



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, December 9, 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, December 9, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:33 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

241055 [Building, Planning Codes - Code Corrections and Updates]

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; 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)

10/28/24; RECEIVED FROM DEPARTMENT.

11/05/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/5/2024.

11/13/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

11/15/24; 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 to the environment.

Heard in Committee. Speaker(s): Aaron Starr (Planning Department); Brad Russi (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Mark Gleason (Teamsters Local 665); John Kevlin (Reuben Junius & Rose LLP); shared various concerns regarding the hearing matter.

DUPLICATED

See Duplicate File No. 241196.

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

Ayes: 3 - Melgar, Preston, Peskin

241196 [Building, Planning Codes - Code Corrections and Updates]

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; 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.

Duplicated from File No. 241055.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 21-24, by inserting '(f) The Planning Commission recommended an additional amendment to this ordinance that was not prepared in time to be adopted at the December 9, 2024 meeting of the Land Use and Transportation Committee. The City Attorney will prepare such amendment for consideration at a future Land Use and Transportation Committee meeting.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin 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

241103 [Planning Code - Landmark Designation - Ladies' Protection and Relief Society (3400 Laguna Street)]

Sponsor: Peskin

Ordinance amending the Planning Code to designate the Ladies' Protection and Relief Society, located at 3400 Laguna Street, Assessor's Parcel Block No. 0471, Lot No. 003, 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)

11/05/24; RECEIVED FROM DEPARTMENT.

11/19/24; ASSIGNED to Land Use and Transportation Committee. 11/20/24 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

11/27/24; NOTICED. Notice of public hearing for December 9, 2024 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speaker(s): Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. Carolyn Kiernat (Page & Turnbull); Speaker; spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

240641 [Planning Code - Laboratory Uses in the Urban Mixed Use Zoning District]**Sponsors: Walton; Chan and Safai**

Ordinance amending the Planning Code to revise the definition of Laboratory to include Biotechnology, and to make Laboratory uses, as defined, a not permitted use in the Urban Mixed Use zoning 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.

(Pursuant to Charter Section 4.105, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to reverse the Planning Commission's finding of non-conformity with the General Plan).

06/04/24; ASSIGNED to Land Use and Transportation Committee. 6/5/24 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

06/13/24; 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.

07/03/24; 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.

08/13/24; RESPONSE RECEIVED. On August 1, 2024, the Planning Commission held a duly-noticed meeting and recommended to disapprove the proposed legislation.

Heard in Committee. Speaker(s): Supervisor Shamann Walton (Board of Supervisors); Veronica Flores (Planning Department); Laurel Arvanitidis (Office of Economic and Workforce Development); Brad Russi (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Allison Heath (Potrero Boosters); Donovan Lacy (Dogpatch Neighborhood Association); JR Eppler (Potrero Boosters); spoke in support of the hearing matter. Jackson Nutt-Beers and Rolando Tirado (San Francisco Chamber of Commerce); Christy Shirilla (Biocom California); spoke in opposition to the hearing matter. Katherine Demaney; John Kevlin (Reuben Junius & Rose LLP); shared various concerns regarding the hearing matter.

Chair Melgar moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors. Before the committee acted, Chair Melgar withdrew the motion and no vote was taken.

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

Ayes: 2 - Preston, Peskin

Noes: 1 - Melgar

241137 [Portal Project Implementation Memorandum of Understanding - Transbay Joint Powers Authority - Phase 2 of the Transbay Program]**Sponsor: Mayor**

Resolution approving the Portal Project Implementation Memorandum of Understanding between the Transbay Joint Powers Authority, the Metropolitan Transportation Commission, the San Francisco County Transportation Authority, the Peninsula Corridor Joint Powers Board, the California High-Speed Rail Authority, and the City and County of San Francisco, collectively, the "Partners," regarding Phase 2 of the TJPA's Transbay Program, referred to as The Portal, over a term in excess of 10 years; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/19/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

12/04/24; TRANSFERRED to Land Use and Transportation Committee. President Peskin transferred this resolution from the Budget and Finance committee to the Land Use and Transportation committee.

Heard in Committee. Speaker(s): Chava Kronenberg (San Francisco Municipal Transportation Agency); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

241141 [Endorsement of Key Terms - EQX Jackson SQ Holdco LLC - 425 Washington Street, 439-445 Washington Street, 447 Battery Street, and 530 Sansome Street]**Sponsor: Peskin**

Resolution generally endorsing key terms for a proposed amendment to the Conditional Property Exchange Agreement between the City and County of San Francisco and EQX Jackson SQ Holdco LLC with a new Development Agreement for the development of a new San Francisco Fire Station 13 and mixed-use high-rise tower on 425 Washington Street, 439-445 Washington Street, 447 Battery Street, and 530 Sansome Street, with any final amendment and Development Agreement subject to the approval of the Board of Supervisors.

11/19/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

12/02/24; TRANSFERRED to Land Use and Transportation Committee. President Peskin transferred this resolution from the Budget and Finance committee to the Land Use and Transportation committee.

Heard in Committee. Speaker(s): Jonathan Cherry (Office of Economic and Workforce Development); Matthew Witte (Related California); presented information and answered questions raised throughout the discussion.

Member Peskin moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

240872 [Planning Code, Zoning Map - 30 Van Ness Avenue Special Use District; Amendment of Agreement for Sale of Real Estate]**Sponsors: Mayor; Dorsey**

Ordinance amending the Planning Code and Zoning Map to create the 30 Van Ness Avenue Special Use District, in the area generally bound by Fell Street to the north, Market Street to the east and south, and Van Ness Avenue to the west; modifying the Notice of Special Restrictions related to inclusionary housing obligations under the Agreement for Sale of Real Estate between the City and 30 Van Ness Development LLC; 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 welfare findings under Planning Code, Section 302.

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

09/18/24; 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.

11/08/24; NOTICED. Ten-Day Notice for November 18, 2024 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

11/13/24; RESPONSE RECEIVED. On November 7, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

11/18/24; CONTINUED. Heard in Committee. Speaker(s): None.

12/02/24; CONTINUED. Heard in Committee. Speaker(s): Supervisor Matt Dorsey (Board of Supervisors); presented information and answered questions raised throughout the discussion. PJ Eugenio (SOMCAN); Rudy Gonzalez (San Francisco Building Trades Council); shared various concerns regarding the hearing matter.

Heard in Committee. Speaker(s): Monica Giacomucci (Planning Department); Leigh Lutenski (Office of Economic and Workforce Development); Jim Abrams (LendLease); Madison Tam (Office of Supervisor Matt Dorsey); Anne Taupier (Office of Economic and Workforce Development); presented information and answered questions raised throughout the discussion. Tracy Everwine (Mid Market Community Benefit District); Scott Nielson (Intersection for the Arts); Brianna Morales (Housing Action Coalition); Jim Abrams (LendLease); 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 6, Lines 15-20, to read 'To improve feasibility of the Project and in consideration of the impact fees already paid, the City agrees to (1) modify the requirements of Planning Code Section 415 et seq. for the Project through the creation of a new Special Use District applicable to the Property, and (2) modify the requirements of the NSR, to allow Developer to pay the Affordable Housing Fee, or to provide on-site or off-site Affordable Units at a reduced percentage;' on Page 7, Lines 23-25, to read 'Inclusionary Housing Requirements. The provisions of Section 415 et seq. as amended or replaced from time to time, shall apply to projects in the 30 Van Ness Avenue Special Use District, except as follows:;' on Page 8, Lines 1-18, by inserting '(1) If a project sponsor elects to pay the affordable housing fee under Section 415.5, the project shall comply with the requirements set forth in Section 415.5(b)(1), except that the applicable percentage shall be 17.4%. (2) If a project sponsor elects to provide on-site Affordable Units pursuant to Section 415.5(g), the housing development shall comply with the requirements of Section 415.6(a), except that the applicable percentage for an Ownership Housing or Rental Housing Project shall be 12.8%. Project sponsors shall ensure that a minimum of 8.6% of the Affordable Units are affordable to low-income households, 2.1% of the Affordable Units are affordable to moderate-income households, and 2.1% of the Affordable Units are affordable to middle-income households. (3) If a project sponsor elects to provide off-site Affordable Units pursuant to Section 415.5(g), the housing development shall comply with the requirements of Section 415.7, except that the applicable percentage for an Ownership Housing or Rental Housing Project shall be 17.4%. Project sponsors shall ensure that a minimum of 10% of units are affordable to low-income households, 4.3% are affordable to moderate-income households, and 3.2% are affordable to middle-income households. (4) The provisions of Sections 415A or 415B shall not apply to projects in this 30 Van Ness Special Use District;' on Page 8, Lines 19-25, to read '(e) Except as provided in subsection (d), any on-site affordable units provided in the project under any state or local program, including those programs set forth in Section 206 et seq., shall comply with the requirements of Section 415 et seq., including but not limited to, the requirement to enter a Regulatory Agreement with the City pursuant to Section 206.6(f), as amended from time to time, and any other adopted policies or procedures generally applicable to on-site affordable units, including the Procedures Manual;' on Page 9, Lines 9-14, to read 'Sunset Provision. This Planning Code Section 249.99, shall expire by operation of law at the earlier of (1) the City's refund of development impact fees under Section 405; (2) upon issuance of a Temporary Certificate of Occupancy; (3) upon issuance of a Certificate of Final Completion by the Department of Building Inspection for the project in subsection (b)(1), or (4) May 1, 2029, unless the project subject to this 30 Van Ness Special Use District has recommenced construction before such date;' on Page 10, Lines 3-5, to read 'the Board of Supervisors approves Developer's request to modify the NSR to amend the inclusionary housing obligations of the NSR if the project meets the requirements set forth in Planning Code Section 249.99;' on Page 11, Lines 5-5, by inserting ') or (d) May 1, 2029, unless the project subject to this 30 Van Ness Special Use District has recommenced construction before such date;' and making conforming and clerical amendments throughout the ordinance text. The motion carried by the following vote:

Ayes: 2 - Preston, Peskin

Noes: 1 - Melgar

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

Ayes: 2 - Preston, Peskin

Noes: 1 - Melgar

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

Ordinance amending the Planning Code to require minimum residential density, in Residential-Mixed (RM), Residential Commercial (RC), and Residential Transit Oriented (RTO) Districts except for Residential-Transit Oriented - Mission (RTO-M) Districts; 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.

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.

09/11/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

04/24/24; REMAIN ACTIVE. Supervisor Peskin requested this matter remain open an additional six months until October 24, 2024.

10/24/24; REMAIN ACTIVE. Supervisor Peskin requested this matter remain open an additional six months until April, 2025.

12/02/24; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker(s): None.

12/02/24; CONTINUED AS AMENDED.

Heard in Committee. Speaker(s): Brianna Morales (Housing Action Coalition); shared various concerns regarding the hearing matter.

Member Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. 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 3:32 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.