



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: John Carroll
(415) 554-4445 ~ john.carroll@sfgov.org

Monday, January 29, 2024

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 on Monday, January 29, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:34 p.m.

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

John Carroll, Land Use and Transportation Committee Clerk, instructed members of the public that public comment is taken on each item on the agenda. Alternatively, written comments may be submitted through email (john.carroll@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

Chair Melgar requested that File Nos. 231245, 231269, and 230859 be heard together.

231245 [Treasure Island/Yerba Buena Island - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths and Street Grades]

Sponsors: Mayor; Dorsey and Mandelman

Ordinance accepting irrevocable offers of public infrastructure associated with the Treasure Island/Yerba Buena Island Project, Sub-Phases 1B, 1C, 1E, 1YA, and 1YB, including improvements located within portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and Treasure Island Road on Treasure Island; Macalla Road, Signal Road, Treasure Island Road, and Yerba Buena Island Road on Yerba Buena Island; potable water storage tanks on Yerba Buena Island and electrical substructures serving a switchyard on Treasure Island; and City utilities in private streets and a service maintenance road on Yerba Buena Island; dedicating this infrastructure to public use; designating this public infrastructure for street and roadway purposes as applicable; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk widths on the abovementioned streets; delegating limited authority to the Public Works Director to accept specified infrastructure; 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; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; and authorizing official acts, as defined herein, in connection with this Ordinance.

12/12/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/11/2024.

Heard in Committee. Speaker(s): AnMarie Rodgers, Deputy Director (Treasure Island Development Authority); Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

231269 [Treasure Island/Yerba Buena Island - Ferry Terminal and Other TIDA Improvements]**Sponsors: Mayor; Dorsey and Mandelman**

Ordinance acknowledging the Treasure Island Development Authority's (the "Authority" or "TIDA") acceptance of certain improvements on portions of Yerba Buena Island and Treasure Island, including ferry terminal improvements, and the Authority's acceptance of the improvements for maintenance and liability purposes; dedicating improvements to public use; 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 these improvements and related actions, as defined herein.

12/12/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/11/2024.

01/09/24; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. 1/9/24 - Mayor introduced a substitute ordinance bearing same title.

Heard in Committee. Speaker(s): AnMarie Rodgers, Deputy Director (Treasure Island Development Authority); Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

230859 [Treasure Island/Yerba Buena Island - Delegation Related to Acceptance of Public Parks]**Sponsors: Mayor; Dorsey and Mandelman**

Ordinance delegating to the Treasure Island Development Authority various powers related to acceptance of public parks and open space improvements as part of development of the Treasure Island/Yerba Buena Island Project, pursuant to the Disposition and Development Agreement, the Development Agreement, and a Special Use District in Planning Code, Section 249.52.

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

01/09/24; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Mayor Breed introduced a substitute Ordinance bearing the same title.

Heard in Committee. Speaker(s): AnMarie Rodgers, Deputy Director (Treasure Island Development Authority); 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 the Land Use and Transportation Committee meeting of February 5, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that the previous vote be rescinded. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by inserting 'that are required'; on Page 5, Lines 1-5, to read '(c) The Board of Supervisors delegation under Section 2(a) is conditioned upon: (1) the Authority finding that the Park Improvements are consistent with the DDA and DA and (2) the Authority's receipt of the Planning Department's General Plan consistency findings and a determination of compliance with Planning Code, Section 249.52 prior to the Authority taking approval actions associated with acceptance of any Park Improvements.'; on Page 5, Lines 17-19, by inserting 'Sunset Date. This ordinance shall expire by operation of law five years from its effective date unless the Board of Supervisors, in its discretion, extends the term of this legislation.'; and making other conforming and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance delegating to the Treasure Island Development Authority various powers related to acceptance of public parks and open space improvements that are required as part of development of the Treasure Island/Yerba Buena Island Project pursuant to Disposition and Development Agreement, Development Agreement, and a Special Use District in Planning Code, Section 249.52.

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

231144 [Planning, Administrative Codes - Code Corrections Ordinance]

Ordinance amending the Planning and Administrative Codes to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; 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 general welfare under Planning Code, Section 302. (Planning Department)

11/02/23; RECEIVED FROM DEPARTMENT.

11/14/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/14/2023.

11/22/23; REFERRED TO DEPARTMENT. Referred to the Planning Commission for findings of consistency with the General Plan; the eight priority policies of Planning Code, Section 101.1; and findings of public necessity, convenience, and welfare under Planning Code, Section 302. Referred to the Planning Department for environmental review.

12/11/23; 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.

01/22/24; CONTINUED. Heard in Committee. Speaker(s): Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion.

Heard in Committee. Speaker(s): Audrey Merlone (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to omit amendments to Planning Code, Sections 121.1 and 134, following enactment of Ordinance No. 248-23 on December 14, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

231165 [Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]**Sponsors: Peskin; Preston, Melgar, Chan and Mandelman**

Ordinance amending the Fire Code to provide fire protection standards for the charging and storage of lithium-ion batteries used in powered mobility devices (such as electric bikes, scooters, skateboards, and hoverboards), prohibit use of damaged lithium-ion batteries in such devices, prohibit use of lithium-ion batteries assembled or reconditioned using cells removed from used batteries in such devices, and require the Fire Department to conduct an informational campaign; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

11/07/23; ASSIGNED to Land Use and Transportation Committee. 11/8/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

11/15/23; REFERRED TO DEPARTMENT. Referred to the Fire Department and Department of Building Inspection for informational purposes. Referred to the Planning Department for environmental review.

12/01/23; 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.

12/04/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Ken Cofflin (San Francisco Fire Department); presented information and answered questions raised throughout the discussion. Tony Macera; shared various concerns regarding the ordinance matter.

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

12/04/23; RECOMMENDED AS AMENDED AS A COMMITTEE REPORT.

12/05/23; CONTINUED ON FIRST READING. Supervisor Mandelman requested to be added as a co-sponsor.

12/12/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

12/12/23; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

01/08/24; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Ken Cofflin, Fire Marshal (San Francisco Fire Department); presented information and answered questions raised throughout the discussion. Cyrus Hall; Claire Amable (San Francisco Bicycle Coalition); Kash (Warm Planet Bikes); shared various concerns regarding the ordinance matter.

01/08/24; CONTINUED AS AMENDED.

Heard in Committee. Speaker(s): Ken Cofflin, Fire Marshal (Fire Department); presented information and answered questions raised throughout the discussion. Speaker; Alec Bash (Gateway Tenants Association); Barbara Low; Carol Branson; Claire Amable (San Francisco Bicycle Coalition); Cyrus Hall; Paul Wormer; Speaker; Ruth Malone; Stacy Randecker; Floyd Rollins; shared various concerns regarding the hearing matter.

Member Peskin moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 3, Line 20, through Page 4, Line 8, by inserting '(g) California Code of Regulations, Title 22, Division 4.5, Chapters 11 and 23 define the characteristics of hazardous waste and special handling requirements for batteries. Lithium-ion batteries must be handled as hazardous waste, and as such, cannot be disposed of in recycling, compost, or landfill collection bins. Batteries contain corrosive materials and heavy metals that can contaminate the environment. Additionally, lithium-ion batteries pose a fire risk if placed in a recycling, compost, or landfill collection bin. However, used lithium-ion batteries possess useful raw materials and therefore should be recycled to conserve valuable natural resources and contribute to a more sustainable economy. Safe recycling methods exist for these batteries in San Francisco, which include battery take-back programs at participating bicycle shops, and battery recycling programs provided by the City's waste hauler. (h) It is the intent of the Board of Supervisors to explore the creation of a trade-in program to facilitate the disposal and upgrade of unsafe powered mobility devices operating in San Francisco, including through the use and deployment of state and local incentive programs.'; on Page 5, Lines 15-21, by inserting "'Safety-Certified Powered Mobility Device" means a Powered Mobility Device for which the Powered Mobility Device, or its electrical system, has been certified for compliance with: (1) Underwriters Laboratories (UL) standards UL 2849 or UL 2272; (2) European (EN) standards EN 15194 or EN 17128; or (3) Other safety standard of an accredited laboratory, approved by the Fire Department.'; on Page 10, Lines 19-22, by inserting 'Except as part of a City-authorized recycling program with required permits, and subject to obtaining safety certification from an accredited laboratory and the Fire Department's approval of such certification,'; on Page 11, Line 4, by inserting 'in consultation with the Department of the Environment,'; on Page 11, Lines 18-21, by inserting '(5) Proper disposal of, and recycling solutions for, lithium-ion batteries at the end of their life; and (6) Information about available programs and rebates for consumers to obtain Safety-Certified Powered Mobility Devices.'; and making conforming and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

230734 [Planning Code - Density Calculation in RC, RTO, NC, and Certain Named NCDs]**Sponsors: Mayor; Melgar**

Ordinance amending the Planning Code to allow form-based density in Residential-Commercial (RC), Residential Transit Oriented (RTO), Neighborhood Commercial (NC), and certain Named Neighborhood Commercial Districts (NCD), except for specified lots located in the Priority Equity Geographies Special Use District; amending the Priority Equity Geographies Special Use District; 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.

06/13/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/13/2023.

06/21/23; 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.

10/19/23; RESPONSE RECEIVED. The proposed amendments were covered in the San Francisco Housing Element 2022 Update Environmental Impact Report (EIR) certified on November 17, 2022.

11/09/23; RESPONSE RECEIVED. On October 26, 2023, the Planning Commission held a duly noticed public hearing and recommended approval of the proposed legislation with modifications.

12/12/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Mayor Breed introduced a substitute Ordinance bearing a new title

12/20/23; REFERRED TO DEPARTMENT. Referred to the Planning Commission for findings of consistency with the General Plan; the eight priority policies of Planning Code, Section 101.1; and findings of public necessity, convenience, and welfare under Planning Code, Section 302. Referred to the Planning Department for environmental review.

Heard in Committee. Speaker(s): Audrey Merlone and Aaron Starr (Planning Department); Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion. Speaker; Ozzie Rohm; Corey Smith (Housing Action Coalition); Jane Natoli (San Francisco YIMBY); Kate Bloomberg; Jim Chappel; Stacy Randecker; Speaker; Tom Pier; Rasa Moss; shared various concerns regarding the hearing matter.

Chair Melgar moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of February 5, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that the previous vote be rescinded. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of February 12, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

231191 [Implementation of Gashouse Cove Project - Marina Yacht Harbor]**Sponsors: Safai; Peskin, Chan and Preston**

Ordinance prohibiting the Recreation and Park Department and Planning Department from performing environmental review of, or otherwise implementing, a project to clean up and reconstruct the Marina Yacht Harbor in a manner that would extend the West Harbor Marina by more than 150 feet from its current boundary.

11/14/23; ASSIGNED to Land Use and Transportation Committee. 11/15/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

11/22/23; REFERRED TO DEPARTMENT. Referred to the Recreation and Parks Department and Planning Department for informational purposes.

Heard in Committee. Speaker(s): Supervisor Ahsha Safai (Board of Supervisors); Sarah Madland (Recreation and Park Department); Nicolas Menard and Alex Thibodo (Office of the Budget and Legislative Analyst); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; Susan Ford; Rasa Moss; Ozzie Rohm; Speaker; Will Benjamin; Josh Sale, President (South End Rowing Club); Speaker; Mark Isaacs; Anne Habel; Bill Clark; Fran Hegler; Susan Bohegian; Christine Kaplan; Joe Brower; Alex Way; Bridget Boylan; Judy Irving; Mike; Tom Pier; Randy; Christopher Parsons; Nicole Creeado; Sarah Roach; Carol Holcomb; Gabriella Strand; Sharon Wong; Lawrence Hyman; Diane Walton; Evelyn Graham; Speaker; Christina Orth; Carol Derwick; Charles; Hank Evans; Lincoln Chris; Dan Clark; Rich Marini; Speaker; Laura; Patricia Bowen; Patrick Cutting; shared various concerns regarding the hearing matter.

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

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 4, by inserting '(not beyond the western edge of the wave organ)'. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that this Ordinance be RECOMMENDED AS AMENDED. 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 5:59 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.