



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, April 3, 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, April 3, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:31 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, 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

230311 [Administrative Code - COVID-19 Tenant Protections]

Sponsors: Preston; Walton, Peskin, Ronen and Chan

Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency.

03/20/23; DUPLICATED. Duplicated from File No. 230260.

03/20/23; CONTINUED TO CALL OF THE CHAIR. Duplicated from File No. 230260.

Heard in Committee. Speaker: Michael Petrelis; spoke on various concerns relating to the hearing matter.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding ‘; and including within those restrictions units where the rent is controlled or regulated by the City.’ to the long title; on Page 3, Lines 21-22, by striking ‘(as said time period may be extended by the Governor from time to time)’ and adding ‘(March 16, 2020 through September 30, 2020),’ after ‘effect’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of April 17, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230124 [Administrative and Public Works Codes - Shared Spaces Program]**Sponsors: Peskin; Dorsey and Engardio**

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, convert the shared space use into a post-pandemic permit, and modify the consent procedures for fronting tenants and property owners; amending the Public Works Code to address abandonment of structures as part of shared spaces enforcement; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/06/23; DUPLICATED. Duplicated from File No. 230025.

02/06/23; CONTINUED TO CALL OF THE CHAIR. Duplicated from File No. 230025.

03/20/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee.
Speakers: None.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding ', and modify the consent procedures for fronting tenants and property owners; amending the Public Works Code to address abandonment of structures as part of shared spaces enforcement;' after 'permit' in the long title; on Page 3, Line 16, by adding 'the prospective Permittee shall provide'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

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

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

Member Peskin moved to RESCIND the previous votes. The motion carried by the following vote:

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

03/20/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: None.

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

Ayes: 3 - Melgar, Preston, Peskin

230156 [Environment Code - Safe Drug Disposal]**Sponsors: Mayor; Mandelman and Dorsey**

Ordinance amending the Environment Code to eliminate the requirement that certain drugs (“covered drugs”) be disposed of at either a permitted hazardous waste disposal facility or permitted large municipal waste combustor, as those terms are defined by Environmental Protection Agency regulations, or at a facility that provides equivalent or superior environment and human health protection to such facilities, and to instead require that covered drugs be disposed of at a waste disposal facility operating in compliance with all local, state, and federal requirements applicable to that waste disposal facility; to require regular reporting of the compliance status of disposal facilities used; to change drug wholesalers’ obligation to update the City’s list of covered drug producers from an annual update to an update on request of the Environment Department’s Director; to remove the requirement that operators of a drug stewardship plan receive prior approval of a change in manufacturers, and instead add a requirement that such operators receive prior approval of a change in disposal facilities used; and affirming the Planning Department’s determination under the California Environmental Quality Act.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/16/2023.

02/21/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and referred to the Department of the Environment for informational purposes.

03/02/23; 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: Joseph Piasecki, Christopher Lester, and Charles Sheehan (Department of the Environment); presented information and answered questions raised throughout the discussion. Michael Petrelis; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

220971 [Planning Code - Gates, Railings, and Grillwork Exceptions for Cannabis Retail Uses and Existing Non-Residential Uses and Change in 75% Gate Transparency Requirement to 20%]

Sponsors: Safai; Preston and Melgar

Ordinance amending the Planning Code to exempt certain existing gates, railings, and grillwork at Non-Residential uses from transparency requirements, subject to the provisions for noncomplying structures, and exempt Cannabis Retail uses from transparency requirements for gates, railings, and grillwork for a three-year period, and require removal of gates, railings, and grillwork installed pursuant to that exemption when a Cannabis Retail use's business permit becomes invalid or the business ceases to operate; 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 welfare findings pursuant to Planning Code, Section 302.

09/13/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/13/2022.

09/21/22; 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 Office of Cannabis and the Police Department for informational purposes.

09/22/22; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

10/12/22; 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.

11/29/22; RESPONSE RECEIVED. On November 14, 2022, the Commission heard this proposed legislation and unanimously voted to support the proposed legislation.

01/10/23; RESPONSE RECEIVED. On December 8, 2022, the Commission met and held a duly notice hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Audrey Merlone (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Cash; Shawn Richard; spoke in support of the hearing matter. Terrance Allen, President (Castro Merchant's Association); spoke on various concerns relating to the hearing matter.

Supervisors Preston and Melgar requested to be added as a co-sponsors.

Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding 'and Change in 75% Gate Transparency Requirement to 20%' to the short title; on Page 3, Lines 13-16, by adding 'To ensure sufficient visibility for fire safety, gates that are less than 75% open to perpendicular views shall include a transparent viewing window or grill at least 10 inches in height, which shall be located at least 50-60 inches above the nearest abutting sidewalk.'; and making other clarifying and conforming 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 April 17, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230147 [Hearing - Repurposing Commercial Real Estate for Residential Use]**Sponsors: Safai; Stefani**

Hearing to review the Budget and Legislative Analyst's policy analysis report on repurposing commercial real estate for residential use to address the City's need to produce additional affordable and market rate housing and commercial vacancies, particularly in the Downtown office market; and requesting the Office of the Budget and Legislative Analyst, Mayor's Office of Housing and Community Development, Planning Department, and Office of Economic and Workforce Development to report.

02/07/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/10/23; REFERRED TO DEPARTMENT. Referred to the Office of the Budget and Legislative Analyst, Mayor's Office of Housing and Community Development, Planning Department, and Office of Economic and Workforce Development for informational purposes and requesting the listed agencies to report.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Fred Brousseau (Office of Budget and Legislative Analyst); Sujata Srivastava and Ben Janelle (SPUR); Eric Tao (Urban Land Institute); Lily Langlois (Planning Department); presented information and answered questions raised throughout the discussion. Michael Petrelis; Terrance Alan; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar was noted not present at 5:23 p.m. and for the remainder of the meeting.

230192 [Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre)]

Sponsor: Mandelman

Ordinance amending the Landmark Designation for Landmark No. 100, 429-431 Castro Street (the Castro Theatre), Assessor's Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code, to list the exterior features that should be preserved or replaced in kind, to add interior features to the designation, and to capture the property's full historical significance; 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)

02/15/23; RECEIVED FROM DEPARTMENT.

02/28/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2023.

03/22/23; NOTICED. Notice of Public Hearing for 04/03/2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Alex Westoff (Planning Department); presented information and answered questions raised throughout the discussion. Jack Antons; Michael Jamie; Andrea Aiello, Executive Director (Castro Community Benefit District); Ed Driver; Kelly Corso; Noah Wilson Rich; spoke in support of the hearing matter. Ralfka Gonzalez (Indigo Arts); Jen Reck and Steven Torres (Castro LGBTQ Cultural District); Gerard Koskovich; Katherine Petrin (San Francisco Heritage); Drew Taylor; Kevin Scott; Gary Gregerson (Disabled Students Programs and Services Accessible Theater Arts); Jesse Sandford (Castro LGBTQ Cultural District); Peter Pastreich, Executive Director (Save the Castro Theatre); Robert Byrne, President (Castro Theatre Conservancy); Speaker; Speaker; Barbara Gersch; David Robson; Jim Abrams; Steven Bracco; Terrance Alan (Castro Merchants Association); Michael Petrelis; Mike Murray; Speaker; Eric (Calle 24 Latino Cultural District); Michael Katy; Jessica Dillon; Terry Beswick (Castro Merchants Association); Brendan Smith; T.J.; Steven Murphy; Matthew Carhart; Nancy DeStefanis; Ralph; Steve Brosan; Frank Dillon; Benjamin Boletto; Dillon Belton; Ray Connolly; Ed Gibert; Brian Springfield; Jared; David Wertz; Jared Goldstein; Kevin Lagora; Desmond Morgan; Tom Ammiano; spoke on various concerns relating to the hearing matter.

Vice Chair Preston moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of April 17, 2023. The motion carried by the following vote:

Ayes: 2 - Preston, Peskin

Absent: 1 - Melgar

230230 [Commemorative Street Name Designation - “Emperor Norton Place” - 600 Block of Commercial Street]**Sponsor: Peskin**

Resolution adding the Commemorative Street Name “Emperor Norton Place” to the 600 block of Commercial Street in recognition of his contribution to San Francisco as a celebrated figure in American history.

02/28/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

03/22/23; NOTICED. 10 Day Notice for 04/03/2023 Land Use and Transportation Committee hearing posted online and mailed, pursuant to Public Works Code Section 789, et seq.

03/24/23; RESPONSE RECEIVED. Public Works confirmed on-site posting as required pursuant to Public Works Section 789, et seq.

Heard in Committee. Speakers: Frank Schulenburg; Judy Left; Michael Petrelis; spoke in support of the hearing matter.

Member Peskin moved that this Resolution be RECOMMENDED. 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 5:27 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.