



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, September 27, 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, September 27, 2021, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:30 p.m.

Remote Access to Information and Participation

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

210888 [Resolution of Intention - Street Name Change - Donner Avenue to Charlie Way]

Sponsors: Walton; Safai

Resolution declaring the intention of the Board of Supervisors to rename Donner Avenue between Arelious Walker Drive and West Harney Way, which is a street located in Alice Griffith Public Housing, to Charlie Way.

07/27/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

08/03/21; REFERRED TO DEPARTMENT. Referred to Public Works, Police Department, Municipal Transportation Agency, Fire Department, and Department of Emergency Management for informational purposes.

08/05/21; RESPONSE RECEIVED. The Fire Department noted no objections to the proposed legislation.

08/30/21; RESPONSE RECEIVED. The Police Department noted no objections for the proposed legislation.

Heard in Committee. Speaker: Supervisor Shamann Walton, President (Board of Supervisors); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

210600 [Planning Code - Small Business Zoning Controls in Chinatown and North Beach and on Polk Street]**Sponsor: Peskin**

Ordinance amending the Planning Code to 1) allow neighborhood-serving Social Service and Philanthropic Facility uses in Chinatown Mixed Use Districts with conditional use authorization; 2) change the provision for abandonment of a use that exceeds a use size maximum in Chinatown Mixed Use Districts; 3) change the use size limit and use size maximum in the Chinatown Community Business District; 4) exempt Institutional Community uses and Legacy Business Restaurants in Chinatown Mixed Use Districts from use size limits; 5) allow lot mergers under certain conditions in the Polk Street Neighborhood Commercial District; and 6) exclude the portion of Powell Street south of Union Street from the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; 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 public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

05/25/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/24/2021.

06/01/21; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation; referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review.

06/03/21; 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.

08/27/21; RESPONSE RECEIVED. On May 25, 2021, the Planning Commission met and held a duly noticed hearing and recommended approval with modifications.

09/20/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Mabel Tang; Amy Zhou; Speaker; Carlos Serrano; Jenny Leung; Verne Patel; Sarah Shiu; Sarah Wen; Edward Tackwain; Linda Chapman; Rachel Long; Michelle Chan; spoke in support of the hearing matter.

09/20/21; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Kristen Jensen (Office of the City Attorney); presented information and answered questions raised throughout the discussion. 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 NEW TITLE, on Page 1, Lines 6-8, by adding 'allow re-establishment of a nonconforming use size in Chinatown Mixed Use Districts under certain circumstances; 4)'; on Page 3, Line 10, by striking 'that primarily serves the Chinatown neighborhood'; on Page 3, Line 11, by adding 'pursuant to Section 303, subsection (bb) of this Code' after 'Conditional Use'; on Page 3, on Lines 21-24, by adding 'However, any such abandoned use size may be re-established if the first use to occupy the space after its abandonment is an Institutional Community Use or a Restaurant use that will be occupied by a Legacy Business.'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of October 4, 2021. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

200519 [Planning Code - Geary-Masonic Special Use District]**Sponsor: Stefani**

Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District to require use of the inclusionary housing fee for a project within one-quarter mile of the boundaries of the district, or anywhere in San Francisco if not allocated within two years of payment; 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 adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

05/19/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/18/2020.

05/03/21; FILED PURSUANT TO RULE 3.41. The sponsor did not request this matter to be extended for an additional six months; this matter was filed pursuant to Board Rule 3.41.

06/22/21; REACTIVATED PURSUANT TO RULE 3.42 to Land Use and Transportation Committee.

06/24/21; REFERRED TO DEPARTMENT. Referred to the Planning Commission for informational purposes.

06/29/21; RESPONSE RECEIVED. On January 23, 2020, the Commission met and held a duly noticed hearing and recommended approval with modifications.

06/29/21; RESPONSE RECEIVED. On January 23, 2020, the Commission met and held a duly noticed hearing and recommended approval with modifications.

07/19/21; RESPONSE RECEIVED. The Planning Commission waived their opportunity to hear this ordinance because the proposed amendments under Board File No. 200519 are consistent with the recommended modification they made for Board File No. 191002 on January 23, 2020.

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

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by striking 'quarter' and replacing it with 'and one-half'; on Page 1, Line 6, by striking 'two' and replacing it with 'five'; on Page 3, Line 1, by adding 'and one-half'; and on Page 3, Line 2, by striking 'one-quarter' and replacing it with 'one and one-half'. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

210734 [Planning Code - Landmark Designation - 396-398 12th Street (San Francisco Eagle Bar)]**Sponsors: Haney; Mandelman and Ronen**

Ordinance amending the Planning Code to designate 396-398 12th Street (aka San Francisco Eagle Bar), Assessor's Parcel Block No. 3522, Lot No. 014, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; 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)

06/16/21; RECEIVED FROM DEPARTMENT.

06/29/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/29/2021. 6/29/21 - Supervisor Haney assumed primary sponsorship.

09/17/21; NOTICED. Notice of Public Hearing for 9/27/2021 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Honey Mahogany (Office of Supervisor Matt Haney); Frances McMillen (Planning Department); presented information and answered questions raised throughout the discussion. Le Santio (Eagle Bar); Linda Chapman; Manuel Howard Mendez; spoke in support of the hearing matter. Speaker; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

210844 [Hearing - Short Term Rental and Intermediate Length Occupancy Rental Registration and Enforcement]**Sponsor: Peskin**

Hearing on short-term rental and intermediate length occupancy rental registration, complaints and enforcement activity, policy and programming updates; and requesting the Office of Short-Term Rental Administration and Enforcement, Planning Department, and the Rent Board to report.

07/20/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

07/23/21; REFERRED TO DEPARTMENT. Referred to the Planning Department, Office of Short-Term Rental Administration and Enforcement, and Rent Board for informational purposes and requesting the listed agencies to report.

Heard in Committee. Speakers: Corey Teague (Planning Department); Robert Collins, Director, and Christina Varner (Rent Board); Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Joseph Smooke (People. Power. Media); Pria Broaker; Francisco da Costa; Aaron (Mission SRO Collaborative); Bret Gladstone; Theresa Flandric; Michelle Loron; Jeantelle Laberinto (People. Power. Media); Brad Hirn (Housing Rights Committee of San Francisco); Steven Hill; Linda Chapman; Anastasia Yovanopoulous; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

210962 [Emergency Ordinance - Extension of Temporary Tenant Protections Due to COVID-19]**Sponsors: Preston; Peskin, Walton, Ronen, Chan, Mandelman, Haney and Melgar**

Emergency ordinance to temporarily extend the COVID-19 based limit on residential evictions, which allows evictions only if based on the non-payment of rent or violence or health and safety issues, and which is currently set to expire on September 30, 2021.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

09/14/21; ASSIGNED to Land Use and Transportation Committee. 9/15/21 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

09/22/21; REFERRED TO DEPARTMENT. Referred to the Rent Board for informational purposes.

Heard in Committee. Speakers: None.

Vice Chair Preston moved that this Ordinance be RECOMMENDED AS 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 3:54 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.