



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, March 6, 2023

1:30 PM

Regular Meeting

IN-PERSON MEETING
City Hall, Legislative Chamber, Room 250

(remote access provided)
(remote public comment provided via teleconference)

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

The Land Use and Transportation Committee met in regular session, in-person with remote access and public comment via telephone, on Monday, March 6, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:33 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public may submit their comments by email to: Erica.Major@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Land Use and Transportation 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>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, Erica Major, at (415) 554-4441 or Erica.Major@sfgov.org.

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.

COMMUNICATIONS

*Erica Major, Land Use and Transportation Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (Erica.Major@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

REGULAR AGENDA

220878 [Planning, Building Codes - Penalties for Code Enforcement]**Sponsors: Ronen; Peskin and Chan**

Ordinance amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions; clarify that violations affecting more than one unit in a building constitute multiple violations for purposes of assessing penalties; requiring the Planning Commission and the Historic Preservation Commission to adopt factors for the Zoning Administrator to consider in determining the appropriate amount of civil penalties; establishing penalties for residential units merged, constructed, or divided without required permits or approvals; establishing penalties for violations involving illegal demolition and enhancement of penalty amounts for certain buildings by age or historic status; providing additional notices for Responsible Parties; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

07/26/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/25/2022.

08/24/22; 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; referred to the Building Inspection Commission and Department of Building Inspection for comment and recommendation; referred to Office the District Attorney, Mayor's Office of Housing and Community Development, Board of Appeals, and Office of the Assessor-Recorder for informational purposes.

09/08/22; 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. Individual project will require environmental review.

10/21/22; RESPONSE RECEIVED. On October 19, 2022, the Building Inspection Commission met and held a public hearing and recommended approval of the proposed legislation.

11/29/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Ronen introduced a substitute Ordinance bearing a new title.

12/02/22; 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; referred to the Building Inspection Commission and Department of Building Inspection for comment and recommendation; referred to Office the District Attorney, Mayor's Office of Housing and Community Development, Board of Appeals, and Office of the Assessor-Recorder for informational purposes.

02/07/23; RESPONSE RECEIVED. On January 18, 2023, and January 19, 2023, the Historic Preservation Commission and the Planning Commission met and recommended approval with modifications.

02/27/23; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Ana Herrera (Office of Supervisor Hillary Ronen); Audrey Merlone (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Georgia Schuttish; spoke in support of the hearing matter.

Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Line 7, by adding 'upon issuance of Notice of Violation'; and adding other clarifying and conformation changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar moved to RESCIND the previous vote:

Ayes: 3 - Melgar, Preston, Peskin

Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 6, Lines 19-20, by adding ‘record an NOV against title to the property and may’ and on Lines 21-22 add ‘where a penalty will be assessed against the property,’; on Page 7, Line 2, by striking the amount of unauthorized Residential Unites from ‘two’ to ‘three’; on Page 7, Line 20, by adding ‘upon issuance of Notice of Violation’; and adding other clarifying and conformation changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved to RESCIND the previous vote. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

210585 [Planning Code - State-Mandated Accessory Dwelling Unit Controls]

Sponsor: Mayor

Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units meeting certain requirements in single-family and multifamily buildings; 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 welfare under Planning Code, Section 302.

06/08/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/8/2021.

06/11/21; 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.

07/22/21; 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.

09/01/21; RESPONSE RECEIVED. On September 2, 2021, the Planning Commission met and held a duly noticed hearing and recommended approval with modification to the proposed legislation.

09/02/22; REMAIN ACTIVE. Mayor Breed requested this matter remain active an additional six months; 3/2/2023.

Heard in Committee. Speaker: Jake Price (San Francisco Housing Action Coalition); spoke on various concerns relating to the hearing matter.

Chair Melgar moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of March 13, 2023. 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 1:52 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.