



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 1, 2021

1:30 PM

Regular Meeting

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

The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, March 1, 2021, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:30 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 Melgar, Vice Chair Preston, and Member Peskin were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

210015 [Building Code - Expanded Compliance Control and Consumer Protections Where History of Significant Violations]

Sponsors: Ronen; Peskin, Haney, Preston and Melgar

Ordinance amending the Building Code to implement expanded compliance control and consumer protection provisions for projects, individuals, agents, and entities with a history of significant violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

01/05/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/4/2021.

01/13/21; 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

01/13/21; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review and the Building Inspection Commission for comment and recommendation.

02/18/21; RESPONSE RECEIVED. On February 17, 2021, the Commission met and held a public hearing on the proposed legislation and recommended approval.

02/22/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Amy Beinart (Office of Supervisor Hillary Ronen); John Murray (Department of Building Inspection); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith (San Francisco Housing Action Coalition); spoke in support of the hearing matter. Mark Gilligan; spoke in opposition of the hearing matter. Ryan Patterson; Caroline Morris; Lev Wisebach; John Christian (Archdiocese of San Francisco); Sean Kinkman; Theresa Flandric; Anastasia Yovanopoulos; David Cane; spoke on various concerns relating to the hearing matter.

Vice Chair Preston and Chair Melgar requested to be added as a co-sponsors.

02/22/21; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Amy Beinart (Office of Supervisor Hillary Ronen); John Murray (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Corey Smith (San Francisco Housing Action Coalition); Ryan Patterson; Linda Chapman; spoke on various concerns relating to the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 11-12, by adding 'or project scope' after 'conditions'; on Page 2, Lines 18-19, by striking ' including but not limited to, work without or beyond the scope of a building permit'; on Page 2, Line 25, and on Page 3, Lines 1-2, by adding 'The Compliance Control Tracking File is for internal purposes only; an individual, agent, or entity's presence in the file does not indicate responsibility for any violation or misconduct.'; on Page 3, Line 6, by adding 'described in 103A.6.1'; on Page 3, Lines 14-22, by adding Building Code, 103A.6.3.1; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

210087 [Initiating Landmark Designation - 2750-19th Avenue - Trocadero Clubhouse - Approval of 90-Day Extension for Historic Preservation Commission Review]**Sponsors: Mar; Melgar, Peskin, Preston and Chan**

Resolution initiating a landmark designation under Article 10 of the Planning Code for the Trocadero Clubhouse in Sigmund Stern Recreation Grove located at 2750-19th Avenue; and extending the prescribed time within which the Historic Preservation Commission may render it's decision by 90 days, for a total of 180 days.

01/26/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/02/21; REFERRED TO DEPARTMENT. Referred to the Planning Department and the Historic Preservation Commission for informational purposes.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); presented information and answered questions raised throughout the discussion. Eileen Boken (Sunset-Parkside Education and Action Committee (SPEAK)); Woody LaBounty (San Francisco Heritage); Jim Worshell (San Francisco Victorian Alliance); Jonathan Bachman (San Francisco Heritage); Evan Rosen; Speaker; spoke in support of the hearing matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

200660 [Zoning Map - Rezoning of 118-134 Kissling Street]

Ordinance amending the Planning Code by revising Zoning Map Sheet No. ZN07 to rezone Assessor's Parcel Block No. 3516, Lot Nos. 039, 040, 041, and 042 (118-134 Kissling Street), from Residential Enclave District to Residential Enclave District - Mixed; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

06/18/20; RECEIVED FROM DEPARTMENT.

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

02/19/21; 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: Alex Westoff (Planning Department); presented information and answered questions raised throughout the discussion. John Kevlin; spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

210076 [Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Utility Service or Excessive Noise]

Sponsors: Peskin; Preston, Melgar, Chan and Mandelman

Reenactment of an emergency ordinance (Ordinance No. 154-20) temporarily prohibiting 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; and reaffirming 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.)

01/26/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/25/2021.

02/02/21; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection for informational purposes.

02/18/21; RESPONSE RECEIVED. On February 17, 2021, the Commission met and held a public hearing and recommended approval of the proposed legislation.

Heard in Committee. Speakers: Linda Chapman; Speaker; spoke on various concerns relating to the hearing matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar recessed the meeting at 2:35 p.m. and reconvened the meeting at 2:55 p.m.

201422 [Urging Departments to Create a Permanent Shared Spaces Program]**Sponsor: Haney**

Resolution urging the Office of Economic and Workforce Development, Planning Department, Municipal Transportation Agency, Department of Public Works, Fire Department, and Recreation and Parks Department to develop a proposal for a permanent Shared Spaces Program; and affirming the Board of Supervisors' support for creating a permanent version of the program.

12/22/20; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

01/05/21; REFERRED TO DEPARTMENT. Referred to the Planning Department, Office of Economic and Workforce Development, Municipal Transportation Agency, Fire Department, Public Works, and Recreation and Parks Department for informational purposes.

01/19/21; RESPONSE RECEIVED. On January 11, 2021, the Commission met and heard the proposed legislation and recommended to support the matter.

Heard in Committee. Speakers: Supervisor Matt Haney (Board of Supervisors); Sharky Laguana, President (Small Business Commission); presented information and answered questions raised throughout the discussion. Lamonte Bishop (Recreation and Parks Department); Corey Smith (San Francisco Housing Action Coalition); Mario Monaghan; Speaker; spoke in support of the hearing matter. Linda Chapman; 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 3, Lines 12- 25, by adding 'WHEREAS, As Shared Spaces transitions from an emergency lifeline for small businesses to a potentially long-term use of public space, stakeholders, City staff and members of the public have grappled with a range of related policy issues, including: navigating who is responsible for maintaining Shared Spaces in a safe and sanitary manner; expanding design standards to enhance public safety, prohibit hostile design, and to ensure effective architectural integration into permanent elements of the City's streetscape and commercial corridors; ensuring that commercial use of public space does not unfairly exclude any member of the public, and establishing fees and other financial incentives to ensure that free, public access is prioritized; implementing the Shared Spaces program in a way that is equitable and reflects the ethnic and cultural diversity of eligible small businesses across San Francisco; implementing tools for tracking the City's response to public feedback and for mediating disputes between competing uses of public space; and ensuring that interdepartmental coordination is conducive to an easily navigable permit system and the fair and even enforcement of conditions of the Shared Spaces program; and'; and on Page 4, Line 9, by striking 'early 2021' and replacing it with ' prior to the current expiration date of the Shared Spaces program on June 1, 2021, or any extension of that term pursuant to the COVID-19 emergency'. 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

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:30 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.