



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: Mark Farrell, Aaron Peskin, Katy Tang

Clerk: Alisa Somera (415) 554-7711

Monday, April 17, 2017

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Mark Farrell, Aaron Peskin, and Katy Tang

The Land Use and Transportation Committee met in regular session on Monday, April 17, 2017, with Chair Mark Farrell presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Farrell called the meeting to order at 1:35 p.m. On the call of the roll, Chair Farrell, Vice Chair Peskin, and Member Tang were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

170202 [Green Building and Environment Codes - Requirements for Installation of Electric Vehicle Chargers]**Sponsors: Mayor; Tang**

Ordinance amending the Green Building Code and the Environment Code to establish requirements for installation of electric vehicle charger infrastructure in new buildings or buildings undergoing major alterations, and requirements for notification to building owners, residents, and lessees; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

02/28/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2017.

03/08/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Building Inspection Commission for public hearing and recommendation, pursuant to Charter, Section D3.750-5; and to Department of the Environment, Municipal Transportation Agency, and Planning Department for informational purposes.

03/09/17; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15060(c) and 15378 because it does not result in a physical change in the environment.

04/05/17; RESPONSE RECEIVED. 3/29/2017 - The Building Inspection Commission held a public hearing and unanimously supported the proposed amendment.

04/10/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Deborah Raphael, Director, and Barry Hooper (Department of the Environment); presented information and answered questions raised throughout the discussion. Anthony Harrison (Charge Point); Maureen Blanc (Charge Across Town); Jed Holtzman (350 San Francisco); Gia Vason; Joel Koppel (IBEW Local 6); Corey Smith (San Francisco Housing Action Coalition); Eddie Ahn (Brightline Defense); Stacey Reineccius (Power Tree Services); Sachu Constantine (Center for Sustainable Energy); Charlie Gauss; spoke in support of the proposed legislation. Brook Turner (Coalition for Better Housing); Martin Murphy; spoke in opposition to the proposed legislation.

04/10/17; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Guillermo Rodriguez (Department of the Environment); presented information and answered questions raised throughout the discussion. Janan New; Corey Smith; Laura Tam; Spencer Crim (Charge Point); Beau Whiteman (Tesla); Jed Holtzman (350 San Francisco); Stacey Reineccius (Power Tree Services); Joseph Nagle; Laura Clark; spoke in support of the proposed legislation.

Member Tang, seconded by Vice Chair Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Lines 6-8, by adding '4. Where a project is undertaken specifically to meet the City's Mandatory Seismic Retrofit Program as required under Chapter 4A, 4B, or 4D of the San Francisco Existing Building Code.' The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin moved that this Ordinance be AMENDED on Page 7, Line 9, by adding a new Section '5. Where a project is undertaken to construct an Accessory Dwelling Unit pursuant to Section 207(c) of the Planning Code.' The motion FAILED by the following vote:

Ayes: 1 - Peskin

Noes: 2 - Farrell, Tang

Member Tang moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

161323 [Urging the Evaluation and Allocation of Properties for Urban Agriculture]**Sponsors: Ronen; Tang**

Resolution reaffirming the Board of Supervisors' support for urban agriculture and urging the evaluation and allocation of appropriate properties for urban agriculture.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/13/16; REFERRED to Land Use and Transportation Committee. Supervisors Tang and Mar requested to be added as a co-sponsor.

12/15/16; REFERRED TO DEPARTMENT. Referred to Real Estate Division, Recreation and Parks Department, Planning Department, and Public Utilities Commission for informational purposes.

Heard in Committee. Speakers: Supervisor Hillary Ronen (Board of Supervisors); Mei Ling Hui (Department of the Environment); presented information and answered questions raised throughout the discussion. Karen Peteros (San Francisco Bee-Cause); Isabel Wade (Urban Resource Systems); Tom Radulovich (Livable City); Katy Dalloway; Lauren Lewis (San Francisco urban Agriculture Alliance); Patrice; Eli Zigas (SPUR); Rita Quan; Richard Chung; Lucia Coleman; Carrie Wansong; Laura Clark; spoke in support of the proposed legislation.

Member Tang moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170125 [Planning Code - Construction of Accessory Dwelling Units]**Sponsor: Peskin**

Ordinance amending the Planning Code to bring the requirements and procedures for authorizing the construction of Accessory Dwelling Units (ADUs) in single-family homes into conformity with the new mandates of state law; 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 findings of public convenience, necessity, and welfare under Planning Code, Section 302; and directing the Clerk to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption pursuant to state law requirements.

01/31/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/2/2017.

02/07/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); and to Department of Building Inspection, Office of Short-Term Rental Administration and Enforcement, Fire Department, Mayor's Office of Housing and Community Development, and Rent Board for informational purposes.

02/16/17; RESPONSE RECEIVED. Statutorily exempt under CEQA Guidelines Section 15282(h) the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code, as set forth in Section 21080.17 of the Public Resources Code.

03/23/17; RESPONSE RECEIVED. On February 23, 2017, the Planning Commission held a public hearing and recommended approval of the proposed legislation with modifications; Resolution No. 19859.

Heard in Committee. Speakers: Kimia Haddadan (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith; Laura Clark; Lawrence Paul; Tom Radulovich; Kristy Wong (SPUR); Male Speaker; spoke in support of the proposed legislation. Michael Murphy; spoke neither in support nor against the proposed legislation.

Vice Chair Peskin requested this Ordinance be DUPLICATED, and moved that both Ordinances be AMENDED. Before the vote was taken, Vice Chair Peskin withdrew his request and motions to allow the committee to consider a different order of motions.

Vice Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by amending the definition of 'Dwelling Unit, Accessory' to clarify that existing garages within a single-family home can also be used to convert Accessory Dwelling Units (ADUs); by applying the new controls for ADUs in single-family in RH-1 and RH-1(S) districts, where no waiver from the Planning Code; and making other technical, clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin requested this Ordinance be DUPLICATED AS AMENDED.

See duplicated File No. 170434.

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

Ayes: 3 - Farrell, Peskin, Tang

170434 [Planning Code - Construction of Accessory Dwelling Units]**Sponsor: Peskin**

Ordinance amending the Planning Code to bring the requirements and procedures for authorizing the construction of Accessory Dwelling Units (ADUs) in single-family homes into conformity with the new mandates of state law; 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 findings of public convenience, necessity, and welfare under Planning Code, Section 302; and directing the Clerk to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption pursuant to state law requirements.

Duplicated from File No. 170125.

Heard in Committee. Speakers: Kimia Haddadan (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith; Laura Clark; Lawrence Paul; Tom Radulovich; Kristy Wong (SPUR); Male Speaker; spoke in support of the proposed legislation. Michael Murphy; spoke neither in support nor against the proposed legislation.

Member Tang moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 9-14, by adding an exclusion that the provision shall not apply if the tenant was evicted under Planning Code, Sections 34.9(a)(11) or 37.9(a)(14), and certain certifications occurred, Lines 18-19, by adding 'or are undergoing seismic retrofitting under subsection (F) below'; on Page 5, Line 15, through Page 6, Line 12, by changing the definition of 'built envelope' this provision to those contained in Zoning Administrator Bulletin 4 and striking all other language for that definition, adding that 'rooms down' may be included in the residential space, and adding additional requirements for Neighborhood Commercial Districts; on Page 7, Lines 15-16, by adding a new Section 'iv' that does not limit the number of ADUs permitted in connection with a seismic retrofit, Lines 18-21, by adding a new Section '(J) Permit Application Review and Approval' that requires approval within 120 days from receipt of the application; and page 8, Lines 22-23, by adding 'the allowable area shall include any residential space added under permit as 'rooms down.' The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Member Tang moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170206 [Planning Code - Off-Street Parking and Loading Requirements]**Sponsor: Farrell**

Ordinance amending the Planning Code to clarify and consolidate language, delete redundancies and outdated provisions, correct typographical errors and erroneous cross-references, and make minor substantive changes to update provisions in various sections that deal with parking and loading requirements; affirming the Planning Department's California Environmental Quality Act determination; 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.

02/28/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2017.

03/08/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); to Small Business Commission for comment and recommendation; and to Municipal Transportation Agency, Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; Entertainment Commission; San Francisco Unified School District; and Department of Building Inspection for informational purposes.

03/23/17; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Heard in Committee. Speakers: Tom Radulovich; Kristy Wong (SPUR); spoke in support of the proposed legislation.

Vice Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of April 24, 2017. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

160281 [Planning Code - Dwelling Unit Mix Requirements]**Sponsors: Yee; Farrell**

Ordinance amending the Planning Code to add an additional option for the dwelling unit mix of large buildings in specified zoning districts to allow developers to have a mix of two- and three-bedroom units that results in at least 50% of the bedrooms being in units that have more than one bedroom; 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.

03/22/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/21/2016.

03/29/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302.(b)); Department of Building Inspection; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; and Rent Board for informational purposes.

04/04/16; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

05/17/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

05/24/16; REFERRED TO DEPARTMENT. Re-referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302.(b)); Department of Building Inspection; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; and Rent Board for informational purposes.

06/03/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

06/21/16; RESPONSE RECEIVED. On June 16, 2016, the Planning Commission held a public hearing and recommended approval of the proposed legislation with modifications; Resolution No. 19667.

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

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Aaron Starr (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Eric Tao; Corey Smith; Kristy Wong (SPUR); Tony Kelley; spoke in support of the proposed legislation.

- * * Vice Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 2, Line 24, through Page 3, Line 5, by striking Section '(1)' regarding Controls for the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3 districts; on Page 3, Lines 14-17, by striking 'at least 50% of the bedrooms are in units that have more than one bedroom' and adding 'no less than 35% of the total number of proposed Dwelling Units shall contain at least two or three bedrooms with at least 10% of the total number of proposed Dwelling Units containing three bedrooms.', and Lines 20-22, by adding '(e) Monitoring. The Department shall monitor projects that choose Option (B) or (C) in subsection (c)(2) above and shall include that data in the annual Housing Inventory starting in 2019.' The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

- ★ ★ Ordinance amending the Planning Code to add an additional option for the dwelling unit mix of large buildings in specified zoning districts to allow developers to have a mix of two- and three-bedroom units that results in no less than 35% of the total number of proposed units having two or three bedrooms with at least 10% of the total number of proposed units having three bedrooms; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Vice Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of April 24, 2017. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:17 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.