



SF Environment

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Director

**CITY AND COUNTY OF SAN FRANCISCO
*COMMISSION ON THE ENVIRONMENT AND
POLICY COMMITTEE**

**APPROVED MINUTES OF REGULAR AND SPECIAL MEETING
MONDAY, JANUARY 13, 2014, 5:00 P.M.**

**CITY HALL, ROOM 421
ONE DR. CARLTON B. GOODLETT JR. PLACE
SAN FRANCISCO, CA 94102**

***A quorum of the Commission on the Environment was present during designated sections of the meeting thereby constituting a Special Meeting of the Commission on the Environment.**

ORDER OF BUSINESS

- 1. Call to Order and Roll Call.** The Commission on the Environment Policy Committee convened at 5:00 p.m. with Commissioners Arce, Wald and Gravanis present. The Committee meeting reverted to a full Commission meeting at 5:03 p.m. when Commissioner Josefowitz joined the meeting.
- 2. Approval of Minutes of the December 9, 2013 Commission on the Environment Policy Committee Meeting.** (Explanatory Document: December 9, 2013 Draft and Approved Minutes) (Discussion and Action) Upon Motion by Commissioner Gravanis, second by Commissioner Wald, the December 9, 2013 Meeting Minutes were approved without objection (AYES: Commissioners Arce, Wald, Gravanis and Josefowitz).
- 3. Public Comments:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda. There was no public comment at this time.
- 4. Review and Approval of Commission on the Environment Resolution File No. 2014-01-COE to support Supervisor Chiu's Proposed Ordinance amending the Environment Code to restrict the sale or distribution on City property of drinking water in plastic bottles of 21 ounces or less, set City policy to increase the availability of drinking water in public areas, and bar the use of City funds to purchase bottled water for recommendation to the Commission on the Environment.** (Explanatory Documents: Draft Resolution, Ordinance Bottled Water – Environment Code;

Department of the Environment, City and County of San Francisco
1455 Market Street, Suite 1200, San Francisco, CA 94103
Telephone: (415) 355-3700 • Fax: (415) 554-6393

Email: environment@sfgov.org • www.sfenvironment.org

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Legislative Digest; and Fact Sheet) Sponsors: Commissioners Wald and Gravanis; Speaker: Julie Bryant, City Government Zero Waste Senior Coordinator (Discussion and Action)

City Government Zero Waste Senior Coordinator Julie Bryant reported that Supervisor Chiu introduced a proposed Ordinance on December 10, 2013 to the Board of Supervisors that would (1) prohibit the sale and free distribution of plastic bottled water containers of 21 ounces or less on City property that would include indoor and outdoor events over 100 people; (2) restrict lease and permit holders from selling and distributing bottled water, and (3) codify prior Mayor Gavin Newsom's 2007 Executive Order restricting the purchase of bottled water with City funds.

Ms. Bryant reported that the legislation commits the City to install more widespread drinking fountains and bottle filling stations and provides for event tap water hookups for better access to tap water. The legislation would start in October 2014 and would restrict the sale where there is onsite access to water, and in 2016, it would restrict the sale and distribution on all City property. It does not apply to pre-existing leases or contracts, and City departments that issue permits for events have the ability to provide waivers under certain circumstances.

Commissioner Wald discussed the large number of City properties that would be granted exemptions because of existing event contracts, and suggested that the City consider adding a contract provision stating that when laws change, contracts can be amended. Commissioner Josefowitz suggested that the City publish a list of all events and places that fall under the exemption to determine whether to readdress the legislation in the future. Commissioner Wald stated that this effort would help with the administration of the legislation. Director Nutter stated that this type of list would be helpful in identifying which City facilities may need assistance transitioning their water filling stations to a more robust infrastructure. Commissioner Josefowitz suggested that the Department create an information sheet to distribute to City agencies on water fountain best practices, identifying vendors and options to consider.

Ms. Bryant reported that the legislation requires Departments who issue permits to submit to the Department of the Environment a list of waivers that are then reported to the Board of Supervisors. Commissioner Wald suggested that every City officer or department responsible for permitting or issuing a lease on City property should provide to the Board of Supervisors a list of all properties and events that are exempt with a brief explanation of why and an indication of the time period at which the property or event would become subject to the requirement. Ms. Bryant stated that she would like to see strict requirements on how and when a waiver is granted. Director Nutter suggested that the Department of the Environment establish regulations for waiver requirements. Ms. Bryant suggested expanding the legislation to include other types of water bottles in addition to 21-ounce plastic water bottles.

Commissioner Gravanis suggested conveying to the Supervisor's office the possibility of creating a pilot program and revisiting it after a specified amount of time to assess its effectiveness and allow for amendments as needed. She suggested adding information that would educate people that plastic water bottles can only be down-cycled and not recycled, and that their resource value continues to degrade every time they are made into a new product.

Commissioner Arce suggested conveying proposed suggestions to the Supervisor's Office instead of suggesting that the Commission Resolution and proposed Ordinance be revised, in which Commissioners agreed was the best course to take. He moved to amend the Resolution page 2, at line 22 after "event attendees" to add ", thus avoiding the purchase and use of more than 100,000 single-use water bottles" and accepted amendments proposed by Commissioners Gravanis and Wald and Commission Secretary Fish as referenced in the amended Resolution 001-12-COE. Commissioner Josefowitz seconded the motion to amend the Resolution. The Resolution was approved (AYES: Commissioners Arce, Josefowitz, Gravanis and Wald).

Public Comment:

Ms. Ilyse Magy stated that the term "single-use" is fraught as seen with the plastic bag ban, and the term "reusable" is fraught because of the use of thick paper bags that may have made the problem worse. She suggested the use of the term "pre-bottled" that would shift the emphasis to what is inside the bottle instead of the bottle itself.

Ms. Cynthia Crews, District 5 constituent, discussed her concern that vendors or distributors that are giving away bottled water would find the same loophole the plastic bag people have found, e.g., to make the bottle thicker, say it's reusable, or make it bigger. She suggested thinking ahead to see what type of loopholes vendors may create and for the Commission to find a way to stay in the process to make sure loopholes are closed.

Mr. Adrian Colvert, concerned citizen, recommended that where relevant, the Commission should endorse the branding of the water as Hetch Hetchy water because it is the name of the system which operates it. The word Hetch Hetchy is widely recognized and associated with high-quality drinking water and consistent with the mission of expanded use of tap water. Tap water does not have nearly as high polling as Hetch Hetchy which is a high quality commodity.

Upon Motion by Commissioner Arce, second by Commissioner Josefowitz, Resolution File 2014-01-COE was approved with amendments for recommendation to the Commission on the Environment to be heard at the January 28, 2014 Commission meeting (AYES: Commissioners Arce, Gravanis, Josefowitz and Wald).

Item 7 was heard before Items 5 and 6.

5. Committee Review and Recommendation on Updated Climate Action Strategy priorities for 2014. (Explanatory Document: Climate Action Strategies List) Sponsors: Commissioners Wald, Gravanis and Josefowitz; Speaker: Cal Broomhead, Energy Manager (Discussion and Action)

Commissioner Wald suggested the possibility of continuing this item in order to have time for a more substantive discussion. Director Nutter reported that the agenda topic was for the purpose of the Commission setting priorities around the completed Climate Action Strategy and strategies that the Commission could champion in 2014. She suggested that the Commission could postpone the agenda item to the full Commission meeting on January 28 or

the February 10 Policy Committee meeting. Commissioner Josefowitz asked that Commissioners be provided with a copy of the Climate Action Strategy.

Public Comment: Mr. Jason Fried reported that his understanding is that the Climate Action Strategy has not been released to the general public yet and that Commissioners should be able to read the draft if it is to be placed on the agenda. He stated that the San Francisco Public Utilities Commission (SFPUC) is meeting on January 14 and is having a discussion about their Power Enterprise budget. Their proposal is to defund and not have staff work toward a 100% renewable energy generation system. If one of the three main things in the Climate Action Strategy is 100% renewable energy, this Commission should be asking the SFPUC what can be done to help reach that goal. Mr. Fried explained that according to the City Attorney, anything that the Board does, the SFPUC has to approve when it comes to energy generation.

Upon Motion by Commissioner Wald, second by Commissioner Arce, the Committee agreed that the number one climate priority is to make significant progress toward 100 percent renewable energy (AYES: Commissioners Arce, Josefowitz and Wald; Absent: Commissioner Gravanis). Upon Motion by Commissioner Josefowitz, second by Commissioner Wald, the Committee approved the following statement to be issued to Members of the San Francisco Public Utilities Commission (AYES: Commissioners Arce, Josefowitz and Wald; Absent: Commissioner Gravanis):

"To Members of the San Francisco Public Utilities Commission:

The number one priority for the City's Climate Action Strategies for 2014 should be making significant progress toward 100 percent renewable electricity. Members of the Policy Committee look forward to discussing this topic and related issues with you at the joint meeting on February 25th".

6. **Quarterly Review and Selection of Commission on the Environment and its Committees Accomplishments for 2013 for inclusion in the Commission's 2013 Annual Report.** (Explanatory Document: List of 2013 Commission and Committee Agenda Topics) Sponsor and Speaker: Commissioner Johanna Wald (Discussion and Action)

Commission Secretary Fish was asked to forward the "List of Commission and Committee Agenda Topics" to Committee members to make selections to include in the Draft Annual Report. The Department and Commission's Draft Annual Report would be considered by the full Commission at its January 28, 2014 meeting.

7. **Review and Approval of Commission on the Environment Resolution File No. 2014-02-COE in Support of Proposed San Francisco Municipal Transportation Agency (SFMTA) Commuter Shuttle Policy and Pilot Program.** (Explanatory Document: Draft and Adopted Policy Committee Resolution and Shuttle Policy and Pilot Program Presentation) Sponsor: Commissioner Joshua Arce, Speaker: Carli Paine, SFMTA Transportation Demand Project Manager (Discussion and Action)

Commissioner Arce discussed the environmental benefits of commuter shuttle benefits and how it supports the Department's and City's goals of fifty percent of all trips be made outside of personal vehicles and achieving sustainable modes of transportation by 2018. He also

noted that there are increased impacts of commuter shuttles that include MUNI delays, traffic congestion, and bicycle safety. He asked that Commissioners consider making a recommendation after review of the shuttle policy and pilot program presentation.

SFMTA Transportation Demand Project Manager Carli Paine presented on the Commuter Shuttle Policy and Pilot Program provided by employers, medical and educational institutions and some buildings. Presentation topics included (reference Presentation):

- Commuter shuttle sector: stopping locations, peak-time usage, number of intra-city and regional commuter shuttles, and boarding per day.
- Conflicts that were identified such as traffic congestion, loading and unloading, safety.
- Shuttle benefits based on findings from Shuttle Riders Survey. What riders' trip mode would be if no shuttle and how shuttles changed travel patterns?
- Guiding principles and priorities based on an understanding of benefits and impacts.
- Problems to solve, proposal summary, and pilot evaluation.
- Next steps and program timeline. Ms. Paine reported that the pilot program would be considered by the SFMTA Board on January 21st. If approved, information would be requested from the shuttle sector on proposed stop locations and from the community on street conditions. Evaluations will be made, approving the network and permit process in June, and launching the pilot in July. Completion of the pilot is scheduled in December 2015.

Commissioners discussed program specifics, challenges, benefits, and next steps with Ms. Paine. Commissioner Arce spoke of the value of a pilot program, the benefits to commuters and the environment, and from evaluating data that may not otherwise have been made available. He inquired about the \$1.00 per stop fee structure that has posed a concern to environmental colleagues. Ms. Paine reported that state law has established a framework for local governments to use for fee recovery and on SFMTA's process for setting a fee. Commissioner Arce suggested that the Department of the Environment's Clean Transportation team work closely with SFMTA on clean transportation infrastructure and transit demand to derive value from the pilot program.

Commissioner Arce asked if additional costs such as bus shelter maintenance, time spent at stops, and impact to roads by commuter shuttles could be considered in order to restructure the fee. Ms. Paine reported that the Department of Public Works has not been able to provide information to distinguish costs between vehicle-usage on streets in order to do a cost-recovery analysis. She stated that the pilot may show a differential of time spent on different types of shuttles in order to assess a permit cost. It was explained that costs cannot be charged for something that is being recouped from some other purpose. Ms. Paine reported that Supervisor Mar's office has requested that the Budget and Legislative Analyst prepare an evaluation of impacts of the commuter shuttles from streets and roads to housing affordability.

Commissioner Arce suggested that the Commission hold a hearing on the sustainability of the working class in San Francisco. He suggested the possibility of adding a local hiring component, living wage, and health care benefits for drivers to the Resolution. He asked Ms. Crews if the League of Pissed Off Voters would consider other options for the fee structure. Ms. Crews suggested the possibility of charging the same amount as is charged for citations, \$271 per MUNI stop. She stated that pilots create a standard and that if a pilot was agreed to at a

set amount, going back would be problematic. Ms. Crews stated that the League would stand behind data being needed first on the impacts to San Francisco.

Commissioner Josefowitz discussed the possibility of building new loading zones specifically for shuttles that could not be shared by others. Ms. Paine reported that building new loading zones would take away parking, and that it is believed most of the shuttle activity could be accommodated through sharing existing zones. If the pilot does not work, the next option would be to create loading zones. She reported on enforcement problems associated with creating new zones.

Director Nutter inquired whether new or existing staff people would be working on enforcement. Ms. Paine reported that the proposal is to have parking control officers that are dedicated to the program working on overtime hours. All parking control officers and MUNI inspectors will be trained on enforcing compliance. Director Nutter inquired whether a cap for shuttles was considered. Ms. Paine reported that it was considered but would not be part of the pilot at this time.

Commissioner Gravanis asked for confirmation that people who would not be making the trip at all if there were no shuttle were not counted in the estimate of the annual reduction of 45 million vehicles traveled. Ms. Paine stated that she would report back with information from the consultant on survey results. Commissioner Gravanis suggested consulting with the San Francisco Bicycle Coalition, vehicle drivers, and MUNI riders for input. Commissioner Gravanis stated that she is in favor of a pilot if it is written in a way that is not precedent setting and is clear that it can be changed. Data that is to be provided should include displacement and other impacts on sustainability on a much broader sense than just traffic considerations.

Commissioner Wald suggested including a provision that any interim changes that the SFMTA requires are complied with based on experiences to date, so problems do not have to be perpetuated.

Commissioner Gravanis left the meeting at 7:30 p.m. The Commission meeting reverted to a Policy Committee meeting with Commissioners Arce, Josefowitz and Wald present. Commissioner Arce appointed himself as a Committee member for the duration of the meeting.

Public Comment:

Ms. Cynthia Crews, on behalf of the San Francisco League of Pissed-Off Voters, reported that the League is known for voter guides that educate friends and peers on issues that excite "pissed off" progressive voters and remind politicians that they are paying attention. She spoke in favor of the benefit that corporate shuttles would provide in taking automobiles off the street, but spoke of her concerns with the \$1.00 per stop fee that she feels is inadequate and does not compensate MTA for delays. Ms. Crews spoke of concern with housing costs and displacement to existing residents that would reduce the environmental benefits of the shuttles. She encouraged referring to Alexandra Goldman's professional paper outlining the Google shuttle effect where she studies the impact of rent and walkable relationships to these stops. She asked why San Francisco is not studying this relationship before entering in an

agreement with numerous corporations, and why the City is turning their heads when MUNI stops are being illegally used now. She suggested two options to consider: charge an impact fee tied to a nexus study and/or pass a tax to put on the ballot that could charge a higher fee that wouldn't have to be tied to a nexus study. Ms. Crews discussed concern with the outcome of the CleanPowerSF program and urged the Commission to act independently with the Committee's goal in mind.

Mr. Jason Fried, Upper Haight District resident, reported on traffic congestion and delays that he has experienced caused by shuttles while riding the 71 bus along Haight Street. He made the following suggestions (1) converting several parking meters into shuttle stops during designated operation times; (2) MUNI should be given priority at shuttle stops; and (3) there should be a timed system so that shuttles stop when MUNI is not there. Mr. Fried stated that the greenhouse gas emissions reduction numbers do not take into consideration the number of people that are being displaced by higher rent increases and are having to drive into the city because they cannot afford to live in the city. He urged the Commission to review the accuracy of these numbers before voting to approve the Resolution in favor of the program.

Mr. Sven Eberlein, San Francisco resident, Ecocity Builders, reported on traffic congestion and bicyclist safety concerns caused by buses that were previously running along Guerrero Street and are now running on Valencia Street. He spoke of his concern that these buses have been unleashed all around the city for the past two years, the impacts, and that citizens are not able to vote on these types of issues. Mr. Eberlein suggested confirming the accuracy of numbers in the evaluation and suggested taking into consideration not only transportation issues, but the people being displaced, the carbon footprint of people moving in, as well as socio-economic and cultural issues.

Ms. Ilyse Magy stated that the shuttle buses are causing ire in the City because they are a symbol of gentrification. She discussed the large amount of a ticket from pulling into a MUNI stop. Ms. Magy stated that the \$1.00 per shuttle stop fee is too low and suggested reconsidering the fee based on the amount of time spent at the stop event. She asked if the City would be receiving a profit beyond implementation of the program and suggested that larger companies pay a higher fee in order to increase the City's profit. Commissioner Wald inquired if charging a higher rate based on company size would be possible. Ms. Paine indicated that the City Attorney could be consulted to see if a fee can be structured in this way, but her understanding is that there could not be two tier structures.

Mr. Randy Stortroem, San Francisco resident, asked why Greyhound is not able to deliver passengers door to door in the same way as shuttles. He stated that this is a door to door service provided by giant buses that are not normally allowed on small neighborhood streets. He questioned the legality of large shuttles invading neighborhoods and suggested that buses and people should make their way to depots in the same way as Greyhound and other buses do.

Mr. Adrian Colvert, San Francisco resident, stated that he commutes by bicycle to work, and that his chief competition on the road are mainly cars and not shuttles. He stated that he is someone who works for the Bay Area Council and represents the business community. Mr. Colvert stated that these shuttles have taken on a symbolic meaning beyond what their

actual utility, a commute option to transport people to work. He pointed out the environmental benefits anytime you get people out of their cars. Mr. Colvert stated that the Bay Area is suffering from a region-wide housing crisis and jobs are being created faster than housing can be built. He stated that the way to address concerns raised today is through more housing and not by being involved with people's commutes and where they should or should not live.

Upon Motion by Commissioner Arce second by Commissioner Wald, Committee members voted to amend the Commission Resolution and revert it to a Policy Committee Resolution with amendments. Policy Committee Resolution 014-01-Policy was approved as amended in support of the Commuter Shuttle Policy and Pilot Program (reference Resolution 014-01-Policy). (AYES: Commissioners Arce, Josefowitz and Wald; Absent: Commissioner Gravanis). Commissioner Arce suggested that this agenda topic should be considered by the full Commission at a future meeting. He asked that SFMTA consider additional ideas around the fee mechanism, impact on roads, local jobs, living wage, health care benefits, and additional options discussed at the meeting once data becomes available.

Items 8 to 12 were not heard due to a loss of quorum at 8:08 p.m.

- 8. Director's Report and Updates.** (Explanatory Document: Director's Report) Speaker: Melanie Nutter, Director (Informational Report and Discussion). Director Melanie Nutter provided a written report. This agenda item was not heard due to a loss of quorum.
- 9. Communications.** (Explanatory Document: Correspondence Log) (Information and Discussion) Commission Secretary Fish provided a written Correspondence Log with information on public correspondence that the Commission has received and status to date. This agenda item was not heard due to a loss of quorum.
- 10. Announcements.** (Discussion) There were no announcements made at this time. This agenda topic was not heard due to a loss of quorum.
- 11. New Business/Future Agenda Items.** (Discussion) This agenda topic was not heard due to a loss of quorum.
- 12. Public Comments:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda. There was no public comment at this time.
- 13. Adjournment.** The Policy Committee meeting adjourned at 8:07 p.m.

The next meeting of the Commission on the Environment Policy Committee is scheduled for Monday, February 10, 2014, 5:00 p.m. in City Hall, Room 421.

** Copies of explanatory documents are available at (1) the Commission's office, 1455 Market Street, Suite 1200, San Francisco, California, 94103 between the hours of 9 a.m. and 5 p.m. Photo identification is required for access to the building; (2) on the Policy Committee's website <http://www.sfenvironment.org/commission/agendas>, or (3) upon request to the Commission Secretary at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org. The meeting audio can be reviewed at the website link by meeting date <http://www.sfenvironment.org/commission/audio>.