



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, March 18, 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, March 18, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:32 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

240135 [Commemorative Street Name Designation - “Sean Monterrosa Boulevard” - Park Street at the Intersection of Holly Park Circle]

Sponsors: Ronen; Preston, Walton and Melgar

Resolution adding the Commemorative Street Name “Sean Monterrosa Boulevard” to Park Street, at the intersection of Holly Park Circle, in recognition of Sean Monterrosa’s contribution and legacy to San Francisco as a local figure.

02/13/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/21/24; REFERRED TO DEPARTMENT. Referred to Public Works for informational purposes.

03/08/24; NOTICED. Ten-Day Notice for March 18, 2024 Land Use and Transportation Committee hearing posted online, onsite, and mailed, pursuant to Public Works Code Section 789, et seq.

Heard in Committee. Speaker(s): Jackie Praeger (Office of Supervisor Hillary Ronen); Ashley and Michelle Monterrosa; presented information and answered questions raised throughout the discussion. Nancy; Marco; Carlos Molina; Kimberley; Eric; shared support for the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar requested that File Nos. 240087 and 240203 be heard together.

240087 [Pier 70, Public Works Code - Street and Public Infrastructure Acceptance, Official Sidewalk Widths and Street Grades, Sidewalk Maintenance for Certain Long-Term Lessees]

Sponsors: Mayor; Walton

Ordinance accepting irrevocable offers of public infrastructure associated with the Pier 70 Project, 28-acre site Phase 1, including improvements located within portions of 20th, 21st, 22nd, Illinois, Louisiana, and Maryland Streets; dedicating this infrastructure to public use; designating this public infrastructure for street and roadway purposes, as applicable; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk width on 20th, 21st, 22nd, Louisiana, and Maryland Streets; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; delegating limited authority to the Public Works Director to accept specified infrastructure; amending the Public Works Code to assign responsibility for sidewalk maintenance and liability from the Port of San Francisco to its long-term lessees in the Pier 70 Special Use District; authorizing official acts, as defined, in connection with this Ordinance; adopting findings 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.

01/30/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/29/2024.

03/05/24; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Mayor Breed introduced a substitute Ordinance bearing a new title.

Heard in Committee. Speaker(s): Cathal Hennessy (Public Works); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

240203 [Master Encroachment Permit - Pier 70]

Sponsors: Mayor; Walton

Resolution granting revocable permission to the Port of San Francisco to maintain encroachments in the public right-of-way, including but not limited to custom paving materials, bicycle racks, and a historic building frame structure; delegating authority to the Public Works Director, in consultation with the Port of San Francisco, to assign responsibility for sidewalk maintenance and liability to various entities; granting revocable permission to FC Pier 70, LLC to maintain an excess conduit in the public right-of-way within the Pier 70 Project, Phase 1; adopting environmental 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 to authorize the Director of Public Works to enter into amendments or modifications to the Permit and associated Agreements that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Permit and associated Agreements or this Resolution.

03/05/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speaker(s): Cathal Hennessy (Public Works); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

231225 [Planning Code - Tobacco Paraphernalia Establishments in North of Market SUD and Lower Polk Street NCD]**Sponsors: Preston; Peskin**

Ordinance amending the Planning Code to require in the North of Market Special Use District (SUD) that Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed obtain conditional use authorization, and to establish that after 18 months of non-use a legal non-conforming Tobacco Paraphernalia Establishment in the SUD will be deemed abandoned, preventing its restoration except as a new Tobacco Paraphernalia Establishment; 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 Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

11/28/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/28/2023.

12/06/23; 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.

12/21/23; 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.

02/20/24; RESPONSE RECEIVED. On February 8, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

Heard in Committee. Speaker(s): Prathibha Tekkey; Greg Johnson; Miriam Zouzounis; Chris Schulman (Lower Polk Community Benefit District); Kathy; Aurelia Fernandez; Rosa; shared support for the hearing matter.

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

Vice Chair Preston moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 1, Line 1, by inserting 'and Lower Polk Street NCD;' on Page 1, Lines 3-9, to read 'Ordinance amending the Planning Code to prohibit in the North of Market Special Use District (SUD) and Lower Polk Street Neighborhood Commercial District (NCD) Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed, and to establish that after 180 days of non-use a legal non-conforming Tobacco Paraphernalia Establishment in the SUD or NCD will be deemed abandoned, preventing its restoration;' on Page 4, Lines 4-7, to read 'Tobacco Paraphernalia Establishments are not permitted in the North of Market Residential Special Use District. Additionally, a legal non-conforming Tobacco Paraphernalia Establishment in the North of Market Residential Special Use District is deemed abandoned after 180 days of non-use;' on Page 5, Lines 6-9, to read 'Tobacco Paraphernalia Establishments are not permitted in the North of Market Residential Special Use District. Additionally, a legal non-conforming Tobacco Paraphernalia Establishment in the North of Market Residential Special Use District is deemed abandoned after 180 days of non-use;' on Page 5, Lines 17-23, to read '(f) Tobacco Paraphernalia Establishments. A special definition of "Tobacco Paraphernalia Establishments" applicable to the North of Market Residential Special Use District is set forth in Section 102. Tobacco Paraphernalia Establishments are not permitted in the North of Market Residential Special Use District. In the North of Market Residential Special Use District, a legal non-conforming Tobacco Paraphernalia Establishment shall be deemed abandoned after 180 days of non-use;' on Page 6, Lines 15-21, by inserting '(6) TOBACCO PARAPHERNALIA ESTABLISHMENTS – Tobacco Paraphernalia Establishments are not permitted in the Lower Polk Street Neighborhood Commercial District and within one-quarter mile of the boundaries of that Neighborhood Commercial District. A special definition of "Tobacco Paraphernalia Establishments" set forth in Section 102 applies to parcels in the Lower Polk Street Neighborhood Commercial District. Additionally, a legal non-conforming Tobacco Paraphernalia Establishment in is deemed abandoned after 180 days of non-use;' and making conforming changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to prohibit in the North of Market Special Use District (SUD) and Lower Polk Street Neighborhood Commercial District (NCD) Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed, and to establish that after 180 days of non-use a legal non-conforming Tobacco Paraphernalia Establishment in the SUD or NCD will be deemed abandoned, preventing its restoration; 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 Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Vice Chair Preston moved that this Ordinance be **CONTINUED AS AMENDED** to the Land Use and Transportation Committee meeting of March 25, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

231006 [Planning Code, Zoning Map - 900 Kearny Street Special Use District]**Sponsor: Peskin**

Ordinance amending the Planning Code and Zoning Map to create the 900 Kearny Street 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.

09/26/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/26/2023.

10/04/23; 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.

10/10/23; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for review and comment.

11/06/23; 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.

12/27/23; RESPONSE RECEIVED. On November 30, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

03/01/24; NOTICED. Ten-Day Notice for March 18, 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): None.

Member Peskin requested that this Ordinance be DUPLICATED

See duplicate File No. 240260.

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

Ayes: 3 - Melgar, Preston, Peskin

240260 [Planning Code, Zoning Map - 900 Kearny Street Special Use District, Use Sizes in Chinatown Community Business District]**Sponsor: Peskin**

Ordinance amending the Planning Code and Zoning Map to create the 900 Kearny Street 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.

Duplicated from File No. 231006.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by inserting 'Use Sizes in Chinatown Community Business District;' on Page 1, Lines 4-5, by inserting 'amending the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District;' on Page 3, Lines 17-21, by inserting '(c) The 900 Kearny Street SUD will facilitate increasing the presence of arts in the area by permitting Arts Activities Uses on all existing six floors of the building. In addition, the SUD would allow a new rooftop structure to be occupied by an artist studio or other Arts Activities Uses. The property owner and a well-known artist have agreed to install a large mural on the building's exterior, further identifying the building as a potential space for artists;' on Page 4, Lines 16-18, by inserting '(4) A rooftop enclosed structure with a maximum floor area of 735 square feet and a maximum height of 11 feet above the finished roof is permitted, provided it is occupied exclusively by Arts Activities Uses;' and making conformina and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code and Zoning Map to create the 900 Kearny Street Special Use District; amending the Planning Code to clarify the Use Size maximums applicable in the Chinatown Community Business District; 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 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 CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

231221 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]**Sponsors: Mayor; Engardio, Dorsey and Melgar**

Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in certain NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses that are not Formula Retail in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts and to require neighborhood notice for changes of use in certain residential districts; 7) expand business types that qualify for the Planning Department priority review program and establish that the program will not apply in the North Beach NCD and North Beach Special Use District (SUD); 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; 12) modify requirements for limited commercial uses within one-quarter mile of the North Beach SUD; and 13) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; 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 Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302. (Economic Impact)

11/27/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 230701.

11/27/23; CONTINUED AS AMENDED.

11/30/23; 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.

12/04/23; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Katy Tang, Director (Office of Small Business); presented information and answered questions raised throughout the discussion.

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.

03/07/24; RESPONSE RECEIVED. On February 29, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speaker(s): Kerry Birnbach and Katy Tang, Director (Office of Small Business); Veronica Flores (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Chris Schulman (Lower Polk Community Benefit District); shared various concerns regarding the hearing matter.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 11-13, to read 'establish that LCCUs are limited to those uses allowed in an NCD or SUD within one-quarter mile, or the NC-1 District, as specified;' on Page 4, Line 8, by inserting 'in RED, RTO, and RTO-M Districts only;' on Page 4, Lines 17-20, by inserting '(7) An Outdoor Activity Area is principally permitted if it is located at the front of the building. An Outdoor Activity Area that is not at the front of the building is principally permitted in RTO and RTO-M Districts only if it complies with the operating restrictions in Section 202.2(a)(7) and shall not be permitted in RH or RM Districts;' on Page 4, Lines 24-25, by inserting 'for RED and RTO Districts and shall not be permitted in RH and RM Districts;' on Page 5, Line 18, by inserting 'not at the front of a building;' on Page 10, Lines 1-17, to read 'Permitted Uses. Any use is permitted which complies with the use limitations for the First Story and below of a Neighborhood Commercial District or Special Use District within one-quarter mile of the use, or if the use is more than one-quarter mile from the nearest NCD or SUD, an NC-1 District, as set forth in Section 710 of this Code. (d) Use Size. In any RH or RM District, the use size shall comply with the use size limitations of the nearest Neighborhood Commercial District or Special Use District, up to a maximum of 1,200 square feet of Occupied Floor Area of commercial area. No more than 1,200 square feet of Occupied Floor Area of commercial area in a RTO District and no more than 2,500 occupied square feet of Commercial Use in a RTO-M District shall be allowed per Corner Lot, except those lots which occupy more than one corner on a given block and which may provide an additional 1,200 square feet of Occupied Floor Area of Commercial Use per additional corner, so long as the commercial space is distributed equitably throughout appropriate parts of the parcel or project;' on Page 10, Line 23, through Page 11, Line 2, by inserting '(k) Outdoor Activity Area. An Outdoor Activity Area is principally permitted if it is located at the front of the building. An Outdoor Activity Area that is not at the front of the building is principally permitted in RTO and RTO-M Districts only if it complies with the operating restrictions in Section 202.2(a)(7) and shall not be permitted in RH or RM Districts;' on Page 15, Line 21, through Page 16, Line 20, by striking 'Article 4 of the Planning Code is hereby amended by revising Section 406, to read as follows: SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS. (i) Waiver for Certain Changes in Use. A development project that meets the eligibility criteria in subsection (i)(1) of this Section 406 shall receive a waiver from any development impact fee or development impact requirement imposed by this Article, with the exception of the requirements of Section 415. (1) Eligibility. To be eligible for the waiver in this subsection (i), the project shall: (A) propose a change in use within an existing structure, excluding the establishment of any of the following uses: Office Use, Parcel Delivery Service, and Fleet Charging; and (B) submit a complete Development Application on or before December 31, 2028. (2) Extent of Waiver. The waiver in this subsection (i) shall be limited to development impact fees or requirements for eligible changes in use within an existing structure and shall not include any additions to an existing structure or new construction. (3) Sunset. This subsection (i) shall expire by operation of law at the end of the day on December 31, 2028, unless the duration of the subsection has been extended by ordinance effective on or before that date. Four years after the sunset date, the City Attorney is authorized to cause subsection (i) to be removed from the Planning Code. This four-year time frame provides additional notice to project applicants and does not alter the sunset date of this subsection (i);' adding on Page 16, Line 22, through Page 18, Line 2, by adding a new Section 4 providing notes on the formatting of the ordinance; 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 1) allow Nighttime Entertainment Uses as principally permitted on the ground floor and conditionally permitted on the second floor in the Polk Street Neighborhood Commercial District (NCD); 2) modify requirements for limited commercial uses within one-quarter mile of the North Beach Special Use District (SUD); 3) conditionally permit Retail Professional Services Uses on the ground floor in the North Beach NCD, subject to existing limitations; 4) allow limited commercial uses (LCUs) in Residential, House (RH) and Residential, Mixed (RM) Districts with specified limitations; 5) require operating hours to end at 10 p.m. for LCUs and limited corner commercial uses (LCCUs) in RH and RM Districts; 6) establish that LCCUs are limited to those uses allowed in the nearest NCD or SUD, or the NC-1 District, as specified; 7) prohibit outdoor activity areas not at the front of the building in RH and RM Districts and limit such outdoor activity areas in other residential districts; 8) establish that LCCUs in Residential Transit Oriented (RTO) Districts must be located on corner lots and specify lot depth requirements; and 9) make minor corrections to code text; 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 Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.
(Economic Impact)

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of March 25, 2024. 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 2:52 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.