



**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*  
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Monday, September 11, 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, September 11, 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 was present.*

## **COMMUNICATIONS**

*Brent Jalipa, 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 Jalipa 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

### **230858** [Treasure Island/Yerba Buena Island - The Rocks Park Acceptance]

**Sponsors: Mayor; Dorsey**

Ordinance acknowledging the Treasure Island Development Authority's acceptance of certain improvements on a portion of the Yerba Buena Island Hilltop Parks known as The Rocks (Assessor's Parcel Block No. 8958, Lot No. 003), adjacent to Macalla Road, and the Authority's acceptance of the park improvements for maintenance and liability purposes; dedicating The Rocks to public use; designating the property for public open space and park purposes; adopting findings 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 a Public Works Order that recommends acceptance of The Rocks park improvements and related actions, as defined herein. (Treasure Island Development Authority)

07/25/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/24/2023.

*Heard in Committee. Speaker: Bob Beck (Treasure Island Development Authority); presented information and answered questions raised throughout the discussion.*

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

Ayes: 3 - Melgar, Preston, Peskin

### **230767** [Administrative Code - Treatment of Seating Area at Taraval Street and 46th Avenue as Sidewalk for Shared Spaces Program]

**Sponsor: Engardio**

Ordinance waiving specified requirements in the Administrative Code to allow seating area designated as a curbside traffic island on Taraval Street at 46th Avenue to be defined as two sidewalk shared spaces, subject to certain requirements; 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.

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.

*Heard in Committee. Speakers: Tita Bell (Office of Supervisor Joel Engardio); Monica Munowitch (San Francisco Municipal Transportation Agency); presented information and answered questions raised throughout the discussion.*

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

Ayes: 3 - Melgar, Preston, Peskin

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

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; 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.

*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.*

**Chair Melgar moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of October 30, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**230855 [Planning, Administrative Codes - Development Impact Fee Reductions]****Sponsors: Peskin; Safai and Mandelman**

Ordinance amending the Planning Code to: 1) reduce Inclusionary Housing Program requirements of the Planning Code, for projects exceeding a stated unit size that have been approved prior to November 1, 2023 and that receive a first construction document within a specified period; 2) adopt a process for those projects to request a modification to conditions of approval related to development impact fees, subject to delegation by the Planning Commission; 3) reduce Article 4 development impact fees, including Inclusionary Affordable Housing fees, for projects approved before November 1, 2026 that receive a first construction document within 30 months of entitlement; and, 4) modify the Inclusionary Housing Program Ordinance effective November 1, 2026 to reduce applicable fees, and on-site or off-site unit requirements, for projects that exceed a stated unit size; amending the Administrative Code to update the Inclusionary Housing Technical Advisory Committee member requirements; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

07/24/23; DUPLICATED. Duplicated from File No. 230769.

07/24/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 230769.

07/24/23; CONTINUED TO CALL OF THE CHAIR.

*Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion. Jake Price (San Francisco Housing Action Coalition); Jeremy Basigner; Jeremiah Schaub (Schaub Li Architects); Alissa Erickson; Brant; Striken Haulson; Brennan Cox; spoke in support of the hearing matter.*

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING THE SAME TITLE, on Page 16, Lines 2-3, by striking 'modified under Section 415A.5' and replacing it with ', as defined in Section 415.A.2'. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to: 1) reduce Inclusionary Housing Program requirements, including requirements for projects approved under the Housing Opportunities Means Equity - San Francisco (HOME-SF) program, for projects that have been approved prior to November 1, 2023 and that receive a first construction document within a specified period; 2) adopt a process for those projects to request a modification to conditions of approval related to development impact fees, subject to delegation by the Planning Commission; 3) reduce Article 4 development impact fees, including Inclusionary Affordable Housing fees for projects exceeding a stated unit size, for projects approved before November 1, 2026 that receive a first construction document within 30 months of entitlement; and, 4) modify the Inclusionary Housing Program Ordinance effective November 1, 2026 to reduce applicable fees, and on-site or off-site unit requirements, for projects that exceed a stated unit size; amending the Administrative Code to update the Inclusionary Housing Technical Advisory Committee member requirements; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

**Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING THE NEW TITLE, by updating the long title striking 'of the Planning Code, for projects' and 'exceeding a stated unit size' and replacing it with ', including requirements for projects approved under the Housing Opportunities Means Equity – San Francisco (HOME-SF) program,' and adding 'for projects'; on Page 1, Line 11, by adding 'for projects exceeding a stated unit size'; on Page 8, Line 1 and Line 21, by changing the units from '25' to '10'; on Page 8, Line 25, and Page 9, Lines 1-2, by adding 'For any Pipeline Project consisting of 10 units or more that was approved pursuant to Section 206.3, the applicable percentage shall be 54.5% of the rate in Section 206.3(f).'; and adding other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of September 18, 2023. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

### **Supervisor Peskin Excused from Voting**

*Supervisor Peskin was noted not present at 1:45 p.m. and present at 1:50 p.m.*

**Chair Melgar moved that Member Peskin be excused from voting on File No. 230817. The motion carried by the following vote:**

Ayes: 2 - Melgar, Preston

Excused: 1 - Peskin

**230817 [Interim Zoning Controls - Extending and Modifying Conditional Use Authorization Requirement for Parcel Delivery Service Uses]****Sponsor: Dorsey**

Resolution extending and modifying interim zoning controls enacted in Resolution No. 109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery Services uses greater than 10,000 square feet; and 2) to use the definition of Parcel Delivery Services that was in effect as to the effective date of Resolution No. 109-22; 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, Sections 101.1 and 306.7.

07/11/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/10/2023.

07/19/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

07/21/23; 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.

08/18/23; NOTICED. 20-Day Notice for 9/11/2023 Land Use and Transportation Committee hearing posted online pursuant to Planning Code Section 333 (the Planning Department determined that mailing was not required; over 30 acres).

*Heard in Committee. Speakers: Madison Tam (Office of Supervisor Dorsey); Kristen Jensen (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Jacob Klein; spoke in support of the hearing matter. John Bouchard (Teamsters 350); Tony Delorio and Mark Gleeson (Teamsters Local 665); Joseph; spoke on various concerns relating to the hearing matter.*

*Supervisor Peskin recused himself from voting on File No. 230817, due to potential conflict of interest.*

**Chair Melgar moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING THE SAME TITLE, on Page 1, Line 6, and Page 4, Line 7, by striking '10,000' and replacing it with '5,000'; and adding other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 2 - Melgar, Preston  
Excused: 1 - Peskin

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

Ayes: 2 - Melgar, Preston  
Excused: 1 - Peskin

**230596 [Planning Code - Conditional Use for Residential Projects in RM, RC, and RTO Districts]****Sponsors: Peskin; Chan**

Ordinance amending the Planning Code to require conditional use authorization for residential housing developments that do not maximize residential density, as defined, in Residential-Mixed (RM), Residential Commercial (RC), and Residential Transit Oriented (RTO) Districts except for Residential-Transit Oriented - Mixed (RTO-M) Districts; 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.

05/23/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/22/2023.

05/30/23; 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.

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.

07/25/23; RESPONSE RECEIVED. On July 20, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

*Heard in Committee. Speakers: None.*

**Member Peskin 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 2:26 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.*