



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: Aaron Peskin, Ahsha Safai, Dean Preston

Clerk: Erica Major (415) 554-4441

Monday, January 27, 2020

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Dean Preston

The Land Use and Transportation Committee met in regular session on Monday, January 27, 2020, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:32 p.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin, Vice Chair Safai, and Member Preston were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

191257 [Planning Code - Jackson Square Special Use District - Exemption from Limitation on Proposed Limited Restaurant Uses]

Sponsor: Peskin

Ordinance amending the Planning Code to allow authorization of a Limited Restaurant use in the Jackson Square Special Use District that does not comply with the current requirements for a Limited Restaurant use if a building permit application furthering the establishment of such use was filed by July 19, 2018; 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.

12/10/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/9/2020.

12/17/19; 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.

01/16/20; RESPONSE RECEIVED. The Planning Commission waived their authority to hear this matter.

01/17/20; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15060(c)(2) and 15378 because it would not result in a direct or indirect physical change in the environment.

Heard in Committee. Speaker: Bryan Meehan (Blue Bottle); spoke in support of the hearing matter.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Peskin, Safai, Preston

190973 [Health Code - Approving a New Location for a Permittee's Medical Cannabis Dispensary Permit]**Sponsor: Haney**

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee, if a natural person, or a natural person who is a verified Equity Applicant, was identified as an applicant or as a person who would be "engaged in the management of the medical cannabis dispensary," on the original Article 33 permit application submitted on or before January 5, 2018, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department's determination under the California Environmental Quality Act.

09/24/19; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 10/24/2019.

10/04/19; REFERRED TO DEPARTMENT. Referred to the Office of Cannabis, the Planning Department, the Department of Building Inspection, the Mayor's Office on Disability, the Fire Department, and the Department of Public Health for informational purposes. Referred to the Planning Department for environmental review. Referred to the Small Business Commission for comment and review.

10/29/19; RESPONSE RECEIVED. On October 28, 2019, the Small Business Commission met and recommended approval of the ordinance.

12/04/19; TRANSFERRED to Land Use and Transportation Committee. President Yee transferred this matter to the Land Use and Transportation Committee, from the Public Safety and Neighborhood Services Committee.

12/05/19; 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.

12/09/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

01/13/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Honey Mahogany (Office of Supervisor Matt Haney); presented information and answered questions raised throughout the discussion. Bram Goodman (San Francisco Social Club); Gilbert Gonego; Gregory Ledbetter (Black and Brown); Shane Ewing; Larry Ferree; Junebug (Rose Kenyon Group); Kenya Sager (Axis); Gabriel Padilla (Releaf Herbal Coop); Edward; Sean; Denise Torrey; Reese Fenton; Speaker; Franko; Tee Espinoza; Aaron Mitchell; Antoine Brooks (Wolfman America); Adam Steiner; Randall Larson (Relief); Gregory Mills; Pamela Blart; Victor Fleming (Releaf); Robert Jones; Rudy Corpus; Nena Parks; Mark A. Mark; Ryan Miller; Don Ron; Speaker; Julie Sinclair; Heidi Canli; Von Reyes; Ms. Fang Su; Morris Moreno; Antoine; spoke in support of the hearing matter.

01/13/20; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Honey Mahogany (Office of Supervisor Matt Haney); presented information and answered questions raised throughout the discussion. Speaker; Speaker; spoke in support of the hearing matter. Terry Finch; Speaker; Erin Ish; spoke in opposition of the hearing matter.

RECOMMENDED by the following vote:

Ayes: 3 - Peskin, Safai, Preston

190458 [Planning, Administrative Codes - North of Market Affordable Housing Fees and Citywide Affordable Housing Fund]**Sponsor: Mayor**

Ordinance amending the Planning Code and the Administrative Code to abolish the North of Market Affordable Housing Fund and have certain fees collected in conjunction with North of Market affordable housing deposited in the Citywide Affordable Housing Fund; and making 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 welfare under Planning Code, Section 302.

04/30/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/30/2019.

05/07/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302 for public hearing and recommendation and pursuant to Board Rules of Order 3.22 for review and comment.

06/04/19; 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.

06/25/19; RESPONSE RECEIVED. On June 13, 2019, the Planning Commission met and held a duly noticed meeting and recommended approval with modifications for the proposed legislation.

07/15/19; RECOMMENDED. Heard in Committee. Speakers: Amy Chan (Mayor's Office of Housing and Community Development); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Mr. Wright; spoke on various concerns relating to the hearing matter.

07/23/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/23/19; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

07/25/19; 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.

07/25/19; RESPONSE RECEIVED. The Planning Commission considered the proposed amendment at their hearing on June 13, 2019 and included the amendment in their recommendation to the Board. The Planning Commission declined to rehear the item.

07/26/19; 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.

01/03/20; NOTICED. First 10-Day Fee Ad for 1/3/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/08/20; NOTICED. Second 10-Day Fee Ad for 1/3/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/13/20; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Amy Chan (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Steve Bello; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved to RESCIND the previous vote. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by adding ‘and have’ and striking ‘reflect the’; on Page 1, Line 4, by adding ‘certain’ and striking ‘current’; on Page 1, Line 5, by adding ‘affordable housing’ and an ‘s’ to ‘fee’; on Page 1, Line 5, by adding ‘the’ before ‘North of Market’; on Page 1, Lines 5-6, by adding ‘Residential Special Use District’ and striking ‘affordable housing, and’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Ordinance amending the Planning Code and the Administrative Code to abolish the North of Market Affordable Housing Fund, and have certain affordable housing fees collected in conjunction with the North of Market Residential Special Use District deposited in the Citywide Affordable Housing Fund; and making 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 welfare under Planning Code, Section 302.

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

Ayes: 3 - Peskin, Safai, Preston

180969 [Plumbing Code - Cross-Connection Control]

Ordinance amending the Plumbing Code to delete the local amendment to the California Plumbing Code referring to the San Francisco Public Utilities Commission’s Rules and Regulations in the section on Cross-Connection Control, and to add local cross-connection controls for beverage dispensers and industrial water chillers and a testing requirement for backflow prevention assemblies or devices; affirming the Planning Department’s determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

10/01/18; RECEIVED FROM DEPARTMENT.

10/16/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/15/2018.

10/23/18; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

10/24/18; REFERRED TO DEPARTMENT. Referred to the Public Utilities Commission for informational purposes.

11/01/18; 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.

12/03/18; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Steve Panelli and Mike Mitchell (Department of Building Inspection); presented information and answered questions raised throughout the discussion. John Scarpulla (Public Utilities Commission); Ni To; spoke on various concerns relating to the hearing matter.

08/26/19; RESPONSE RECEIVED. 8/21/2019 - The Building Inspection Commission voted unanimously to recommend approval of the proposed Ordinance.

09/16/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

01/13/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: John Scarpulla (Public Utilities Commission); Dr. June Weintraub (Department of Public Health); presented information and answered questions raised throughout the discussion.

01/13/20; CONTINUED AS AMENDED.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Peskin, Safai, Preston

190355 [Planning Code - Authorizing Interim Activities at Development Sites]**Sponsors: Mayor; Haney**

Ordinance amending the Planning Code to enable the use of development project sites during the project approval and entitlement process by authorizing the Planning Department to authorize certain interim activities at development project sites as Temporary Uses for up to 36 months, subject to extension at the discretion of the Planning Director in increments for up to a maximum possible total of 24 additional months; adopting 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 convenience, necessity, and welfare under Planning Code, Section 302.

04/02/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/2/2019.

04/10/19; 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; and Board of Appeals, Entertainment Commission, Arts Commission, Recreation and Parks Department, and Department of Homelessness and Supportive Housing for informational purposes.

04/15/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a physical change in the environment. Each temporary use would require a permit and separate environmental review.

05/02/19; RESPONSE RECEIVED. On April 25, 2019, the Planning Commission met and held a duly noticed public hearing and recommended approval with modification for this proposed legislation.

06/28/19; NOTICED. First 10-Day Fee Ad for 7/8/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

07/03/19; NOTICED. Second 10-Day Fee Ad for 7/8/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

07/08/19; CONTINUED. Heard in Committee. Speakers: Audrey Butkus (Planning Department); presented information and answered questions raised throughout the discussion. Mr. Wright; spoke on various concerns relating to the hearing matter.

09/09/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Mr. Wright; Speaker; spoke on various concerns relating to the hearing matter.

12/06/19; NOTICED. First 10-Day Fee Ad for 12/16/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

12/11/19; NOTICED. Second 10-Day Fee Ad for 12/16/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

12/16/19; AMENDED. Heard in Committee. Speakers: Audrey Merlone (Planning Department); Christopher Tom and Anne Pearson (Office of the City Attorney); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion. George Linger; Elle Chan; Eldredge Sanchez; Jimmy Jenkins; David Peterson; Nancy Bulare; spoke in support of the hearing matter.

12/16/19; AMENDED.

12/16/19; AMENDED.

12/16/19; AMENDED.

12/16/19; RECOMMENDED AS AMENDED.

01/07/20; RE-REFERRED to Land Use and Transportation Committee.

01/17/20; NOTICED. First 10-Day Fee Ad for 1/27/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/22/20; NOTICED. Second 10-Day Fee Ad for 1/27/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

Heard in Committee. Speaker: Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 6, Lines 11-14, by adding '(3) provided that a Development Project proposes to include residential uses, it would result in greater residential density than the residential density existing as of the time both the land use and permit entitlement applications were submitted to the City'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 3, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:05 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.