straus; Tim Cohen; Cathy Deluca; Jim Lasarus; Alice Rodgers; Mr. Martell; spoke in support of the hearing matter. Charlie Cross; Brian Cahill; Male Speaker; Abbie Yant; Sister Mary Kilgariff; Stuart Fong; Melisa White; John Grissom; Peter Cohen; Eric Tao; Ken Cleveland; spoke in opposition of the hearing matter. Andrew Yip; spoke neither in support nor opposition of the hearing matter.*

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Chair Cohen moved to AMEND the ordinance to remove Area Plan Exemptions as proposed by Supervisor Avalos. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Chair Cohen move to RESCIND the vote regarding Area Plan Exemption proposed by Supervisor Avalos. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Vice-Chair Wiener moved to AMEND the ordinance by adopting Chair Cohen's amendment to remove area plan residential TSF fee credit submitted. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Chair Cohen moved to AMEND the ordinance to increase the PDR exemption threshold from 800 gross square feet to 1500 gross square feet. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Chair Cohen, seconded by Supervisor Avalos, moved to AMEND the ordinance to remove the hospital exemption. The motion passed by the following vote:

Ayes: 2 - Avalos, Cohen

Noes: 1 - Wiener

Absent: 1 - Kim

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Vice-Chair Wiener, seconded by Supervisor Avalos, moved to AMEND the ordinance to increase the frequency of the economic feasibility study from every 5 years to every 3 years. The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Vice-Chair Wiener, seconded by Supervisor Avalos, moved to AMEND the legislation to exempt all non-profit post-secondary educational institution from the Transportation Sustainability Fee. The motion passed by the following vote:

Ayes: 2 - Avalos, Wiener

Noes: 1 - Cohen

Absent: 1 - Kim

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Chair Cohen moved to AMEND the ordinance and adopt Supervisor Avalos' amendment to direct the Planning Department and the Controller to conduct a study of the feasibility of making the impact fees variable based on the economic feasibility of different areas of town (Geographic Based Fee Structure). The motion passed by the following vote:

Ayes: 3 - Avalos, Wiener, Cohen

Absent: 1 - Kim

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Vice-Chair Weiner, seconded by Chair Cohen, moved to AMEND the ordinance to increase the fee schedule for projects over 100 units (only for those units exceeding the 100 unit threshold) and 100,000 gross square feet or more by \$1. The motion passed by the following vote:

Ayes: 2 - Wiener, Cohen

Noes: 1 - Avalos

Absent: 1 - Kim

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Vice-Chair Weiner moved to AMEND the ordinance to revise the grandfathering provision for both residential and non-residential projects to require projects which filed an application after July 21, 2015, to pay 100% of the TSF fee. The motion passed by the following vote:

Ayes: 2 - Wiener, Cohen

Noes: 1 - Avalos

Absent: 1 - Kim

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Supervisor Avalos moved to AMEND the ordinance regarding grandfathering projects to require projects filed before July 1, 2014, to pay 50% of the fee, and those who filed after July 1, 2014, to pay 75% of the fee for both residential and nonresidential projects.

Seeing no support for the motion Supervisor Avalos did not pursue a vote and no actions were taken on the motion.

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Supervisor Avalos moved to AMEND the ordinance so that \$1 increase to the fee for residential projects exceeding 100 units apply to the entirety of the project and not just those units exceeding the 100 unit threshold. The motion failed by the following vote:

Ayes: 1 - Avalos

Noes: 2 - Wiener, Cohen

Absent: 1 - Kim

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Supervisor Avalos, seconded by Supervisor Cohen, moved AMEND the ordinance to increase the fee for non-residential projects between 800,000 to 99,000 gross square feet to 21.04 (\$3 increase) and for non-residential project 100,000 gross square feet and up to \$24.04. The motion failed by the following vote:

Ayes: 1 - Avalos

Noes: 2 - Wiener, Cohen

Absent: 1 - Kim

All of the above listed amendments are included in the following "Amendment of the Whole Bearing New Title."

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

Ayes: 3 - Cohen, Wiener, Avalos

Absent: 1 - Kim

Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions, as long as the Transportation Sustainability Fee remains operative; amending Section 401 to add definitions reflecting these changes; amending Section 406 to clarify affordable housing and homeless shelter exemptions from the Transportation Sustainability Fee; making conforming amendments to the Area Plan fees in Planning Code, Article 4; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings, including general 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.

Jon Givner (Office of the City Attorney) clarified the Committee's intention in relation to the adopted amendments for grandfathering provisions and fee schedule for residential and non-residential units.

**CONTINUED AS AMENDED to October 19, 2015, by the following vote:**

Ayes: 3 - Cohen, Wiener, Avalos

Absent: 1 - Kim

**150635 [Hearing - Status Report on Legalization of Existing Dwelling Units Installed Without a Permit]****Sponsor: Wiener**

Hearing on the status report prepared by the Department of Building Inspection and Planning Department on the legalization of dwelling units installed without a permit per Ordinance No. 43-14 after one year of implementation pursuant to Planning Code, Section 207.3.

06/09/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

06/30/15; REFERRED TO DEPARTMENT. Referred to Department of Building Inspection; and Planning Department for informational purposes.

*Heard in Committee. Speakers: Bill Strong (Department of Building Inspection); Kate Conner (Planning Department); presented information and answered questions raised during the discussion.*

**FILED by the following vote:**

Ayes: 3 - Cohen, Wiener, Avalos

Absent: 1 - Kim

**ADJOURNMENT**

*There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:50 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Public Safety and Neighborhood Services Committee on the matters stated but not necessarily in the chronological sequence in which the matters were taken up.*