



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, March 13, 2023

1:30 PM

Regular Meeting

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, March 13, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may submit their comments by email to: Erica.Major@sfgov.org; all comments received will be made a part of the official record.

Live watch San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider) or stream meetings on the SFGovTV website (www.sfgovtv.org). Regularly scheduled Land Use and Transportation 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>.

Visit the Board's website (www.sfbos.org) for additional information or contact the Clerk, Erica Major, at (415) 554-4441 or Erica.Major@sfgov.org.

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, that 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) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

REGULAR AGENDA

210585 [Planning Code - State-Mandated Accessory Dwelling Unit Controls]

Sponsor: Mayor

Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units meeting certain requirements in single-family and multifamily buildings; 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 necessity, convenience, and welfare under Planning Code, Section 302.

06/08/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/8/2021.

06/11/21; 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.

07/22/21; 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.

09/01/21; RESPONSE RECEIVED. On September 2, 2021, the Planning Commission met and held a duly noticed hearing and recommended approval with modification to the proposed legislation.

09/02/22; REMAIN ACTIVE. Mayor Breed requested this matter remain active an additional six months; 3/2/2023.

03/06/23; CONTINUED. Heard in Committee. Speaker: Jake Price (San Francisco Housing Action Coalition); spoke on various concerns relating to the hearing matter.

Heard in Committee. Speakers: Veronica Flores and Natalia Fossi (Planning Department); Peter Miljanich (Office of the City Attorney); presented information and answered questions raised throughout the discussion. James Price (San Francisco Housing Action Coalition); 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 5-7, by adding 'and to permit certain accessory dwelling units in the rear yard under the City's local, discretionary approval program' after 'buildings' and striking 'affirming the Planning Department's determination' and replacing it with 'making findings' before the word 'under'; by updating the language under Section 1 Findings; and adding other clarifying and conformation changes. 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 March 20, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar requested that File Nos. 221021, 221105, and 220340 be called together.

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.

Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

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

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

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

Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

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

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 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; 7) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 8) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 9) 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, 2022, the Historic Preservation Commission conducted a duly noticed hearing and recommended to approve the proposed legislation.

02/13/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 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.

02/13/23; CONTINUED AS AMENDED.

02/27/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion. Tom Radulovich (Livable City); spoke in support of the hearing matter.

02/27/23; CONTINUED AS AMENDED.

Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

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

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 1:53 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.