



**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 ~ [erica.major@sfgov.org](mailto:erica.major@sfgov.org)*

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**Monday, June 5, 2023**

**1:30 PM**

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

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**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, in-person with remote access and public comment via telephone, on Monday, June 5, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:33 p.m.*

## **Remote Access to Information and Participation**

*The Board of Supervisors ([www.sfbos.org](http://www.sfbos.org)) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: [www.sfgovtv.org](http://www.sfgovtv.org)), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.*

## **ROLL CALL AND ANNOUNCEMENTS**

*On the call of the roll, Chair Melgar, Vice Chair Preston, and Member Peskin were noted present.*

*A quorum of the Committee was present.*

*Chair Melgar recessed the meeting at 1:35 p.m. and reconvened at 1:37 p.m.*

## **COMMUNICATIONS**

*Alisa Somera, Legislative Deputy Director, 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 Somera 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](mailto: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.)*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### **230493 [Planning Code - Landmark Designation - The Church for the Fellowship of All Peoples]**

#### **Sponsors: Peskin; Preston and Melgar**

Ordinance amending the Planning Code to designate The Church for the Fellowship of All Peoples, at 2041 Larkin Street, Assessor's Parcel Block No. 0572, Lot No. 003, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; 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)

04/28/23; RECEIVED FROM DEPARTMENT.

05/09/23; ASSIGNED to Land Use and Transportation Committee. 5/24/2023 - President Peskin waived the 30-Day Rule pursuant to Board Rule No. 3.22.

05/24/23; NOTICED. Notice of Public Hearing for 6/5/2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

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

*Heard in Committee. Speakers: Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. Rev. Dr. Dorsey O. Blake; Peter Fitzsimmons; Steve Lee; Aaron Brousseau; Bryan Caston; spoke in support of the hearing matter.*

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

Ayes: 3 - Melgar, Preston, Peskin

**230371 [Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown Economic Revitalization]****Sponsors: Mayor; Peskin**

Ordinance amending the Planning Code to 1) facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts, and exempting such projects from requirements for rear yard, open space, streetscape improvements, dwelling unit exposure, bike parking, dwelling unit mix, and Intermediate Length Occupancy controls, permitting live work units in such project, streamlining administrative approvals for projects in the C-3 zoning district, and modifying the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses; 2) economically revitalize Downtown by adding Flexible Workspace as a defined use, authorizing large scale retail uses in the C-3 zoning district, allowing window displays in the C-3 zoning district, allowing Flexible Workspace as an active ground floor commercial use along certain street frontages in C-3 zoning districts, allowing accessory storage in any C zoning district, allowing the temporary installation for 60 days of certain signs in the C-3-R district, allowing temporary non-residential uses in vacant spaces for up to one year, reducing density limits for Residential Dwelling Units and Senior Housing in the C-2 zoning districts east of or fronting Van Ness/South Van Ness Avenue and north of Townsend Street, principally permitting Laboratory, Life Science, Agricultural and Beverage Processing, and Animal Hospitals in C-2 zoning districts, principally permitting Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools in the C-3 zoning district, allowing formula retail as a ground floor use on Market Street, principally permitting office and design professional uses on the second floor and higher in the C-3-R zoning district, and requiring consideration of office vacancy in consideration of granting exceptions in the Transit Center Commercial Special Use District; 3) streamline sign permitting citywide and in the C-3 districts by allowing for the repair and rehabilitation of certain neon signs, and exempting existing business signs in the C-3 zoning district from certain zoning controls; 4) streamline Historic Preservation review of administrative certificates of appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of Work, as may be delegated by the Historic Preservation Commission; 5) provide alternatives to on-site open space in certain C-3 districts by allowing for payment of an in lieu fee as an alternative to providing open space; 6) facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings; and 7) principally permit formula retail and waive size limitations for such uses on a portion of Showplace Square Area (555-9th Street, Assessor's Parcel Block No. 3781, Lot No. 003); 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.

04/04/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/4/2023.

04/10/23; 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; Building Inspection Commission for comment and recommendation.

04/12/23; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Mayor Breed substituted an Ordinance bearing a new title

04/14/23; 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; Building Inspection Commission for comment and recommendation.

05/09/23; RESPONSE RECEIVED. CEQA clearance under the 2022 Housing Element Update Final EIR, certified by the Planning Commission by Motion No. 21206 on November 17, 2022.

05/11/23; RESPONSE RECEIVED. On May 4, 2023, the Planning Commission met and held a duly notice hearing and recommended approval with modification for the proposed legislation.

05/18/23; RESPONSE RECEIVED. On May 17, 2023, the Building Inspection Commission met and held a hearing and recommended approval on the proposed legislation.

*Heard in Committee. Speakers: Lily Langlois (Planning Department); Carl Nicita (Department of Building Inspection); Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion. Marisa Rodriguez; Anne Christine; Chris Wright; Jim Chapel; spoke in support of the hearing matter.*

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 7, by adding ‘transportation demand management’, Lines 18-19, by adding ‘including formula retail’, and Lines 20-21, by changing ‘Van Ness/South Van Ness Avenue’ to ‘Franklin Street/13th Street’; on Page 12, Line 10, through Page 13, Line 6, by adding reference to ‘Planning Code, Section 169 – Transportation Demand Management Program,’ and Lines 5-6, by adding ‘(3) Commercial to Residential Adaptive Reuse projects per Planning Code Section 210.5.’; on Page 16, Line 11, by changing ‘C’ to ‘C-3’, and adding ‘or a C-2 zoning district’, Line 14, by adding ‘and’, Line 16, by changing ‘20%’ to ‘33%’, Lines 17-20, by adding ‘provided that if a project would exceed this limit, the portions of the building additions in excess of 33% must meet generally prevailing code requirements. For purposes of this section, additional Gross Floor Area shall be counted from the lowest floor to the highest floor’, and Line 21, by striking ‘(4) not add more than one vertical story.’; on Page 17, Line 9, by adding ‘either of the following’, and Lines 13-14, by adding ‘(b) providing an unobstructed open area that is at least 5 feet wide by 15 feet long at each story containing the Dwelling Unit and all stories above.’; on Page 18, Lines 1-7, by adding ‘(9) Transportation Demand Management (TDM) Plan Requirements. The Transportation Demand Management Plan requirements in Section 169 shall not apply. (10) Preservation of Privately Owned Public Open Spaces (POPOS). Nothing in this Section 210.5 is intended to modify, alter, or waive the applicability of Section 138 (POPOS) to Commercial to Residential Adaptive Reuse projects that retain non-residential uses.’; on Page 25, Lines 8-9, by changing ‘occupy space within the first 25 feet of the storefront’ to ‘must face the street’; on Page 30, Lines 4-5, by adding ‘C-3 zoning district or a C-2 zoning district’, Lines 5-6, by changing ‘Van Ness/South Van Ness Avenue’ to ‘Franklin/13th Street’, and Lines 8-9, by adding ‘Such uses may include Formula Retail uses so long as Formula Retail uses are principally permitted in the underlying zoning.’; on Page 32, Lines 21-22, by changing ‘Van Ness/South Van Ness Avenue’ to ‘Franklin Street/13th Street’; and making other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to 1) facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts, and exempting such projects from requirements for rear yard, open space, streetscape improvements, dwelling unit exposure, bike parking, transportation demand management, dwelling unit mix, and Intermediate Length Occupancy controls, permitting live work units in such project, streamlining administrative approvals for projects in the C-3 zoning district, and modifying the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses; 2) economically revitalize Downtown by adding Flexible Workspace as a defined use, authorizing large scale retail uses in the C-3 zoning district, allowing window displays in the C-3 zoning district, allowing Flexible Workspace as an active ground floor commercial use along certain street frontages in C-3 zoning districts, allowing accessory storage in any C zoning district, allowing the temporary installation for 60 days of certain signs in the C-3-R district, allowing temporary non-residential uses in vacant spaces for up to one year, including formula retail, reducing density limits for Residential Dwelling Units and Senior Housing in the C-2 zoning districts east of or fronting Franklin Street/13th Street and north of Townsend Street, principally permitting Laboratory, Life Science, Agricultural and Beverage Processing, and Animal Hospitals in C-2 zoning districts, principally permitting Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools in the C-3 zoning district, allowing formula retail as a ground floor use on Market Street, principally permitting office and design professional uses on the second floor and higher in the C-3-R zoning district, and requiring consideration of office vacancy in consideration of granting exceptions in the Transit Center Commercial Special Use District; 3) streamline sign permitting citywide and in the C-3 districts by allowing for the repair and rehabilitation of certain neon signs, and exempting existing business signs in the C-3 zoning district from certain zoning controls; 4) streamline Historic Preservation review of administrative certificates of appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of Work, as may be delegated by the Historic Preservation Commission; 5) provide alternatives to on-site open space in certain C-3 districts by allowing for payment of an in lieu fee as an alternative to providing open space; 6) facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings; and 7) principally permit formula retail and waive size limitations for such uses on a portion of Showplace Square Area (555-9th Street, Assessor's Parcel Block No. 3781, Lot No. 003); 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.

**Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of June 12, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230372 [Planning Code - Development Impact Fees for Commercial to Residential Adaptive Reuse Projects]****Sponsors: Dorsey; Safai**

Ordinance amending the Planning Code to exempt eligible Commercial to Residential Adaptive Reuse Projects from development impact fees, with the exception of inclusionary housing requirements; 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; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

04/04/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/4/2023.

04/11/23; 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.

04/18/23; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

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.

05/09/23; 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.

05/11/23; RESPONSE RECEIVED. On May 4, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modifications for the proposed legislation.

*Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); Lily Langlois (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion.*

**Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Line 20, by adding 'or a C-2 zoning district', Line 21, by changing 'Van Ness/South Van Ness Avenue' to 'Franklin Street/13th Street', and Line 25, by changing '20%' to '33%'; on Page 6, Lines 1-4, by adding 'provided that if a project would exceed this limit, the portions of the building additions in excess of 33% are subject to the then applicable development impact fees. For purposes of this section, additional Gross Floor Area shall be counted from the ground floor to the highest floor.', and Line 5, by striking '(E) does not add more than one vertical story.'** 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 June 12, 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 2:41 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.*