



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: John Carroll
(415) 554-4445 ~ john.carroll@sfgov.org

Monday, January 8, 2024

1:30 PM

City Hall, Committee Room 263

Regular Meeting

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

The Land Use and Transportation Committee met in regular session on Monday, January 8, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 p.m.

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.

COMMUNICATIONS

John Carroll, Land Use and Transportation Committee Clerk, instructed members of the public that public comment is taken on each item on the agenda. Alternatively, written comments may be submitted through email (john.carroll@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

231261 [Conditional Property Exchange Agreement - Kensington Way LLC - Potential Exchange of Vacant Land on Edgehill Mountain Near Kensington Way for Vacant Land Near Moraga Avenue and Noriega Avenue]

Sponsor: Melgar

Resolution authorizing an agreement for the conditional exchange of vacant land located on Edgehill Mountain for City's property on paper street areas near Moraga Avenue and Noriega Avenue; finding that the exchange agreement is a conditional land acquisition agreement under California Environmental Quality Act Guidelines, Section 15004(b)(2)(A); finding City's property to be exempt surplus land under California Government Code, Section 54221(f)(1)(C); and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of the exchange agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the exchange agreement or this Resolution.

12/05/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Elizabeth Mayer, President, Community Action to Rescue Edgehill (CARE); George Burwasser; Anne Wei; Andrico Penick, Director (Department of Real Estate); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

231216 [Planning Code - Landmark Designation - Westwood Park Entrance Gateways and Pillars]

Sponsor: Melgar

Ordinance amending the Planning Code to designate the Westwood Park Entrance Gateways and Pillars, located at the intersections of Miramar Avenue and Monterey Boulevard, Miramar Avenue and Ocean Avenue, and Judson Avenue and Frida Kahlo Way, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

11/22/23; RECEIVED FROM DEPARTMENT.

11/28/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/28/2023. Supervisor Melgar assumed primary sponsorship.

12/29/23; NOTICED. Notice of Public Hearing for January 8, 2024 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Pilar LaValley (Planning Department); Carol Karahadian (Westwood Park Association Board of Directors); presented information and answered questions raised throughout the discussion. Kathleen Badix; spoke in support of the ordinance matter.

Chair Melgar moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

231130 [Existing Building Code - Supplemental Inspections for Tall Buildings]**Sponsor: Peskin**

Ordinance amending the Existing Building Code to require buildings with 15 or more stories to conduct and submit supplemental inspection reports that will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failure; and affirming the Planning Department's determination under the California Environmental Quality Act.

10/31/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/30/2023.

11/08/23; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for comment and recommendation. Referred to the Planning Department for environmental review.

11/28/23; 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.

12/14/23; RESPONSE RECEIVED. On December 13, 2023, the Building Inspection Commission met and held a duly noticed hearing, and recommended approval of the proposed legislation with modifications.

Heard in Committee. Speakers: None.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Line 23, through Page 6, Line 2, by inserting 'Comprehensive building facade inspections shall include general inspections and detailed inspections as defined by ASTM E2270. As part of the supplemental façade inspection, a detailed inspection, per ASTM E2270, is not mandatory and need not be undertaken unless considered necessary by the qualified inspector;' on Page 6, Lines 17-23, by inserting '504F.5 Elements To Be Included in Supplemental Inspections. Supplemental inspection reports shall include 100% visual inspection of the exterior glazing by a qualified professional unless the qualified professional confirms all of the following: 1. The building contains no spandrel glass; 2. The building maintains a maintenance log pertaining to glass and glazing replacement or repairs, available for review by the qualified professional; and 3. The building has no history of glass breakage within the last five years;' on Page 7, Lines 1-2, by inserting 'Buildings will not be deemed compliant with the requirements of this Chapter 5F until reports are reviewed and accepted, and all associated fees have been paid;' and making conforming changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

231165 [Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]**Sponsors: Peskin; Preston, Melgar, Chan and Mandelman**

Ordinance amending the Fire Code to provide fire protection standards for the charging and storage of lithium-ion batteries used in powered mobility devices (such as electric bikes, scooters, skateboards, and hoverboards), prohibit use of damaged lithium-ion batteries in such devices, prohibit use of lithium-ion batteries assembled or reconditioned using cells removed from used batteries in such devices, and require the Fire Department to conduct an informational campaign; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

11/07/23; ASSIGNED to Land Use and Transportation Committee. 11/8/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

11/15/23; REFERRED TO DEPARTMENT. Referred to the Fire Department and Department of Building Inspection for informational purposes. Referred to the Planning Department for environmental review.

12/01/23; 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.

12/04/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Ken Cofflin (San Francisco Fire Department); presented information and answered questions raised throughout the discussion. Tony Macera; shared various concerns regarding the ordinance matter.

Supervisors Preston and Melgar requested to be added as co-sponsors.

12/04/23; RECOMMENDED AS AMENDED AS A COMMITTEE REPORT.

12/05/23; CONTINUED ON FIRST READING. Supervisor Mandelman requested to be added as a co-sponsor.

12/12/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

12/12/23; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Ken Cofflin, Fire Marshal (San Francisco Fire Department); presented information and answered questions raised throughout the discussion. Cyrus Hall; Claire Amable (San Francisco Bicycle Coalition); Kash (Warm Planet Bikes); shared various concerns regarding the ordinance matter.

Member Peskin moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, in Section 325.3, by exempting single and two-family home districts from more rigorous storage and charging fire code requirements if devices comply with the Underwriters Laboratories (UL) standards UL 2849 or UL 2272; European (EN) Standards EN 15194 or 17128; or an other safety standard of a Nationally Recognized Testing Laboratory, approved by the Fire Department; in Section 325.3(a), by increasing the exemption from more rigorous storage and charging requirements from three to four devices per dwelling unit, garage or storage area in multi-family buildings if devices comply with the Underwriters Laboratories (UL) standards UL 2849 or UL 2272; European (EN) Standards EN 15194 or 17128; or an other safety standard of a Nationally Recognized Testing Laboratory, approved by the Fire Department; in Section 325.6, to hold that Powered Mobility Devices and lithium-ion batteries used in such devices shall be charged in a suitable indoor room or area or outdoor location with distinct separation distance requirements for the charging of Powered Mobility Devices with attached or enclosed batteries and the charging of detached battery packs or other removable storage batteries; on Page 8, Lines 12-21, by inserting 'a Group B, R-1, R-2, F, or S occupancy; or (2) In an M occupancy, a minimum distance of at least 10 feet (3048 mm) from areas where Powered Mobility Devices are displayed for retail sale, stored, or where repairs or other servicing are conducted on the battery or other electrical components of the Powered Mobility Device, and where each Powered Mobility Device for sale has been certified for compliance with: (A) Underwriters Laboratories (UL) standards UL 2849 or UL 2272; (B) European (EN) Standards EN 15194 or 17128; or (C) Other safety standard of a Nationally Recognized Testing Laboratory, approved by the Fire Department;' on Page 8, Line 22, through Page 9, Line 9, to read 'Where five or more Powered Mobility Devices, detached battery packs, or other removable storage batteries are being charged at a single indoor location, separated by a fire barrier that encloses the entire space with a minimum one-hour fire-resistance rating; is separated within the enclosure of a Battery Cabinet; or in an M occupancy, is separated by a minimum distance of 10 feet (3048 mm) from areas where Powered Mobility Devices are displayed for sale. The building or occupancy shall be equipped with a fire sprinkler system complying with Section 903.3.1.1 of the Fire Code, an automatic fire detection and alarm system complying with Section 907 of the Fire Code, and have one or more smoke detectors. If the ambient temperature of the room during battery charging operations exceeds the limitations set forth in the manufacturer's instructions or the equipment listing, the room or area shall be temperature controlled to prevent over-heating or other unsafe battery condition;' and making conforming and clerical changes throughout the ordinance. 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 January 29, 2024. 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 2:37 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.