



## 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, September 14, 2015

1:30 PM

City Hall, Legislative Chamber, Room 250

### Regular Meeting

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**Present:** 3 - Malia Cohen, Scott Wiener, and Jane Kim

## ROLL CALL AND ANNOUNCEMENTS

*Chair Malia Cohen called the meeting to order at 1:40 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

*File Nos. 150586 and 150644 were called together.*

**150586 [Planning Code, Zoning Map - Rezoning a Portion of Daggett Street to Public Use/Open Space Zoning]****Sponsor: Cohen**

Ordinance amending the Planning Code by revising the Zoning Map to rezone a portion of Daggett Street between 16th Street and 7th Street from Urban Mixed Use/68-X Height and Bulk District to Public/Open Space as part of the establishment of Daggett Park; and making findings under the California Environmental Quality Act, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

06/02/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/2/2015.

06/16/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

06/30/15; REFERRED TO DEPARTMENT. Referred to Planning Commission for hearing and recommendation; Port; Public Works; and Real Estate for informational purposes.

09/04/15; NOTICED.

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

*Heard in Committee. Speaker: Robin Havens (Office of Economic and Workforce Development); presented information and answered questions raised during the discussion.*

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

Ayes: 3 - Cohen, Wiener, Kim

**150644 [Land Transfer, Street Vacation, Gift Acceptance, Encroachment Permit, and Related Actions - Archstone Daggett Place, LLC - Daggett Street Between 16th and 7th Streets]**

**Sponsor:** Cohen

Ordinance approving an agreement with the Port of San Francisco for the City's transfer of Daggett Street between 16th and 7th Streets; summarily vacating the northern portion of the street; authorizing an interdepartmental transfer of the vacation area from Public Works to the Real Estate Division of the Office of the City Administrator for public open space; modifying the official public right-of-way width, changing the official sidewalk width, and changing the official grade on the remaining portion of Daggett Street and portions of 16th and 7th Streets; accepting a gift from Archstone Daggett Place, LLC, for certain open space improvements on the portion of Daggett Street to be vacated and their maintenance; approving a street encroachment permit for the shared public way improvements on the remaining southerly portion of Daggett Street; delegating to the Director of Public Works the authority to accept other required public improvements associated with the adjacent development project; authorizing the Director of Property to execute a license agreement for the maintenance of the vacation area; affirming the Planning Commission'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, for the actions contemplated in this Ordinance.

06/16/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/16/2015.

06/30/15; REFERRED TO DEPARTMENT. Referred to Planning Commission for hearing and recommendation; Planning Department; Public Works; Public Utilities Commission; Real Estate; Recreation and Parks; and Port for informational purposes.

07/06/15; NOTICED.

07/14/15; NOTICED.

07/20/15; CONTINUED. Heard in Committee. Speakers: There were no speakers.

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

*Heard in Committee. Speaker: Robin Havens (Office of Economic and Workforce Development); presented information and answered questions raised during the discussion.*

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

Ayes: 3 - Cohen, Wiener, Kim

**150646 [Administrative Code - Amendments to Residential Rent Stabilization and Arbitration Ordinance]****Sponsors: Kim, Campos, Mar and Avalos**

Ordinance amending the Administrative Code to: 1) prohibit, with certain exceptions, rent increases based on the addition of occupants even where a pre-existing rental agreement or lease permits such an increase; 2) prevent evictions based on the addition of occupants if the landlord has unreasonably refused the tenant's written request, including a refusal based on the amount of occupants allowed by the rental agreement or lease; 3) require landlords, after certain vacancies, to set the new base rent as the lawful rent in effect at the time of the vacancy; 4) require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession; 5) require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit; 6) prevent a landlord from seeking recovery of possession solely because the tenant is occupying a unit not authorized for residency; 7) require landlords to state in notices to vacate for certain good cause evictions the lawful rent for the unit at the time the notice is served; 8) require the Rent Board to prepare a form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian stating that a notice to vacate may lead to a lawsuit to evict and stating that advice regarding notices to vacate is available from the Rent Board; 9) require landlords to attach a copy of the Rent Board form in the primary language of the tenant to each notice to vacate; and 10) require landlords to plead and prove in any action to recover possession that at least one of the grounds of Administrative Code, Section 37.9(a)-(b) stated in the notice to vacate is the dominant motive for recovering possession.

06/16/15; ASSIGNED to Land Use and Transportation Committee. President Breed waived 30-Day Rule; June 25, 2015

06/30/15; REFERRED TO DEPARTMENT. Referred to Rent Board; Police; Department of Building Inspection; Fire; Planning Department; and Mayor's Office of Housing and Community Development for informational purposes.

07/21/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

07/27/15; CONTINUED AS AMENDED.

07/27/15; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); presented information and answered questions raised during the discussion. Judith Gallardo (La Raza Centro Legal); Female Speaker; Bing Wu; Christine Dang, Winnie Vien, and Katherine Chu (Asian Law Caucus); Trent Flanders; Wing Hoo Leung (Community Tenants Association); Maria Silva, Wayne Duffar, and Loreen McAllister (Justice and Diversity Center); Ross; Bill, Nieto Miguel Ponce, Tom Ladd, and Tom Ray (ACCE); Betty Mackey (Yerba Buena Island Community); Allison; Sherry; Tony Robles; Ramiro; Erin McElroy; Theresa Flandrich and Tony Robles (Senior and Disability Action); Jim; Julissa; Juuy Barbonio; Jen Tracy; Erin; Ben Santiago; Teresa Wong; Julie; Raymond Castillo; Fernando Marti (CCHO); Galinda Fridman; Teresa Dulalas; Steve Collier (Tenderloin Housing Clinic); Tess Davos (Hospitality House); Patricia Kerman; Gen Fujloka (Chinatown Community Development Center); Jessie; Marie Sorenson (Calle 24); Robert Barham (Mission Collaborative); Carrie Gold; Scott Weaver (SF Tenants Union); Ariana Casanova; Taylor; Deepa; Edna Lou; Sharon Shay; Chirag Bhakta (Mission SRO Collaborative); May Young; Doris; spoke in support of the hearing matter. Shirley Chang; Mr. Attles; Andrew Long; Mr. Hong; Tracy Tan; Mr. Young; Howard Epstein; Katy Nelson; Alex Ku; Ivan Soon, Mary Campodo, and Nico LaRocca (SFSPD); Andrew Chin; Molly Casey; Mark Brennan; Julie Tam; Christy Tam; Chuen Ng; Ms. Low; Gogo Wu; J.B. Alegiani; Jane Lee; Hon Lee; Annie Chu; Josephine Chan; Gloria Leung; Lin Chen; Becky Lee; Angela Chin; spoke in opposition to the hearing matter.

*Heard in Committee. Speakers: Male Speaker; Peter Reitz; Male Speaker; Sue Grissom; Latonya Jones, Eduardo Palomo, Jadma Noronha, Diana Martinez, Shaw, Chirag Bhakta (Mission SRO Collaborative); Laura Guzman; Alexandra Goldman (TNDC); Naomi Cooper; John Schwark and Mike E. (SF BARF); Fran Taylor (CC Puede); Iris Bzblowitz; Giuliana (Jobs with Justice); Michael Mallonee; Chris Baker; Female Speaker; Female Speaker; Carina; Norma Pelato, Candelano Melendez, Carmen Camposano, Female Speaker, Ricardo Mejia, Morelia Balan, Villarreal Gilberto and Diana Flores (Causa Justa); Spike Kahn; Michael Valdin; Ms. Landriss; Tony Robles (Senior and Disability Action); Teresa Imperial (Bill Sorro Housing Program); Melissa Bracero; Mike Anderer (DeMarillac Academy); Stevie Vandihorse; Steve Collier, Christian Dan, Gen Fujioka, Jessica Chia, (Tenderloin Housing Clinic); Juvy Barbeno,*

Ernesto, Socorro Campos, Angelica Cabande and Teresa Dulalas (Semcan); John and Viven Arallo (West Bay Pilipino and Multi Service Center); Peter Papadopoulos (Cultural Action Network); Alice Rodgers; V. Consuela; Roberto; Antonio; Teresa Canas; James Chang; Mark; Silva; Celia; Dana; Dan English (SF Organizing Project); Andy Blue (Plaza 16 Collation); Leslie Dreyer (Housing Rights Committee); George Bracey (Hospitality House); Patricia Kerma; Scott Weaver; Ms. Chu; Theresa Flandrich (North Beach Tenants Committee); Male Speaker (SF Grey Panthers); Rochelle; Cathy; Susan Marsh; Sarah Short; Jim (SF Apartment Association); Joy Gracie; spoke in support of the hearing matter. Bob Nadea; Lee Anderson; Noni Richen; Roy Skover, Karen Crommie, David Crommie, Peter Holden, Al Aramendia and Tracy Tang (SPOSF); Linda Erkerus; Female Speaker; Kim Wong; Mindy Kershna; Sammy Ye; Tommy Tang; Ivan Soon; Alex Ku; Don Chan; Tina Wong (Chinese Real Estate Association of America); Lise Chan; Ms. Wong; Jin Zhe L.; Mr. Chin; Jacy Penn; Terrance Jones; Stella Seid; May Chen; Shirley Chang; Angela Chiu; Ron Stantabold; Jin; Male Speaker; Eva Lang; Nancy Cheung; May Lee; Larry Lee; C. Lam; Hon Lee Lai Ping Lam; Jiao Liang; Annie Chu; DeQiang Chen; Gina Ma, Po Lew, Annie Liang, Josephine Zhao, Mike Liang, Trea King Kong and Tess Lam (Better Housing Policies); Jennie Chau; Amy Lam; Meina Young; Male Speaker; Jean Chew; Mei Hong Toy; Theresa Wong; Christy Tam and C. Liang Guo (Small Property Association); Betty Gee; Dao Lim; Jerry Chu; Jade Liang; Jane Pham; Julia Tam; Charlie Goss; Yvonne; Jan; spoke in opposition to the proposed legislation. Andrew Yip; John; spoke neither in support nor opposition to the matter.

**Chair Cohen, seconded by Vice Chair Wiener, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE on Page 10, Lines 4 - 6, by adding 'Nothing in this Section 37.9(a)(4)(B) prohibits a landlord from endeavoring to recovering possession of the unit under Section 37.9(a)(8) or (10) of this Chapter.'** The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

Ordinance amending the Administrative Code to: 1) prohibit, with certain exceptions, rent increases based on the addition of occupants even where a pre-existing rental agreement or lease permits such an increase; 2) prevent evictions based on the addition of occupants if the landlord has unreasonably refused the tenant's written request, including a refusal based on the amount of occupants allowed by the rental agreement or lease; 3) require landlords, after certain vacancies, to set the new base rent as the lawful rent in effect at the time of the vacancy; 4) require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession; 5) require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit; 6) require that if a landlord seeks to recover possession based on a nuisance, substantial damage, or substantial interference with comfort, safety or enjoyment, the nuisance, substantial damage, or substantial interference be severe, continuing or recurring in nature; 7) require landlords to state in notices to vacate for certain good cause evictions the lawful rent for the unit at the time the notice is served; 8) require the Rent Board to prepare a form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian stating that a notice to vacate may lead to a lawsuit to evict and stating that advice regarding notices to vacate is available from the Rent Board; 9) require landlords to attach a copy of the Rent Board form in the primary language of the tenant to each notice to vacate; and 10) require landlords to plead and prove in any action to recover possession that at least one of the grounds of Administrative Code, Section 37.9(a)-(b) stated in the notice to vacate is the dominant motive for recovering possession.

**Vice Chair Wiener, seconded by Member Kim, moved that this Ordinance be AMENDED on page 9, Line 20, adding 'The', Lines 23 - 24, adding 'the activities are severe, continuing or recurring in nature,' The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Kim

Ordinance amending the Administrative Code to: 1) prohibit, with certain exceptions, rent increases based on the addition of occupants even where a pre-existing rental agreement or lease permits such an increase; 2) prevent evictions based on the addition of occupants if the landlord has unreasonably refused the tenant's written request, including a refusal based on the amount of occupants allowed by the rental agreement or lease; 3) require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession; 4) require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit; 5) require that if a landlord seeks to recover possession based on a nuisance, substantial damage, or substantial interference with comfort, safety or enjoyment, the nuisance, substantial damage, or substantial interference be severe, continuing or recurring in nature; 6) prevent a landlord from seeking recovery of possession solely because the tenant is occupying a unit not authorized for residency; 7) require landlords to state in notices to vacate for certain good cause evictions the lawful rent for the unit at the time the notice is served; 8) require the Rent Board to prepare a form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian stating that a notice to vacate may lead to a lawsuit to evict and stating that advice regarding notices to vacate is available from the Rent Board; 9) require landlords to attach a copy of the Rent Board form in the primary language of the tenant to each notice to vacate; and 10) require landlords to plead and prove in any action to recover possession that at least one of the grounds of Administrative Code, Section 37.9(a)-(b) stated in the notice to vacate is the dominant motive for recovering possession.

**Vice Chair Wiener moved that this Ordinance be AMENDED to remove proposed language to allow exemptions for additional roommates up to the Housing Code. The motion FAILED by the following vote:**

Ayes: 1 - Wiener

Noes: 2 - Cohen, Kim

**Vice Chair Wiener, seconded by Member Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE on Page 5, Line 8, by adding 'for the next five years from the termination,' The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Kim

Ordinance amending the Administrative Code to: 1) prohibit, with certain exceptions, rent increases based on the addition of occupants even where a pre-existing rental agreement or lease permits such an increase; 2) prevent evictions based on the addition of occupants if the landlord has unreasonably refused the tenant's written request, including a refusal based on the amount of occupants allowed by the rental agreement or lease; 3) require landlords, after certain vacancies, to set the new base rent, for the next five years, as the lawful rent in effect at the time of the vacancy; 4) require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession; 5) require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit; 6) require that if a landlord seeks to recover possession based on a nuisance, substantial damage, or substantial interference with comfort, safety or enjoyment, the nuisance, substantial damage, or substantial interference be severe, continuing or recurring in nature; 7) prevent a landlord from seeking recovery of possession solely because the tenant is occupying a unit not authorized for residency; 8) require landlords to state in notices to vacate for certain good cause evictions the lawful rent for the unit at the time the notice is served; 9) require the Rent Board to prepare a form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian stating that a notice to vacate may lead to a lawsuit to evict and stating that advice regarding notices to vacate is available from the Rent Board; 10) require landlords to attach a copy of the Rent Board form in the primary language of the tenant to each notice to vacate; and 11) require landlords to plead and prove in any action to recover possession that at least one of the grounds of Administrative Code, Section 37.9(a)-(b) stated in the notice to vacate is the dominant motive for recovering possession.

**Member Kim, seconded by Vice Chair Wiener, moved that this Ordinance be AMENDED adding the Severability clause. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Kim

**Vice Chair Wiener requested that the question to recommend the Ordinance as amended be DIVIDED to consider separately Page 8, Line 9, through Page 9, Line 19, relating to the maximum number of roommates permitted.**

**Vice Chair Wiener moved that the remaining balance of the Ordinance be RECOMMENDED AS AMENDED AND DIVIDED. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Kim

**Member Kim moved that the divided portion of the question relating to the maximum number of roommates permitted be RECOMMENDED. The motion carried by the following vote:**

Ayes: 2 - Cohen, Kim

Noes: 1 - Wiener

*Upon recommendation of both the divided portion of the Ordinance and the remaining balance of the Ordinance, the Ordinance was moved forward to the full Board as a whole.*

## **ADJOURNMENT**

*There being no further business, the Land Use and Transportation Committee adjourned at the hour of 6:23 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.*