



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: Aaron Peskin, Ahsha Safai, Dean Preston

Clerk: Erica Major (415) 554-4441

Monday, July 27, 2020

1:30 PM

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Dean Preston

The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, July 27, 2020, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:31 p.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: Erica.Major@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Land Use and Transportation Committee Meetings begin at 1:30 p.m. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin, Vice Chair Safai, and Member Preston were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

200215 [Planning Code - Arts Activities, Social Service or Philanthropic Facilities, and COVID-19 Recovery Activities as Temporary Uses; Fee Waiver for COVID-19 Recovery Activities]

Sponsors: Ronen; Fewer, Walton, Haney and Peskin

Ordinance amending the Planning Code to allow Arts Activities, and Social Service or Philanthropic Facilities, and COVID-19 Recovery Activities as a temporary use in vacant ground-floor commercial space; 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.

02/25/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/26/2020.

03/03/20; 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.

04/02/20; 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.

07/09/20; RESPONSE RECEIVED. On June 25, 2020, the Planning Commission met and held a duly noticed hearing and recommended approval with the modifications for the proposed legislation.

07/20/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Hillary Ronen (Board of Supervisors); Audrey Merlone (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Sophia Green; spoke in support of the hearing matter.

07/20/20; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Paul Monge (Office of Supervisor Hillary Ronen); presented information and answered questions raised throughout the discussion. Speaker; spoke in support of the hearing matter.

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

Ayes: 3 - Peskin, Safai, Preston

200214 [Planning Code - Conditional Use Review and Approval Process - Priority Processing and Reduced Application Fee for Certain Uses of Commercial Space]
Sponsors: Peskin; Ronen, Fewer and Haney

Ordinance amending the Planning Code to expedite the Conditional Use authorization review and approval process and reduce the application fee for certain uses of commercial space; 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; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

02/25/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/26/2020.

03/03/20; 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; Small Business Commission for comment and recommendation.

04/02/20; 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.

06/04/20; RESPONSE RECEIVED. The Planning Commission met and held a duly notice hearing and recommended approval with modifications for the proposed legislation.

Heard in Committee. Speakers: Amy Beinart (Office of Supervisor Hillary Ronen); Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Chess Lapsley; Gale Gillman; Robert Fruckman; Chris Shulman; Dan Nazari, President (North Beach Business Association); spoke in support of the hearing matter. Linda Chapman; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 6-9, by adding ‘ (4) The Calle 24 Special Use District is still in its infancy. and due to its unique history and special identity the projects within its boundaries require special consideration in order to retain, enhance, and support its character. It is, therefore, exempted from the priority processing provisions of this Section 303.2.’; on Page 3, Lines 10-16, by adding ‘The City first recognized the area’s unique history and special character in 2014, when in Resolution No. 168-14 it established the Calle 24 (“Veinticuatro”) Latino Cultural District. The Resolution memorialized “a place whose richness of culture, history and entrepreneurship is unrivaled in San Francisco.” A 2014 report by San Francisco Architectural Heritage found that many of the long-standing community-serving businesses within the area were at risk of displacement due to San Francisco’s volatile economic climate despite continued value and a record of success.’; on Page 5, Lines 9-10, by adding ‘(10) Is not within the Calle 24 Special Use District, as described and set forth in Section 249.59 of this Code.’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

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

Ayes: 3 - Peskin, Safai, Preston

200213 [Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]**Sponsors: Fewer, Mar, Peskin, Haney, Walton, Mandelman, Ronen, Safai and Preston**

Ordinance amending the Planning Code to allow extra height, exceeding otherwise applicable height limitations, for 100% Affordable Housing and Educator Housing projects, and to allow such projects to be constructed on parcels greater than 8,000 square feet or which contain only surface parking lots and do not demolish any existing buildings; making findings that the Ordinance furthers the purpose of Planning Code, Section 206.9; making findings under the California Environmental Quality Act, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

(Pursuant to Planning Code, Section 206.9(h), this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

02/25/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/26/2020.

03/03/20; 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.

05/01/20; REMAIN ACTIVE. 4/21/2020 - The Board of Supervisors adopted Resolution No. 179-20 (File No. 200377) extending the Planning Commission's review period by 90 days; 08/30/2020.

07/23/20; RESPONSE RECEIVED. On July 16, 2020, the Planning Commission conducted a duly noticed public hearing and recommended approval for the proposed legislation.

Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Theo Gordon; Hazel Olonio; Robert Fruckman; Gabby Reeve; Sarah Ogleby (SF YIMBY); Fernando Marti; spoke in support of the hearing matter. Jonathon; spoke in opposition of the hearing matter. Stewart Flashman; Anabelli Sanchez; Anastasia Yovanopoulos; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin requested File Nos. 200270 and 200630 be called together.

200270 [Bi-Annual Housing Balance Report No. 10]

Sponsor: Mar

Resolution receiving and approving the bi-annual Housing Balance Report No. 10, dated April 1, 2020, submitted as required by Planning Code, Section 103.

03/10/20; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Miriam Chion, Michelle Littlefield, Svetha Ambati, and James Pappas (Planning Department); presented information and answered questions raised throughout the discussion. Speaker; Joseph Smooke; Francisco Da Costa; Arnold Townsend; Lorraine Petty (Senior and Disability Action); Stewart Flashman; Linda Chapman; Cynthia Gomez (Local 2); Anastasia Yovanopoulos; Sue Hestor; Theresa Flandric (Senior and Disability Action); Fernando Marti; Vera Randolph; Peter Cohen (San Francisco Council of Community Housing Organizations); Speaker; Anabel Ibanez (United Educators of San Francisco); Harry Bernstein; Sarah Ogelby (SF YIMBY); Sam Dutch; Robert Fruckman; Speaker; Lesita Medal; Russell Davis; Georgia Macintyre; Kathy Limpscomb; Kenneth Russell; Martin Munoz; Jesse Fernandez; Jonathan Randolph; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Peskin, Safai, Preston

200630 [Hearing - City's Housing Affordability and Housing Stability Needs, and Relevant Planning Department Reports]

Sponsor: Mar

Hearing on the City's housing affordability and housing stability needs, and relevant reports, such as the Jobs-Housing Fit, Housing Balance, Housing Inventory and Housing Pipeline reports; and requesting for the Planning Department to report.

06/09/20; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

06/16/20; REFERRED TO DEPARTMENT. Referred to the Planning Department for informational purposes and requesting the department to report.

07/14/20; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Mar introduced a substitute Hearing bearing a new title.

07/22/20; REFERRED TO DEPARTMENT. Referred to the Planning Department for informational purposes and requesting the Department to report.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Miriam Chion, Michelle Littlefield, Svetha Ambati, and James Pappas (Planning Department); presented information and answered questions raised throughout the discussion. Speaker; Joseph Smooke; Francisco Da Costa; Arnold Townsend; Lorraine Petty (Senior and Disability Action); Stewart Flashman; Linda Chapman; Cynthia Gomez (Local 2); Anastasia Yovanopoulos; Sue Hestor; Theresa Flandric (Senior and Disability Action); Fernando Marti; Vera Randolph; Peter Cohen (San Francisco Council of Community Housing Organizations); Speaker; Anabel Ibanez (United Educators of San Francisco); Harry Bernstein; Sarah Ogelby (SF YIMBY); Sam Dutch; Robert Fruckman; Speaker; Lesita Medal; Russell Davis; Georgia Macintyre; Kathy Limpscomb; Kenneth Russell; Martin Munoz; Jesse Fernandez; Jonathan Randolph; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

190757 [Planning Code - Exemption from Density Limits for Affordable and Unauthorized Units - Residential Care Facilities]**Sponsor: Mandelman**

Ordinance amending the Planning Code to provide an exception from density limit calculations for all affordable units in projects not seeking and receiving a density bonus, permit the legalization of all unauthorized dwelling units notwithstanding a history of no-fault evictions if the applicant demonstrates compliance with the requirements of specified sections of the Rent Ordinance, and principally permit residential care facilities for seven or more persons in all RH (Residential, House) zoning 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

07/09/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/8/2019.

07/15/19; 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.

07/25/19; 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.

10/11/19; REMAIN ACTIVE. 10/01/19 - The Board of Supervisors adopted Resolution No. 435-19 (File No. 190985) extending the Planning Commission's review period by 30 days; 11/12/2019.

11/21/19; REMAIN ACTIVE. 11/12/2019 - The Board of Supervisors adopted Resolution No. 483-19 (File No. 191132) extending the Planning Commission's review period by 60 days; 1/11/2020.

12/27/19; RESPONSE RECEIVED. On December 5, 2019, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

03/03/20; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Mandelman introduced a substitute Ordinance bearing a new title.

03/11/20; 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.

04/02/20; 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.

04/08/20; RESPONSE RECEIVED. The currently version substitute ordinance incorporates some of the Planning Commission's recommendations on the original version, and doesn't make any changes outside of what was considered at Planning Commission previously, so no re-referral was noted to be required.

Heard in Committee. Speakers: Jonathan Randolph; Theo Gordon; spoke in support of the hearing matter. Tom Radulovich; Speaker; Anastasia Yovanopoulos; Milo Trauss; Robert Fruckman; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin requested File Nos. 200635 and 200422 be called together.

200635 [General Plan Amendments - Balboa Reservoir Project]

Ordinance amending the General Plan to revise the Balboa Park Station Area Plan, the Recreation and Open Space Element, and the Land Use Index, to reflect the Balboa Reservoir Project; amending the Housing Element in regard to the design of housing for families with children; 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 making public necessity, convenience, and general welfare findings under Planning Code, Section 340. (Planning Commission)

06/11/20; RECEIVED FROM DEPARTMENT.

06/23/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/23/2020.

07/17/20; NOTICED. 10-Day Notice for 7/27/2020 Land Use and Transportation Committee hearing published in the Examiner and posted, per Government Code Sections 65091, 65090(a), and 65092(a).

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Leigh Lutenski (Office of Economic and Workforce Development); Susan Exline (Planning Department); Asim Khan (Office of the Controller); Joe Kirchofer, Project Sponsor (Balboa Reservoir Project); Amy Chan (Mayor's Office of Housing and Community Development); Jonathan Randolph; Elizabeth Dietrich (Office of City Attorney); presented information and answered questions raised throughout the discussion. Christopher Peterson; Jeremy Linden; Frank; John Ring; Steve; Theo Gordon (San Francisco Housing Action Coalition); Shahi Shaheman; John Winston; Derek Abraham; Theodore Randolph; Marcus Mau; Martin Munuez; Bob Tillman and Allen Ramsy (SF YIMBY); Speaker; Russell Davis; Dr. Adam Brack; Mary Harris (All My Neighbors in Action); Annie; Sarah Barge; Stephen Buff (SF YIMBY); Anita Theo Harris; Annette Billingspree; Harry Bernstein; LeShaun Kittle Corn; Speaker; Wess; Mike Shannan; spoke in support of the hearing matter. Jean Barish; Diane Ruiz (Mission District Rising); Wynd Kauffman; Evelyn; Speaker; spoke in opposition of the hearing matter. Macula Benson; Stewart Flashman; Maria Abulia; Jennifer Heggie; Michael Erins; Speaker; Joseph Smooke; Luke Karan; Corey Smith (San Francisco Housing Action Coalition); Kenneth Russell; Speaker; Milo Trauss; Francisco Da Costa; Hazel O'Neil; Ceiu; Robert Fruckman; Jessie Fernandez; Sarah Ogleby; Sam Dutch; Tam Tao Lee; Brian Wheat; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of August 11, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

200422 [Planning Code and Zoning Map - Balboa Reservoir Special Use District]**Sponsor: Yee**

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

(Economic Impact)

04/28/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/28/2020.

05/06/20; 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.

07/07/20; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Yee introduced a substitute Ordinance bearing the same title.

07/10/20; 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.

07/17/20; NOTICED. 10-Day Notice for Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Leigh Lutenski (Office of Economic and Workforce Development); Susan Exline (Planning Department); Asim Khan (Office of the Controller); Joe Kirchofer, Project Sponsor (Balboa Reservoir Project); Amy Chan (Mayor's Office of Housing and Community Development); Jonathan Randolph; Elizabeth Dietrich (Office of City Attorney); presented information and answered questions raised throughout the discussion. Christopher Peterson; Jeremy Linden; Frank; John Ring; Steve; Theo Gordon (San Francisco Housing Action Coalition); Shahi Shaheman; John Winston; Derek Abraham; Theodore Randolph; Marcus Mau; Martin Munuez; Bob Tillman and Allen Ramsy (SF YIMBY); Speaker; Russell Davis; Dr. Adam Brack; Mary Harris (All My Neighbors in Action); Annie; Sarah Barge; Stephen Buff (SF YIMBY); Anita Theo Harris; Annette Billingspree; Harry Bernstein; LeShaun Kittle Corn; Speaker; Wess; Mike Shannan; spoke in support of the hearing matter. Jean Barish; Diane Ruiz (Mission District Rising); Wynd Kauffman; Evelyn; Speaker; spoke in opposition of the hearing matter. Macula Benson; Stewart Flashman; Maria Abulia; Jennifer Heggie; Michael Erins; Speaker; Joseph Smooke; Luke Karan; Corey Smith (San Francisco Housing Action Coalition); Kenneth Russell; Speaker; Milo Trauss; Francisco Da Costa; Hazel O'Neil; Ceiu; Robert Fruckman; Jessie Fernandez; Sarah Ogleby; Sam Dutch; Tam Tao Lee; Brian Wheat; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of August 11, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 9:11 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.