



City and County of San Francisco
Meeting Minutes
Rules Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Katy Tang, Eric Mar, Malia Cohen

Clerk: Derek Evans (415) 554-7702

Thursday, July 21, 2016

10:00 AM

City Hall, Committee Room 263

Special Meeting

Present: 3 - Katy Tang, Eric Mar, and Malia Cohen

The Rules Committee met in special session on Thursday, July 21, 2016, with Chair Katy Tang presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Tang called the meeting to order at 10:15 a.m. On the call of the roll, Vice Chair Mar was not present. There was a quorum

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

150926 [Appointment, Treasure Island Development Authority Citizens Advisory Board - Jesse Tepper]

Hearing to consider appointing one member, for an indefinite term, to the Treasure Island Development Authority Citizens Advisory Board. (Clerk of the Board)
Vacant seat 9, succeeding Suzanne Kim, resigned, must have interest and expertise in one of the following categories: land use, urban planning, and architecture; transportation planning and alternative and mass transit; historic conservation and preservation, including cultural resources; engineering and construction, including geotechnical and structural engineering, public infrastructure and large-scale project management; real estate development and financing; economic development, job generation, and organized labor; first-source hiring, welfare-to-work, and other job broker programs directed at economically disadvantaged San Franciscans; affordable- and low-income housing; marine related activities, including boating, board sailing, and fishing; natural resource preservation and conservation, including wetlands, open space, greenbuilding, and sustainable development; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; or representative of residential tenants on Treasure Island, for an indefinite term.

09/18/15; RECEIVED AND ASSIGNED to Rules Committee.

09/24/15; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: David Brentlinger; spoke on his qualifications. Rebecca Hogue (Treasure Island Development Authority Citizens Advisory Board); spoke in support of David Brentlinger.

Heard in Committee. Speakers: David Brentlinger; Jesse Tepper; spoke on their qualifications. Peter Strauss; spoke in support of Jesse Tepper.

Appointment of Jesse Tepper, seat 9, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Jesse Tepper, for an indefinite term, to the Treasure Island Development Authority Citizens Advisory Board. (Clerk of the Board)
Jesse Tepper, seat 9, succeeding Suzanne Kim, resigned, must have interest and expertise in one of the following categories: land use, urban planning, and architecture; transportation planning and alternative and mass transit; historic conservation and preservation, including cultural resources; engineering and construction, including geotechnical and structural engineering, public infrastructure and large-scale project management; real estate development and financing; economic development, job generation, and organized labor; first-source hiring, welfare-to-work, and other job broker programs directed at economically disadvantaged San Franciscans; affordable- and low-income housing; marine related activities, including boating, board sailing, and fishing; natural resource preservation and conservation, including wetlands, open space, greenbuilding, and sustainable development; environmental and toxic remediation and control; tideland trust and public access; open-meeting laws; recreational and athletic opportunities and programs; representative of public safety officers on Treasure Island; representative of Treasure Island Homeless Development Initiative; representative of Job Corps; representative of Treasure Island Elementary School; representative of film production industry; or representative of residential tenants on Treasure Island, for an indefinite term.

Member Cohen moved that this Motion be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Tang, Cohen

Absent: 1 - Mar

160814 [Appointment, Child Care Planning and Advisory Council]

Hearing to consider appointing one member, term ending March 19, 2019, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Vacant seat 8, succeeding Lourdes Alarcon, term expired, must be a nominee of the District 8 Supervisor and represent one of the following categories: consumers, child care providers, discretionary, community representatives, or public agency representatives, for the unexpired portion of a three-year term ending March 19, 2019.

07/15/16; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Fonda Davidson; spoke on their qualifications. Supervisor Norman Yee (Board of Supervisors); spoke in support of the applicant.

Appointment of Fonda Davidson, seat 8, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Fonda Davidson, term ending March 19, 2019, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Fonda Davidson, seat 8, succeeding Lourdes Alarcon, term expired, must be a nominee of the District 8 Supervisor and represent one of the following categories: consumers, child care providers, discretionary, community representatives, or public agency representatives, for the unexpired portion of a three-year term ending March 19, 2019.

Member Cohen moved that this Motion be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Tang, Cohen

Absent: 1 - Mar

Vice Chair Mar was noted present at 10:40 a.m.

160733 [Hearing - Initiative Ordinance - Administrative Code - Neighborhood Crime Unit in Police Department]

Sponsors: Wiener; Cohen, Tang and Farrell

Hearing to consider the proposed initiative ordinance submitted by four of more Supervisors to the voters at the November 8, 2016, Election, entitled "Ordinance amending the Administrative Code to create the Neighborhood Crime Unit in the Police Department, to be activated when the Controller certifies that the Department is at the full staffing level mandated in the City Charter, and to set minimum staffing levels for and assign duties to the Unit."

06/21/16; RECEIVED AND ASSIGNED to Rules Committee.

06/27/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, City Attorney, Department of Elections, Ethics Commission, City Administrator, HOPE, Police, Public Works, Office of Economic and Workforce Development, Department of Emergency Management, Department of Public Health, and Human Services Agency for informational purposes (per Rules of Order 2.22.4). Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3). Referred to the Planning Department for environmental review. Referred to the Small Business Commission for comment.

07/05/16; RESPONSE RECEIVED. Planning Department determined that this Charter Amendment is 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.

Heard in Committee. Speakers: Supervisor Scott Wiener, and Supervisor Norman Yee (Board of Supervisors); presented information and answered questions raised throughout the hearing. Jordan Gwendolyn Davis; spoke in opposition of the proposed Initiative Ordinance.

Member Cohen moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

160698 [Initiative Ordinance - Planning Code - Requiring Conditional Use Authorization for Replacement of Production, Distribution, Repair, Institutional Community, and Arts Activities Uses]

Sponsors: Kim; Peskin

Motion ordering submitted to the voters an Ordinance amending the Planning Code to require Conditional Use authorization for conversion of Production, Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use and replacement space; and affirming the Planning Department's determination under the California Environmental Quality Act, at an election to be held November 8, 2016.

(Economic Impact; No Office of Economic Analysis Report)

06/14/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/13/2016.

06/27/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review. Referred to the Controller for financial analysis. Referred to the Mayor and Department of Elections for informational purposes.

06/30/16; RESPONSE RECEIVED. Planning Department determined that this Initiative Ordinance is 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. Individual physical projects would require environmental review.

07/14/16; AMENDED. Heard in Committee. Speakers: April Veneracion Ang, Legislative Aide (Office of Supervisor Jane Kim); Josh Switzky (Planning Department); presented information and answered questions raised throughout the hearing. Gabriel Medina (Mission Economic Development Agency); Mari Eliza; Erick Arguello, President (Calle 24); John Orland; Dairo Romero; Skot Kuiper; spoke in support of the proposed Charter Amendment. David Meckel (California College of the Arts); Muhammad Nadhiri (Axis Development Group); Tim Colen (San Francisco Housing Action Coalition); Sarah Karlinsky (SPUR); Adrian Simi; Steve Vettel (Farella Braun and Martel); Jason Wallace; Kate (Manufacturing association); spoke in opposition of the proposed Charter Amendment. Silvia Johnson; spoke neither in support nor against the proposed Charter Amendment.

Supervisor Peskin requested to be added as a cosponsor.

07/14/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/14/16; CONTINUED AS AMENDED.

07/14/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion that should the proposed ordinance be approved by the voters, it would have a minimal impact on the cost of government.

07/18/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: April Veneracion Ang, Legislative Aide (Office of Supervisor Jane Kim); Marlena Byrne, Deputy City Attorney, and Jon Givner, Deputy City Attorney (Office of the City Attorney); Sophie Hayward (Mayor's Office of Housing and Community Development); Josh Switzky (Planning Department); presented information and answered questions raised throughout the hearing. Adrian Simi (Carpenters Union Local 22); Kate Sofis, Executive Director (SF Made); spoke in opposition of the proposed Initiative Ordinance. Muhammad Nadhiri; Chloe Angelis (Reuben, Junius and Rose); Theo Oliphant (Axis Development Group); Ace "On the Case" Washington; spoke neither in support nor against the proposed Initiative Ordinance.

SERIATIM CONSIDERATION

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by clarifying in the replacement standard that if prior use was PDR but a temporary space under different use came in, it does not wipe the slate clean; the next project sponsor would still be held to the replacement standard. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by exempting the South Beach Marina project. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED by deleting areas zoned M from the replacement requirement. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by lowering the replacement obligation to 0.5 from 0.7 and removing the MUG and MUR areas. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED by amending the grandfathering provision to exempt any project for which an environmental evaluation application was submitted prior to June 14, 2016. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED by changing finding (a) to read 'San Francisco is a unique city and its character is made up of the diversity of its people and its businesses.'; inserting additional findings (b) through (j) and re-lettering the previous (b) through (i) as (k) through (t). The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar moved that this Initiative Ordinance be AMENDED by including the Central SoMa proposed plan area to Sec. 202.8 to read 'The following controls shall apply in the following Eastern Neighborhoods Plans Areas: Mission; Eastern SoMa; Western SoMa; and, if adopted, Central SoMa.' The motion carried by the following vote:

Ayes: 2 - Tang, Mar

Noes: 1 - Cohen

07/18/16; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); Marlena Byrne, Deputy City Attorney (Office of the City Attorney); Sophie Hayward (Mayor's Office of Housing and Community Development); April Veneracion Ang, Legislative Aide (Office of Supervisors Jane Kim); presented information and answered questions raised throughout the hearing. Sharon Stoyer; Jonathan Yute; Mary Lisenhuer; Flora Davis; spoke in support of the proposed Initiative Ordinance. Kate Sofis, Executive Director (SF Made); spoke in opposition of the proposed Initiative Ordinance.

SERIATIM CONSIDERATION

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED by making a typographical correction on Page 2, Line 13, by changing 'this diversity is threatened' to 'this diversity has become threatened'; and on Line 20, by removing the 's' from 'Nonprofits'.. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED on Page 3, Line 8, by adding 'and Mission' after 'South of Market'. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED on Page 5, Line 22, by removing 'require Conditional Use authorization pursuant to Section 303 and shall' and 'additional' requirements; on Line 25 through Page 6, Line 3, by removing 'if a project would result in conversion of building space, where the prior use in such space was PDR of at least 5,000 square feet, Institutional Community of at least 2,500 square feet, or Arts Activities use, through removal, including through demolition of a building that is not unsound, or through change of use, such space' and inserting on Page 6, Line 3, 'such conversion shall, if located within the following zoning districts, require conditional use authorization under Section 303 and the space proposed for conversion'. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED

on Page 6, Line 4, by removing the redundant 'PDR'. The motion carried by the following vote:
Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 6, Line 9, by removing 'if replaced on the same property or shall include one square foot of PDR, Institutional Community, or Arts Activities use for each square foot of the use proposed for conversion if replaced off-site.' The motion carried by the following vote:
Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 6, Lines 14 through 22, by modifying the grandfather provision to allow projects with environmental review submitted by June 14, 2016; and removing Subsection (a)(4). The motion carried by the following vote:
Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 6, Line 25, by adding 'and is subject to a deed restriction'. The motion carried by the following vote:
Ayes: 2 - Tang, Cohen
Noes: 1 - Mar

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED on Page 7, Line 17, to update the zone exemption by adding 'and any parcel zoned P on or after July 1, 2016.' The motion carried by the following vote:
Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Member Cohen, moved that this Initiative Ordinance be AMENDED on Page 8, Line 5, by inserting a new Section 7 to read as follows '(7) Any project where all of the residential units with the exception of the manager's unit are affordable housing units, as that term is defined in Section 406(b)(1).' The motion carried by the following vote:
Ayes: 3 - Tang, Mar, Cohen

Member Cohen moved that this Initiative Ordinance be AMENDED on Page 8, Line 7, by adding 'and Off-Site Replacement' after Subsection '(g) In Lieu Fee'; on Line 8 by adding 'and/or an off-site replacement option'; and on Line 11 by adding 'by ordinance' after Subsection '(h) The Board of Supervisors'. The motion carried by the following vote:
Ayes: 3 - Tang, Mar, Cohen

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, following a seriatim consideration. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen
(Economic Impact; No Office of Economic Analysis Report)

Member Cohen, seconded by Vice Chair Mar, moved that this Initiative Ordinance be CONTINUED AS AMENDED to the July 25, 2016, Rules Committee Special Meeting. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 12:15 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.