



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: John Carroll
(415) 554-4445 ~ john.carroll@sfgov.org

Monday, July 1, 2024

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 on Monday, July 1, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 p.m.

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.

COMMUNICATIONS

John Carroll, Land Use and Transportation Committee Clerk, instructed members of the public that public comment is taken on each item on the agenda. Alternatively, written comments may be submitted through email (john.carroll@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

240687 [Resolution of Intention - Street Name Change - Oakdale Avenue East of Third Street to James Richards Way]

Sponsor: Walton

Resolution declaring the intention of the Board of Supervisors to rename Oakdale Avenue between Third Street to Newhall Street.

06/11/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

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

Chair Melgar moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

240474 [Building, Planning Codes - Existing Awning Amnesty Program]

Sponsors: Mayor; Stefani, Engardio, Peskin and Chan

Ordinance amending the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025; 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 pursuant to Planning Code, Section 302.

05/07/24; ASSIGNED to Land Use and Transportation Committee. May 29, 2024 - President Peskin waived the 30-Day rule, pursuant to Board Rule 3.22.

05/15/24; REFERRED TO DEPARTMENT. Referred to the Planning Commission for findings of consistency with the General Plan; the eight priority policies of Planning Code, Section 101.1; and findings of public necessity, convenience, and welfare under Planning Code, Section 302. Referred to the Planning Department for environmental review. Referred to the Building Inspection Commission for review and response.

06/06/24; 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.

06/13/24; RESPONSE RECEIVED. On June 12, 2024, the Building Inspection Commission met and held a duly noticed hearing, and recommended approval of the proposed legislation.

06/25/24; RESPONSE RECEIVED. On June 20, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speaker(s): Tate Hanna (Department of Building Inspection); Katy Tang, Director (Office of Small Business); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

240496 [1629 Market Street - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths and Street Grades, Sidewalk Maintenance]**Sponsors: Mayor; Dorsey**

Ordinance accepting irrevocable offers of public infrastructure associated with the 1629 Market Street Mixed-Use Project, including improvements located within portions of Market, Brady, Stevenson, and Colton Streets, Colusa Place, and Chase Court; accepting an irrevocable offer of dedication for right-of-way purposes of real property located at the intersection of Colton and Brady Streets; dedicating this infrastructure and real property to public use; designating this public infrastructure and real property for street and roadway purposes, as applicable; accepting Stevenson Street, a formerly unaccepted street, and other public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk width on portions of the above-mentioned streets; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; authorizing official acts, as defined, in connection with this Ordinance; adopting findings 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.

05/14/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/13/2024.

Heard in Committee. Speaker(s): Cathal Hennessy (Public Works); 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

240173 [Planning Code, Zoning Map - RED and WMUG Districts, Rezone 135 Kissling Street]**Sponsor: Dorsey**

Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX; 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 pursuant to Planning Code, Section 302.

02/27/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/28/2024.

03/01/24; REFERRED TO DEPARTMENT. Referred to the Planning Commission for findings of consistency with the General Plan; the eight priority policies of Planning Code, Section 101.1; and findings of public necessity, convenience, and welfare under Planning Code, Section 302. Referred to the Planning Department for environmental review.

03/11/24; 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 changes are covered under Community Plan Evaluation for 1560 Folsom Street Case No. 2018-014795ENV.

06/10/24; RESPONSE RECEIVED. On May 23, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

06/21/24; NOTICED. Ten-Day Notice for July 1, 2024 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speaker(s): Madison Tam (Office of Supervisor Dorsey); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Melinda Sarjapur (Reuben, Junius, and Rose LLP); shared various concerns regarding the hearing matter.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, to read 'Planning Code, Zoning Map - RED and WMUG Districts, Rezone 135 Kissling Street;' on Page 1, Lines 4-5, by inserting 'and Western SoMa Mixed Use-General (WMUG);' on Page 8, Lines 1-13, by updating the Zoning Control Table for the Western SoMa Mixed Use General District for Vehicle Storage Lots from Not Permitted to Conditionally Permitted; and making conforming and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) and Western SoMa Mixed Use-General (WMUG) Districts and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED MX; and 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 pursuant to Planning Code, Section 302.

Chair Melgar moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation committee meeting of July 8, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

240696 [Police Code - Tenderloin Retail Hours Restriction Pilot Program]**Sponsor: Mayor**

Ordinance amending the Police Code to create a two-year pilot program, during which retail food and tobacco establishments in a high-crime area of the Tenderloin police district are prohibited from being open to the public from 12:00 a.m. to 5:00 a.m., or from 2:00 a.m. to 5:00 a.m. if subject to regulation by the California Department of Alcoholic Beverage Control; authorizing the Department of Public Health to impose administrative fines for violation of the hours restrictions; declaring an establishment's operation in violation of the hours restrictions to be a public nuisance; authorizing enforcement actions by the City Attorney; and creating a private right of action for persons harmed by a violation of the hours restriction.

06/17/24; CONTINUED AS AMENDED. Duplicated from File No. 240407

06/17/24; DUPLICATED AS AMENDED. Duplicated from File No. 240407.

Heard in Committee. Speaker(s): None.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 12, Line 23, through Page 13, Line 7, by inserting '(b) No person may commence an action under Section 5808(a) without first providing written notice to the City Attorney of their intent to commence an action against a Retail Establishment. The person must deliver the written notice to the City Attorney at least 60 days prior to commencing the action. Notwithstanding Section 5808(a) and the foregoing sentences of this Section 5808(b), no person may commence an action against a Retail Establishment under Section 5808(a) if the City Attorney has already commenced an action against that Retail Establishment and the City Attorney's action is ongoing, regardless of whether at the time of commencing such action there has been delivery of such notice, or, if there has been delivery of such notice, whether the City Attorney's action has commenced before, on, or after the 60th day following delivery of such notice.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance 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 1:56 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.