



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: Myrna Melgar, Dean Preston, Aaron Peskin

Clerk: Erica Major (415) 554-4441

Monday, July 19, 2021

1:30 PM

Regular Meeting

Present: 3 - Myrna Melgar, Dean Preston, and Aaron Peskin

The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, July 19, 2021, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:31 p.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: <mailto:Erica.Major@sfgov.org>; all comments received will be made a part of the official record. Regularly scheduled Land Use and Transportation Committee Meetings begin at 1:30 p.m. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Melgar, Vice Chair Preston, and Member Peskin were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

210674 [Planning Code - Code Corrections Ordinance]

Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; affirming the Planning Department's determination under the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 general welfare under Planning Code, Section 302. (Planning Commission)

06/03/21; RECEIVED FROM DEPARTMENT.

06/15/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/15/2021.

06/28/21; REFERRED TO DEPARTMENT. Referred to Public Works, Municipal Transportation Agency, Rent Board, and Office of Cannabis for informational purposes.

Heard in Committee. Speaker: Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion.

Vice Chair Preston requested this matter be DUPLICATED.

See duplicate File No. 210834.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Line 23, and on Page 23, Line 14, striking '(14)'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

210834 [Planning Code - Code Corrections Ordinance]

Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; 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 general welfare under Planning Code, Section 302.

Duplicated from File No. 210674.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Line 23, and on Page 23, Line 14, striking '(14)'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved to RESCIND the previous vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar requested that File Nos. 210698, 210722, and 210723 be called together.

210698 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]

Sponsor: Mayor

Ordinance amending the Administrative Code to eliminate the expiration of a preference in City affordable housing for Displaced Tenants due to a fire (Category 3), and extend the period for which a Displaced Tenant due to fire may utilize the preference, from three to six years.

06/15/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/15/2021.

06/22/21; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development, Rent Board, and Fire Department for informational purposes.

Heard in Committee. Speakers: Maria Benjamin (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Theresa Flandric (Senior and Disability Action); spoke in support of the hearing matter.

Vice Chair Preston moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

210722 [Housing Preferences - Annual Report - July 1, 2019, through June 30, 2020]**Sponsor: Mayor**

Resolution reporting on Administrative Code, Chapter 47.4, housing preferences requirements to the Board of Supervisors for July 1, 2019, through June 30, 2020.

06/15/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Maria Benjamin (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Theresa Flandric (Senior and Disability Action); spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

210723 [Housing Preferences - Three Year Report - July 1, 2016, through June 30, 2019]**Sponsor: Mayor**

Resolution reporting on Administrative Code, Chapter 47.4, housing preferences requirements to the Board of Supervisors for July 1, 2016, through June 30, 2019.

06/15/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Maria Benjamin (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Theresa Flandric (Senior and Disability Action); spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

210563 [Environment Code - Climate Action Plan]**Sponsors: Mayor; Mandelman**

Ordinance amending the Environment Code to update the City's climate action goals and planning process, and establish departmental roles and responsibilities.

05/18/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/17/2021.

05/21/21; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, Department of the Environment, Office of Resilience and Capital Planning, Public Utilities Commission, Department of Building Inspection, Planning Department, Public Works, Municipal Transportation Agency, and the San Francisco County Transportation Authority for informational purposes.

06/03/21; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.

06/22/21; RESPONSE RECEIVED. On June 21, 2021, the Commission met and voted to support the proposed legislation with recommendations; submittal to Board of Supervisors and Mayor London N. Breed submitted and included in the record.

Heard in Committee. Speakers: Cyndy Comerford (Department of the Environment); Lisa Fisher (Planning Department); Sarah Jones and Timothy Doherty (Municipal Transportation Agency); Anne Pearson (Office of the City Attorney); Charles Sheehan (Department of the Environment); presented information and answered questions raised throughout the discussion. Paul Wermer; spoke in support of the hearing matter. Chris; spoke in opposition of the hearing matter. Helena Berriki; Sarah Greenwald; spoke neither in support nor against the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 4-6, by adding ‘; and affirming the Planning Department’s determination under the California Environmental Quality Act’; on Page 1, Lines 15-19, by adding ‘Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 210563 and is incorporated herein by reference. The Board affirms this determination.’; on Page 8, Lines 10-11, by adding ‘at least’ after ‘Building’ and adding ‘with maximum affordability’ after ‘per year’, adding ‘not less than’ before ‘30%’, and adding ‘, and with an emphasis on retaining and rehabilitating existing housing;’; on Page 16, Line 4, by adding ‘affordable’ before ‘increased’; on Page 16, Line 5, by striking ‘for all income levels’; and adding other clarifying and conforming changes. The motion carried on the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 7, Line 12, by striking ‘61’ and replacing it with ‘70’; on Page 7, Line 15, by striking ‘40’ and replacing ‘50’; on Page 7, Line 16, by striking ‘2045’ and replacing it with ‘2040’. The motion carried on the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

201151 [Various Codes - Construction and Demolition Debris Recovery]**Sponsors: Safai; Walton**

Ordinance amending the Environment and Public Works Codes to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection and submits to the Director of the Department of Environment a material reduction and recovery plan to provide for at least 75% recovery away from disposal instead of 65% as required under existing law and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

10/06/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/5/2020.

10/13/20; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Department of Building Inspection, Building Inspection Commission, Department of the Environment, Sheriff's Department, and Board of Appeals for informational purposes.

10/15/20; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the

11/25/20; NOTICED. First 10-Day Fee Ad for 12/7/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

12/02/20; NOTICED. Second 10-Day Fee Ad for 12/7/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

12/07/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Deborah Raphael, Director, and Jack Macy (Department on the Environment); Crispin Hollings (Sheriff's Department); presented information and answered questions raised throughout the discussion. Amy; Sean Lernahan; Joni Eisen; John Buchar; Speaker (PODER); Jeff Weitzel; Helena Bereke; Gabe Goffman; Rob Hill; Paul Wermer; Speaker; William Turly; Michael Gross; Paul; Daniel Tahara; Chris; Nativa Galinato; Alex Lanceberg; spoke in support of the hearing matter.

12/07/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

12/07/20; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

02/26/21; NOTICED. First 10-Day Fee Ad for 03/08/2021 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

03/03/21; NOTICED. Second 10-Day Fee Ad for 03/08/2021 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

03/08/21; CONTINUED. Heard in Committee. Speaker: Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion.

05/24/21; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Georgia Schuttish; spoke on various concerns relating to the hearing matter.

07/09/21; NOTICED. First 10-Day Fee Ad for 07/19/2021 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

07/13/21; RESPONSE RECEIVED. On March 23, 2021, the Commission met and recommended support to the proposed legislation.

07/14/21; NOTICED. Second 10-Day Fee Ad for 07/19/2021 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Jack Macy and James Slattery (Department on the Environment); presented information and answered questions

raised throughout the discussion. Brock Hill; William Turling (Construction and Demolition Association); spoke on various concerns relating to the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by striking ‘Environment, Public Works’ and replacing it with ‘Various’; on Page 9, Lines 2-3, by striking ‘The Director must act on an application submitted under this Chapter within 15 days of receipt.’; on Page 10, Lines 23-25, by adding ‘(j) In the Director’s discretion, the Director may delegate to the Department of Public Works the Director’s authority under this Section 1402 to receive and review materials and handle the issuance of permits and registrations.’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of July 26, 2021. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

210603 [Administrative Code - Effect Of COVID-19 On Commercial Leases]

Sponsors: Preston; Peskin, Ronen, Mar, Walton, Chan and Melgar

Ordinance amending the Administrative Code to establish a rebuttable presumption that a commercial tenant who was legally required to shut down due to COVID-19 may be excused from having to pay rent that came due during the shutdown.

05/25/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/24/2021.

06/01/21; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and Rent Board for informational purposes; Small Business Commission for comment and recommendation.

06/17/21; RESPONSE RECEIVED. On June 14, 2021, the Commission recommended approval of the proposed legislation.

Heard in Committee. Speakers: Dean Ito Taylor (API Legal Outreach); Allan Low (Perkins Coie); Stern Quan; Charley Goss (San Francisco Apartment Association); Speaker; Jonathon Bullet; spoke on various concerns relating to the hearing matter.

Supervisor Melgar requested to be added as a co-sponsor.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 15-21, by adding ‘Non-Applicability to Certain Negotiated Agreements. In some cases, commercial landlords and their tenants may have executed written agreements in response to the COVID-19 pandemic in order to reduce, waive, or extend the tenant’s deadline to pay rent that might otherwise have been due. It is the policy of the Board of Supervisors to encourage such negotiated agreements. Accordingly, the presumption in subsection (b) shall not apply to those rent payments that the landlord and tenant addressed in such a negotiated agreement, assuming the agreement is otherwise legal and valid.’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 5:19 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.