



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

Monday, February 5, 2024

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

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

The Land Use and Transportation Committee met in regular session on Monday, February 5, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:35 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) 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

231176 [Commemorative Street Name Designation - "Veterans Alley" - 0 Block of Shannon Street]**Sponsors: Preston; Walton, Dorsey, Safai, Peskin, Stefani, Mandelman and Melgar**

Resolution adding the commemorative street name "Veterans Alley" to the 0 Block of Shannon Street in recognition of The San Francisco Veterans Mural Project (known colloquially as "Veterans Alley"), a community-based mural project located in the Tenderloin.

11/07/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

11/15/23; REFERRED TO DEPARTMENT. Referred to Public Works and Municipal Transportation Agency for informational purposes.

01/26/24; NOTICED. Ten-Day Notice for February 5, 2024 Land Use and Transportation Committee hearing posted online and mailed, pursuant to Public Works Code Section 789, et seq.

Heard in Committee. Speaker(s): Amos Gregory, Co-Founder (Veterans Mural Project); presented information and answered questions raised throughout the discussion. Anita Williams; Dwight Silva; Casey Rios; Zachary Sexton; Eddie Thomas; Speaker; Alfreda Tanner; Speaker; Jonathan; Shawanna; spoke in support of the hearing matter. Richard Hack; Richard Galliani; Joe Braden; spoke in opposition to the hearing matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

230310 [Various Codes - State-Mandated Accessory Dwelling Unit Controls]**Sponsor: Mayor**

Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program; making 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

03/20/23; DUPLICATED. Duplicated from File No. 210585.

03/20/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Duplicated from File No. 210585.

03/20/23; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

04/03/23; 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.

04/21/23; RESPONSE RECEIVED. CEQA clearance under Addendum No. 9 to the Final EIR, dated September 9, 2022 to the 2004 and 2009 Housing Element Final EIR certified 4/24/2014.

06/27/23; REMAIN ACTIVE. On June 27, 2023, the Board adopted extension Resolution No. 347-23 (Board File No. 230742) extending the Ordinance an additional 180 days, expiring December 29, 2023.

10/13/23; RESPONSE RECEIVED. On September 28, 2023, the Planning Commission met and held a duly noticed hearing, and recommended approval with modification for the proposed legislation.

12/11/23; CONTINUED. Heard in Committee. Speakers: Aaron Starr (Planning Department); Natalia Fossi (Planning Department); presented information and answered questions raised throughout the discussion.

01/22/24; CONTINUED. Heard in Committee. Speaker(s): Veronica Flores and Natalia Fossi; (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Ryan Patterson; shared various concerns regarding the hearing matter.

Heard in Committee. Speaker(s): Veronica Flores (Planning Department); Sheila Nickolopoulos (Mayor's Office of Housing and Community Development); Peter Miljanich and Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Jake Price; Annie Fryman (SPUR); Jane Natoli; spoke in support of the hearing matter. Mike Nohr; Speaker; John Avalos (Council of Community Housing Organizations); shared various concerns regarding the hearing matter.

Member Peskin requested that this Ordinance be DUPLICATED

See Duplicate File No. 240110.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to add amendments to the Administrative Code, Building Code, and Business and Tax Regulations Code related to the approval process for certain Accessory Dwelling Units; to add findings related to Building Inspection Commission review of the proposed changes; on Page 5, Lines 5-6 by inserting 'provided, however, that owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization;' on Page 6, Lines 3-5, by inserting '(34) An Accessory Dwelling Unit proposed for approval under Section 207.2 that is no greater than 800 square feet in Gross Floor Area with four-foot side and rear yard setbacks;' by inserting a new Section 155.1 related to definitions and standards for bicycle parking spaces; to relocate ADU Dwelling Unit Density Limits from Planning Code, Section 207.2(c)(4) and (6) to Planning Code, Section 207.1; by specifying that Planning Code, Sections 207.6 and 207.7 shall not apply to applications for permits or entitlements to construct Accessory Dwelling Units or Junior Accessory Dwelling Units; and making conforming, clarifying, and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Administrative Code, Building Code, Business and Tax Regulations Code, and Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings; 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 welfare under Planning Code, Section 302.

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

Ayes: 3 - Melgar, Preston, Peskin

240110 [Planning Code - State-Mandated Accessory Dwelling Unit Controls]

Sponsor: Mayor

Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program; making 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Duplicated from File No. 230310.

Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of February 12, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230808 [Planning Code, Zoning Map - Family and Senior 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 the greater of up to four units or one unit per 1,000 square feet of lot area on individual lots in the RH (Residential, House) District, up to six dwelling units on individual Corner Lots in the RH District, the greater of up to 12 units or one unit per 1,000 square feet of lot area on three merged lots and the greater of up to eight units or one unit per 1,000 square feet of lot area on two merged lots in RH-1 (Residential, House: One Family) districts, up to 18 units on Corner Lots resulting from three lot mergers in RH-1 districts, up to 12 units on Corner Lots resulting from two lot mergers in RH-1 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 requirements, conditional use authorizations, and neighborhood notification requirements; 4) 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) 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) 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.

07/10/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 230026.

07/10/23; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

07/10/23; DUPLICATED. Duplicated from File No. 230026.

07/12/23; 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

09/29/23; RESPONSE RECEIVED. On September 29, 2023 the Planning Department responded to the CEQA referral from July 12, 2023. The proposed amendments were covered in the San Francisco Housing Element 2022 Update Environmental Impact Report (EIR) certified on November 17, 2022.

11/03/23; REMAIN ACTIVE. On October 24, 2023, the Board adopted extension Resolution No. 512-23 (Board File No. 231088) extending by 90 days the prescribed time within which the Planning Commission may render its decision on the ordinance, expiring January 8, 2024.

11/09/23; RESPONSE RECEIVED. On October 26, 2023, the Planning Commission held a duly noticed public hearing and recommended approval of the proposed legislation with modifications.

01/26/24; NOTICED. Ten-Day Notice for February 5, 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): Veronica Flores (Planning Department); Supervisor Joel Engardio (Board of Supervisors); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith (Housing Action Coalition); Jane Natoli (SF YIMBY); Jessica Pohland; Annie Fryman (SPUR); spoke in support of the hearing matter. Speaker; Speaker; Mike Nohr; Eileen Boken; Katherine Howard; shared various concerns regarding the hearing matter.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to further refine the Corner Lot project typology, including providing alternative density limits; to extended the existing and proposed development and streamlining benefits to RM-1, RH-2, and RH-3 districts within the area of the SUD that is bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard; to refine eligibility requirements, including pre-application and ownership requirements; to align rear-yard requirements with a new Planning Code standard; to rename the SUD as the “Family and Senior Housing Opportunity Special Use District;” to conform the ordinance text to the existing text of recently-enacted and codified changes in Ordinance No. 195-23; and making conforming and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to change the title of the Family Housing Opportunity Special Use District to the Family and Senior Housing Opportunity Special Use District (“SUD”); authorize within the SUD the greater of up to six units per lot or one unit per 1,000 square feet of lot area on individual Corner Lots in RH (Residential House) Districts, the greater of up to 18 units per lot or one unit per 1,000 square feet of lot area on Corner Lots resulting from three lot mergers in RH-1 districts, and the greater of up to 12 units per lot or one unit per 1,000 square feet of lot area on Corner Lots resulting from two lot mergers in RH-1 districts; extend various development and streamlining benefits, including lot merger benefits, to RM-1 (Residential, Mixed), RH-2, and RH-3 Districts within the area of the SUD bounded by the Great Highway, Lincoln Way, 19th Avenue, and Sloat Boulevard; and refine project eligibility criteria in the SUD; amending the Zoning Map to reflect the renamed Family and Senior Housing Special Use 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Chair Melgar moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting on February 12, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

240065 [Opposing California State Senate Bill No. 951 (Wiener) Unless Amended and Expressing Support for the California Coastal Act and Recognizing the Authority of the California Coastal Commission]

Sponsors: Peskin; Chan, Preston, Walton, Ronen and Mandelman

Resolution opposing California State Senate Bill No. 951 (Wiener) and setting forth the City and County of San Francisco's support for the California Coastal Act and the recognition of the value of the California Coastal Commission to enforce the California Coastal Act.

01/23/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speaker(s): Speaker; Laura Welsh (Surfrider Foundation); Speaker; Speaker; Jean Barish; Speaker; Speaker; Eileen Boken; Katherine Howard; spoke in support of the hearing matter. Jake Price (Housing Action Coalition); Jane Natoli (SF YIMBY); spoke in opposition to the hearing matter. Speaker; Mike Nohr; spoke neither in support nor against the hearing matter.

Member Peskin moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 3, Lines 22-24, to read 'WHEREAS, Upon introduction, SB 951 claimed to be sponsored by the City and County of San Francisco even though the San Francisco Board of Supervisors, the City's designated policy body, had never been consulted nor taken a position on SB 951;' on Page 4, Lines 10-14, to read 'RESOLVED, That the Board of Supervisors of the City and County of San Francisco oppose Senate Bill 951, unless amended to maintain the California Coastal Commission's existing geographic and appellate authority, and set forth that the City and County of San Francisco not be listed as a sponsor of this legislation, and that the City Lobbyist shall appropriately lobby against SB 951 in the State legislature, per this official city policy;' and making conforming and clerical amendments throughout the resolution. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Resolution opposing California State Senate Bill No. 951 (Wiener) unless amended and setting forth the City and County of San Francisco's support for the California Coastal Act and the recognition of the value of the California Coastal Commission to enforce the California Coastal Act.

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

Ayes: 2 - Preston, Peskin

Noes: 1 - Melgar

231164 [Planning Code - Downtown Rail Extension Fee Waiver]**Sponsors: Dorsey; Mandelman**

Ordinance amending the Planning Code to conditionally waive certain fees for projects along the corridor of the Downtown Rail Extension; 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.

11/07/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/7/2023.

11/15/23; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection for informational purposes. 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 pursuant to Planning Code, Section 302. Referred to the Planning Department for environmental review.

12/11/23; 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.

01/10/24; RESPONSE RECEIVED. On December 14, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speaker(s): Madison Tam (Office of Supervisor Matt Dorsey); Monica Giacomucci (Planning Department); presented information and answered questions raised throughout the discussion. Speaker; spoke in support of the hearing matter.

Chair Melgar moved that this Ordinance be RECOMMENDED. 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 4:14 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.