



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: Aaron Peskin, Ahsha Safai, Matt Haney

Clerk: Erica Major (415) 554-4441

Monday, December 9, 2019

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Matt Haney

The Land Use and Transportation Committee met in regular session on Monday, December 9, 2019, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:34 p.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin and Member Haney were noted present. Vice Chair Safai was noted not present. A quorum was present.

Vice Chair Safai was noted present at 1:36 p.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

191107 [Business and Tax Regulations Code - Extending Temporary Suspension of Business Registration and Fee for Transportation Network Company Drivers and Taxi Drivers]

Sponsor: Peskin

Ordinance amending the Business and Tax Regulations Code to extend through FY2020-2021 the temporary suspension of the application of the business registration and fee requirements to transportation network company drivers and taxi drivers.

10/29/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/28/2019.

11/05/19; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency for informational purposes.

Heard in Committee. Speaker: Amanda Kahn Fried (Office of the Treasurer and Tax Collector); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Peskin, Safai, Haney

191016 [Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]**Sponsors: Fewer; Mar, Peskin, Haney, Safai, Walton and Ronen**

Ordinance amending the Planning Code to require at least half of residential units in Educator Housing projects to have two or more bedrooms, to eliminate the requirement that Educator Housing projects have a minimum amount of three-bedroom units, conditioned on the passage of Proposition E in the November 5, 2019, Municipal Consolidated Election; 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.

(Pursuant to Planning Code, Section 206.9(h), this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

10/08/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/7/2019.

10/16/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; Mayor's Office of Housing and Community Development, San Francisco Unified School District, City College of San Francisco, and Recreation and Parks Department for informational purposes.

11/07/19; 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 environment. CEQA does not apply to Proposition E passed on November 5, 2019 because it was a measure submitted to the voters by the Mayor or 4 Supervisors.

11/27/19; RESPONSE RECEIVED. On November 21, 2019, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Fernando Marti (Council of Community Housing Organizations); Corey Smith (San Francisco Housing Action Coalition); spoke in support of the hearing matter.

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

Ayes: 3 - Peskin, Safai, Haney

191085 [Interim Zoning Controls - Conditional Use Authorization for Conversion of Unpermitted Residential Care Facilities]**Sponsors: Mandelman; Safai and Ronen**

Resolution modifying interim zoning controls established in Resolution No. 430-19, which require a Conditional Use authorization for Residential Care Facilities, to clarify that those interim zoning controls apply to certain Residential Care Facilities, including facilities lacking required permits; 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.

10/22/19; ASSIGNED to Land Use and Transportation Committee. President Yee waived the 30 Day Rule pursuant to Board Rule 3.22.

10/28/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

11/15/19; NOTICED. 20-Day Notice for 12/09/2019 Land Use and Transportation Committee hearing posted online and mailed, pursuant to Planning Code Section 333.

11/18/19; 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 environment.

Heard in Committee. Speaker: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion.

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

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Peskin, Safai, Haney

191106 [Administrative Code - Annual Report on Job Growth and Housing Production]**Sponsors: Mar; Haney, Fewer and Safai**

Ordinance amending the Administrative Code to require an annual report analyzing the fit between housing needs associated with job growth by wages in San Francisco and housing production by affordability in the City.

10/29/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/28/2019.

11/05/19; REFERRED TO DEPARTMENT. Referred to the Planning Department and Mayor's Office of Housing and Community Development for informational purposes.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); presented information and answered questions raised throughout the discussion. Eileen Boken; Fernando Marti (Council of Community Housing Organizations); Maya Chuka; Kong Fang (Jobs with Justice); Cynthia Gomez; Ms. Ward; Corey Smith (San Francisco Housing Action Coalition); spoke in support of the hearing matter.

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

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin requested File Nos. 190972 and 190974 be called together.

190972 [Environment Code - Electrification of Municipal Facilities]

Sponsors: Stefani; Mandelman, Peskin, Haney, Ronen, Safai and Brown

Ordinance amending the Environment Code to require new construction and major renovations of municipal buildings to exclude natural gas and include exclusively all-electric energy sources; and affirming the Planning Department's determination under the California Environmental Quality Act. (Fiscal Impact)

09/24/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/24/2019.

10/02/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Department of the Environment and the Public Utilities Commission for informational purposes.

10/17/19; 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 environment.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Deborah Raphael, Director (Department of the Environment); presented information and answered questions raised throughout the discussion. Tom Radulovich, Executive Director (Livable City); Elaine Engel (350 SF/Climate Emergency Coalition); Casey Ausberry; Judd; Melissa Yu and Speaker (Sierra Club); Helena Birecki (San Francisco Climate Emergency Coalition); Joni Eisen (Climate Emergency Coalition); Sarah Greenwald (San Francisco Emergency Coalition/350 San Francisco); Daniel Tahara (Carbon Lighthouse); Paul Wermer (San Francisco Climate Emergency Coalition); Chris Najó (350 San Francisco); Susan Green (350 SF); Eileen Boken; Kathy McCory; spoke in support of the hearing matter.

Chair Peskin moved that this Ordinance be REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190974 [Green Building Code - Energy Performance in Newly Constructed Buildings]**Sponsor: Mandelman**

Ordinance amending the Green Building Code to establish energy performance requirements for certain new building construction; adopting environmental findings, and findings of local conditions under the California Health and Safety Code and the California Public Resources Code; and directing the Clerk of the Board of Supervisors to forward the Ordinance to state agencies as required by state law.

09/24/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/24/2019.

10/02/19; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for hearing and recommendation; Planning Department for environmental review.

10/08/19; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

10/16/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Building Inspection Commission pursuant for hearing and recommendation.

10/17/19; 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 environment.

10/18/19; RESPONSE RECEIVED. The Commission met and held a public hearing on the matter and voted to not recommend the proposed legislation as written.

11/22/19; RESPONSE RECEIVED. On November 20, 2019, the Commission met and held a public hearing and recommended approval of the proposed legislation.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Deborah Raphael, Director (Department of the Environment); presented information and answered questions raised throughout the discussion. Tom Radulovich, Executive Director (Livable City); Elaine Engel (350 SF/Climate Emergency Coalition); Casey Ausberry; Judd; Melissa Yu and Speaker (Sierra Club); Helena Birecki (San Francisco Climate Emergency Coalition); Joni Eisen (Climate Emergency Coalition); Sarah Greenwald (San Francisco Emergency Coalition/350 San Francisco); Daniel Tahara (Carbon Lighthouse); Paul Wermer (San Francisco Climate Emergency Coalition); Chris Najo (350 San Francisco); Susan Green (350 SF); Eileen Boken; Kathy McCory; spoke in support of the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 5, by striking 'the sewer system' and replacing it with 'its infrastructure'. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin requested that this file be DUPLICATED

See duplicated File No. 191248

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

Ayes: 3 - Peskin, Safai, Haney

191248 [Green Building Code - Energy Performance in Newly Constructed Buildings]**Sponsor: Mandelman**

Ordinance amending the Green Building Code to establish energy performance requirements for certain new building construction; adopting environmental findings, and findings of local conditions under the California Health and Safety Code and the California Public Resources Code; and directing the Clerk of the Board of Supervisors to forward the Ordinance to state agencies as required by state law.

Duplicated from File No. 190974.

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

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin requested File Nos. 190681 and 190682 be called together.

190681 [Planning Code, Zoning Map - Flower Mart - 2000 Marin Street Special Use District]**Sponsor: Haney**

Ordinance amending the Planning Code and Zoning Map to establish the 2000 Marin Street Special Use District (Assessor's Parcel Block No. 4346, Lot No. 003), and to create additional Key Site exceptions for the Flower Mart site, located on the southern half of the block north of Brannan Street between 5th Street and 6th Street (Assessor's Parcel Block No. 3778, Lot Nos. 001B, 002B, 004, 005, 047, and 048); 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.

06/11/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/11/2019.

06/19/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review

07/25/19; RESPONSE RECEIVED. On July 18, 2019, the Planning Commission conducted a duly noticed hearing and recommended approval of the proposed legislation.

11/29/19; NOTICED. 10-Day Notice for 12/09/2019 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speakers: Ella Samonsky (Planning Department); Anne Taupier (Office of Economic and Workforce Development); Jon Givner (Office of the City Attorney); Alexandra Stoelzle and Mike Risso (Kilroy Realty Group); Jeanne Boes (San Francisco Flower Mart); Vance Yoshida (Flower Mart); presented information and answered questions raised throughout the discussion. Tim Paulson (Building and Construction Trades Council); Henry Karnilowicz (South of Market Business Association); Emily Abraham (San Francisco Chamber of Commerce); Michael Miani; Robert Shibata; Cole Brennan (Walk SF); Rachele Trigueros (Bay Area Council); Raquel Redondiez, Director (SOMA Pilipinas); Jeanne Boes (San Francisco Flower Mart); spoke in support of the hearing matter. Laurel Winzler (Laurel Designs); spoke neither in support nor against the hearing matter. Earl Vigattia; Chris; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of December 17, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190682 [Development Agreement - KR Flower Mart, LLC - Flower Mart - Fifth and Brannan Streets]**Sponsor: Haney**

Ordinance approving a Development Agreement between the City and County of San Francisco and KR Flower Mart, LLC, a Delaware limited liability company, for the development of an approximately 6.5-acre site located at 5th Street and Brannan Street, with various public benefits including a new on-site or off-site wholesale flower market; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); approving the receipt and expenditure of funds for an off-site new wholesale flower market as set forth in the Development Agreement, as applicable; approving the development impact fees for the project and waiving certain Planning Code fees and requirements for a temporary flower market; confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56; and ratifying certain actions taken in connection therewith, as defined herein.

06/11/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/11/2019.

06/19/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302.

11/29/19; NOTICED. 10-Day Notice Published in the Examiner and mailed to property owners and local agencies pursuant to Planning Code Section 56.8, 306.3, and 56.14 and Government Code Section 65867.

Heard in Committee. Speakers: Ella Samonsky (Planning Department); Anne Taupier (Office of Economic and Workforce Development); Jon Givner (Office of the City Attorney); Alexandra Stoelzle and Mike Risso (Kilroy Realty Group); Jeanne Boes (San Francisco Flower Mart); Vance Yoshida (Flower Mart); presented information and answered questions raised throughout the discussion. Tim Paulson (Building and Construction Trades Council); Henry Karnilowicz (South of Market Business Association); Emily Abraham (San Francisco Chamber of Commerce); Michael Miani; Robert Shibata; Cole Brennan (Walk SF); Rachele Trigueros (Bay Area Council); Raquel Redondiez, Director (SOMA Pilipinas); Jeanne Boes (San Francisco Flower Mart); spoke in support of the hearing matter. Laurel Winzler (Laurel Designs); spoke neither in support nor against the hearing matter. Earl Vigattia; Chris; Speaker; spoke on various concerns relating to the hearing matter.

Member Haney moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 17-18, by striking 'pay all of the predevelopment costs for' and replacing it with 'at no cost to the City or the flower vendors, construct the new off-site flower market and move the vendors to the'; on Page 3, Lines 18-19, by striking 'and will subsidize the construction of the new building off-site' and replacing it with 'criteria specified in'; on Page 4, Lines 10-11, by striking 'flower market commitments and the' and replacing it with 'construction of a new wholesale flower market'; on Page 4, Lines 17-18, by adding 'protection of the San Francisco wholesale flower market as a vital and historic PDR use,' before 'completion'; on Page 4, Lines 19-22, by adding 'construction of a San Francisco Filipino Cultural Heritage District gateway marker, additional contributions of \$5,100,000 to an affordable housing developer for costs related to the Sunnydale Hub project and \$2,000,000 to support street cleaning efforts in the South of Market Area,' after 'built'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION AS AMENDED to the Board of Supervisors meeting of December 17, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

191017 [Housing Code - Heat Requirements in Residential Rental Units]**Sponsor: Peskin**

Ordinance amending the Housing Code to revise the requirements for heating in residential rental units; and affirming the Planning Department's determination under the California Environmental Quality Act.

10/08/19; ASSIGNED to Land Use and Transportation Committee. President Yee waived the 30 Day Rule pursuant to Board Rule 3.22.

10/17/19; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; and to Department of Building Inspection for public hearing and recommendation, pursuant to Charter, Section D3.750-5.

10/17/19; 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 environment.

11/20/19; RESPONSE RECEIVED. On November 20, 2019, the Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speaker: Tommy Avicolti Mecca; spoke in support of the hearing matter.

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

Ayes: 3 - Peskin, Safai, Haney

190956 [Hearing - Appropriate Amortization Period to Implement Hotel Conversion Ordinance]**Sponsor: Peskin**

Hearing to receive public input on the appropriate amortization period to implement the City's Hotel Conversion Update; and requesting the Mayor's Office of Housing and Community Development, Department of Building Inspection, and Department of Homelessness and Supportive Housing to report.

09/17/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

09/25/19; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development, Department of Building Inspection, and Department of Homelessness and Supportive Housing for informational purposes and requesting the agencies to report.

Heard in Committee. Speakers: Matt Luton (Department of Building Inspection); Jonah Lee (Mayor's Office of Housing and Community Development); Ms. Anthony (Office of Homelessness and Supportive Housing); presented information and answered questions raised throughout the discussion. Tommy Avicolti Mecca; Dan Gordon; Theresa Flandric (Senior and Disability Action); Josephine Bradville; Cynthia Gomez (Local 2); Freddy Martin (Senior and Disability Action); Frostin Britain; Andrew Sax; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Hearing be CONTINUED to the Land Use and Transportation Committee meeting of December 16, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190973 [Health Code - Approving a New Location for a Permittee's Medical Cannabis Dispensary Permit]**Sponsor: Haney**

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department's determination under the California Environmental Quality Act.

09/24/19; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 10/24/2019.

10/04/19; REFERRED TO DEPARTMENT. Referred to the Office of Cannabis, the Planning Department, the Department of Building Inspection, the Mayor's Office on Disability, the Fire Department, and the Department of Public Health for informational purposes. Referred to the Planning Department for environmental review. Referred to the Small Business Commission for comment and review.

10/29/19; RESPONSE RECEIVED. On October 28, 2019, the Small Business Commission met and recommended approval of the ordinance.

12/04/19; TRANSFERRED to Land Use and Transportation Committee. President Yee transferred this matter to the Land Use and Transportation Committee, from the Public Safety and Neighborhood Services Committee.

12/05/19; 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 environment.

Heard in Committee. Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Peskin, Safai, Haney

191125 [Planning, Administrative Codes - Approval of Development Agreement, Conditional Use Procedures for Large Noncontiguous Post-Secondary Educational Institutions, Planning and Administrative Code Waivers]

Sponsors: Peskin; Yee

Ordinance approving a Development Agreement between the City and County of San Francisco and the Stephens Institute, dba Academy of Art University, and its affiliated entities, as to the Academy's properties, which agreement provides for various public benefits, including among others an "affordable housing payment" of \$37,600,000 and a payment of approximately \$8,200,000 to the City's Small Sites Fund; amending the Planning Code to provide review procedures for Large Noncontiguous Post-Secondary Educational Institutions; waiving conflicting provisions in the Planning and Administrative Codes, including Planning Code, Section 169; confirming compliance with or waiving certain provisions of Administrative Code, Chapters 41 and 56; ratifying certain actions taken in connection with the Development Agreement and authorizing certain actions to be taken consistent with the Development Agreement, as defined herein; affirming the Planning Department's determination under the California Environmental Quality Act, and findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

11/05/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/5/2019.

11/13/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation.

Heard in Committee. Speakers: Scott Sanchez (Planning Department); Andrew Perry (Planning Department); Joe Barber (Department of Building Inspection); Dan Adams (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Sue Hestor; Theresa Flandric (Senior and Disability Action); spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of January 7, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 5:37 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.