



# City and County of San Francisco

## Meeting Agenda

### 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 ~ [erica.major@sfgov.org](mailto:erica.major@sfgov.org)*

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**Monday, July 10, 2023**

**1:30 PM**

**City Hall, Legislative Chamber, Room 250**

**Regular Meeting**

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### **Remote Access to Information and Participation**

The Board of Supervisors ([www.sfbos.org](http://www.sfbos.org)) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.

**PUBLIC COMMENT CALL IN**

**[1 \(415\) 655-0001 / Meeting ID: 2663 147 1606 # #](tel:4156550001)**

*(Press \*3 to enter the speaker line)*

### **ROLL CALL AND ANNOUNCEMENTS**

### **COMMUNICATIONS**

### **AGENDA CHANGES**

## REGULAR AGENDA

1. [230522](#) **[Park Code - Authorizing Recreation and Park Commission to Apply the Park Code to Additional Property]**  
**Sponsor: Mayor**  
Ordinance amending the Park Code to authorize the Recreation and Park Commission to cause the Park Code to apply to specified properties it has authorized the Recreation and Park Department to lease or operate for recreational purposes.  
  
5/2/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.  
  
5/5/23; REFERRED TO DEPARTMENT.  
  
6/12/23; CONTINUED.  
  
*The Chair may entertain a motion to continue this matter at the call of the Chair.*
  
2. [230501](#) **[Zoning Map - Port of San Francisco Waterfront Plan Update; Waterfront Zoning Correction]**  
Ordinance amending the Zoning Map of the Planning Code to rezone certain waterfront parcels from P (Public) to M-1 (Light Industrial), and to add Waterfront Special Use District No. 4 covering areas east of the Mission Bay and Southern Waterfront areas; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Planning Department)  
  
5/1/23; RECEIVED FROM DEPARTMENT.  
  
5/9/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.  
  
5/12/23; REFERRED TO DEPARTMENT.  
  
5/17/23; RESPONSE RECEIVED.  
  
6/30/23; NOTICED.

3. [230502](#) **[General Plan - Port of San Francisco Waterfront Plan Update]**  
Ordinance amending the Recreation and Open Space Element, Central Waterfront Area Plan, and Northeastern Waterfront Area Plan of the General Plan to maintain consistency with the Port of San Francisco's Waterfront Plan update; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Department)

(Pursuant to Charter, Section 4.105, the Planning Commission recommends General Plan amendments to the Board of Supervisors for approval or rejection. If the Board fails to act within 90 days of receipt, the proposed General Plan amendment shall be deemed approved. Transmittal Date: May 1, 2023.)

5/1/23; RECEIVED FROM DEPARTMENT.

5/9/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/12/23; REFERRED TO DEPARTMENT.

5/17/23; RESPONSE RECEIVED.

6/30/23; NOTICED.

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4. [230503](#) **[Planning Code - Port of San Francisco Waterfront Plan Update]**  
Ordinance amending the Planning Code to revise certain Waterfront Special Use District controls and to add Waterfront Special Use District No. 4 covering areas east of the Mission Bay and Southern Waterfront areas; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Planning Department)

5/1/23; RECEIVED FROM DEPARTMENT.

5/9/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

5/12/23; REFERRED TO DEPARTMENT.

5/17/23; RESPONSE RECEIVED.

5. [221164](#) **[Planning Code, Zoning Map - Van Ness & Market Residential Special Use District - Height Increase for 98 Franklin Street]**  
**Sponsors: Preston; Dorsey, Walton, Ronen, Peskin and Safai**  
Ordinance amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department'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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

11/15/22; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

12/12/22; REFERRED TO DEPARTMENT.

2/24/23; REMAIN ACTIVE.

6/30/23; NOTICED.

7/6/23; RESPONSE RECEIVED.

6. [230410](#) **[Planning Code - Polk Street and Haight Street Neighborhood Commercial Districts]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to permit Health Services uses on the ground floor for specified areas of the Polk Street Neighborhood Commercial District (NCD), to clarify that in the Polk Street NCD and within a quarter-mile of its boundaries Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed are not permitted, to clarify that in the Haight Street NCD such Tobacco Paraphernalia Establishments require conditional use authorization, and to clarify that Tobacco Paraphernalia Establishments do not include medicinal and adult-use cannabis retail uses; 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 the Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to the Planning Code, Section 302.

4/12/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/14/23; REFERRED TO DEPARTMENT.

5/9/23; RESPONSE RECEIVED.

6/26/23; RESPONSE RECEIVED.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 11, 2023.*

**7. [230374](#) [Building Code - Streamlining Site Permit Review]****Sponsors: Safai; Melgar**

Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

4/4/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/11/23; REFERRED TO DEPARTMENT.

4/21/23; RESPONSE RECEIVED.

6/20/23; RESPONSE RECEIVED.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 11, 2023.*

**8. [230026](#) [Planning, Subdivision, and Administrative Codes and Zoning Map - Family Housing Opportunity Special Use District]****Sponsors: Melgar; Engardio**

Ordinance amending 1) the Planning Code to create the Family Housing Opportunity Special Use District; 2) the Planning Code to authorize up to four units on individual lots, up to twelve units on merged lots in RH-1 (Residential-House, One Family) districts, and Group Housing in RH-1 districts for eligible projects in the Special Use District; 3) the Planning Code to exempt eligible projects in the Special Use District from certain height, open space, dwelling unit exposure, and rear-yard setback requirements, conditional use authorizations, and neighborhood notification requirements; 4) amending the Subdivision Code to authorize eligible projects in the Special Use District to qualify for condominium conversion or a condominium map that includes the existing dwelling units and the new dwelling units that constitute the project; 5) amending the Administrative Code to require new dwelling or group housing units constructed pursuant to the density limit exception to be subject to the rent increase limitations of the Rent Ordinance; 6) amending the Zoning Map to show the Family Housing Opportunity Special Use District; and affirming the Planning Department'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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

1/10/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

1/17/23; REFERRED TO DEPARTMENT.

1/24/23; REFERRED TO DEPARTMENT.

2/16/23; RESPONSE RECEIVED.

5/16/23; SUBSTITUTED AND ASSIGNED to the Land Use and Transportation Committee.

5/22/23; REFERRED TO DEPARTMENT.

6/1/23; RESPONSE RECEIVED.

6/2/23; NOTICED.

6/9/23; RESPONSE RECEIVED.

6/12/23; CONTINUED.

## ADJOURNMENT

*NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

## LEGISLATION UNDER THE 30-DAY RULE

*NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.*

### **230734 [Planning Code, Zoning Map - Density Calculation in RC, RTO, NC, and Certain Named NCDs]**

**Sponsors: Mayor; Melgar**

Ordinance amending the Planning Code to replace numerical density limits in Residential-Commercial (RC), Residential Transit Oriented (RTO), Neighborhood Commercial (NC) and certain Neighborhood Commercial Districts (NCD), except for parcels located in the Priority Equity Geographies Special Use District, with already-existing regulations on the built envelope of buildings, such as height, bulk and setbacks; creating the Priority Equity Geographies Special Use District; amending the Zoning Map to add the Priority Equity Geographies Special Use 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.

6/13/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/21/23; REFERRED TO DEPARTMENT.

### **230735 [Planning Code - Removing Residential Numerical Density Limits in Neighborhood Commercial Districts]**

**Sponsor: Safai**

Ordinance amending the Planning Code to change the manner in which residential density is regulated in Neighborhood Commercial Districts by replacing residential numerical density limits with already-existing regulations on the built envelope of buildings, such as height, bulk, and setbacks; 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.

6/13/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/21/23; REFERRED TO DEPARTMENT.

**230764 [Planning, Building Codes - Development Impact Fee Indexing, Deferral, and Waivers; Adoption of Nexus Study]****Sponsors: Mayor; Peskin**

Ordinance amending the Planning Code to 1) modify the annual indexing of certain development impact fees, with the exception of inclusionary housing fees; 2) provide that the type and rates of applicable development impact fees, with the exception of inclusionary housing fees, shall be determined at the time of project approval; 3) exempt eligible development projects in PDR (Production, Distribution, and Repair) Districts and the C-2 (Community Business) District from all development impact fees for a three-year period; 4) allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy; and 5) adopt the San Francisco Citywide Nexus Analysis supporting existing development impact fees for recreation and open space, childcare facilities, complete streets, and transit infrastructure and making conforming revisions to Article 4 of the Planning Code; amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge; 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.

(7/5/2023 - Economic impact pending further review)

6/27/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/30/23; REFERRED TO DEPARTMENT.

**230767 [Administrative Code - Treatment of Seating Area at Taraval Street and 46th Avenue as Sidewalk for Shared Spaces Program]****Sponsor: Engardio**

Ordinance waiving specified requirements in the Administrative Code to allow seating area designated as a curbside traffic island on Taraval Street at 46th Avenue to be defined as two sidewalk shared spaces, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

6/27/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/30/23; REFERRED TO DEPARTMENT.

**230768 [Public Works Code - Authorizing and Permitting Neighborhood Amenities]****Sponsors: Melgar; Stefani, Mandelman, Ronen and Engardio**

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce the fees for certain minor encroachments, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

6/27/23; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/30/23; REFERRED TO DEPARTMENT.



### Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents: 1) Legislation; 2) Budget and Legislative Analyst report; 3) Department or Agency cover letter and/or report; 4) Public correspondence. These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk or at <https://sfbos.org/legislative-research-center-lrc>.

### Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where legislation is the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room. Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives; except that public speakers using interpretation assistance will be allowed to testify for twice the amount of time. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want to display a document should place it on the overhead during their public comment and remove the document when they want the screen to return to live coverage of the meeting.

**IMPORTANT INFORMATION:** The public is encouraged to testify at Board and Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding agenda items. These comments will be made a part of the official public record and brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board or the Clerk of the Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications not received prior to the hearing may be delivered to the Clerk of the Board or the Clerk of the Committee and will be shared with the Members.

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**LANGUAGE INTERPRETERS:** Language services are available in Spanish, Chinese and Filipino if requests are made at least 48 hours in advance of the meeting, to help ensure availability. For more information or to request services: Contact Wilson Ng at (415) 554-5184.

**傳譯服務:** 所有常規及特別市參事會會議和常務委員會會議將提供西班牙文, 中文以及菲律賓文的傳譯服務, 但必須在會議前最少48小時作出請求, 以確保能獲取到傳譯服務. 將因應請求提供交替傳譯服務, 以便公眾向有關政府機構發表意見. 如需更多資訊或請求有關服務, 請致電 (415) 554-5184 聯絡我們.

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### **Americans with Disabilities Act (ADA)**

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance No. 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications. The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

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### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at [softf@sfgov.org](mailto:softf@sfgov.org). Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>.

### **Ethics Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit <http://www.sfethics.org>.