



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, February 12, 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, February 12, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:36 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

231257 [Planning Code - Landmark Designation - Grand Theater]

Sponsor: Ronen

Ordinance amending the Planning Code to designate the Grand Theater, located at 2665 Mission Street, Assessor's Parcel Block No. 3637, Lot No. 023, 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.

12/05/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/4/2024.

02/02/24; NOTICED. Notice of Public Hearing for February 12, 2024 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speaker(s): Ana Herrera (Office of Supervisor Hillary Ronen, Board of Supervisors); Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. Barry Threw, Executive Director (Gray Area); Ephram; spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

231045 [Planning Code - Landmark Designation - Sacred Heart Parish Complex]

Ordinance amending the Planning Code to designate the Sacred Heart Parish Complex, located at 546-548 Fillmore Street, 554 Fillmore Street, 735 Fell Street, and 660 Oak Street, Assessor's Parcel Block No. 0828, Lot Nos. 12, 21, 22, and 22A, 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)

10/10/23; RECEIVED FROM DEPARTMENT.

10/24/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/23/2023.

02/02/24; NOTICED. Notice of Public Hearing for February 12, 2024 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speaker(s): Simon Yip; shared various concerns regarding the hearing matter.

Vice Chair Preston moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of February 26, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230808 [Planning Code, Zoning Map - Family and Senior Housing Opportunity Special Use District]**Sponsors: Melgar; Engardio**

Ordinance amending the Planning Code to change the title of the Family Housing Opportunity Special Use District to the Family and Senior Housing Opportunity Special Use District ("SUD"); authorize within the SUD the greater of up to six units per lot or one unit per 1,000 square feet of lot area on individual Corner Lots in RH (Residential House) Districts, the greater of up to 18 units per lot or one unit per 1,000 square feet of lot area on Corner Lots resulting from three lot mergers in RH-1 districts, and the greater of up to 12 units per lot or one unit per 1,000 square feet of lot area on Corner Lots resulting from two lot mergers in RH-1 districts; extend various development and streamlining benefits, including lot merger benefits, to RM-1 (Residential, Mixed), RH-2, and RH-3 Districts within the area of the SUD bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard; and refine project eligibility criteria in the SUD; amending the Zoning Map to reflect the renamed Family and Senior Housing 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.

07/10/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 230026.

07/10/23; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

07/10/23; DUPLICATED. Duplicated from File No. 230026.

07/12/23; 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

09/29/23; RESPONSE RECEIVED. On September 29, 2023 the Planning Department responded to the CEQA referral from July 12, 2023. The proposed amendments were covered in the San Francisco Housing Element 2022 Update Environmental Impact Report (EIR) certified on November 17, 2022.

11/03/23; REMAIN ACTIVE. On October 24, 2023, the Board adopted extension Resolution No. 512-23 (Board File No. 231088) extending by 90 days the prescribed time within which the Planning Commission may render its decision on the ordinance, expiring January 8, 2024.

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.

01/26/24; NOTICED. Ten-Day Notice for February 5, 2024 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

02/05/24; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker(s): Veronica Flores (Planning Department); Supervisor Joel Engardio (Board of Supervisors); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith (Housing Action Coalition); Jane Natoli (SF YIMBY); Jessica Pohland; Annie Fryman (SPUR); spoke in support of the hearing matter. Speaker; Speaker; Mike Nohr; Eileen Boken; Katherine Howard; shared various concerns regarding the hearing matter.

02/05/24; CONTINUED AS AMENDED.

Heard in Committee. Speaker(s): Supervisor Joel Engardio (Board of Supervisors); Veronica Flores (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Eileen Boken; Speaker; spoke in opposition to the hearing matter. Chris Ward Kline; shared various concerns regarding the hearing matter.

Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation meeting of February 26, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

240110 [Planning Code - State-Mandated Accessory Dwelling Unit Controls]

Sponsor: Mayor

Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program; making 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

02/05/24; CONTINUED. Duplicated from File No. 230310.

Heard in Committee. Speaker(s): None.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 3, Lines 21-24, by inserting 'This ordinance also amends the Planning Code to impose those architectural review standards on projects involving a property previously determined to be eligible for listing in the California Register of Historic Places;' on Page 4, Lines 9-19, by inserting '(g) The City's Hybrid ADU program implements the requirements of California Government Code Section 65852.2, subdivision (e)(1). Under this program, on a lot containing an existing or proposed single-family dwelling, subdivision (e)(1)(A) requires the City to ministerially approve an ADU meeting certain requirements that is attached to, or within the space of, the primary dwelling or an existing accessory structure. Subdivision (e)(1)(B) separately requires the City to approve a detached ADU meeting certain requirements on a lot containing an existing or proposed single-family dwelling. The Government Code does not require the City to approve both types of ADUs on a single lot, but does expressly require the City to allow property owners to combine either type of ADU with a Junior ADU meeting certain requirements on a single lot. This ordinance is consistent with this section of the California Government Code;' on Page 34, Lines 16-22, to read 'For projects involving a property listed in or previously determined to be eligible for listing in the California Register of Historic Places, or a property designated individually or as part of a historic or conservation district pursuant to Article 10 or Article 11, the ADU or JADU shall comply with any objective architectural review standards adopted by the Historic Preservation Commission to prevent adverse impacts to such historic resources. Such projects shall not be required to obtain a Certificate of Appropriateness or a Permit to Alter;' on Page 35, Lines 19-20, by inserting '(B) Only one ADU and one JADU are permitted per lot under this subsection 207.2(d)(1);' on Page 36, Lines 9-10, by inserting '(B) The lot on which the ADU is proposed does not contain another ADU, but may contain a JADU;' on Page 57, Line 23 through Page 58, Line 7, by inserting '106A.1.20 Local Accessory Dwelling Unit Program. The City provides a local, discretionary process for the consideration of permits to construct Accessory Dwelling Units ("ADUs") that meet the requirements of Planning Code Section 207.1. The City shall approve or deny an application for a permit to construct an ADU under Planning Code Section 207.1 on a lot containing an existing dwelling within 60 days from receipt of the complete application if the proposed construction fully complies with the requirements set forth in Planning Code Section 207.1 and any other applicable requirements. This requirement shall not apply to any ADU permit subject to a request for discretionary review or an appeal to the Board of Appeals. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay;' and to incorporate amendments made by the Land Use and Transportation Committee to duplicate File No. 230310 on February 5, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Administrative Code, Building Code, Business and Tax Regulations Code, and Planning Code to clarify the state-mandated, ministerial approval process and local, discretionary approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings; 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 welfare under Planning Code, Section 302.

Chair Melgar moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR 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.

01/29/24; CONTINUED. 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

Heard in Committee. Speaker(s): Jake Price (Housing Action Coalition); Jane Natoli (SF YIMBY); shared various concerns regarding the hearing matter.

Chair Melgar moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of March 4, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

231079 [Planning Code - Density Controls in Three Historic Districts]**Sponsor: Peskin**

Ordinance amending the Planning Code to modify density limits in C-2 Districts (Community Business), east of Columbus Avenue and north of Washington Street; affirming the Planning Commission'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.

10/17/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/16/2023.

10/25/23; REFERRED TO DEPARTMENT. Referred to the Planning Commission for 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; and referred to the Planning Department for environmental review.

10/31/23; 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.

01/24/24; RESPONSE RECEIVED. On January 18, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

Heard in Committee. Speaker(s): Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Stan Hayes, President (Telegraph Hill Dwellers); spoke in support of the hearing matter. Jake Price (Housing Action Coalition); Jane Natoli (SF YIMBY); spoke in opposition to the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 4, Lines 9-17, to read '(8) In C-2 zoning districts east of or fronting Franklin Street/13th Street and west of Columbus Avenue, and north of Townsend Street, except for parcels within the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension, there is no density limit. The Jackson Square Historic District Extension shall include parcels within the area bounded by the northern boundary of the Jackson Square Historic District and the centerline of Sansome Street, Kearny Street, and Broadway. On parcels with no density limit, density is regulated by the permitted height and bulk, and required setbacks, exposure, open space, and other Code requirements applicable to each development lot;' on Page 4, Lines 20-23, to read 'Purpose and Findings. This Section 210.5 describes the Commercial to Residential Adaptive Reuse Program. The purpose of the Program is to facilitate the adaptive reuse of non-residential buildings to support the City's housing needs by allowing for conversion, but not the demolition, of those buildings to residential use;' on Page 5, Lines 8-14, by inserting '(13) Density Limits. No density limit for projects located within the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension. The Jackson Square Historic District Extension shall include parcels within the area bounded by the northern boundary of the Jackson Square Historic District and the centerline of Sansome Street, Kearny Street, and Broadway. Density in those areas shall be regulated by the permitted height and bulk, and required setbacks, exposure, open space, and other Code requirements applicable to each development lot;' and making conforming changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to modify density limits in the Northeast Waterfront Historic District, the Jackson Square Historic District, and the Jackson Square Historic District Extension, except for projects in those areas using the Commercial to Residential Adaptive Reuse Program; affirming the Planning Commission'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 RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 2 - Preston, Peskin

Noes: 1 - Melgar

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:47 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.