



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

Monday, June 13, 2016

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

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

The Land Use and Transportation Committee met in regular session on Monday, June 13, 2016, with Chair Malia Cohen presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Cohen called the meeting to order at 1:37 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

Chair Cohen requested File Nos. 160671 and 160672 be heard together.

160671 [Apply for Grant - Delegation of San Francisco Municipal Transportation Agency as Co-Applicant for Grant - Assumption of Liability - Affordable Housing and Sustainable Communities Program - 480 Eddy Street Project]

Sponsor: Mayor

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA), on behalf of the City and County of San Francisco, to execute a grant application, grant agreement, and related documents under the State of California's Affordable Housing and Sustainable Communities Program (AHSC Program) as a joint applicant with the Tenderloin Neighborhood Development Corporation for the project at 480 Eddy Street; authorizing the City to assume any joint and several liability for completion of the project required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Administrative Code, Chapter 31. (Mayor's Office of Housing and Community Development)

06/07/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

06/09/16; REFERRED TO DEPARTMENT. Referred to Office of Investment and Infrastructure; Planning Department; and Municipal Transportation Agency for information purposes.

Heard in Committee. Speakers: None.

Member Peskin moved that this Resolution be CONTINUED to the Land Use and Transportation Committee meeting of June 27, 2016. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

160672 [Apply for Grant - Delegation of San Francisco Municipal Transportation Agency as Co-Applicant for Grant - Assumption of Liability - Affordable Housing and Sustainable Communities Program - 455 Fell Street Project]

Sponsors: Mayor; Breed

Resolution authorizing the San Francisco Municipal Transportation Agency (SFMTA), on behalf of the City and County of San Francisco, to execute a grant application, grant agreement, and related documents under the State of California's Affordable Housing and Sustainable Communities Program (AHSC Program) as a joint applicant with Mercy Housing, Inc., for the project at 455 Fell Street; authorizing the City to assume any joint and several liability for completion of the project required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act (CEQA), the CEQA Guidelines, and Administrative Code, Chapter 31. (Mayor's Office of Housing and Community Development)

06/07/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

06/09/16; REFERRED TO DEPARTMENT. Referred to Office of Investment and Infrastructure; Planning Department; and Municipal Transportation Agency for informational purposes.

Heard in Committee. Speakers: None.

Member Peskin moved that this Resolution be CONTINUED to the Land Use and Transportation Committee meeting of June 27, 2016. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

160385 [Transportation Code - Fare Evasion and Passenger Conduct Regulations]**Sponsors: Mar and Campos**

Ordinance amending the Transportation Code to consolidate and clarify existing fare evasion regulations, revise passenger conduct violations to make consistent with recent state law changes, and authorize the San Francisco Municipal Transportation Agency to establish separate fine amounts for fare evasion and passenger conduct violations committed by youth; and affirming the Planning Department's determination under the California Environmental Quality Act. (Municipal Transportation Agency)

04/19/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/19/2016.

04/27/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Youth Commission for hearing and recommendation; Municipal Transportation Agency for informational purposes.

04/28/16; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

05/25/16; RESPONSE RECEIVED. The Youth Commission voted unanimously in support of File No.160385.

Heard in Committee. Speakers: None.

Vice Chair Wiener moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of June 20, 2016. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Chair Cohen requested File Nos.150969 and 160347 be heard together.

150969 [Planning Code - Affordable Housing Bonus Programs]**Sponsors: Mayor; Tang**

Ordinance amending the Planning Code to create the Affordable Housing Bonus Programs, consisting of the Local Affordable Housing Bonus Program, the 100 Percent Affordable Housing Bonus Program, the Analyzed State Density Bonus Program, and the Individually Requested State Density Bonus Program, to provide for development bonuses and zoning modifications for affordable housing, in compliance with, and above those required by the State Density Bonus Law, Government Code, Sections 65915, et seq.; to establish the procedures in which the Local Affordable Housing Bonus Program and the 100 Percent Affordable Housing Bonus Program shall be reviewed and approved; adding a fee for applications under the Program; amending the Planning Code to exempt projects from the height limits specified in the Planning Code and the Zoning Maps; 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.

(Economic Impact; No Office of Economic Analysis Report.)

09/29/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/29/2015.

10/06/15; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302(b) for public hearing and recommendation; Planning Department for environmental review; and Mayor's Office of Housing and Community Development, and Rent Board for informational purposes.

12/16/15; REMAIN ACTIVE. 12/8/2015 - The Board of Supervisors approved Resolution No. 507-15 (File No. 151238), which extended the Planning Commission's review period by 90 days; 4/3/2016.

01/12/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

01/19/16; REFERRED TO DEPARTMENT. Re-referred substitute legislation (Version 2) to the Planning Commission pursuant to Planning Code Section 302(b) for public hearing and recommendation; Planning Department for environmental review; and Mayor's Office of Housing and Community Development, and Rent Board for informational purposes.

02/24/16; RESPONSE RECEIVED. 2/24/2016 - The Small Business Commission unanimously voted to continue the discussion on the proposed legislation and give the Office of Small Business and the Office of Economic and Workforce Development the authority to continue working on recommendations to address the concerns of small business owners.

04/12/16; RESPONSE RECEIVED. Forwarded to the Board of Supervisors with Suggested Amendments for Consideration but Without a Recommendation on the Program as a Whole.

06/03/16; NOTICED. 10-Day Fee Ad notice (Government Code, Section 6062(a)); publish June 3 and June 9, 2016.

06/09/16; NOTICED. 10-Day Fee Ad notice (Government Code, Section 6062(a)); publish June 3 and June 9, 2016.

Heard in Committee. Speakers: John Rahaim, Director (Planning Department); Supervisor Katy Tang (Board of Supervisors); Gil Kelley and Kerstin Dischinger (Planning Department); Sophie Hayward and Kate Hartley (Mayor's Office of Housing and Community Development); Jon Givner (Office the City Attorney); provided an overview and responded to questions raised throughout the discussion. Kathy Lipscomb; Jim Lazarus; John Winston; Christy Wong; Andy Thornley; Patrick Valentino; Austin Hunter (Grow SF); Tim Colen (SFHAC); Fernando Marti (CCHO); Tes Welbourn (D5 Action); Corey Smith (SFHAC); Sean; Peter Cohen; spoke in support of the hearing matter. Marla Knight (North Beach Tenants Coalition); Deepa Varma (SF TU); Lorraine Petty; Theresa Flandirich; George Wooding; Katheryn Devincenzi; Tony Robles; Dennis Antenore (SF for Community Planning); Henry Karnilowicz; Eileen Boken; Katherine Howard; Rose Hillson; Lori Liederman; Denis Mosgofian (SF for Community Planning); spoke in opposition to the hearing matter.

Vice Chair Wiener moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, to the 100% Affordable Housing Programs, to prohibit the demolition of existing residential units to businesses; require early notification to businesses to take place no less than 18 months; and to send notice to tenants and the Office of Economic and Workforce Development. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Vice Chair Wiener moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, to the Mixed Income Program, to prohibit the demolition of existing residential units; require a conditional use authorization process; directing the City to explore establishing a small business relocation fee and first right of refusal and preservation tools; require early notification to commercial tenants be no less than 18 months to be sent to tenants; adding a Findings section to include a reference to existing tools and support to existing small business tenants facing displacement; include ground floor level active usage of same square footage as any neighborhood commercial uses demolished or removed. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Member Peskin requested that the Ordinance be **DUPLICATED**.

See Duplicated File No. 160687.

Vice Chair Wiener, seconded by Member Peskin, moved that this Ordinance be **CONTINUED TO CALL OF THE CHAIR AS AMENDED**. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

160687 [Planning Code - 100% Affordable Housing Bonus Programs]

Sponsors: Mayor; Tang

Ordinance amending the Planning Code to create the Affordable Housing Bonus Programs, consisting of the Local Affordable Housing Bonus Program, the 100 Percent Affordable Housing Bonus Program, the Analyzed State Density Bonus Program, and the Individually Requested State Density Bonus Program, to provide for development bonuses and zoning modifications for affordable housing, in compliance with, and above those required by the State Density Bonus Law, Government Code, Sections 65915, et seq.; to establish the procedures in which the Local Affordable Housing Bonus Program and the 100 Percent Affordable Housing Bonus Program shall be reviewed and approved; adding a fee for applications under the Program; amending the Planning Code to exempt projects from the height limits specified in the Planning Code and the Zoning Maps; 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.

Duplicated from File No. 150969.

Member Peskin moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, by deleting Sections 206 - 328; adding "Density Done Right"; removing fee provision; and forwarding to the Planning Department for environmental review. The motion **FAILED** by the following vote:

Ayes: 1 - Peskin

Noes: 2 - Cohen, Wiener

Vice Chair Wiener moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, by removing all Affordable Housing Bonus Programs, consisting of the Local Affordable Housing Bonus Program, the Analyzed State Density Bonus Program, and the Individually Requested State Density Bonus Program, with the exception of the 100 Percent Affordable Housing Bonus Program. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Ordinance amending the Planning Code to create the 100 Percent Affordable Housing Bonus Program, to provide for development bonuses and zoning modifications for 100 percent affordable housing projects; to establish the procedures in which the 100 Percent Affordable Housing Bonus Program projects shall be reviewed and approved; adding a fee for applications under the Program; and amending the Planning Code to exempt 100 Percent Affordable Housing Bonus Program projects from the height limits specified in the Planning Code and the Zoning Maps; and 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.

Vice Chair Wiener moved that this Ordinance be RECOMMENDED. The motion was not acknowledged so a vote was not taken.

Member Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION AS AMENDED to the Board of Supervisors. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

160347 [General Plan Amendment - Affordable Housing Bonus Programs]

Sponsor: Mayor

Ordinance amending the General Plan to make conforming changes in association with legislation creating the Affordable Housing Bonus Program by amending the Housing Element, Urban Design Element, Van Ness Avenue Area Plan, Chinatown Area Plan, Downtown Area Plan, and Northeastern Waterfront Area Plan; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. (Planning Commission)

04/08/16; RECEIVED FROM DEPARTMENT.

04/19/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/19/2016.

04/27/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for hearing and recommendation; Mayor's Office of Housing and Community Development; Office of Investment and Infrastructure; and Rent Board for informational purposes.

06/03/16; NOTICED. 10-Day General Plan notice (Government Code, Section 65090(a)).

Heard in Committee. Speakers: John Rahaim, Director (Planning Department); Supervisor Katy Tang (Board of Supervisors); Gil Kelley and Kerstin Dischinger (Planning Department); Sophie Hayward and Kate Hartley (Mayor's Office of Housing and Community Development); Jon Givner (Office the City Attorney); provided an overview and responded to questions raised throughout the discussion. Kathy Lipscomb; Jim Lazarus; John Winston; Christy Wong; Andy Thornley; Patrick Valentino; Austin Hunter (Grow SF); Tim Colen (SFHAC); Fernando Marti (CCHO); Tes Welbourn (D5 Action); Corey Smith (SFHAC); Sean; Peter Cohen; spoke in support of the hearing matter. Marla Knight (North Beach Tenants Coalition); Deepa Varma (SF TU); Lorraine Petty; Theresa Flandirich; George Wooding; Katheryn Devincenzi; Tony Robles; Dennis Antenore (SF for Community Planning); Henry Karnilowicz; Eileen Boken; Katherine Howard; Rose Hillson; Lori Liederman; Denis Mosgofian (SF for Community Planning); spoke in opposition to the hearing matter.

Member Peskin moved that this Ordinance be RECOMMENDED "DO NOT PASS". The motion FAILED by the following vote:

Ayes: 1 - Peskin

Noes: 2 - Cohen, Wiener

Member Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors. The motion FAILED by the following vote:

Ayes: 1 - Cohen

Noes: 2 - Wiener, Peskin

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

Ayes: 2 - Cohen, Wiener

Noes: 1 - Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:54 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.