



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, March 25, 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, March 25, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 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

231221 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]**Sponsors: Mayor; Engardio, Dorsey and Melgar**

Ordinance amending the Planning Code to 1) allow Nighttime Entertainment Uses as principally permitted on the ground floor and conditionally permitted on the second floor in the Polk Street Neighborhood Commercial District (NCD); 2) modify requirements for limited commercial uses within one-quarter mile of the North Beach Special Use District (SUD); 3) conditionally permit Retail Professional Services Uses on the ground floor in the North Beach NCD, subject to existing limitations; 4) allow limited commercial uses (LCUs) in Residential, House (RH) and Residential, Mixed (RM) Districts with specified limitations; 5) require operating hours to end at 10 p.m. for LCUs and limited corner commercial uses (LCCUs) in RH and RM Districts; 6) establish that LCCUs are limited to those uses allowed in the nearest NCD or SUD, or the NC-1 District, as specified; 7) prohibit outdoor activity areas not at the front of the building in RH and RM Districts and limit such outdoor activity areas in other residential districts; 8) establish that LCCUs in Residential Transit Oriented (RTO) Districts must be located on corner lots and specify lot depth requirements; and 9) make minor corrections to code text; and 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.

(Economic Impact)

11/27/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 230701.

11/27/23; CONTINUED AS AMENDED.

11/30/23; 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.

12/04/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Katy Tang, Director (Office of Small Business); presented information and answered questions raised throughout the discussion.

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.

03/07/24; RESPONSE RECEIVED. On February 29, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

03/18/24; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker(s): Kerry Birnbach and Katy Tang, Director (Office of Small Business); Veronica Flores (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Chris Schulman (Lower Polk Community Benefit District); shared various concerns regarding the hearing matter.

03/18/24; CONTINUED AS AMENDED.

Heard in Committee. Speaker(s): Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 11-13, to read '6) establish that LCCUs are limited to those uses allowed in an NCD or SUD within one-quarter mile of the use, or the NC-1 District, as specified;' on Page 6, Line 20, to read 'For Limited Corner Commercial Uses under § 231 and Limited Commercial Uses under § 186: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.' and Line 24, to read 'P if located in front of building; NP if not elsewhere;' on Page 8, Line 1, to read 'For Limited Corner Commercial Uses under § 231 and Limited Commercial Uses under § 186: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.' and Line 5, to read 'P if located in front of building; NP if not elsewhere;' on Page 10, Lines 7-24, to read 'Use Size. In any RH or RM, RM-1, or RM-2 District, the use size shall comply with the use size limitations of a Neighborhood Commercial District or Special Use District located within one-quarter mile of the use, up to a maximum of 1,200 square feet of Occupied Floor Area of commercial area. In any RM-3 or RM-4 District, the use size shall comply with the use size limitations of a Neighborhood Commercial District or Special Use District located within one-quarter mile of the use, up to a maximum of 2,500 square feet of Commercial Use. No more than 1,200 square feet of Occupied Floor Area of commercial area in a RTO District or in a RH, RM-1, or RM-2 District if the use is more than one-quarter mile from a Neighborhood Commercial District or Special Use District, and no more than 2,500 occupied square feet of Commercial Use in a RTO-M District or in a RM-3 or RM-4 District if the use is more than one-quarter mile from a Neighborhood Commercial District or Special Use District, shall be allowed per Corner Lot, subject to the following exception. On lots which occupy more than one corner on a given block, an additional 1,200 square feet of Occupied Floor Area of Commercial Use shall be allowed per additional corner, so long as the commercial space is distributed equitably throughout appropriate parts of the parcel or project;' and making conforming and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to 1) allow Nighttime Entertainment Uses as principally permitted on the ground floor and conditionally permitted on the second floor in the Polk Street Neighborhood Commercial District (NCD); 2) modify requirements for limited commercial uses within one-quarter mile of the North Beach Special Use District (SUD); 3) conditionally permit Retail Professional Services Uses on the ground floor in the North Beach NCD, subject to existing limitations; 4) allow limited commercial uses (LCUs) in Residential, House (RH) and Residential, Mixed (RM) Districts with specified limitations; 5) require operating hours to end at 10 p.m. for LCUs and limited corner commercial uses (LCCUs) in RH and RM Districts; 6) establish that LCCUs are limited to those uses allowed in an NCD or SUD within one-quarter mile of the use, or the NC-1 District, as specified; 7) prohibit outdoor activity areas not at the front of the building in RH and RM Districts and limit such outdoor activity areas in other residential districts; 8) establish that LCCUs in Residential Transit Oriented (RTO) Districts must be located on corner lots and specify lot depth requirements; and 9) make minor corrections to code text; and 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. (Economic Impact)

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

Ayes: 3 - Melgar, Preston, Peskin

231225 [Planning Code - Tobacco Paraphernalia Establishments in North of Market SUD and Lower Polk Street NCD]**Sponsors: Preston; Peskin**

Ordinance amending the Planning Code to prohibit in the North of Market Special Use District (SUD) and Lower Polk Street Neighborhood Commercial District (NCD) Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed, and to establish that after 180 days of non-use a legal non-conforming Tobacco Paraphernalia Establishment in the SUD or NCD will be deemed abandoned, preventing its restoration; and 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.

11/28/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/28/2023.

12/06/23; 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.

12/21/23; 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.

02/20/24; RESPONSE RECEIVED. On February 8, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

03/18/24; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker(s): Prathibha Tekkey; Greg Johnson; Miriam Zouzounis; Chris Schulman (Lower Polk Community Benefit District); Kathy; Aurelia Fernandez; Rosa; shared support for the hearing matter.

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

03/18/24; CONTINUED AS AMENDED.

Heard in Committee. Speaker(s): None.

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

Ayes: 3 - Melgar, Preston, Peskin

240001 [Planning Code, Zoning Map - 68 Nantucket Avenue]

Ordinance amending the Zoning Map of the Planning Code to rezone Assessor's Parcel Block No. 3144B, Lot Nos. 027A and 036A, known as 68 Nantucket Avenue, from Public (P) District to Residential-House, One Family (RH-1) District; 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 public necessity, convenience, and general welfare findings under Planning Code, Section 302. (Planning Department) 12/06/23; RECEIVED FROM DEPARTMENT.

01/09/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/8/2024.

01/17/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

02/14/24; RESPONSE RECEIVED. CEQA clearance under common sense exemption issued on August 12, 2021 (Case No. 2018-008802ENV).

03/15/24; NOTICED. Ten-Day Notice for March 25, 2024 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speaker(s): Gabriela Pantoja (Planning Department); 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

240142 [Hearing - U.S. Army Corps of Engineers SF Waterfront Draft Plan]

Sponsor: Peskin

Hearing to receive an informational presentation on the United States (U.S.) Army Corps of Engineers San Francisco (SF) Waterfront Coastal Flood Study Draft Integrated Feasibility Report and Environmental Impact Statement; and requesting the Port, Planning Department, and Army Corps of Engineers to report.

02/13/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/21/24; REFERRED TO DEPARTMENT. Referred to the Port, Planning Department, and Army Corps of Engineers for informational purposes.

Heard in Committee. Speaker(s): Michael Martin (Port Department); Brian Harper (U.S. Army Corps of Engineers); Brad Benson (Port Department); Rachael Tanner (Planning Department); presented information and answered questions raised throughout the discussion. Speaker; shared various concerns regarding the hearing matter.

Member Peskin moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

231005 [Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation]**Sponsors: Mandelman; Engardio and Chan**

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors regarding the disability access improvement program.

09/26/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/26/2023.

10/04/23; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for comment and recommendation.

10/19/23; RESPONSE RECEIVED. On October 18, 2023, the Building Inspection Commission met and held a duly noticed hearing, and recommended approval of the proposed legislation.

Heard in Committee. Speaker(s): Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion.

Chair Melgar requested that this Ordinance be DUPLICATED.

See duplicate File No. 240297.

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

Ayes: 3 - Melgar, Preston, Peskin

240297 [Building Code - Deadlines for Disability Access Improvements for Places of Public Accommodation]**Sponsors: Mandelman; Engardio and Chan**

Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors regarding the disability access improvement program.

Duplicated from File No. 231005.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to revise the deadline to submit a Compliance Checklist and specify compliance option from June 30, 2024, to December 31, 2024, for all categories. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:46 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.