



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, September 14, 2020

1:30 PM

Regular Meeting

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

The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, September 14, 2020, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:33 p.m.

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 and Member Preston were noted present. Vice Chair Safai was noted not present. A quorum was present.

Vice Chair Safai was noted present at 1:35 p.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

200785 [Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline]

Sponsors: Mandelman; Peskin

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

07/21/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2020.

07/29/20; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection and Building Inspection Commission pursuant to Charter, Section D3.750-5, for public hearing and recommendation.

08/21/20; RESPONSE RECEIVED. On July 27, 2020, the Commission met and held a duly noticed meeting and recommended support to the proposed legislation.

08/21/20; RESPONSE RECEIVED. On August 19, 2020, the met and held a duly noticed meeting and recommended approval of the proposed legislation.

Heard in Committee. Speakers: Tom Temprano (Office of Supervisor Rafael Mandelman); John Murray (Department of Building Inspection); presented information and answered questions raised throughout the discussion.

Chair Peskin requested that File No. 200785 be DUPLICATED.

DUPLICATED

See duplicate File No. 201042.

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

Ayes: 3 - Peskin, Safai, Preston

201042 [Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline]

Sponsors: Mandelman; Peskin

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

Duplicated from File No. 200785.

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

Ayes: 3 - Peskin, Safai, Preston

200764 [Health Code - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]**Sponsors: Peskin; Safai**

Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the Ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.

07/14/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/13/2020.

07/22/20; REFERRED TO DEPARTMENT. Referred to the Office of Labor Standards Enforcement, Rent Board, and Department of Public Health.

08/17/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

08/31/20; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Maria Mata and Speaker (Local 2); spoke in support of the hearing matter. Speaker; spoke in opposition of the hearing matter. Nicholas Javier (Local 2); Kevin Carroll, President (Hotel Council of San Francisco); Dr. Murray Cohen; Lou Morthel; Francisco Da Acosta; Glen Welsh; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 2-5, by striking ‘, or frequently used by Employees to take such breaks’ and replacing it with ‘authorized or approved by the Operator. “Frequently Touched” means any physical surface or object that is typically touched by multiple individuals during the course of a day.’; on Page 6, Lines 6-7, by adding ‘This requirement does not apply to Tourist Hotels that authorize housekeeping Employees to wash hands in guest rooms.’; on Page 6, Lines 10-11, by striking ‘Disinfectants used must be labeled to be effective against viral pathogens. Bleach and alcohol solutions must meet standards approved by the Department for effective use.’; on Page 6, Lines 23-25, by adding ‘; provided, however, that subsections (e) and (f) shall not apply to areas of Covered Establishments that are closed to Employees and/or guests.’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

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

Ayes: 3 - Peskin, Safai, Preston

200673 [Planning Code - Conversion of Certain Limited Restaurants to Restaurants - North Beach Neighborhood Special Use District]**Sponsor: Peskin**

Ordinance amending the Planning Code to allow certain Limited Restaurants in the North Beach Special Use District to convert to Restaurants that may apply for liquor licenses; and 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.

06/23/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/23/2020.

07/02/20; 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; and Police Department for informational purposes.

07/06/20; 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

08/28/20; RESPONSE RECEIVED. On August 27, 2020, the Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

08/31/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

08/31/20; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Anne Pearson (Office of the City Attorney); 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

190971 [Street Vacation and Conveyance - India Basin Project]**Sponsor: Mayor**

Ordinance ordering the vacation of streets in the India Basin Project site, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline; reserving temporary public utility and access rights in favor of the City and temporary easement rights for existing PG&E gas and overhead electrical facilities; authorizing the City to quitclaim its interest in approximately 3.8 acres within Earl Street, Hudson Avenue, and Arelious Walker Drive to India Basin Investment LLC; authorizing the City to transfer approximately 1.1 acres within Arelious Walker Drive, Hudson Avenue, Earl Street, and Galvez Avenue to the State for purposes of having such property reconveyed to the City to be held by the Port, in trust, through implementation of the India Basin Public Trust Exchange; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Assessor Recorder for recording.

09/24/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/24/2019.

10/02/19; REFERRED TO DEPARTMENT. Referred to the Public Utilities Commission, Public Works, Recreation and Parks Department, and the Real Estate Division for informational purposes.

10/28/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Jonathan Cherry (Office of Economic and Workforce Development); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

10/28/19; REFERRED WITHOUT RECOMMENDATION AS AMENDED to Board of Supervisors.

11/21/19; RESPONSE RECEIVED. Public Works confirmed on-site posting and submitted signed affidavit, pursuant to Streets and Highways Code Section 8317.

11/24/19; NOTICED. First 14 day notice for 12/10/2019 Board of Supervisors meeting published in the Examiner and posted on-site, pursuant to California Streets and Highways Code, Sections 8320-8325.

12/01/19; NOTICED. Second 14 day notice for 12/10/2019 Board of Supervisors meeting published in the Examiner and posted on-site, pursuant to California Streets and Highways Code, Sections 8320-8325.

12/10/19; RE-REFERRED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Jonathan Cherry (Office of Economic and Workforce Development); Andrea Ruiz-Esqvide (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Kristin Hauck; spoke in support of the hearing matter.

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

Ayes: 3 - Peskin, Safai, Preston

200700 [Mission Bay South - Acceptance of Public Infrastructure Improvements - Official Sidewalk Width Change]**Sponsors: Mayor; Haney**

Ordinance accepting certain public infrastructure improvements for purposes of City maintenance and liability, including the streets and stormwater pump station in the Mission Bay South Redevelopment Plan, as listed herein; declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the public infrastructure associated with the projects listed herein for public use and designating such public infrastructure for public street and roadway purposes; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk width on the subject streets; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; renaming the historic waterway portion of Channel Street to Mission Creek from Seventh Street to the east side of Third Street and to China Basin east of Third Street; renaming Channel as Channel Street and naming unnamed portions of that street Channel Street covering the entire segment of this street between Third and Carolina Streets; renaming El Dorado Street North and El Dorado Street South to Corinne Woods Way; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; and authorizing official acts in connection with this Ordinance, as defined herein.

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 Municipal Transportation Agency, Public Works, Real Estate Division, Office of the County Surveyor, Port Department, and the Port Commission for informational purposes.

08/12/20; REFERRED TO DEPARTMENT. Referred to Public Works, Police Department, San Francisco Municipal Transportation Agency, and Fire Department pursuant to Public Works Code, Section 423, California Streets and Highways Code, Sections 970.5, 971, 1806, and 5026, and California Government Code, Section 34091.1; and Department of Emergency Management for informational purposes.

08/13/20; RESPONSE RECEIVED. The Fire Department noted no objections to the proposed legislation.

08/17/20; RESPONSE RECEIVED. The Police Department noted no objections to the name changes.

08/17/20; RESPONSE RECEIVED. Public Works noted no objection to the proposed legislation.

08/19/20; RESPONSE RECEIVED. The San Francisco Municipal Transportation Agency noted no objections.

08/25/20; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

09/03/20; RESPONSE RECEIVED. Signed affidavit submitted to the Clerk's Office.

09/04/20; NOTICED. 10-Day Notice for Land Use and Transportation Committee hearing mailed to property owners and posted on-site, per California Streets and Highways Code Sections 970.5 & 5026, and California Government Code Section 9409.1.

Heard in Committee. Speakers: Cathal Hennessy (Department of Public Works); Marc Slutzkin (Office of Community Investment and Infrastructure); John Malamut (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Peskin, Safai, Preston

200852 [Planning Code, Zoning Map - Rezone Certain Industrial Parcels]

Ordinance amending the Planning Code and Zoning Map to rezone certain parcels in Industrial Use Districts to Production, Distribution, and Repair and other Use Districts; 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 making findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Planning Department)

07/21/20; RECEIVED FROM DEPARTMENT.

08/11/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 9/10/2020.

09/04/20; NOTICED. 10-Day Notice for Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speakers: Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Francisco Da Acosta; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 6, Line 8, by striking 'proposed'; on Page 6, Lines 8-10, by adding ', and is exempt from the retail limits of Section 210.3A, provided that the Self Storage use also includes at least 0.8 Floor Area Ratio of ground floor PDR uses,'; on Page 6, Lines 10-11, by adding 'in the Eastern Neighborhoods Plan Area that was in'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. 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 3:28 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.