



# 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: Erica Major (415) 554-4441*

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Monday, September 13, 2021

1:30 PM

### Regular Meeting

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**Present:** 3 - Myrna Melgar, Dean Preston, and Aaron Peskin

*The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, September 13, 2021, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:30 p.m.*

### Remote Access to Information and Participation

*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](http://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: <mailto: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 Melgar, Vice Chair Preston, and Member Peskin were noted present. A quorum was present.*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### **210805 [Master Major Encroachment Permit - Hunters View HOPE SF Phase 1]**

**Sponsor: Mayor**

Ordinance granting revocable permission to HV Community Association, Inc., to occupy and maintain the irrigation system (other than street trees), sidewalks, curbs and ramps for ADA-compliant passenger loading, and a portion of a retaining wall footing, with all such encroachments located generally along portions of Fairfax Avenue, Acacia Avenue, Ironwood Way, Catalina Street, and Middle Point Road fronting Hunters View Phase 1, 1101 Fairfax Avenue, (Assessor's Parcel Block No. 4624, Lot Nos. 23 through 32); waiving the annual public right-of-way occupancy assessment fee under Public Works Code, Section 786.7, for all phases of the Hunters View project; adopting environmental findings under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

07/13/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/12/2021.

07/21/21; REFERRED TO DEPARTMENT. Referred to Public Works and Office of Community Investment and Infrastructure for informational purposes.

*Heard in Committee. Speakers: Jason Luu (HOPE SF); Cindy Heavens and Phillip Wong (Office of Economic and Workforce Development); presented information and answered questions raised throughout the discussion.*

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

Ayes: 3 - Melgar, Preston, Peskin

**210565 [Planning Code - Landmark Designation - “The Making of a Fresco Showing the Building of a City” - San Francisco Art Institute - 800 Chestnut Street]****Sponsor: Peskin**

Ordinance amending the Planning Code to designate the fresco titled “The Making of a Fresco Showing the Building of a City” in the Diego Rivera Gallery of the San Francisco Art Institute, located at 800 Chestnut Street, Assessor’s Parcel Block No. 0049, Lot No. 001, 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)

05/18/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/17/2021.

05/26/21; 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.

09/03/21; NOTICED. Notice of Public Hearing for 9/13/2021 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

*Heard in Committee. Speakers: Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. David Pilpel; spoke in support of the hearing matter. Daniel Frattin (Reuben, Junius & Rose, LLP); spoke on various concerns relating to the hearing matter.*

**Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of September 20, 2021. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

## **Supervisor Melgar Excused from Attendance**

**Vice Chair Preston moved that Chair Melgar be excused from the Land Use and Transportation Committee meeting for Board File No. 210423. The motion carried by the following vote:**

Ayes: 2 - Preston, Peskin

Excused: 1 - Melgar

### **210423 [Planning Code - Landmark Designation - Ingleside Terraces Sundial and Sundial Park]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to designate Ingleside Terraces Sundial and Sundial Park, Assessor's Parcel Block No. 6917B, Lot No. 001, situated within Entrada Court, as a Landmark under 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.

04/20/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/20/2021.

04/27/21; REFERRED TO DEPARTMENT. Referred to the Planning Department, Historic Preservation Commission, and Recreation and Parks Department for informational purposes.

09/03/21; NOTICED. Notice of Public Hearing for 9/13/2021 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

*Heard in Committee. Speakers: Frances McMillen (Planning Department); presented information and answered questions raised throughout the discussion. David Pilpel; spoke in support of the hearing matter.*

*Supervisor Melgar recused herself from discussion and voting on File No. 210423.*

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

Ayes: 2 - Preston, Peskin

Excused: 1 - Melgar

**210535 [Planning Code - Conditional Use Authorization Requirements Regarding Residential Care Facilities]****Sponsors: Mandelman; Ronen, Preston, Peskin and Melgar**

Ordinance amending the Planning Code to eliminate the requirement of Conditional Use Authorization for Residential Care Facilities for seven or more people in Residential, House (RH) Districts; require Conditional Use Authorization for a change of use or demolition of a Residential Care Facility, and consideration of certain factors in determining whether to grant Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/10/2021.

05/19/21; 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; Human Services Agency, Department of Public Health, and Department of Disability and Aging Services for informational purposes.

06/02/21; 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.

08/24/21; RESPONSE RECEIVED. On July 22, 2021, the Planning Commission met and held a duly noticed hearing and recommended approval with modifications for the proposed legislation.

*Heard in Committee. Speakers: Jacob Bintliff (Office of Supervisor Rafael Mandelman); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Michael Nulty; spoke in support of the hearing matter. Christina Hsieh; spoke on various concerns relating to the hearing matter.*

*Supervisors Preston, Peskin, and Melgar added as co-sponsors.*

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

Ayes: 3 - Melgar, Preston, Peskin

**Supervisor Melgar Excused from Attendance**

**Vice Chair Preston moved that Chair Melgar be excused from the Land Use and Transportation Committee meeting of September 13, 2021, beginning at 5:16 p.m. and for the remainder of the meeting. The motion carried by the following vote:**

Ayes: 2 - Preston, Peskin

Excused: 1 - Melgar

*Chair Melgar was noted absent at 5:16 p.m. and for the remainder of the meeting.*

**210728 [Hearing - Multiple Municipal Code Violations - 2861-2899 San Bruno Avenue]****Sponsor: Ronen**

Hearing on the history and current status of multiple major violations of municipal codes at 2861-2899 San Bruno Avenue, including the construction of 30 units in a project approved for ten units; requesting the departments report on the City's role and responsibility in plan review, permitting, and inspections; gaps in oversight; actions and timeline to impose appropriate penalties, enforce compliance, mitigate harm to the general public, and safeguard current residents; and investigation of potential allegations of unethical behavior; and requesting the Office of the City Attorney, Planning Department, Department of Building Inspection, Fire Department, and Public Works to report.

06/15/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

06/25/21; REFERRED TO DEPARTMENT. Referred to the Office of the City Attorney, Planning Department, Department of Building Inspection, Fire Department, and Public Works for informational purposes and requesting the departments to report.

*Heard in Committee. Speakers: Supervisor Hillary Ronen (Board of Supervisors); Patrick O'Riordan, Director (Department of Building Inspection); Corey Teague (Planning Department); Peter Keith (Office of the City Attorney); presented information and answered questions raised throughout the discussion. George Warren (San Francisco Land Use Coalition); Derry Dratler; Speaker; Ozzie Rohm (San Francisco Land Use Coalition); Sue Hester; Michael Nulty (Alliance for a Better District 6); spoke on various concerns relating to the hearing matter.*

**Vice Chair Preston moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:**

Ayes: 2 - Preston, Peskin

Excused: 1 - Melgar

## ADJOURNMENT

*There being no further business, the Land Use and Transportation Committee adjourned at the hour of 5:41 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.*