



**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](mailto:john.carroll@sfgov.org)*

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**Monday, November 27, 2023**

**1:30 PM**

**City Hall, Legislative Chamber, Room 250**

**Regular Meeting**

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**Present:** 3 - Myrna Melgar, Dean Preston, and Aaron Peskin

*The Land Use and Transportation Committee met in regular session on Monday, November 27, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:36 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](mailto: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**

*Chair Melgar requested that File Nos. 230505 and 231137 be called together.*

**230505 [Planning Code, Zoning Map, Local Coastal Program Amendment - Wawona Street and 45th Avenue Cultural Center Special Use District]****Sponsor: Engardio; Melgar**

Ordinance amending the Planning Code to create the Wawona Street and 45th Avenue Cultural Center Special Use District (Assessor's Parcel Block No. 2513, Lot No. 026) to facilitate the redevelopment of a cultural center; amending the Zoning Map to show the Wawona Street and 45th Avenue Cultural Center Special Use District; amending the Local Coastal Program to add the Wawona Street and 45th Avenue Cultural Center Special Use District, subject to certification by the California Coastal Commission; 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.

05/02/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/1/2023.

05/05/23; 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.

06/07/23; 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. Separate environmental review for the Irish Cultural Center Project is underway.

07/25/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Engardio introduced a substitute Ordinance bearing the same title.

07/27/23; RESPONSE RECEIVED. On July 27, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval for the proposed legislation.

08/01/23; RESPONSE RECEIVED. The Planner noted that Version 2 of the legislation would not need to be re-referred out, a transmittal would be forthcoming.

09/01/23; NOTICED. 10-Day Notice for 9/11/2023 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

09/11/23; CONTINUED. Heard in Committee. Speakers: Tita Bell (Office of Supervisor Joel Engardio); presented information and answered questions raised throughout the discussion. Eileen Boken; Evan Rosen; Speaker; spoke in support of the hearing matter.

10/30/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Joel Engardio (Board of Supervisors); Gabi Pentoja (Planning Department); John Kevlin (United Irish Cultural Center); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Eileen Boken (Sunset Parkside Education and Action Committee SPEAK); Evan Rosen; Speaker; spoke in opposition to the ordinance matter. Thierry Fill; shared various concerns regarding the ordinance.

10/30/23; CONTINUED AS AMENDED.

10/31/23; NOTICED. Notice of Availability of Local Coastal Program Amendments posted and mailed, in accordance with the applicable provisions of the California Coastal Act and implementing regulations, for a six-week public review period beginning October 31, 2023.

11/06/23; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation pursuant to Planning Code Sections 101.1 and 302, and the Planning Department for environmental review.

11/08/23; NOTICED. 10-working day notice for November 27, 2023 Land Use and Transportation

Committee hearing posted and mailed pursuant to Title 14 of the California Code of Regulations, Section 13515.

11/13/23; RESPONSE RECEIVED. CEQA clearance under 2022-001407ENV, 2700 45th Avenue (United Irish Cultural Center) Streamlined Review for Infill Projects, issued July 17, 2023.

11/17/23; NOTICED. 10-day notice for November 27, 2023 Land Use and Transportation Committee hearing published in the Examiner and posted per California Government Code, Sections 65856 & 65090.

*Heard in Committee. Speakers: Supervisor Joel Engardio (Board of Supervisors); Gabriela Pantoja (Planning Department); Anne Pearson and Guilia Gualco (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Kathleen Dowling McDonough; Iver Collins; Jeanne Connolly; Suzie Sheedy; Dana Cotter; Mark Conroe; Speaker; spoke in support of the hearing matter. Eileen Boken (Sunset Parkside Education and Outreach Committee SPEAK); Speaker; Susan Wolf; spoke in opposition to the hearing matter. Ericka Zweig; shared various concerns regarding the hearing matter.*

*Supervisor Melgar requested to be added as a co-sponsor.*

**Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 12-19, by inserting '(d) The Board of Supervisors finds that the Planning Code and Zoning Map amendments in this ordinance constitute an amendment to the City's Local Coastal Program. The Board of Supervisors finds that the amendments conform with the applicable provisions of the Coastal Act of 1976 and the provisions of the City's certified Land Use Plan – the Western Shoreline Area Plan. The Board of Supervisors adopts and incorporates by reference the findings of the Planning Department in its letter dated October 30, 2023 and the Planning Commission in Resolution No. 21377, on file with the Clerk of the Board in File No. 230505.' The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

**231137 [Local Coastal Program Amendment - 2700-45th Avenue - Wawona Street and 45th Avenue Cultural Center Special Use District]****Sponsors: Engardio; Melgar**

Resolution transmitting to the California Coastal Commission for review and certification an amendment to the Implementation Program portion of the certified Local Coastal Program for the creation of the Wawona Street and 45th Avenue Cultural Center Special Use District on the parcel located at 2700-45th Avenue; and affirming the Planning Department's determination under the California Environmental Quality Act.

10/31/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

11/14/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

*Heard in Committee. Speakers: Supervisor Joel Engardio (Board of Supervisors); Gabriela Pantoja (Planning Department); Anne Pearson and Guilia Gualco (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Kathleen Dowling McDonough; Iver Collins; Jeanne Connolly; Suzie Sheedy; Dana Cotter; Mark Conroe; Speaker; spoke in support of the hearing matter. Eileen Boken (Sunset Parkside Education and Outreach Committee SPEAK); Speaker; Susan Wolf; spoke in opposition to the hearing matter. Ericka Zweig; shared various concerns regarding the hearing matter.*

*Supervisor Melgar requested to be added as a co-sponsor.*

**Chair Melgar moved that this Resolution be RECOMMENDED to the Board of Supervisors meeting of December 12, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230768 [Public Works Code - Authorizing and Permitting Neighborhood Amenities]****Sponsors: Melgar; Stefani, Mandelman, Ronen, Engardio and Chan**

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce fees for certain minor encroachment permits, to waive certain annual encroachment assessments, to clarify the approval process for commemorative plaques, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

06/27/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/27/2023.

06/30/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and referred to Public Works, Office of the Assessor Recorder, and Arts Commission for informational purposes.

06/30/23; 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.

10/17/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Melgar introduced a substitute Ordinance bearing a new title.

10/25/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and referred to Public Works, Office of the Assessor Recorder, and Arts Commission for informational purposes.

10/30/23; CONTINUED. Heard in Committee. Speakers: Carla Short, Interim Director, and Beth Rubenstein (Public Works); presented information and answered questions raised throughout the discussion. Thaïs Arjo (San Francisco Parks Alliance); Andrew Robinson (East Cut Community Benefit District); shared support for the ordinance matter. Thierry Fill; Yolanda; Scott Feeney; Janet Tarlov (San Francisco Council of District Merchants Associations); Speaker; Speaker; Michael Smith; shared various concerns regarding the ordinance.

10/31/23; 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.

*Heard in Committee. Speakers: Carla Short, Director (Public Works); presented information and answered questions raised throughout the discussion. Eric Brooks (Our City San Francisco); Yolanda; shared various concerns regarding the ordinance matter.*

Chair Melgar moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, in Section 723.1, to make adjustments to the definitions of "Decorative Street Lights," "Front Yard Library," "Front Yard Planter," "Neighborhood Street Lighting," "Seasonal Sidewalk Lighting," and "Sidewalk Library;" on Page 8, Lines 14-15, by inserting 'Conditions of Approval may include but are not limited to periodic inspection, maintenance, and repair requirements'; on Page 9, Line 11 through Page 10, Line 8, by making adjustments to the safety inspection requirements and conditions related to minor sidewalk encroachments in Section 723.2; on Page 11, Lines 8-23, to make adjustments to the exceptions for the liability for Minor Encroachments as pertain to Adjacent Property Owners and Stewards; on Page 12, Line 25 through Page 13, Line 4, by inserting 'The Department, in the Department's sole authority, may require the owner of the real property adjacent to a Tier 1 Project who is the registrant of the Tier 1 Project to record in the office of the Assessor-Recorder the owner's acknowledgment of the owner's liability for any injury or Claims, as defined in Section 723.2(e)(1), caused by the Tier 1 Project'; on Page 25, Lines 10-13, by striking 'Inspection Fee: \$314 conformity and safety inspection fee; and (v) Permits for Tier 1 Love Our Neighborhoods Projects pursuant to Section 723.1: \$200 permit application fee for a permit applicant that is a community-based organization, nonprofit organization, community benefits district, or merchants association'; and making conforming and clerical amendments throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar moved that this Ordinance be **CONTINUED AS AMENDED** to the Land Use and Transportation Committee meeting of December 4, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

**230701 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]****Sponsors: Mayor; Engardio, Dorsey, Melgar, Stefani and Mandelman**

Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 7) expand business types that qualify for the Planning Department priority review program; 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; and 12) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; 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.  
(Economic Impact)

06/06/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/6/2023.

06/12/23; 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.

06/13/23; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

06/27/23; RESPONSE RECEIVED. On June 26, 2023, the Small Business Commission met and and voted to support the proposed legislation.

06/30/23; 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.

07/25/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. 7/25/23 - Mayor introduced a substitute Ordinance bearing a new title

10/03/23; RESPONSE RECEIVED. On September 7, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

10/30/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Katy Tang, Director (Office of Small Business); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Simon Bertrang (San Francisco New Deal); shared support for the ordinance matter. Thierry Fill; Eric Brooks; Yolanda; George Wooding; Speaker; Janet Tarlov (San Francisco Council of District Merchants Associations); shared various concerns regarding the ordinance.

10/30/23; CONTINUED AS AMENDED.

11/06/23; REFERRED TO DEPARTMENT. Referred to the Planning Commission for public hearing and recommendation pursuant to Planning Code Sections 101.1 and 302, and the Planning Department for environmental review.

*Heard in Committee. Speakers: Katy Tang, Director (Office of Small Business); Anne Pearson*

(Office of the City Attorney); presented information and answered questions raised throughout the discussion. Yolanda; Christian; shared various concerns regarding the ordinance matter.

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by excluding the previously-proposed waiver of development impact fees impact fees and requirements in Article 4, with the exception of inclusionary housing (Section 415), for a five-year period for projects proposing certain changes in use; by modifying Priority Processing provisions of Section 303.2 to exempt North Beach and exclude a previously-proposed requirement for Planning Department staff to use an abbreviated case report; by reverting to existing code language to retain a 90-day abandonment period for Flexible Retail; by establishing and clarifying operating requirements for Limited Corner Commercial Uses; by eliminating an outdated exception for Limited Restaurants in the Jackson Square SUD; and making other clerical, clarifying, and conforming amendments throughout the ordinance. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in certain NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses that are not Formula Retail in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 7) expand business types that qualify for the Planning Department priority review program and establish that the program will not apply in the North Beach NCD and North Beach Special Use District (SUD); 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; and 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; 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.

(Economic Impact)

*See Duplicate File No. 231221.*

**DUPLICATED AS AMENDED**

*No motion to move this Ordinance forward as amended was taken; therefore, this Ordinance will appear on the December 4, 2023, Land Use and Transportation Committee agenda.*

**NO ACTION TAKEN. PENDING IN COMMITTEE.**



**231221 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]****Sponsors: Mayor; Engardio, Dorsey and Melgar**

Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in certain NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses that are not Formula Retail in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 7) expand business types that qualify for the Planning Department priority review program and establish that the program will not apply in the North Beach NCD and North Beach Special Use District (SUD); 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; and 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; 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.

(Economic Impact)

*Duplicated from File No. 230701.*

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by waiving development impact fees and requirements in Article 4, with the exception of inclusionary housing (Section 415), for a five-year period for projects proposing certain changes in use; by requiring Section 311 neighborhood notice for changes of use to an LCU or LCCU in RH, RM-1, and RM-2 districts; and making other clerical, clarifying, and conforming amendments throughout the ordinance. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in certain NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses that are not Formula Retail in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts and to require neighborhood notice for changes of use in certain residential districts; 7) expand business types that qualify for the Planning Department priority review program and establish that the program will not apply in the North Beach NCD and North Beach Special Use District (SUD); 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; 12) modify requirements for limited commercial uses within one-quarter mile of the North Beach SUD; and 13) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; 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.  
(Economic Impact)

**Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of December 4, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230446 [Planning and Subdivision Codes, Zoning Map - Housing Production]****Sponsors: Mayor; Engardio and Dorsey**

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; 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.

04/18/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/18/2023.

04/26/23; 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; referred to the Mayor's Office of Housing and Community Development, Rent Board, Department of Building Inspection, and the Office of the Assessor-Recorder for informational purposes.

05/17/23; 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 then environment. Any physical projects would require separate environmental analysis or General Plan Evaluation under the 2022 Housing Element EIR.

06/06/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Mayor introduced a substitute Ordinance bearing new title.

06/09/23; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development, Rent Board, Department of Building Inspection, and the Office of the Assessor-Recorder for informational purposes.

06/13/23; 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.

06/27/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Mayor introduced a substitute Ordinance bearing the same title.

06/30/23; 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; referred to the Mayor's Office of Housing and Community Development, Rent Board, Department of Building Inspection, and the Office of the Assessor-Recorder for informational purposes.

07/14/23; RESPONSE RECEIVED. The proposed amendments were covered in the San Francisco Housing Element 2022 Update Environmental Impact Report (EIR) certified on November 17, 2022.

07/20/23; RESPONSE RECEIVED. On June 29, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for this proposed legislation.

09/08/23; NOTICED. 10-Day Notice for 9/18/2023 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

09/18/23; CONTINUED. Heard in Committee. Speakers: Aaron Starr (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Christopher Roach; Sarah Willmer; Speaker; Calvin Welch; Jane Natoli; Annie Fryman; Susanna Douglas; A. Gordon Atkinson; Christopher Oquist; Tes Welborn; Lev Weisbach; Chanel; Elizabeth; Jake Price; Paul Adamson; Barbara Bei; Adam; Steven; Jonathan Friedman; Veronica Lempert; Peter Papadopoulos; Charles Ayers; Erica Kaplan; Corey Smith; spoke in support of the hearing matter. Zach Karnazes; Lucy; Speaker; Speaker; Kathy Lipscomb; Speaker; Speaker; Speaker; Betty; Tom Gilbert; John Avalos; Nick Pasquariello; Speaker; Steve Leeds; Bridget Maley; Verna Shaheen; Katherine Petrin; Trevor Weinhurst; Chantelle Wilkinson; Erica Sawarage; Sue Hestor; Speaker; David Woo; Carmen Boquin; Speaker; Joseph Smooke; Tab Buckner; Lori Lederman; Anastasia Yovanopoulos; Renee Curran; Don Masumi; Larisa Pedroncelli; Amy Beinart; George Wooding; Eric Brooks; Francisco Carrera; Jonathan Mead; Angelica Segura-Brandi; Tracy Flandrich; Speaker; Bruce Wolfe; Jeannine; Robert Fruchtman; Katherine Howard; Michael Nulty; Speaker; Lea Thea; Speaker; Roisin Isner; Georgia Schuttish; Lorraine Petty; Stephanie Peake; spoke in opposition of the hearing matter. William Railing; Lou Esperante; spoke on various concerns relating to the hearing matter.

09/25/23; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.

10/02/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Aaron Starr (Planning Department); Supervisors Rafael Mandelman and Matt Dorsey (Board of Supervisors); Tom Paulino (Office of the Mayor); Rich Hillis, Director (Planning Department); Ozzie Rohm (San Francisco Land Use Coalition); presented information and answered questions raised throughout the discussion. Serena Calhoun; Speaker; Jane Natoli (YIMBY Action); Kevin Prine; Jonathan; spoke in support of the ordinance matter. Don Misumi; Eileen Boken; Anastasia Yovanopolous; Scott (Mission Liberation Center); Joseph Smooke (Westside Community Coalition); Theresa Flandrich (North Beach Tenants Association); Stephanie; Kim Tavaglione (San Francisco Labor Council); Renee; Jeantelle Laberinto (Race and Equity in All Planning Coalition); Max Williams; Skylar Sacoolas (Green Action For Health and Environmental Justice); Magik Altman; Anakh Sul Rama; Speaker; Christie Hanson; Howard Wong; Speaker; Rudy Gonzalez (San Francisco Labor Council); Lori Liederman; Mitchell Omerberg, Director (Affordable Housing Alliance); Katherine Petrin (San Francisco Heritage); Reyna Tello (PODER); Speaker; Steve Lee; Georgia Schuttish; Nancy Méndez, Manager (Excelsior Resource Hub); Layla Stanley (San Francisco Tenants Union); Gilbert Williams; Larissa Pedroncelli; Francisco Herrera; Amy Beinart; spoke in opposition to the ordinance matter. Eric Brooks (Our City San Francisco); Ozzie Rohm (San Francisco Land Use Coalition); Matthew Lew (Chinatown Community Development Center); Gary Gregerson; Molly Goldberg, Director (San Francisco Anti-Displacement Coalition); Regina Islas; Avi Gandhi (Chinatown Community Development Center); Kyle Doole; Kathy Lipscomb (Senior and Disability Action); Yolanda; Jake Price (Housing Action Coalition); Speaker; George Wooding; Christopher Marsh; Speaker; Carmen; Pryia (Race and Equity in All Planning Coalition); Speaker; Peter Papadopoulos (Mission Economic Development Agency); Speaker; Robert Fruchtman; Lorraine Petty; Sue Hestor; Adam; Speaker; Bridget Maley; Speaker; shared various concerns regarding the ordinance matter.

10/02/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/02/23; CONTINUED AS AMENDED. The Land Use and Transportation Committee requested that the City Attorney prepare a special review copy of the Ordinance, as twice amended, indicating the amendments provided by the Planning Department and Chair Melgar separately through highlighting in

different colors.

10/16/23; CONTINUED. Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Richard Hillis, Director (Planning Department); presented information and answered questions raised throughout the discussion. Annie Fryman; (SPUR); Jake Price: Mike Chan; Jessica; Robert Fruchtman; Joel; Steve; spoke in support of the ordinance matter. Elizabeth; Luisa Roy; Francesca; Peter Warfield; Anastasia Yovanopolous; Speaker; spoke in opposition to the ordinance matter. Thierry Fill, Jonathan Randolph; shared various concerns regarding the ordinance.

10/30/23; DUPLICATED. Heard in Committee. Speakers: Aaron Starr (Planning Department); presented information and responded to questions raised throughout the discussion. Robert Fruchtman; shared support for the ordinance matter. Eric Brooks; Tes Welborn; Catherine Howard; Calvin Welch (Haight Ashbury Neighborhood Council); Steve Leeds; shared opposition to the ordinance. George Wooding; David Woo (SoMa Pilipinas); Jeantelle Laberinto (San Francisco Rent Coalition); Jaime Fonseca (Dolores Street Community Services); Sandra; Yolanda; Speaker; Carolyn Kenady; Charlie Sciammas (Council of Community Housing Organizations); Speaker; Speaker; Speaker; shared various concerns regarding the ordinance.

10/30/23; CONTINUED. See Duplicate File No. 231142.

*Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Aaron Starr and Rich Hillis, Director (Planning Department); Andrea Ruiz-Esquide and Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Jake Price (Housing Action Coalition); Barach; Christopher Roach; Tracy Friedman; Speaker; Steve Marzo; Charlie Toli; Keri Bernstein; Neil Shockman; Mo Zu; David Kim; Bobak Esfandiari; Speaker; Speaker; Speaker; Selim Damergy; Katie Henrickson; Robert Fruchtman; Annie Fryman; spoke in support of the ordinance matter. Eric Brooks; Yolanda; Don Misumi (Richmond District Rising); Jeantelle Laberinto; Diane Ruiz; Erick Arguello; Joseph Smooke; Kathy Lipscomb; Katherine Howard; Speaker; Ericka Zweig; spoke in opposition to the ordinance matter. Peter Papadopoulos (Mission Economic Development Agency); Mike Chan; Charlie Sciammas (Council of Community Housing Organizations); Lori Liederman; shared various concerns regarding the ordinance matter.*

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 69, Lines 9-14, to read '(C) The building proposed for demolition is not an Historic Building as defined in Section 102, and was built after 1923. For the purposes of this subsection (c)(2)(C), an "Historic Building" shall also include any building located in an historic district listed in Article 10, any building located in a conservation district listed in Article 11, and any building located in a district that is listed in or determined eligible for listing in the California Register of Historical Resources or the National Register of Historic Places;'. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, by deleting previous amendments to create overall consistency between the provisions in the ordinance and the existing Family Housing Opportunity Special Use District; by amending Sections 121.1 and 121.3 to delete subjective findings from the Conditional Use requirements for large lot developments in the Priority Equity Geographies Special Use District and in Chinatown, respectively, and replace them with objective standards; by restoring Section 311 notification procedures for certain projects; by amending the applicability requirements for the Section 317 waiver outside Priority Equity Geographies, on Page 70, Lines 3-17, to read 'A) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the last five years, and have not been vacated within the past five years pursuant to a Buyout Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from time to time; (B) No units would be removed or demolished that are: (i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower- or very low-income within the past five years; or (ii) subject to limits on rent increases under the Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) within the past five years; or (iii) rented by lower- or very low-income households within the past five years; change the requirement that applicants hold a pre-application meeting with interested community members for a requirement that they hold a pre or post application meeting; remove buildings located in an Article 10 historic districts from the definition of historic buildings that cannot get a Section 317 waiver, and add buildings build before 1923 and buildings that are contributors to California Register of Historical Resources or the National Register of Historic Places districts, whether listed or deemed eligible, to that definition; and making other clerical, clarifying, and conforming amendments throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

**Member Peskin requested that this matter be DUPLICATED AS AMENDED**

*See Duplicate File No. 231219.*

Chair Melgar moved that this Ordinance be **REFERRED WITHOUT RECOMMENDATION AS AMENDED AS A COMMITTEE REPORT**. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

**231219 [Planning and Subdivision Codes, Zoning Map - Housing Production]****Sponsors: Mayor; Engardio**

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; 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.

*Duplicated from File No. 230446.*

**Chair Melgar moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**231175 [Urging the City Attorney and the Mayor to Respond to HCD’s “Policy and Practice Review” by Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and Corrections; and Setting City Policy for Implementation of the Housing Element]**

**Sponsors: Peskin; Chan and Mandelman**

Resolution directing the City Attorney and the City Lobbyist, on behalf of the City, to request that the State Department of Housing and Community Development (HCD) extend the Housing Element Implementation Action Plan deadline to ensure all of San Francisco’s extensive, collaborative work to further housing development does not 1) lead to de-certification of San Francisco’s thorough and adopted Housing Element; 2) to revise and correct HCD’s “Policy and Practice Review” letter to be responsive to San Francisco’s adopted Housing Element, including its actions on affordable housing and equity; and 3) to be responsive to the City’s legal obligations to affirmatively further Fair Housing, San Francisco’s Chartered legislative process, and San Francisco’s status as a Charter City imbued with the power of local action over municipal affairs.

11/07/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

*Heard in Committee. Speakers: Eric Brooks; Katherine Howard; Li Lovett; Speaker; Diane Ruiz; Jeantelle Laberinto; Ericka Zweig; Joseph Smooke; Peter Papadopoulos (Mission Economic Development Agency); Lori Liederman; spoke in support of the resolution matter. Speaker; Robert Fruchtmann; Bobak Esfandiari; Selim Damergy; Annie Fryman; Barach; spoke in opposition to the resolution matter. Audrey Liu; Charlie Sciammas (Council of Community Housing Advocates); Erick Arguello; shared various concerns regarding the resolution matter.*

**Member Peskin moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to read "Resolution urging the City Attorney and the Mayor to request that the State Department of Housing and Community Development (HCD): 1) extend the deadlines for Required Actions in HCD’s Policy and Practice Review to ensure that all of San Francisco’s extensive, collaborative work to further housing development does not lead to de-certification of San Francisco’s adopted Housing Element; 2) revise and correct HCD’s Policy and Practice Review to be consistent with all policies in San Francisco’s adopted Housing Element, including its policies and actions related to affordable housing and equity, as well as the City’s legal obligations to affirmatively further fair housing, and to be consistent with San Francisco’s status as a Charter City imbued with the power of local action over municipal affairs; and setting forth that as part of the City’s Housing Element implementation, it is the policy of the City to address the dual goals of production of new housing as well as the preservation of existing housing." The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Resolution urging the City Attorney and the Mayor to request that the State Department of Housing and Community Development (HCD): 1) extend the deadlines for Required Actions in HCD’s Policy and Practice Review to ensure that all of San Francisco’s extensive, collaborative work to further housing development does not lead to de-certification of San Francisco’s adopted Housing Element; 2) revise and correct HCD’s Policy and Practice Review to be consistent with all policies in San Francisco’s adopted Housing Element, including its policies and actions related to affordable housing and equity, as well as the City’s legal obligations to affirmatively further fair housing, and to be consistent with San Francisco’s status as a Charter City imbued with the power of local action over municipal affairs; and setting forth that as part of the City’s Housing Element implementation, it is the policy of the City to address the dual goals of production of new housing as well as the preservation of existing housing.

**Member Peskin moved that this Resolution be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of December 4, 2023. 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 5:00 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.*