



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, October 7, 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, October 7, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:30 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

240843 [Administrative Code - Entertainment Zones]

Sponsors: Mayor; Dorsey and Mandelman

Ordinance amending the Administrative Code to establish two Entertainment Zones: the Mid-Market Entertainment Zone, on Market Street between 5th Street and 6th Street, with eastern boundaries at Mason Street on the north side of Market Street and at 5th Street on the south side of Market Street, and western boundaries at the intersection of Golden Gate Avenue and Taylor Street on the north side of Market Street and at 6th Street on the south side of Market Street; and the Arena Entertainment Zone, bounded by Warriors Way on the north, Terry A. Francois Boulevard on the east, 16th Street on the south, and 3rd Street on the west; and affirming the Planning Department's determination under the California Environmental Quality Act.

09/03/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/3/2024.

09/12/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Small Business Commission for review and comment. Referred to the Police Department and the Office of Economic and Workforce Development for informational purposes.

09/17/24; RESPONSE RECEIVED. CEQA determination: Not defined as 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.

09/24/24; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Mayor Breed introduced a substitute Ordinance bearing a new title.

09/27/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Small Business Commission for review and comment. Referred to the Police Department and the Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speaker(s): Ben Van Houten (Office of Economic and Workforce Development); presented information and answered questions raised throughout the discussion. Yoyo Murphy (Chase Center); Erin Bilbo (Goldenvoice); Wes Wayford (Redtail Beer and Wine Bar); spoke in support of 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

240845 [Building Code - Gas Infrastructure for EPCA Appliances in New Construction]**Sponsors: Mandelman; Melgar**

Ordinance amending the Building Code to allow new construction that complies with the Design Guidelines for Electric-Ready Buildings to install gas infrastructure to serve appliances covered by the Energy Policy and Conservation Act (EPCA); adopting findings of local conditions under the California Health and Safety Code; 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.

09/03/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/3/2024.

09/12/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review. Referred to the Building Inspection Commission for review and response.

09/17/24; RESPONSE RECEIVED. CEQA determination: Not defined as 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.

09/19/24; RESPONSE RECEIVED. On September 18, 2024, 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); Cyndy Comerford (Department of the Environment); presented information and answered questions raised throughout the discussion. Susan Green; Speaker; spoke in support of the hearing matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

240806 [Public Works Code, Planning Code - Fee Waiver for Vicha Ratanapakdee Mosaic Stairway]**Sponsor: Stefani**

Ordinance amending the Public Works Code to waive the major encroachment permit fees for a project to install and maintain mosaic tiles on the Vicha Ratanapakdee Way stairs located in the Anza Vista neighborhood between O'Farrell Street and Terra Anza Avenue and amending the Planning Code to waive the General Plan referral fee associated with this encroachment permit; affirming the Planning Commission'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.

07/30/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2024.

08/07/24; 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. Referred to Public Works and the Arts Commission for informational purposes.

08/09/24; 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.

10/03/24; RESPONSE RECEIVED. On September 26, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speaker(s): Mick Del Rosario (Office of Supervisor Catherine Stefani); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 12, by striking 'and the Mayor signed.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

240940 [Urging to Resolve a San Francisco Public Utilities Commission Lawsuit with the United States Environmental Protection Agency]**Sponsors: Melgar; Peskin, Ronen and Preston**

Resolution urging the City Attorney and the San Francisco Public Utilities Commission to immediately resolve its lawsuit regarding the Clean Water Act with the United States Environmental Protection Agency.

09/24/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/30/24; REFERRED TO DEPARTMENT. Referred to the Public Utilities Commission and Office of the City Attorney for informational purposes.

10/01/24; TRANSFERRED to Land Use and Transportation Committee. President Peskin transferred this resolution from the Government Audit and Oversight committee to the Land Use and Transportation committee.

Heard in Committee. Speaker(s): Dr. David Owen (University of California, San Francisco); Sarah Crowley (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Arianna Harrison; Tonya Randel; Bill Martin and Scott Webb (Sierra Club California); Casey Torrens; Misch Rooney; Speaker; Speaker; Ella Jackson; Bennick Robinson; Kate Roberts; Roger Amani; Mo Ball; Liz Evans; Christopher Medim; Sarah Gao; Speaker; Tim Eichenberg; Susan Green; Nancy Haber; Alex; Tiffany Pfeifer; Mark McKee; Carolyn Chang (Sierra Club Bay Area); Jason Plost; Nina Atkind (Surfrider Foundation); Martha Prager (Sierra Club Bay Area); Sarah Greenwald; John Anderson; Mary Butterwick; Gene Cuttler; Speaker; Nate Walsh; spoke in support of the hearing matter.

Chair Melgar moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 1-5 to read 'WHEREAS, The State of California, the State of Washington, the Commonwealth of Massachusetts, along with the states of Connecticut, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, Oregon, Wisconsin, the Commonwealth of Pennsylvania, and the District of Columbia have filed amicus curiae briefs on behalf of the Environmental Protection Agency.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

231268 [Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects]**Sponsor: Dorsey**

Ordinance amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

12/11/23; DUPLICATED. Duplicated from File No. 230706.

12/11/23; CONTINUED TO CALL OF THE CHAIR. Duplicated from File No. 230706.

07/15/24; REMAIN ACTIVE. Supervisor Dorsey requested this matter remain active for an additional six months until January 15, 2025.

Heard in Committee. Speaker(s): Madison Tam (Office of Supervisor Matt Dorsey); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Corey Smith (Housing Action Coalition); spoke in support of the hearing matter. Charlie Sciammas (Council of Community Housing Organizations); shared various concerns regarding the hearing matter.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 6-9, by inserting 'and action 4.2 in the California Department of Housing and Community Development's Policy and Practice Review that states: "[a]nalyze and reduce constraints imposed on projects receiving City funds for affordable housing development. . .";' on Page 2, Lines 22-25, to read 'This section (Section 429.1 et seq.) shall apply to: (a) all projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, except for 100% Affordable Housing Projects; and;' on Page 3, Line 14, through Page 4, Line 6, to read 'Section 3. Formatting of Ordinance; Explanation of Fonts. (a) On December 11, 2023, the Land Use and Transportation Committee of the Board of Supervisors duplicated Board File No. 230706 to create Board File No. 231268. The ordinance in File No. 230706 proceeded through the legislative process, was enacted as Ordinance No. 003-24, and became effective in February 2024. The ordinance in File No. 231268 – this ordinance – remained at the Land Use and Transportation Committee. This is the second version of that ordinance. (b) To clearly understand the proposed amendments to existing law contained in this second version of this ordinance, the ordinance shows in "existing text" font (plain Arial) the law currently in effect, as amended by Ordinance No. 003-24. This ordinance shows in "Board amendment" font (double-underlined Arial font for additions and strikethrough Arial font for deletions) amendments to existing law. This ordinance omits sections of the law currently in effect that are not being amended by this ordinance. (c) This second version of the ordinance also includes a new long title that replaces the long title in the previous version of the ordinance, which had included references to the amendments that became effective with the enactment of Ordinance No. 003-24. This second version of the ordinance also includes some new findings;' and making conforming and clerical changes throughout the ordinance text. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION AS AMENDED to the Board of Supervisors. 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 3:28 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.