



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, February 13, 2023

1:30 PM

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, February 13, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:38 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees will convene hybrid meetings that will allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person at the above noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>); equipment is not available to share hard copy documents received in-person.

Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit https://sfbos.org/in_person_meeting_guidelines for the current guidelines

Members of the public may also 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.

COMMUNICATIONS

*Erica Major, Land Use and Transportation Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. 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

220340 [Planning Code - Neighborhood Commercial and Mixed Use Zoning Districts]**Sponsor: Dorsey**

Ordinance amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed Use - General (WMUG) Districts; 6) principally permit Nighttime Entertainment in the Mixed Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed Use Districts, which contain commercial spaces, provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

04/05/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/5/2022.

04/08/22; 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; Department of Public Health, the Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes.

04/19/22; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Supervisor Haney introduced a substitute Ordinance bearing a new title

04/27/22; 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; Department of Public Health, the Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes.

04/28/22; 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.

07/12/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Dorsey introduced a substitute Ordinance bearing a new title.

07/20/22; 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; and Department of Public Health, Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes.

08/10/22; RESPONSE RECEIVED. The Planning Commission noted they elected to not respond to the proposed legislation.

09/08/22; 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.

11/08/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Dorsey introduced a substitute Ordinance bearing the same title.

11/17/22; 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; and Department of Public Health, Office of the Assessor Recorder, Department of Homelessness and Supportive Housing, and Office of Cannabis for informational purposes, and the Small Business Commission for comment and recommendation.

12/06/22; RESPONSE RECEIVED. On November 17, 2022, the Planning Commission met and held a duly noticed meeting and recommended approval with modifications to the proposed legislation.

12/16/22; 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. Physical projects will require separate environmental review.

12/21/22; RESPONSE RECEIVED. On December 12, 2022, the Small Business Commission discussed their support for the proposed legislation.

02/01/23; RESPONSE RECEIVED. On December 7, 2023, the Historic Preservation Commission conducted a duly noticed hearing and recommended to approve the proposed legislation.

Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); Aaron Starr (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. James Hewitt; spoke in support of the hearing matter.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 19-22, by striking ‘principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed Use - General (WMUG) districts; 6) principally permit Nighttime Entertainment in the Mixed Use - General (MUG) and WMUG Districts; 7’ and replacing it with ‘5) principally permit Nighttime Entertainment on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street unless they are zoned Residential Enclave District (RED) or Residential Enclave District – Mixed (RED-MX); by updating certain Districts under Table 124 Basic Floor Ratio Limits on Page 6 and 7; 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 update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use districts, and in historic and nonconforming commercial buildings in Residential Enclave districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT district; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial districts; 5) principally permit Nighttime Entertainment on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street unless they are zoned Residential Enclave District (RED) or Residential Enclave District - Mixed (RED-MX); 6) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility Uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 87) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 98) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 109) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Chair Melgar moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 27, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

220815 [Administrative Code - Definition of Tourist or Transient Use under Hotel Conversion Ordinance; Amortization Period]**Sponsor: Peskin**

Ordinance amending the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion and Demolition Ordinance; to set the term of tenancy for such use at less than seven days, for two years after the effective date of this Ordinance, and, after that two-year period, at less than 30 days; to provide an amortization period applicable to hotels currently regulated under the Ordinance; to provide a process by which the owners or operators of regulated hotels can request that the amortization period be longer, on a case-by-case basis; to amend the definition of Permanent Resident, from a person who occupies a room for at least 32 days to one who occupies a room for at least 30 days; and affirming the Planning Department's determination under the California Environmental Quality Act.

07/12/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/11/2022.

07/20/22; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and the Department of Building Inspection and Building Inspection Commission for informational purposes.

02/06/23; RESPONSE RECEIVED. This project could not have a significant effect on the environment. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to prepare a Negative Declaration), and the following reasons as documented in the Initial Evaluation (Initial Study) for the project.

Heard in Committee. Speakers: Brian Oneil; spoke in support of the hearing matter. Ryan Patterson (Zacks, Freedman & Patterson); 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, Line 20, by striking '190946' and replacing it with '220815'. 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

Member Peskin moved that the previous motion be RESCINDED. 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 February 27, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar recessed the meeting at 2:10 and reconvened at 2:16 p.m.

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:18 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.