



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, Dean Preston

Clerk: Erica Major (415) 554-4441

Monday, August 10, 2020

1:30 PM

Regular Meeting

The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, August 10, 2020, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:32 p.m.

Present: 3 - Aaron Peskin, Ahsha Safai, and Dean Preston

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or 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 Committee 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>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin, Vice Chair Safai, and Member Preston were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

191249 [Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

Sponsor: Yee

Ordinance amending the Planning Code to require that in Educator Housing projects at least 10% of residential units have three or more bedrooms; affirming the Planning Department's determination under the California Environmental Quality Act; making findings that the Ordinance furthers the purpose of Planning Code, Section 206.9; 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.)

12/10/19; DUPLICATED. President Yee requested File No. 191016 be Duplicated.

12/10/19; RE-REFERRED to Land Use and Transportation Committee. Duplicated from File No. 191016.

01/14/20; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Yee introduced a substitute Ordinance bearing a new title.

01/22/20; 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, Recreation and Parks Commission, San Francisco Unified School District, and City College of San Francisco for informational purposes.

02/25/20; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Yee introduced a substitute Ordinance bearing a new title.

02/28/20; 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.

03/03/20; 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, Recreation and Parks Commission, San Francisco Unified School District, and City College of San Francisco for informational purposes.

07/23/20; RESPONSE RECEIVED. On July 16, 2020, the Planning Commission conducted a duly noticed public hearing and recommended approval of the proposed legislation.

Heard in Committee. Speakers: Jen Low (Office of Supervisor Norman Yee); Audrey Merlone (Planning Department); 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, Preston

200702 [Planning Code - Chinatown Community Business District Zoning Control Table - Technical Correction]**Sponsor: Peskin**

Ordinance amending the Planning Code to re-enact a provision permitting Non-Retail Professional Services above the first story in the Chinatown Community Business District Zoning Control Table, which was inadvertently deleted in recently enacted legislation; 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 general welfare under Planning Code, Section 302.

06/30/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/30/2020.

07/08/20; 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; Small Business Commission for comment and recommendation.

07/09/20; RESPONSE RECEIVED. The Commission waived their opportunity to hear this matter.

07/09/20; 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

Heard in Committee. Speaker: Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Peskin, Safai, Preston

200762 [Emergency Ordinance - Protections for Occupants of Residential Hotels During COVID-19 Pandemic]**Sponsor: Peskin**

Reenactment of emergency ordinance (Ordinance No. 84-20) to establish protections for occupants of residential hotels ("SRO Residents") during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to: develop a protocol to assist health care providers to identify SRO Residents who may require protection against or treatment for COVID-19; notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19, to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents, to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

07/14/20; ASSIGNED to Land Use and Transportation Committee. 7/16/20 - President Yee waived the 30-day rule pursuant to Board Rule No. 3.22.

07/22/20; REFERRED TO DEPARTMENT. Referred to the Department of Homelessness and Supportive Housing, Department of Public Health, and the Rent Board for informational purposes.

Heard in Committee. Speaker: Theresa Flandric (Senior and Disability Action); spoke in support of the hearing matter.

Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of August 17, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

200763 [Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Electricity Service or Excessive Noise]

Sponsors: Peskin; Ronen, Walton and Preston

Emergency ordinance to temporarily prohibit construction projects in buildings with any residential rental units that require the suspension of water or electricity service to residential tenants without providing alternative sources of water and power, due to the COVID-19 pandemic; and affirming the Planning Department's determination under the California Environmental Quality Act. (Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

07/14/20; ASSIGNED to Land Use and Transportation Committee. 8/5/2020 - President Yee waived the 30 Day Rule on this matter.

07/22/20; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection, Building Inspection Commission, Public Utilities Commission, and Rent Board for informational purposes; and Planning Department for environmental review.

08/05/20; 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: Theresa Flandric (Senior and Disability Action); Speaker; spoke in support of the hearing matter. Dave Cunningham; Armin Braze; Ray Sullivan; Anastasia Yovanopoulos; Susan Marsh; Jonathan Randolph; Gary Fisher; Charlie Gause; Sean Kegan; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by adding 'or Excessive Noise'; on Page 1, Lines 5-6, by adding ', or reaching agreement with tenants,; on Page 2, Lines 14-19, by adding '(e) Affordable housing units are less likely to be subject to ongoing or elective renovation construction work, and repairs are more likely to be for the purpose of maintaining safe and habitable housing. Tenants in affordable housing units, including long-term tenants in that housing, are less likely to be subject to harassment and constructive eviction motivated by a desire to re-rent those units at high market rates. Therefore, affordable housing units have been exempted from the requirements of this legislation. '; on Page 5, Lines 5-12, by adding 'Upon finding a first violation, the Department of Building Inspection shall issue a warning to the property owner along with a copy of the requirements of this emergency ordinance. After receiving a warning, the property owner shall be required to send an e-mail to an address established by the Department of Building Inspection concurrent with any notice provided to impacted residents pursuant to this emergency ordinance. Failure to do so shall constitute a separate violation of this emergency ordinance. For any subsequent violations, the Department of Building Inspection shall issue a Notice of Violation and/or any other applicable citation pursuant to its authority under the Chapter 1A of the Building Code. '; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Emergency ordinance to temporarily prohibit construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of August 17, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:30 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.