



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

Monday, January 23, 2023

1:30 PM

Regular Meeting

IN-PERSON MEETING
City Hall, Legislative Chamber, Room 250

(remote access provided)
(remote public comment provided via teleconference)

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

The Land Use and Transportation Committee met in regular session, in-person with remote access and public comment via telephone, on Monday, January 23, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees will convene hybrid meetings that will allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person at the above noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit https://sfbos.org/in_person_meeting_guidelines for the current guidelines.

Members of the public may also 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 Melgar, Vice Chair Preston, and Member Peskin were noted present. A quorum of the Committee was present; with Member Peskin attending remotely.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

*Erica Major, Land Use and Transportation Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (Erica.Major@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

REGULAR AGENDA

221104 [Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District]

Sponsors: Dorsey; Mandelman and Engardio

Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; 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.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

10/28/22; 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.

11/07/22; 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.

01/18/23; RESPONSE RECEIVED. On January 12, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speaker: Supervisor Matt Dorsey (Board of Supervisors); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion.

Chair Melgar moved that the Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, on Page 1, Lines 6-7, by adding 'the Regional Commercial District'; on Page 1, Lines 11-12, by adding 'clarifying the buffer restrictions for Nighttime Entertainment uses in the Service/Arts/Light Industrial District and the Western SoMa Mixed Use-Office District;'; on Page 6, Lines 1-2, by adding 'and on properties fronting Folsom Street between 7th Street and Division Street.'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District, the Regional Commercial District, and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; clarifying the buffer restrictions for Nighttime Entertainment uses in the Service/Arts/Light Industrial District and the Western SoMa Mixed Use-Office District; 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.

Chair Melgar moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of January 30, 2023. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

221023 [Planning Code - Grocery Stores in Polk Street Neighborhood Commercial District]

Sponsors: Peskin; Preston

Ordinance amending the Planning Code to authorize replacement of a Legacy General Grocery use with a subsequent General Grocery use in excess of 4,000 square feet in the Polk Street Neighborhood Commercial District; 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.

09/27/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/27/2022.

10/03/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review and Planning Commission for review and recommendation.

10/12/22; 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. Any physical project will require separate environmental review.

12/12/22; RESPONSE RECEIVED. On December 1, 2022, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speakers: Veronica Flores (Planning Department); Sam Mogannam; presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

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

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 8-9, by adding Planning Code, Section 302 findings language. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to authorize replacement of a Legacy General Grocery use with a subsequent General Grocery use in excess of 4,000 square feet in the Polk Street Neighborhood Commercial District; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

Ayes: 3 - Melgar, Preston, Peskin

221176 [Supporting Affordable Housing on State-Owned Property at 1377 Fell Street - DMV Field Office Site]

Sponsors: Preston; Walton, Melgar, Peskin and Mandelman

Resolution supporting the development of permanently affordable housing at the San Francisco Department of Motor Vehicles (DMV) field office site at 1377 Fell Street and urging the State of California to prioritize affordable housing on the site, in place of or in addition to a DMV field office.

11/15/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

11/22/22; REFERRED TO DEPARTMENT. Referred to the Mayor's Office and Mayor's Office of Housing and Community Development for informational purposes.

Heard in Committee. Speakers: Rich Hillis, Director (Planning Department); presented information and answered questions raised throughout the discussion. Jake Price (San Francisco Housing Action Coalition); Alan Buradell; Anastasia Yovanopoulos; Robert Fructman; spoke in support of the hearing matter.

Supervisors Melgar and Peskin requested to be added as a co-sponsors.

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

Ayes: 3 - Melgar, Preston, Peskin

Supervisor Peskin Excused from Attendance

Chair Melgar moved that Member Peskin be excused from the remainder of the Land Use and Transportation Committee meeting of January 23, 2023. The motion carried by the following vote:

Ayes: 2 - Melgar, Preston

Excused: 1 - Peskin

Member Peskin was noted not present at 4:30 p.m. and for the remainder of the meeting.

230001 [General Plan Amendments - Housing Element 2022 Update]

Ordinance amending the San Francisco General Plan by adopting the Housing Element 2022 Update as the Housing Element of the General Plan, and making conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements of the General Plan; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and general welfare under Planning Code, Section 340. (Planning Commission)

12/16/22; RECEIVED FROM DEPARTMENT.

01/10/23; ASSIGNED to Land Use and Transportation Committee. 1/10/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

01/13/23; NOTICED. 10-Day Notice for 1/23/2023 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: Rich Hillis, Director, Miriam Chion, and James Pappas (Planning Department); Eric Shaw, Director (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Sarah "Fred" Sherburn-Zimmer, Executive Director (Housing Rights Committee of San Francisco); Jane Natoli (YIMBY Action); Jake Price (San Francisco Housing Action Coalition); Milo Trauss (YIMBY Action); Speaker; Alan Billingsley; Chris Cheedee; George Wooding (SF Land Use Coalition); Jonathan Beadle; Salim Gamergy (SF Yimby); Alex Landsberg; Francisco DaCosta; Lorraine Petty; Anastasia Yovanopoulos; Charlie Sciammas (Council of Community Housing Organizations); Jeantelle Laberinto; Annette Billingsley (San Francisco Housing Action Coalition); Diane Ruiz; Speaker; Linda Chapman; Bruce Wolfe; Gloria Berry; Robert Fructman; Jessica Ayola; Peter Papadopoulos (Mission Economic Development Agency); Richard Gerling; Mike Chen; Will Maldonado; Erick Arguello; Adam Pavlacka; Mitch Mankin; spoke on various concerns relating to the hearing matter.

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

Ayes: 2 - Melgar, Preston

Excused: 1 - Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 4:42 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.