



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, December 11, 2023

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Agenda

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

The Land Use and Transportation Committee met in regular session on Monday, December 11, 2023, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:31 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

230704 [Planning Code - Fleet Charging Locations and Parcel Delivery Service]**Sponsors: Chan; Melgar**

Ordinance amending the Planning Code to prohibit Parcel Delivery Service activities at Fleet Charging locations; 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.

06/06/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/6/2023.

06/13/23; 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.

06/30/23; 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.

09/21/23; REMAIN ACTIVE. On September 21, 2023, the Board adopted extension Resolution No. 433-23 (Board File No. 230940) extending the Ordinance an additional 90 days, expiring December 10, 2023.

10/03/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Chan introduced a substitute Ordinance bearing a new title.

10/11/23; 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.

11/07/23; 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. Physical projects will require separate environmental review.

11/28/23; RESPONSE RECEIVED. On November 16, 2023, the Planning Commission held a duly noticed public hearing and recommended approval of the proposed legislation with modifications.

Heard in Committee. Speakers: Supervisor Connie Chan (Board of Supervisors); Jenny Delumo (Planning Department); presented information and answered questions raised throughout the discussion. Mark Gleason; Peter Ziblat; shared support for the ordinance matter.

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

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 15-16, to read 'Parcel Delivery Service activity, including unloading, sorting, and/or reloading merchandise for deliveries, is prohibited as part of a Fleet Charging use.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Chair Melgar requested that File Nos. 231033 and 231034 be called together.

231033 [Planning Code - Landmark Designation - Chata Gutierrez Mural]

Sponsors: Ronen; Melgar, Peskin and Preston

Ordinance amending the Planning Code to designate Chata Gutierrez Mural, located at 3175-24th Street, Assessor's Parcel Block No. 6519, Lot No. 041, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; 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. (Historic Preservation Commission)

10/06/23; RECEIVED FROM DEPARTMENT.

10/17/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/16/2023.

10/25/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

11/06/23; RESPONSE RECEIVED. CEQA clearance under Class 8 exemption issued on August 29, 2023 (Case No. 2023-003506PRJ)

12/01/23; NOTICED. Notice of Public Hearing for December 11, 2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Ana Herrera (Office of Supervisor Hillary Ronen); Pilar LaValley (Planning Department); Anne Cervantes (San Francisco Latino Historical Society); presented information and answered questions raised throughout the discussion. Daniel Valdez; Rodrigo Ehecatl Durán, Executive Director (Carnaval San Francisco); Erick Arguello, President (Calle 24 Latino Cultural District); Roberto Hernandez; Dr. Martina Ayala, Executive Director (Mission Cultural Center for Latino Arts); Arturo Carillo; spoke in support of the ordinance matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

231034 [Planning Code - Landmark Designation - Carnaval Mural]**Sponsors: Ronen; Melgar, Peskin and Preston**

Ordinance amending the Planning Code to designate Carnaval Mural, located at 1311-1315 South Van Ness Avenue, Assessor's Parcel Block No. 6519, Lot No. 039, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; 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. (Historic Preservation Commission)

10/06/23; RECEIVED FROM DEPARTMENT.

10/17/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/16/2023.

10/25/23; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

10/31/23; RESPONSE RECEIVED. CEQA clearance under Class 8 exemption issued on August 29, 2023 (Case No. 2023-003436PRJ)

12/01/23; NOTICED. Notice of Public Hearing for December 11, 2023 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Ana Herrera (Office of Supervisor Hillary Ronen); Pilar LaValley (Planning Department); Anne Cervantes (San Francisco Latino Historical Society); presented information and answered questions raised throughout the discussion. Daniel Valdez; Rodrigo Ehecatl Durán, Executive Director (Carnaval San Francisco); Erick Arguello, President (Calle 24 Latino Cultural District); Roberto Hernandez; Dr. Martina Ayala, Executive Director (Mission Cultural Center for Latino Arts); Arturo Carillo; spoke in support of the ordinance matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

231125 [Building, Green Building, Mechanical, and Plumbing Codes - Amending Findings Supporting Enactment of 2022 Codes]

Ordinance amending the local findings included by reference in the following Ordinances: 1) 2022 San Francisco Building Code (Ordinance No. 225-22); 2) 2022 San Francisco Green Building Code (Ordinance No. 227-22); 3) 2022 San Francisco Mechanical Code (Ordinance No. 228-22); 4) San Francisco Plumbing Code (Ordinance No. 230-22); and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission as required by State law. (Building Inspection Commission)

10/30/23; RECEIVED FROM DEPARTMENT.

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 Planning Department for environmental review.

12/07/23; 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.

Heard in Committee. Speaker: Carl Nicita (Department of Building Inspection); 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

231258 [Planning Code - Housing Production]**Sponsor: Mayor**

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; 8) sunsetting the Conditional Use requirements established by the Corona Heights Large Residence and the Central Neighborhoods Large Residence Special Use Districts at the end of 2024, and thereafter limiting the size of any Dwelling Units resulting from residential development in those Special Use Districts to 3,000 square feet of Gross Floor Area; and (9) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; 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.

12/04/23; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 231142.

12/04/23; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Peter Papadopoulos (Mission Economic Development Agency); shared various concerns regarding the ordinance matter.

Member Peskin moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, throughout Section 311 "PERMIT REVIEW PROCEDURES" to strike the term 'building permit' and insert 'planning entitlement;' to make conforming amendments throughout the ordinance to reflect current language in the ordinance in Board File No. 230446; to strike out all other portions of the ordinance other than Sections 121.1, 121.3, and 311, in order to remove duplicative language in Board File No. 230446; and on Page 21, Line 9, through Page 22, Line 7, by inserting the following uncodified language: 'Section 6. This ordinance is a duplicate of the ordinance in Board file No. 230446 (the Original Ordinance). The Original Ordinance, as amended, proposes to delete Planning Code Sections 121.1, 121.3, 132.2, 253.1, 253.2, and 253.3, revise Planning Code Sections 102, 121, 121.7, 132, 134, 135, 140, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 249.77, 249.92, 253, 305.1, 311, 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and 812, and add new Planning Code Sections 121.1, 121.3, and 249.97. The Original Ordinance also proposes to make amendments to Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12 SU13 Zoning Maps to create the Priority Equity Geographies Special Use District, and to amend Subdivision Code 1396.6. At the regular meeting of the Land Use and Transportation Committee on December 4, 2023, the Committee duplicated file No. 230446, made further amendments to Sections 121.1, 121.3, and 311, and continued this duplicated file (Board File No. 231258) to a subsequent Committee meeting. The Committee also adopted other amendments to the Original Ordinance in Board File No. 230446, and referred the Original Ordinance to the full Board of Supervisors without recommendation as a committee report. The Board of Supervisors passed the Original Ordinance, as amended, on first read on December 5, 2023. In light of the Original Ordinance in Board file No, 230446 passing on first reading, and the more limited amendments in this ordinance (Board file No. 231258), at the regular meeting of the Land Use and Transportation Committee on December 11, 2023, the Committee amended this ordinance to remove the proposed amendments other than the amendments to Sections 121.1, 121.3, and 311, such that this ordinance no longer includes those Sections. As a result, this ordinance does not include amendments other than those being made to Sections 121.1, 121.3, and 311.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to encourage housing production by exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside 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.

Member Peskin moved that this Ordinance be **CONTINUED AS AMENDED** to the Land Use and Transportation Committee meeting of January 22, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230310 [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.

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.

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

Member Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of January 22, 2024. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Vice Chair Preston was noted not present at 2:33 p.m.

230419 [Street Encroachment Permit - 12th Street Plaza - 90-12th Street]

Sponsor: Dorsey

Resolution granting revocable permission to Otis Property Owner, LLC, to occupy and maintain the 12th Street Plaza on 12th Street at the corner of South Van Ness Avenue fronting 90-12th Street (Assessor's Parcel Block No. 3505, Lot No. 012); accepting the irrevocable offer of improvements from Otis Property Owner, LLC in accordance with the terms of a Planning Commission In-Kind Agreement and dedicating said improvements to public use; adopting environmental 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.

04/12/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/04/23; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speaker: Madison Tam (Office of Supervisor Matt Dorsey); presented information and answered questions raised throughout the discussion.

Chair Melgar moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to remove the language accepting the irrevocable offer of improvements from Otis Property Owner, LLC; on Page 2, Lines 15-20, by inserting 'WHEREAS, On June 22, 2021, the Board of Supervisors conditionally accepted an offer of dedication of a nonexclusive public sidewalk easement for pedestrian access, passage, ingress, and egress for public sidewalk purposes (the "Sidewalk Easement") on the 12th Street Plaza, subject to subsequent approval by the Board of Supervisors; and WHEREAS, A copy of the Sidewalk Easement is on file with the Clerk of the Board of Supervisors in File No. 230419 and incorporated herein by reference; and;' on Page 4, Lines 22-24, to read 'RESOLVED, The Board adopts the Environmental Findings and the further CEQA determination set forth in the December 4, 2023 letter of the Planning Department as its own; and, be it;' on Page 5, Lines 6-11, by striking 'FURTHER RESOLVED, That this Board finds that there are no substantial changes in the way the Encroachments would be implemented; no substantial changes in the circumstances under which the Encroachments would be implemented; and no new information of substantial importance showing that more significant impacts, or a substantial increase in the severity of the significant impacts analyzed in the Environmental Findings, would result from the Encroachments; and, be it;' on Page 5, Lines 10-22, by inserting 'FURTHER RESOLVED, The Board hereby approves a nonexclusive public sidewalk easement for pedestrian access, passage, ingress, and egress for public sidewalk purposes as described in the motion in Board File No. 210718, and delegates to the Director of Property the authority to approve and record said easement agreement with Permittee on substantially the same terms as the draft on file with the Clerk of the Board in Board File No. 230419 and incorporated herein by reference; and, be it FURTHER RESOLVED, That the Board directs the Director of Property to submit a copy of the recorded Sidewalk Easement agreement within 30 days of its recordation to the Clerk of the Board; and, be it FURTHER RESOLVED, The Board hereby authorizes the Director of Property to modify or amend the terms of said easement agreement in a manner that the Director of Property, in consultation with the City's Risk Manager and the City Attorney, deems necessary or advisable and in the City's best interests; and, be it;' and making other conforming and clerical changes throughout the ordinance. The motion carried by the following vote:

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

Resolution granting revocable permission to Otis Property Owner, LLC, to occupy and maintain the 12th Street Plaza on 12th Street at the corner of South Van Ness Avenue fronting 90-12th Street (Assessor's Parcel Block No. 3505, Lot No. 012); approving a nonexclusive public sidewalk easement for pedestrian access, passage, ingress, and egress for public sidewalk purposes; adopting environmental 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.

Chair Melgar moved that this Resolution be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of January 22, 2024. The motion carried by the following vote:

Ayes: 2 - Melgar, Peskin

Absent: 1 - Preston

Vice Chair Preston was noted present at 2:36 p.m.

230706 [Planning Code - Revising Public Art Relocation and Removal Requirements for Existing 100% Affordable Housing Projects]

Sponsor: Dorsey

Ordinance amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

06/06/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/6/2023.

06/13/23; 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.

06/30/23; 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.

09/21/23; REMAIN ACTIVE. On September 12, 2023, the Board adopted Resolution No. 427-23 (Board File No. 230945) extending by 90 days the prescribed time within which the Planning Commission may render its decision on the ordinance, expiring December 10, 2023.

12/05/23; RESPONSE RECEIVED. On November 16, 2023, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

Heard in Committee. Speakers: Madison Tam (Office of Supervisor Matt Dorsey); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Speaker; shared support for the ordinance matter. Anne Cervantes (San Francisco Latino Historical Society); spoke in opposition to the ordinance matter. Charlie Sciammas (Council of Community Housing Organizations); Thierry Fill; shared various concerns regarding the ordinance matter.

Chair Melgar requested that this Ordinance be DUPLICATED

See Duplicate File No. 231268.

Chair Melgar moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, on Page 1, Lines 1-2, to read 'Planning Code - Revising Public Art Relocation and Removal Requirements for Existing 100% Affordable Housing Projects;' on Page 1, Lines 3-5, to read ' Ordinance amending the Planning Code to provide for the relocation or removal of existing artwork at 100% affordable housing projects subject to certain conditions;' on Page 2, Lines 24-25, by striking ', except for existing 100% Affordable Housing Projects;' on Page 5, Lines 2-8, to read '(d) Removal, Relocation, or Alteration of Artwork for Existing 100% Affordable Housing Projects. Notwithstanding the requirements of subsection (c) of this Section 429.4, 100% Affordable Housing Projects for which public art has already been installed as of the effective date of the ordinance in Board of Supervisors File No. 230706, including a 100% affordable residential building built to satisfy affordable housing requirements of market rate projects, may remove, relocate, or alter Artwork if the Artwork has been vandalized or severely compromised such that it cannot be restored to its original condition without significant financial expenditures;' on Page 5, Lines 16-23, by inserting 'The Zoning Administrator shall take into account the financial burden of repair and the extent of the vandalism, including past history of repeat vandalism, and likelihood that the Artwork may be vandalized again. For cases proposing removal under this subsection (d), the Zoning Administrator shall consider the viability of relocating the Artwork elsewhere on the property. In regard to relocation or alteration, including relocation of the Artwork elsewhere on the property, if the Zoning Administrator determines that relocation or alteration is a minor modification of the Artwork, then no hearing is required;' and making conforming changes throughout the ordinance text. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to provide for the relocation or removal of existing artwork at 100% affordable housing projects subject to certain conditions; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

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

231268 [Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects]

Sponsor: Dorsey

Ordinance amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Duplicated from File No. 230706.

Chair Melgar moved that this Ordinance be **CONTINUED TO CALL OF THE CHAIR**. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

230863 [Planning Code - Exceptions from Limits on Conversion of Production, Distribution and Repair, Institutional Community, and Arts Activities Uses in Eastern Neighborhood Plans Areas]

Sponsor: Dorsey

Ordinance amending the Planning Code to exempt from the limitations on conversion of certain Production, Distribution and Repair (“PDR”), Institutional Community, and Arts Activities uses in the Eastern Neighborhoods Plans Areas (Mission, Eastern SoMa, Western SoMa, and Central SoMa), changes of use from one of those uses to another of those uses or to Institutional uses; 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. (Proposition X, November 2016, requires a two-thirds vote (eight votes) of the membership to amend the requirements imposed by Planning Code, Section 202.8.)

07/25/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/24/2023.

08/08/23; 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.

10/03/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Dorsey introduced a substitute Ordinance bearing a new title.

10/11/23; 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.

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.

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

Heard in Committee. Speakers: Madison Tam (Office of Supervisor Dorsey); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Lamar; Thierry Fill; shared various concerns regarding the ordinance matter.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 7-8, by inserting 'in buildings under 25,000 ground floor square feet;' and on Page 2, Lines 23-25, to read 'except that this Section 202.8 shall not apply to conversions of any use listed above to any other use listed above, or to Institutional uses, in buildings under 25,000 ground floor square feet, in the areas that, as of July 1, 2016, were zoned SALI, MUO, SLI, MUG, or MUR.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Planning Code to exempt from the limitations on conversion of certain Production, Distribution and Repair (“PDR”), Institutional Community, and Arts Activities uses in the Eastern Neighborhoods Plans Areas (Mission, Eastern SoMa, Western SoMa, and Central SoMa), changes of use from one of those uses to another of those uses or to Institutional uses, in buildings under 25,000 ground floor square feet; 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.

(Proposition X, November 2016, requires a two-thirds vote (eight votes) of the membership to amend the requirements imposed by Planning Code, Section 202.8.)

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

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:58 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.