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, September 30, 2024 **1:30 PM** **City Hall, Legislative Chamber, Room 250**

Regular Meeting

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

The Land Use and Transportation Committee met in regular session on Monday, September 30, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:33 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

240798 **[Building Code - Change of Use Designation]**

Sponsors: Mayor; Peskin, Melgar and Mandelman

Ordinance amending the Building Code to excuse the requirement for professionally prepared architectural drawings for building permits to change certain use designations that do not increase occupant load or occupancy class, or include alterations; and affirming the Planning Department's determination under the California Environmental Quality Act.

07/30/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2024.

08/05/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Building Inspection Commission for review and response.

08/09/24; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct of indirect physical change in the environment.

09/17/24; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Mayor Breed introduced a substitute Ordinance bearing a new title.

09/23/24; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for review and response.

09/23/24; RESPONSE RECEIVED. On September 18, 2024, the Building Inspection Commission met and held a duly noticed hearing, and recommended approval of the proposed legislation.

09/24/24; RESPONSE RECEIVED. On September 23, 2024, the Small Business Commission met and and voted to support the proposed legislation.

Heard in Committee. Speaker(s): Katy Tang, Director (Office of Small Business); Tate Hanna (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Thierry Fill; Ben Bleiman; Theresa Morales; shared various concerns regarding the hearing matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

240880 **[Administrative Code - New Construction Exemption from Rent Control]**

Sponsors: Peskin; Preston, Chan, Ronen and Walton

Ordinance amending the Administrative Code to provide that newly constructed dwelling units that first received a certificate of occupancy between June 13, 1979, and November 5, 2024, shall be generally subject to rent control, to the extent authorized by a future modification or repeal of the Costa-Hawkins Rental Housing Act; and making certain changes to clarify existing law regarding rent control exemptions under Costa-Hawkins.

09/10/24; ASSIGNED to Land Use and Transportation Committee. September 18, 2024 - President Peskin waived the 30-day hold pursuant to Board Rule 3.22.

09/19/24; REFERRED TO DEPARTMENT. Referred to the Residential Rent Stabilization and Arbitration Board and the Mayor's Office of Housing and Community Development for informational purposes.

Heard in Committee. Speaker(s): Joey Kumas (Residential Rent Stabilization and Arbitration Board); presented information and answered questions raised throughout the discussion. Ann; Zachary Frial (SOMCAN); William Palmer; Molly Goldberg (San Francisco Anti-Displacement Coalition); Ian Hewitt; Charlie Sciammas (Council of Community Housing Advocates); Speaker; Calvin Welsh (Haight-Ashbury Neighborhood Council); Theresa Morales; Christin Evans; Mitchell Oldenburg (San Francisco Anti-Displacement Coalition); Carla; spoke in support of the hearing matter. Corey Smith (Housing Action Coalition); Charley Goss (San Francisco Apartment Association); spoke in opposition to the hearing matter. Thierry Fill; shared various concerns regarding the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by striking 'June 13, 1979,' and inserting 'June 14, 1979;' and making conforming and clerical changes throughout the ordinance text. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Administrative Code to provide that newly constructed dwelling units that first received a certificate of occupancy between June 14, 1979, and November 5, 2024, shall be generally subject to rent control, to the extent authorized by a future modification or repeal of the Costa-Hawkins Rental Housing Act; and making certain changes to clarify existing law regarding rent control exemptions under Costa-Hawkins.

DUPLICATED AS AMENDED

See Duplicate File No. 240964.

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

Ayes: 2 - Preston, Peskin
Noes: 1 - Melgar

240964 **[Administrative Code - New Construction Exemption from Rent Control]**

Sponsors: Peskin; Preston, Chan, Ronen and Walton

Ordinance amending the Administrative Code to provide that newly constructed dwelling units that first received a certificate of occupancy between June 14, 1979, and November 5, 2024, shall be generally subject to rent control, to the extent authorized by a future modification or repeal of the Costa-Hawkins Rental Housing Act; and making certain changes to clarify existing law regarding rent control exemptions under Costa-Hawkins.

Duplicated from File No. 240880.

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

Ayes: 3 - Melgar, Preston, Peskin

240807 **[Housing Code - Operational Elevators]**

Sponsors: Stefani; Peskin, Melgar and Preston

Ordinance amending the Housing Code to require R-1 and R-2 group buildings to maintain at least one existing elevator for residents' use; and affirming the Planning Department's determination under the California Environmental Quality Act.

07/30/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2024.

08/08/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Building Inspection Commission for review and response.

09/17/24; RESPONSE RECEIVED. CEQA determination: Not defined as 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.

09/19/24; RESPONSE RECEIVED. On September 18, 2024, the Building Inspection Commission met and held a duly noticed hearing, and recommended approval of the proposed legislation.

Heard in Committee. Speaker(s): Lorenzo Rojas (Office of Supervisor Stefani); Tate Hanna (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Kevin Eisenstat; shared various concerns regarding the hearing matter.

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

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 4-12, by inserting '(d) The Board of Supervisors recognizes that the lack of a functioning elevator can create an extreme hardship for residents, especially those who are seniors or persons with disabilities, and elevator maintenance can require prolonged repair timelines resulting from manufacturing of individual parts and shortages in labor supply, among other reasons. The code enforcement process that ensures compliance with San Francisco's Housing Code recognizes when good faith abatement efforts are ongoing, and allows for appropriate timelines on abatement efforts. The code enforcement process should apply to violations of this ordinance in a similar manner, and encourage an elevator's return to operable status without needless delays;' and on Page 2, Line 23, through Page 3, Line 4, by striking '(c) Notwithstanding subsections (a) and (b), the requirement to have an operable elevator for residential occupants' use is suspended when there is no operable elevator in the Building that may be safely accessed and used by residential occupants because the Building or its elevator is actively undergoing repair, modification, or maintenance pursuant to a valid building permit, work plan approved by an entity with jurisdiction over the work in question, or contract with a certified elevator repair company for the prompt repair, modification, upgrades, or improvements to the elevator system beyond regular maintenance and servicing.' 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

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:51 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.