



**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 ~ [erica.major@sfgov.org](mailto:erica.major@sfgov.org)

---

Monday, April 24, 2023

1:30 PM

City Hall, Legislative Chamber, Room 250

---

**Regular Meeting**

---

**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, April 24, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:34 p.m.*

## **Remote Access to Information and Participation**

*The Board of Supervisors ([www.sfbos.org](http://www.sfbos.org)) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: [www.sfgovtv.org](http://www.sfgovtv.org)), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.*

## **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. Clerk Major further announced that 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](mailto: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

*Chair Melgar requested that File Nos. 221105 and 221021 be called together.*

### **221105 [Planning Code - HOME-SF]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity - San Francisco (HOME-SF) program; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

10/28/22; 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

11/04/22; 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.  
11/4/22

02/24/23; REMAIN ACTIVE. On February 24, 2023, the Board adopted extension Resolution No. 68-23 (Board File No. 230146) extending the Ordinance an additional 90 days, expiring April 26, 2023.

03/03/23; RESPONSE RECEIVED. On February 16, 2023, the Planning Commission met and held a duly notice hearing recommending the proposed legislation.

03/13/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

04/17/23; CONTINUED. Heard in Committee. Speakers: None.

*Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion.*

**Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of May 1, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**221021 [Planning, Administrative Codes - HOME-SF]****Sponsors: Dorsey; Peskin**

Ordinance amending the Planning Code to allow projects under Housing Opportunities Mean Equity (HOME-SF) to agree to subject new dwelling units to the rent increase limitations of the Rent Ordinance; 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.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/27/2022.

10/03/22; REFERRED TO DEPARTMENT. Referred to Rent Board, MOHCD, OEWD, Office of Small Business, Planning Department and Planning Commission for informational purposes.

02/14/23; RESPONSE RECEIVED. CEQA clearance under Housing Element 2022 Update Final Environmental Impact Report certified by the SF Planning Commission November 17, 2022, Motion No. 21206 (updated response).

03/03/23; RESPONSE RECEIVED. On February 16, 2023, the Planning Commission met and held a duly noticed hearing recommending approval with modifications for the proposed legislation.

03/13/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

04/17/23; CONTINUED. Heard in Committee. Speakers: None.

*Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion.*

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 10, Lines 23-25, by adding 'The option in this subsection (c) (1)(B) shall also be available for projects not subject to the Inclusionary Affordable Housing Ordinance, Planning Code Sections 415.1 through 415.11.'; on Page 14, Lines 1-3, by adding '(E) Private Open Space: A reduction in private open space required under Section 135. However, in no case shall such private open space be less than 36 square feet or measure less than six feet in each direction.'; and adding other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to allow projects to qualify for a density bonus under the Housing Opportunities Mean Equity (HOME-SF) Program by agreeing to subject new dwelling units to the rent increase limitations of the Rent Ordinance; modifying the zoning changes available to HOME-SF projects; making conforming amendments in the Administrative Code; 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 and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of May 1, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230058 [Planning Code, Zoning Map - Rezone Designated RM-2 Parcel]****Sponsor: Stefani**

Ordinance amending the Planning Code and Zoning Map to rezone Assessor's Parcel Block No. 0976, Lot No. 001, located in the Residential Mixed, Moderate Density (RM-2) District to permit use for up to 47 Tourist Hotel Rooms; 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.

01/24/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/23/2023.

01/27/23; REFERRED TO DEPARTMENT.

03/02/23; 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.

03/29/23; RESPONSE RECEIVED. On March 23, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

04/14/23; NOTICED. 10-Day Notice for 4/24/2023 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

*Heard in Committee. Speakers: Dominica Donovan (Office of Supervisor Catherine Stefani); Audrey Merlone (Planning Department); 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

**230256 [Administrative Code - Delegation of Board of Supervisors Authority to Amend Certain Leases for 100% Affordable Housing]****Sponsor: Mayor**

Ordinance amending the Administrative Code to delegate Board of Supervisors approval authority under Charter, Section 9.118 and Administrative Code, Section 23.30 to the Real Estate Division and the Mayor's Office of Housing and Community Development to amend certain existing leases regarding residual rent payments and lender protections for 100% affordable housing projects.

03/07/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/6/2023.

03/10/23; REFERRED TO DEPARTMENT. Referred to the Real Estate Division and the Mayor's Office of Housing and Community Development for informational purposes.

*Heard in Committee. Speakers: Jackie Tsou, Sheila Nickolopoulos, and Lydia Ely (Mayor's Office of Housing and Community Development); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; spoke in support of the hearing matter. Speaker; David Pilpel; spoke on various concerns relating to the hearing matter.*

**Chair Melgar moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of May 1, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230373 [Existing Building Code - Façade Inspections for Tall Buildings]****Sponsor: Peskin**

Ordinance amending the Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct and submit façade inspection reports; and affirming the Planning Department's determination under the California Environmental Quality Act.

04/04/23; ASSIGNED to Land Use and Transportation Committee. 4/5/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

04/10/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and the Building Inspection Commission for comment and recommendation.

04/20/23; 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.

04/20/23; RESPONSE RECEIVED. On April 19, 2023, the Building Inspection Commission held a public hearing and unanimously voted to recommend approval of the proposed Ordinance.

*Heard in Committee. Speakers: None.*

**Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of May 1, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230280 [General Plan - Environmental Justice Framework and General Plan Introduction]**

Ordinance amending the General Plan by adopting the San Francisco Environmental Justice Framework and amending the Introduction to the General Plan; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Department)

03/10/23; RECEIVED FROM DEPARTMENT.

03/21/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/20/2023.

03/23/23; RESPONSE RECEIVED.

03/24/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for review.

03/28/23; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.

04/03/23; 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.

04/14/23; NOTICED. 10-Day Notice for 4/24/2023 Land Use and Transportation Committee hearing published in the Examiner and posted, per Government Code Sections 65091, 65090(a), and 65092(a).

*Heard in Committee. Speakers: Lisa Chen, Danielle Ngo, and AnMarie Rodgers (Planning Department); presented information and answered questions raised throughout the discussion. Karen Pierce; Julie Lindo; Antonio Diaz (PODER); Maggie Dong (Chinatown Community Development Center); Chester Williams (Community Living Campaign); spoke on various concerns relating to the hearing matter.*

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

Ayes: 3 - Melgar, Preston, Peskin

**230192 [Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre)]****Sponsor: Mandelman**

Ordinance amending the Landmark Designation for Landmark No. 100, 429-431 Castro Street (the Castro Theatre), Assessor's Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code, to list the exterior features that should be preserved or replaced in kind, to add interior features to the designation, and to capture the property's full historical significance; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

02/15/23; RECEIVED FROM DEPARTMENT.

02/28/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2023.

03/22/23; NOTICED. Notice of Public Hearing for 04/03/2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

04/03/23; CONTINUED. Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Alex Westoff (Planning Department); presented information and answered questions raised throughout the discussion. Jack Antons; Michael Jamie; Andrea Aiello, Executive Director (Castro Community Benefit District); Ed Driver; Kelly Corso; Noah Wilson Rich; spoke in support of the hearing matter. Ralfka Gonzalez (Indigo Arts); Jen Reck and Steven Torres (Castro LGBTQ Cultural District); Gerard Koskovich; Katherine Petrin (San Francisco Heritage); Drew Taylor; Kevin Scott; Gary Gregerson (Disabled Students Programs and Services Accessible Theater Arts); Jesse Sandford (Castro LGBTQ Cultural District); Peter Pastreich, Executive Director (Save the Castro Theatre); Robert Byrne, President (Castro Theatre Conservancy); Speaker; Speaker; Barbara Gersch; David Robson; Jim Abrams; Steven Bracco; Terrance Alan (Castro Merchants Association); Michael Petrelis; Mike Murray; Speaker; Eric (Calle 24 Latino Cultural District); Michael Katy; Jessica Dillon; Terry Beswick (Castro Merchants Association); Brendan Smith; T.J.; Steven Murphy; Matthew Carhart; Nancy DeStefanis; Ralph; Steve Brosan; Frank Dillon; Benjamin Boletto; Dillon Belton; Ray Connolly; Ed Gibert; Brian Springfield; Jared; David Wertz; Jared Goldstein; Kevin Lagora; Desmond Morgan; Tom Ammiano; spoke on various concerns relating to the hearing matter.

04/17/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion. Jessie Hawthorne Ficks; Kathy Amendola; Tina Valentine Aguirre (Castro LGBTQ Cultural District); Steven Torres; Robert Medeira; Cathy Regan; Scott Emblidge; Jessica Dylan; Terese Piletti; Christine Madrid French (San Francisco Heritage); Joanne Desmons and Andrew Bennett (IATSE Local 16); Laurie Gordon (Art Deco Society of California); William Lewis; David Logan; Terry Beswick (Castro Merchants Association); Rocket; Debra Holly; Jesse Oliver Sanford; Kasey Curtsy; Orrosca Gonzales; Bill Samios; Rob Byrne, President (Castro Conservatory); Letta Fatahorn; Ethan Diamond; Keith Hall; Jeff Rodman; Joe Sangirardi; Speaker; Speaker; Speaker; Jessie Gourd; Caleb Sirang; Nina Vajen; Robert Markey; Ralph Hibbs (Castro Community Benefit District); Jared Goldfein; Terry Asten Bennett (Cliffs Variety); Donna Sachet; Mike Murray; Brendan Smith; Paul Hastings; Elsie; Scott Hollis; Blake Sealy; David Ballan; Connor Hopeletter; Ben Robinson; Andy Meyersen; Roy Koskovich; David Kim; Kevin Scott; Koby; Zero; Barbara Girsch; Speaker; John Bengston (Castro Theatre Conservancy); Will; Lindsey; Claud Grossian; Andrew Junius (Reuben, Junius & Rose LLP); Elisa Skaggs (Page & Turnbull); Carolyn Kiernat (Page & Turnbull); Jim Abrams; Speaker; Patrick Barks; Steven Bracco (Castro LGBTQ Cultural District); Sarah Evans; Don Richards; Drew Taylor; Mike Kelota; Mike Chen; Doug Sager; Chris Bellman; Speaker; Charlie Zukow (Castro Theatre Conservancy); Betty Sullivan; Mike Olcese (Allied Global Marketing); Dave Karraker; Bethany; Jared Cher; Desmond Morgan; Benjamin Bellito; Mike Kegan; Lincoln Madison; Gary Seith; Joshua Kell; Noah; Johnathan Allander; Sarah Fenamiller; Speaker; Heather Ripley; Josh Barnabe; Chris; Brady Mendsbury; Jessica Thresher; Joe Sing; Rebecca King; James Crown; Carolyn Thomas; Alexander Goodkind; Speaker; Mel; David Parker; Toby; Michael Collins; Tina; Ray Conolly; Lisa Sandoval; Anne Marie Smutler; Jake Isgar (Alamo Drafthouse Cinema); Steve

Rose; John Delaplane; Speaker; Jen Rack; Mengot Ng; Isaac Eisenhower; Lian Ladia (500 Capp Street); Eli Sokol; Katie Gorham; Alan Billingsley; Michael Mintz; Elaine Nasser Padian (The Castro Theatre); Dave Gifford; Danny Yadegar; Nancy DeStefanis; Steven Fisk; Brett; Francis Ford Coppola; Niel Secree; Speaker; Steve Murphy; Randall Anne Homan; Alicia Breyer; Katie Siefkin; Lisa Aubrey; Greg; Rowan Yang; Bradley Portmeier; Kerry Micheaux; Charlie Tilly; Brian Springfield; spoke on various concerns relating to the hearing matter.

04/17/23; CONTINUED AS AMENDED.

*Heard in Committee. Speakers: Alex Westoff (Planning Department); presented information and answered questions raised throughout the discussion. Julie Lindo; Speaker; spoke in support of the hearing matter. Ralph Hibbs; spoke in opposition of the hearing matter. Stephen Torres; Gerard Koskovich; Gerald Goldmine; Speaker; Speaker; Michael Petrelis; Terry Micheau; Elle Bradou; spoke on various concerns relating to the hearing matter.*

**Vice Chair Preston moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of May 8, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

*(Clerk's Note: As stated during the discussion, the Committee intended to continue this matter two weeks out to the May 8, 2023, Regular Meeting of the Land Use and Transportation Committee, not the May 9, 2023, date misstated when the motion was taken.)*

## **230426 [LAFCo Study - Future Management Options for the Midtown Park Apartments]**

**Sponsor: Preston**

Motion requesting the San Francisco Local Agency Formation Commission (LAFCo) study future management options for the Midtown Park Apartments and conduct a request for proposals for a facilitator to conduct a resident engagement process to inform this study.

04/12/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

*Heard in Committee. Speaker: Alan Burdell; spoke on various concerns relating to the hearing matter.*

**Vice Chair Preston moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking 'Motion' in the long title and replacing it with 'Resolution'; on Page 2, Line 23, by striking 'executed' and replacing it with 'prepared'; on Page 2, Lines 23-25, by striking 'for interdepartmental services for' and replacing it with 'governing the' and striking 'the Clerk of the Board to reimburse' and replace it with 'Board's transfer of \$45,000 from its budget to an account maintained for'; and adding other clarifying on conforming changes. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Resolution requesting the San Francisco Local Agency Formation Commission (LAFCo) to study future management options for the Midtown Park Apartments and conduct a request for proposals for a facilitator to conduct a resident engagement process to inform this study.

**Vice Chair Preston moved that this Resolution be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. 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 3:46 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.*