

LAND USE AND TRANSPORTATION COMMITTEE CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Monday, February 5, 2018 - 1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Members: Katy Tang, Jane Kim, Ahsha Safai

Clerk: Erica Major (415) 554-4441

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Public Safety and Neighborhood Services Committee
Supervisors Sheehy, Ronen, Peskin

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
1:00 PM

2nd and 4th Thursday
1:15 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
2:00 PM

Members Present: Katy Tang, Jane Kim, Ahsha Safai, and Aaron Peskin

The Land Use and Transportation Committee met in regular session on Monday, February 5, 2018, with Chair Katy Tang presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Tang called the meeting to order at 1:35 p.m. On the call of the roll, Chair Tang, Vice Chair Kim, and Member Safai were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

SPECIAL MEETING OF THE BOARD OF SUPERVISORS

Supervisors Fewer, Yee, and Stefani were noted present at 1:35 p.m.; thereby constituting a quorum of the Board of Supervisors. A Special Meeting of the Board of Supervisors was convened at 1:35 p.m. However, the meeting was conducted in all respects as a committee meeting and all substantive decisions were recommendations of the committee; no action was taken as the Board.

Present: Supervisors Fewer, Kim, Safai, Stefani, Tang, and Yee

ADJOURNMENT OF THE BOARD OF SUPERVISORS

At the hour of 4:01 p.m., Supervisor Yee was noted absent; thereby adjourning the Special Meeting of the Board of Supervisors.

Chair Tang requested File Nos. 170747 and 171212 be called together.

Member Safai was noted absent at 4:02 p.m.

170747 [Hearing - City's Vacant/Abandoned Property]

Sponsors: Fewer; Ronen and Yee

Hearing on the efficacy of the City's Vacant/Abandoned Property Ordinance and strategies for preventing vacant storefronts; and requesting the Department of Building Inspection and the Office of Economic and Workforce Development to report.

Heard in Committee. Speakers: Supervisors Sandra Lee Fewer, Norman Yee, and Catherine Stefani (Board of Supervisors); Fred Brousseau (Office of Budget and Legislative Analyst); Joaquin Torres, Amy Cohen, and Sara Graham (Office of Economic and Workforce Development); Aaron Starr (Planning Department); Ron Tom (Department of Building Inspection); Male Speaker; Mark McKrill; Karen Flood (Union Square Business Improvement District); Eileen Boken; Judy Workman (SF Chamber of Commerce); Davi Baumrock; Steven Brunnel; Hans Scansin; Corey Smith; Leslie Lenthart; Ace Washington; Sue Hestor; spoke on various concerns relating to the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Tang, Kim

Absent: 1 - Safai

171212 [Hearing - State of the Retail Sector, Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts]

Sponsor: Tang

Hearing on the findings of the 2017 retail study conducted by the Office of Economic and Workforce Development that reviews the state of the retail industry nationally and locally, and provides an overview of challenges and opportunities for San Francisco's neighborhood retail commercial districts; and requesting the Office of Economic and Workforce Development and Planning Department to report.

Heard in Committee. Speakers: Supervisors Sandra Lee Fewer, Norman Yee, and Catherine Stefani (Board of Supervisors); Fred Brousseau (Office of Budget and Legislative Analyst); Joaquin Torres, Amy Cohen, and Sara Graham (Office of Economic and Workforce Development); Aaron Starr (Planning Department); Ron Tom (Department of Building Inspection); Male Speaker; Mark McKrill; Karen Flood (Union Square Business Improvement District); Eileen Boken; Judy Workman (SF Chamber of Commerce); Davi Baumrock; Steven Brunnel; Hans Scansin; Corey Smith; Leslie Lenthart; Ace Washington; Sue Hestor; spoke on various concerns relating to the hearing matter.

HEARD AND FILED by the following vote:

Ayes: 2 - Tang, Kim

Absent: 1 - Safai

Member Safai was noted present at 4:12 p.m.

161109 [Planning Code, Zoning Map - Establishment of Geary-Masonic Special Use District]

Sponsors: Stefani; Safai

Ordinance amending the Planning Code to establish the Geary-Masonic Special Use District in the area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east, and Assessor's Parcel Block No. 1071, Lot Nos. 001 and 004, to the north and west, respectively, amending Sheet SU03 of the Zoning Map; 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 convenience, necessity, and welfare under Planning Code, Section 302.

Heard in Committee. Speakers: Supervisor Catherine Stefani (Board of Supervisors); Chris Main (Planning Department); presented information and answered questions raised throughout the discussion. Richard Crisby (Laurel Heights Association); Michael Cohen; Colene Ryan; Andy Campbell (Local 104); Todd David (Housing Action Coalition); spoke in support of the hearing matter.

Member Safai moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to: 1) insert Car Share Findings; 2) set the off-street car-share parking space at 25% of parking space; 3) set at least 10% of units to be affordable to very low-income households, at least 4% of units to be affordable to low-income households, and at least 4% of units to be affordable to moderate-income households in rental projects; 4) set 11% of units to be affordable to very low-income households, 5% of units to be affordable to low income households, and 5% of units to be affordable to middle-income households for ownership projects. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Safai

Vice Chair Kim moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 12, 2018. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Safai

Chair Tang requested File Nos. 180093, 170940, and 171286 be called together.

180093 [Lease Agreement - China Basin Ballpark Company, LLC - Pier 48 - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Lease Agreement between the Port and China Basin Ballpark Company, LLC ("CBBC") for Pier 48; with a Base Rent of \$55,416.47 per month from April through September and \$2,916.67 per month from October through March, in recognition of increased parking demand by ballpark patrons during the baseball season, with 66% of gross revenues for all parking operations less parking taxes and authorized, substantiated extraordinary expenses, as further defined in the Lease, to be paid by CBBC, for a ten-year term to commence following approval by the Board and the Mayor, for the proposed Mission Rock Project; and adopting findings under the California Environmental Quality Act.

Heard in Committee. Speakers: Jack Bair and Fran Weld (SF Giants); Phil Williamson and Ed Snyder (Port of San Francisco); Adam Van de Water (Office of Economic and Workforce Development); Carli Paine (Municipal Transportation Agency); Mat Snyder (Planning Department); presented information and answered questions raised throughout the discussion. Chris Ketton; Stephanie Muller; Bruce Agid; Vanesa Aquino; Caren Assuler; Corinne Woods; Nagia; Alice Rodgers; Ken Tray; Amy Lemley; Henkentuwitz; Christine Hall; Male Speaker; spoke in support of the hearing matter. John Tacowitz; spoke in opposition of the hearing matter.

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

Ayes: 3 - Tang, Kim, Safai

170940 [Planning Code, Zoning Map - Mission Rock Special Use District]

Sponsors: Mayor; Kim

Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock Special Use District, generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; to amend other related provisions; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.

Heard in Committee. Speakers: Jack Bair and Fran Weld (SF Giants); Phil Williamson and Ed Snyder (Port of San Francisco); Adam Van de Water (Office of Economic and Workforce Development); Carli Paine (Municipal Transportation Agency); Mat Snyder (Planning Department); presented information and answered questions raised throughout the discussion. Chris Ketton; Stephanie Muller; Bruce Agid; Vanesa Aquino; Caren Assuler; Corinne Woods; Nagia; Alice Rodgers; Ken Tray; Amy Lemley; Henkentuwitz; Christine Hall; Male Speaker; spoke in support of the hearing matter. John Tacowitz; spoke in opposition of the hearing matter.

Vice Chair Kim moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 9, Lines 19-25 to move hotel uses from retail to commercial parcels and on Page 11, Lines 14-16, to strike "Hotel uses (up to 300 rooms) are permitted in any location in which Residential Uses are permitted". The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Safai

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

Ayes: 3 - Tang, Kim, Safai

171286 [California Environmental Quality Act Findings - Mission Rock Project - Seawall Lot 337 and Pier 48]

Sponsors: Mayor; Kim

Resolution affirming the Planning Department's certification of the Final Environmental Impact Report and adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, including findings of fact, findings regarding significant impacts and significant and unavoidable impacts, evaluation of mitigation measures and alternatives, a statement of overriding considerations, and adoption of a mitigation monitoring and reporting program related to the approvals for the proposed Mission Rock mixed-use project located at Seawall Lot 337 and Pier 48.

Heard in Committee. Speakers: Jack Bair and Fran Weld (SF Giants); Phil Williamson and Ed Snyder (Port of San Francisco); Adam Van de Water (Office of Economic and Workforce Development); Carli Paine (Municipal Transportation Agency); Mat Snyder (Planning Department); presented information and answered questions raised throughout the discussion. Chris Ketton; Stephanie Muller; Bruce Agid; Vanesa Aquino; Caren Assuler; Corinne Woods; Nagia; Alice Rodgers; Ken Tray; Amy Lemley; Henkentuwitz; Christine Hall; Male Speaker; spoke in support of the hearing matter. John Tacowitz; spoke in opposition of the hearing matter.

Vice Chair Kim moved that this Resolution be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 3, Lines 20-25, and Page 4, Lines 1-6, to insert "WHEREAS, The Board has reviewed and considered the information in the memorandum from the Environmental Review Officer of the Planning Department dated February 1, 2018, (Planning Memorandum) that considers a change in the Hotel Variant. The Final EIR considered the effects of constructing an approximately 300 room hotel of 200,000 gross square feet (gsf) instead of constructing 200,000 gsf of residential use. The Planning Memorandum considers the environmental effects of replacing 200,000 gross of commercial space instead of an equivalent amount of residential space with a hotel of approximately 300 rooms and 200,000 gsf. The Planning Memorandum concludes that such a change in the Hotel Variant would not result in any additional environmental effects beyond those analyzed in the Final EIR for the reasons stated in the memorandum, a copy of which is in Board File No. 171286, available on the Board's website, and incorporated into this resolution by this reference"; and on Page 4, Lines 13-14, to insert including without limitation, the change in the Hotel Variant analyzed in the Planning Memorandum. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Safai

Vice Chair Kim moved that this Resolution be **RECOMMENDED AS AMENDED**. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Safai

Vice Chair Kim was noted absent at 5:06 p.m. and for the remainder of the meeting.

President London Breed appointed Supervisor Aaron Peskin, in place of Supervisor Jane Kim, to the Land Use and Transportation Committee meeting of February 5, 2018, for File Nos. 170942 and 170761.

170942 [Building Code - Third Party Expert Fees]

Sponsor: Peskin

Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act. (Building Inspection Commission)

Heard in Committee. Speaker: Bill Strawn (Department of Building Inspection); presented information and answered questions raised throughout the discussion.

Member Peskin moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Tang, Safai, Peskin

Absent: 1 - Kim

170761 [Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits]

Sponsor: Mayor

Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.

Heard in Committee. Speakers: None.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to require that major encroachment permits include detailed obligations of the permittee and require permittee to keep maintenance records; requires Board of Supervisors findings for the basis of revocation and restoration; create community appeal process and timeframe to correct defects; and revise other issues related to street encroachment permits and maintenance. The motion carried by the following vote:

Ayes: 3 - Tang, Safai, Peskin

Absent: 1 - Kim

Member Peskin moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Tang, Safai, Peskin

Absent: 1 - Kim

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 5:14 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Transportation Committee, and the Special Meeting of the Board of Supervisors, on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on March 13, 2018.

Angela Calvillo, Clerk of the Board