



**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](mailto:john.carroll@sfgov.org)*

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**Monday, October 28, 2024**

**1:30 PM**

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

**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 on Monday, October 28, 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](mailto: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**

**240802 [Planning Code - Authorize Increases to the Affordable Price and Income Limits for Certain Below Market Rate Owned Units and Require Amenities to be Resold with Unit]**

**Sponsors: Melgar; Mandelman**

Ordinance amending the Planning Code to allow certain Below Market Rate (BMR) Owned Units to be resold at a price affordable to households at an increased Area Median Income (AMI) level, increase the qualifying AMI limit for BMR purchasers, and require BMR Owned Units originally purchased with parking spaces and other amenities to be resold with the same parking and amenities; 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.

07/30/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/29/2024.

08/07/24; 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. Referred to the Mayor's Office of Housing and Community Development for informational purposes.

08/09/24; 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.

10/01/24; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Melgar introduced a substitute Ordinance bearing a new title.

10/09/24; 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. Referred to the Mayor's Office of Housing and Community Development for informational purposes.

10/24/24; RESPONSE RECEIVED. On October 17, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modification.

*Heard in Committee. Speaker(s): Cissy Yin (Mayor's Office of Housing and Community Development); Veronica Flores (Planning Department); Brad Russi (Office of the City Attorney); presented information and answered questions raised throughout the discussion. John Avalos, Executive Director (Council of Community Housing Organizations); shared various concerns regarding the hearing matter.*

Chair Melgar moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 1, Lines 7-10, by inserting 'and require periodic reporting to the Inclusionary Housing Technical Advisory Committee, Planning Commission, and Board of Supervisors of AMI level increases approved under this ordinance;' on Page 12, Line 15, through Page 13, Line 3, by inserting '(F) Reporting. MOHCD shall provide a report to the Inclusionary Housing Technical Advisory Committee, Planning Commission, and Board of Supervisors or a committee thereof after 10 adjustments are approved under this subsection (b)(9), and after every tenth adjustment approved thereafter. In addition, MOHCD shall provide a report to the Inclusionary Housing Technical Advisory Committee, Planning Commission, and Board of Supervisors or a committee thereof within twelve months from the effective date of the ordinance in Board File No. 240802 enacting this subsection (b)(9), and every twelve months thereafter. The Board of Supervisors or a committee thereof shall hold a public hearing on the first annual report; accordingly, that report must be accompanied by a draft resolution for the Board to accept the report. Each report provided pursuant to this subsection (F) shall include at least the following information for each approved adjustment: (i) The location of the Affordable Unit; (ii) The date the adjustment was approved; and (iii) Pricing and AMI level information before and after the adjustment;' and making clerical and conforming changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to allow certain Below Market Rate (BMR) Owned Units to be resold at a price affordable to households at an increased Area Median Income (AMI) level, increase the qualifying AMI limit for BMR purchasers, require BMR Owned Units originally purchased with parking spaces and other amenities to be resold with the same parking and amenities, and require periodic reporting to the Inclusionary Housing Technical Advisory Committee, Planning Commission, and Board of Supervisors of AMI level increases approved under this ordinance; 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 pursuant to Planning Code, Section 302.

**DUPLICATED AS AMENDED**

*See Duplicate File No. 241063.*

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

Ayes: 3 - Melgar, Preston, Peskin

**241063 [Planning Code - Authorize Increases to the Affordable Price and Income Limits for Certain Below Market Rate Owned Units and Require Amenities to be Resold with Unit]****Sponsor: Melgar**

Ordinance amending the Planning Code to allow certain Below Market Rate (BMR) Owned Units to be resold at a price affordable to households at an increased Area Median Income (AMI) level, increase the qualifying AMI limit for BMR purchasers, require BMR Owned Units originally purchased with parking spaces and other amenities to be resold with the same parking and amenities, and require periodic reporting to the Inclusionary Housing Technical Advisory Committee, Planning Commission, and Board of Supervisors of AMI level increases approved under this ordinance; 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 pursuant to Planning Code, Section 302.

*Duplicated from File No. 240802.*

**Chair Melgar moved that this Ordinance be CONTINUED to the Land Use and Transportation committee meeting of November 18, 2024. The motion carried by the following vote:**

Ayes: 3 - Melgar, Preston, Peskin

**240727 [Planning Code; Zoning Map - New Asia Senior Housing Special Use District - 758 and 772 Pacific Avenue]****Sponsors: Peskin; Chan, Mandelman, Preston and Melgar**

Ordinance amending the Planning Code and Zoning Map to create the New Asia Senior Housing Special Use District located at 758 and 772 Pacific Avenue, Assessor's Parcel Block No. 0161, Lot Nos. 14 and 15; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

06/25/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/25/2024.

07/03/24; 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.

07/09/24; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Supervisor Peskin introduced a substituted Ordinance bearing a new title.

09/04/24; RESPONSE RECEIVED. The project meets the criterion under Assembly Bill 1449; therefore, it is ministerial and no CEQA is required.

10/01/24; RESPONSE RECEIVED. On September 19, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

10/18/24; NOTICED. Ten-Day Notice for October 28, 2024 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

*Heard in Committee. Speaker(s): Sheila Nickolopoulos (Mayor's Office of Housing and Community Development); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Alan Low (Perkins Coie); Sharon Lai; Sa Ling Chang; Siu Yan Sing; Malcom Yeung, Executive Director (Chinatown Community Development Corporation); spoke in support of the hearing matter.*

*Supervisors Preston and Melgar requested to be added as co-sponsors.*

**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 2:25 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.*