



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

Monday, July 17, 2023

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

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

The Land Use and Transportation Committee met in regular session, in-person with remote access and public comment via telephone, on Monday, July 17, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:35 p.m.

Remote Access to Information and Participation

The Board of Supervisors (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), 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 was present.

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.)*

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

230770 [Administrative Code - Government Regulated Rents]

Sponsors: Preston; Walton, Chan, Peskin and Melgar

Ordinance amending the Administrative Code to provide that tenant-occupied units in buildings that will be receiving either low-income housing tax credits or tax-exempt multifamily revenue bonds shall remain subject to the Rent Ordinance, as long as any of the existing tenants continue to reside in the unit, or unless all the tenants in the unit agree otherwise in writing; and for any such units that may have previously become exempt from the Rent Ordinance since 2018, restoring rents to the levels allowed had the Rent Ordinance continuously applied.

06/27/23; ASSIGNED to Land Use and Transportation Committee. 6/29/2023 - President Peskin waived the 30 Day Rule on this matter.

06/30/23; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development, Rent Board, and Office of Community Investment and Infrastructure for informational purposes.

Heard in Committee. Speakers: Stephanie Brandon (Housing Rights Committee); Gabriel Takkle; Henry Anderson; Nemark Beasley; Patricia Beasley; Michael Mars; Maria Ixchel Zamudio (Housing Rights Committee); Tab Buckner; spoke in support of the hearing matter. David Pilpel; spoke on various concerns relating to the hearing matter.

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

Vice Chair Preston requested this matter be DUPLICATED.

See Duplicate File No. 230831.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 16, striking from Internal Revenue Code, 26 U.S.C. Section '103' and replacing it with '142(d)'. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230831 [Administrative Code - Government Regulated Rents]

Sponsors: Preston; Walton, Chan, Peskin and Melgar

Ordinance amending the Administrative Code to provide that tenant-occupied units in buildings that will be receiving either low-income housing tax credits or tax-exempt multifamily revenue bonds shall remain subject to the Rent Ordinance, as long as any of the existing tenants continue to reside in the unit, or unless all the tenants in the unit agree otherwise in writing; and for any such units that may have previously become exempt from the Rent Ordinance since 2018, restoring rents to the levels allowed had the Rent Ordinance continuously applied.

Duplicated from File No. 230770.

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

Ayes: 3 - Melgar, Preston, Peskin

230690 [Planning Code - Landmark Designation - Parkside Branch Library]**Sponsors: Engardio; Peskin**

Ordinance amending the Planning Code to designate Parkside Branch Library, situated within McCoppin Square Park, 1200 Taraval Street, a portion of Assessor's Parcel Block No. 2351, Lot No. 001, 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)

05/31/23; RECEIVED FROM DEPARTMENT.

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

07/07/23; NOTICED. Notice of Public Hearing for 7/17/2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Jonathan Goldberg (Office of Supervisor Joel Engardio); Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. David Pilpel; spoke in support of the hearing matter.

Supervisor Peskin requested to be added as a co-sponsor.

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

Ayes: 3 - Melgar, Preston, Peskin

230732 [Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown Economic Revitalization]**Sponsors: Mayor; Peskin and Safai**

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, off-street freight loading, curb cuts for vehicular access, 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 and portions of the C-2 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) increase threshold for large projects subject to commercial to residential ratios in the C-3-O district, and 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.

06/12/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 230371.

06/12/23; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

06/12/23; DUPLICATED AS AMENDED. Duplicated from File No. 230371.

07/13/23; RESPONSE RECEIVED. On July 13, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speaker: Jake Price (Housing Action Coalition); spoke in support of the hearing matter.

Supervisor Safai requested to be added as a co-sponsor.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by removing ‘administrative certificates of appropriateness’ and ‘Qualifying Scopes of Work’ from the long title; on Page 42, Lines 18-20, by striking ‘(10) When the application is for a Qualifying Scope of Work, as delegated by HPC to Department and periodically updated, and the site is located in C-3 zoning districts.’; on Page 43, Lines 21-22, by striking ‘ (5) When the application is for a Qualifying Scope of Work, as delegated by HPC to the Department, as periodically updated.’. 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, off-street freight loading, curb cuts for vehicular access, 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 and portions of the C-2 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 minor permits to alter for awnings, as may be delegated by the Historic Preservation Commission; 5) increase threshold for large projects subject to commercial to residential ratios in the C-3-O district, and 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 RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230745 [Building, Planning Codes - Existing Awning Amnesty Program]**Sponsors: Mayor; Peskin and Stefani**

Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings and signs that do not comply with the Planning Code; 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.

06/12/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Duplicated from File No. 230447.

06/12/23; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

Heard in Committee. Speakers: None.

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

Ayes: 3 - Melgar, Preston, Peskin

230374 [Building Code - Streamlining Site Permit Review]**Sponsors: Safai; Melgar**

Ordinance amending the Building Code to outline the site permit application process, and define and limit the scope of Building Official review of site permits; requiring simultaneous interdepartmental review of electronically submitted applications for site permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

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 Building Inspection Commission pursuant to Charter, Section D3.750-5, for public hearing and recommendation; referred to the Planning Department for environmental review.

04/21/23; 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.

06/20/23; RESPONSE RECEIVED. On June 13, 2023, the Building Inspection Commission met and held a hearing and recommend approval of with modifications for the proposed legislation.

07/10/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Carl Nicita (Department of Building Inspection); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; Gary Gee (Gary Gee Architects); Speaker; Kevin O'Reilly; Morris Casey; Sean Keigran; Rudy Gonzales (San Francisco Building and Construction Trades Council); Cyrus; Speaker; Jake Price (Housing Action Coalition); spoke in support of the hearing matter. Speaker; Speaker; spoke on various concerns relating to the hearing matter.

07/10/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Carl Nicita (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Georgia Schuttish; Jake Price (Housing Action Coalition); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

230026 [Planning, Subdivision, and Administrative Codes and Zoning Map - Family Housing Opportunity Special Use District]**Sponsors: Melgar; Engardio**

Ordinance amending 1) the Planning Code to create the Family Housing Opportunity Special Use District; 2) the Planning Code to authorize the greater of up to four units or one unit per 1,000 square feet of lot area on individual lots in the RH (Residential, House) District, the greater of up to twelve units or one unit per 1,000 square feet of lot area on three merged lots and the greater of up to eight units or one unit per 1,000 square feet of lot area on two merged lots in RH-1 (Residential, House: One Family) districts, and Group Housing in RH-1 districts for eligible projects in the Special Use District; 3) the Planning Code to exempt eligible projects in the Special Use District from certain height, open space, dwelling unit exposure, and rear-yard requirements, conditional use authorizations, and neighborhood notification requirements; 4) the Subdivision Code to authorize eligible projects in the Special Use District to qualify for condominium conversion or a condominium map that includes the existing dwelling units and the new dwelling units that constitute the project; 5) the Administrative Code to require new dwelling or group housing units constructed pursuant to the density limit exception to be subject to the rent increase limitations of the Rent Ordinance; 6) the Zoning Map to show the Family Housing Opportunity Special Use District; and 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.

01/10/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/9/2023.

01/17/23; 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.

01/24/23; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.

02/16/23; RESPONSE RECEIVED. On February 6, 2023, the Youth Commission met and recommended support for this proposed legislation.

05/16/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Melgar introduced a substitute Ordinance bearing a new title.

05/22/23; 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; Youth Commission for comment and recommendation.

06/01/23; RESPONSE RECEIVED. The proposed amendments were covered in the San Francisco Housing Element 2022 Update Environmental Impact Report (EIR) certified on November 17, 2022.

06/02/23; NOTICED. 10-Day Notice for 6/12/2023 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

06/09/23; RESPONSE RECEIVED. On June 1, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

06/12/23; CONTINUED. Heard in Committee. Speakers: Eileen Boken; spoke on various concerns relating to the hearing matter.

07/10/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Anne Pearson (Office of the City Attorney); Supervisor Joel Engardio (Board of Supervisors); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Ozzie Rohm (San Francisco Land Use Coalition); Steve; spoke in support of

the hearing matter. Eric Brooks (Our City San Francisco); Speaker; Lori Leiderman; Denis Mosgofian; Speaker; Sally Tobin; Jean Barish; Theresa Flandrich (North Beach Tenants Committee); George Wooding; Eileen Boken (SPEAK); Tonia Randell (Marie Harrison Community Foundation); Jake Price (Housing Action Coalition); Frank Noto; Speaker; Carolyn Kenady (Dolores Heights Improvement Club); Robert Ho; Christine Hanson; Evelyn Posamentier; Francisco Da Costa; Renee Jenkins; Robert Fruchtman; Howard Wong (San Francisco Tomorrow); spoke on various concerns relating to the hearing matter.

07/10/23; DUPLICATED AS AMENDED.

07/10/23; CONTINUED AS AMENDED. See Duplicate File No. 230808.

Heard in Committee. Speakers: Adam Thongsavat (Office of Supervisor Rafael Mandelman); Anne Pearson (Office of the City Attorney); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Eileen Boken (SPEAK); Renee Lizear; spoke in opposition of the hearing matter. Eric Brooks (Our City); Yolanda; Katherine Petrin (San Francisco Heritage); Gen Fujioka; Calvin Welch; Georgia Schuttish; Jake Price (Housing Action Coalition); George Wooding (SF Land Use Coalition); Theresa Flandrich (North Beach Tenants Committee); Mari Eliza; Charles Han, President (San Francisco Neighborhoods); Lori Leiderman; Tab Buckner; Francisco Da Costa; spoke on various concerns relating to the hearing matter.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 12, Lines 4-11, by adding language to address concerns about removing notification on projects; clarifying language on consolidating subdivisions of various programs under the Rent Stabilization ordinance; on Page 16, Lines 4-5, by adding ‘ (B) a project requires a conditional use authorization pursuant to Sections 249.77 or 249.92.’; and adding 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 July 24, 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 3:34 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.