



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 20, 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 20, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<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.

Live watch San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider) or stream meetings on the SFGovTV website (www.sfgovtv.org). 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>.

Visit the Board's website (www.sfbos.org) for additional information or 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 in-person or by dialing the telephone number published on the agenda and scrolling across the screen. 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

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 (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program; making findings 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.

03/06/23; CONTINUED. Heard in Committee. Speaker: Jake Price (San Francisco Housing Action Coalition); spoke on various concerns relating to the hearing matter.

03/13/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Veronica Flores and Natalia Fossi (Planning Department); Peter Miljanich (Office of the City Attorney); presented information and answered questions raised throughout the discussion. James Price (San Francisco Housing Action Coalition); spoke in support of the hearing matter.

03/13/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Veronica Flores (Planning Department); Anne Pearson (Office of the City Attorney); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. Jake Price (San Francisco Housing Action Coalition); spoke on various concerns relating to the hearing matter.

Member Peskin requested that this Ordinance be DUPLICATED.

See Duplicate File No. 230310.

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

Ayes: 3 - Melgar, Preston, Peskin

230310 [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 (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program; making findings 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.

Duplicated from File No. 210585.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 23, Line 24, by striking 'sixteen' feet and replacing it with 'eighteen' feet. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

221258 [Hearing - Evictions in Permanent Supportive Housing Project-Based Sites]**Sponsor: Preston**

Hearing on the evictions in the City's Permanent Supportive Housing (PSH) project-based sites that receive city funds, and efforts to prevent and reduce evictions at PSH sites; and requesting the Department of Homelessness and Supportive Housing, Department of Public Health, and Mayor's Office of Housing and Community Development to report.

12/06/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/12/22; REFERRED TO DEPARTMENT. Referred to the Department of Homelessness and Supportive Housing, Department of Public Health, and Mayor's Office of Housing and Community Development for informational purposes and requesting the listed agencies to report.

12/13/22; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.

12/30/22; RESPONSE RECEIVED. On December 19, 2022, the Youth Commission met and made a motion to support Board File No. 221258.

12/30/22; RESPONSE RECEIVED. On December 19, 2022, the Youth Commission met and voted to support the proposed legislation.

Heard in Committee. Speakers: Emily Cohen and Bryn Miller (Department of Homelessness and Supportive Housing); Dara Papo (Department of Public Health); Lauren Hall, Executive Director, and Tramecia Garner (Delivering Innovation in Supportive Housing); Cheryl Shanks; Sheila Nickolopoulos (Mayor's Office Housing and Community Development); Hugo Ramirez (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Jean Jacques Singer; Tabitha Allen (Tenderloin Housing Clinic); Carmen Barsody (Faithful Fools); Ora Prochovnick (Eviction Defense Collaborative); Chris Callen; Colleen Jefferson; Laura Steiner (Tenderloin People's Congress); Race Anderson; Jordan Davis; Elizabeth Ann; Sarah "Fred" Sherburn-Zimmer, Executive Director (Housing Rights Committee of San Francisco); Joy; Karen Morrosci; Christopher Mica; Jen Leader; Curtis Bradford; Anakh Sul Rama; Ryan Murphy (Eviction Defense Collaborative); Los Crossler; Darl Lando; Sam; Dana Ray; Enez Persa; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

230260 [Administrative Code - COVID-19 Tenant Protections]**Sponsors: Preston; Walton, Peskin, Ronen and Chan**

Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency.

03/07/23; ASSIGNED to Land Use and Transportation Committee. 3/8/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

03/14/23; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development and Rent Board for informational purposes.

Heard in Committee. Speakers: Ora Prochovnick (Eviction Defense Collaborative); Speaker; Pauline Levinson; Sarah "Fred" Sherburn-Zimmer, Executive Director (Housing Rights Committee San Francisco); Speaker; Lux Crumpler (Eviction Defense Collaborative; Roision Isner (San Francisco Tenants Union); Anastasia Yovanopoulos; Albert; Anita Guess; Lorraine Petty; Theresa Flandrich (North Beach Tenants Committee); Renee Curran (San Francisco Housing Rights Committee); Dana Rae Capizano; Darren; Kyle; Tyler; Geraldo; Ramon Bonafacio (South of Market Community Action Network); Ryan Liva; Eddie (Housing Rights Committee of San Francisco); Evy Posmontier; spoke in support of the hearing matter.

Vice Chair Preston requested that this matter be DUPLICATED.

Ayes: 3 - Melgar, Preston, Peskin

See Duplicate File No. 230311.

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

Ayes: 3 - Melgar, Preston, Peskin

230311 [Administrative Code - COVID-19 Tenant Protections]**Sponsors: Preston; Walton, Peskin, Ronen and Chan**

Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency.

Duplicated from File No. 230260.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230228 [Condemning Texas State Senate Bill No. 147 (Kolkhorst) - Banning the Purchase of Real Property by Immigrants]**Sponsors: Chan; Peskin, Preston, Walton and Dorsey**

Resolution condemning Texas State Senate Bill No. 147, introduced by Texas State Senator Lois Kolkhorst, that prohibits immigrants from owning Texas real estate.

02/28/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/03/23; TRANSFERRED to Land Use and Transportation Committee. President Peskin transferred this matter from the Public Safety and Neighborhood Services Committee to the Land Use and Transportation Committee.

Heard in Committee. Speakers: Supervisor Connie Chan (Board of Supervisors); Representative Gene Wu (State of Texas House of Representatives, District 137); Nick Gee (Chinese for Affirmative Action); presented information and answered questions raised throughout the discussion. Alan Low; Wang Lau (Chinese Consolidated Benevolent Association); Julie Tang; Speaker; Angela Lou (Chinese for Affirmative Action); spoke in support of the hearing matter. Speaker; spoke on various concerns relating to the hearing matter.

Member Peskin moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 21-24, by adding an additional clause 'WHEREAS, Two similar Texas State Senate Bills 552 and 711 have been introduced, and have the same effects of prohibiting "aliens and citizens" of China, Iran, North Korea, and Russia from entering into a contract for agricultural land and acquiring title to real property; and'. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

230263 [Conveyance of Real Property - Land Dedication by 598 Brannan Street Phase 1, L.L.C. - 160 Freelon Street - Inclusionary Affordable Housing]**Sponsors: Mayor; Dorsey**

Resolution approving and authorizing an agreement with 598 Brannan Street Phase 1, L.L.C. for the conveyance of a parcel of real estate, consisting of approximately 12,800 square feet of land within Assessor's Parcel Block No. 3777, located at 160 Freelon Street in the City and County of San Francisco to the Mayor's Office of Housing and Community Development pursuant to the land dedication process permitted under Planning Code, Section 249.78(e)(2)(B); adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications to the agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the agreement or this Resolution, and take certain actions in furtherance of this Resolution, as defined herein.

03/07/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speaker: Robert Baca (Mayor's Office); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

230134 [Police, Building Codes - Wage Theft Bonds]**Sponsors: Mandelman; Chan**

Ordinance amending the Police and Building Codes to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document; and clarifying that the bonding requirement applies to projects that submitted an application for a building permit or a complete preliminary permit application pursuant to California Government Code, Section 65941.1, on or after June 6, 2022.

02/07/23; ASSIGNED to Land Use and Transportation Committee. 2/9/23- President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

03/16/23; RESPONSE RECEIVED. On March 15, 2023, the Building Inspection Commission met and held a public hearing and recommended approval of the proposed legislation.

Heard in Committee. Speaker: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

230139 [Commemorative Street Name Designation - “Randall Kline Alley” - 200 Block of Linden Street]**Sponsors: Peskin; Preston and Engardio**

Resolution adding the commemorative street name “Randall Kline Alley” to the 200 Block of Linden Street in recognition of Randall Kline’s retirement from SFJAZZ and in celebration of founding the organization 40 years ago, while also recognizing the construction and opening of the SFJAZZ Center 10 years ago.

02/07/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/10/23; REFERRED TO DEPARTMENT. Referred to Public Works for informational purposes.

03/08/23; NOTICED. 10 Day Notice for 3/20/2023 Land Use and Transportation Committee hearing posted online and mailed, pursuant to Public Works Code Section 789, et seq.

03/10/23; RESPONSE RECEIVED. Public Works confirmed on-site posting of the 03/20/2023 hearing notice as required pursuant to Public Works Code Section 789, et seq.

Heard in Committee. Speakers: Rick Swick; Greg Stern, CEO (SFJazz); Kim Alter; spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston was noted not present at 4:58 p.m. and present at 5:00 p.m.

230124 [Administrative and Public Works Codes - Shared Spaces Program]

Sponsors: Peskin; Dorsey and Engardio

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/06/23; DUPLICATED. Duplicated from File No. 230025.

02/06/23; CONTINUED TO CALL OF THE CHAIR. Duplicated from File No. 230025.

Heard in Committee. Speakers: None.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding ', and modify the consent procedures for fronting tenants and property owners; amending the Public Works Code to address abandonment of structures as part of shared spaces enforcement;' after 'permit' in the long title; on Page 3, Line 16, by adding 'the prospective Permittee shall provide'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

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

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

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

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding ', and modify the consent procedures for fronting tenants and property owners; amending the Public Works Code to address abandonment of structures as part of shared spaces enforcement;' after 'permit' in the long title; on Page 3, Line 16, by adding 'the prospective Permittee shall provide'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of April 3, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

221071 [Police Code - Prohibiting Pregnancy Discrimination in Housing]**Sponsors: Melgar; Ronen, Chan, Walton, Preston, Mar, Dorsey and Stefani**

Ordinance amending the Police Code to prohibit housing discrimination based on pregnancy or medical conditions related to pregnancy.

10/18/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/17/2022.

10/26/22; REFERRED TO DEPARTMENT. Referred to Police Dept., Rent Board, HOPE SF, Housing Authority, and MOHCD for informational purposes.

02/24/23; TRANSFERRED to Land Use and Transportation Committee. President Peskin transferred this matter from Rules Committee to the Land Use and Transportation Committee.

*Heard in Committee. Speakers: None.***Chair Melgar moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

ADJOURNMENT*There being no further business, the Land Use and Transportation Committee adjourned at the hour of 5:19 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.*