



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: Malia Cohen, Scott Wiener, Aaron Peskin

Clerk: Alisa Somera (415) 554-4447

Monday, February 22, 2016

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Malia Cohen, Scott Wiener, and Aaron Peskin

The Land Use and Transportation Committee met in regular session on Monday, February 22, 2016, with Chair Malia Cohen presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Cohen called the meeting to order at 1:32 p.m. On the call of the roll, Chair Cohen and Member Peskin were noted present. Vice Chair Wiener was noted not present. There was a quorum.

Vice Chair Wiener was noted present at 1:35 p.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

151004 [Planning Code - Projecting Signs in the Fillmore Street Neighborhood Commercial Transit District]

Sponsor: Breed

Ordinance amending the Planning Code to allow projecting business signs in the Fillmore Street Neighborhood Commercial Transit District of up to 125 square feet in size, and up to 60 feet in height, with maximum height dependent on the features of the building to which the sign is attached, provided that only one sign per building is permitted; the sign is for the primary occupant of the building; the sign employs a remote transformer and is as narrow as is structurally feasible; any illumination is indirect and is used only during business hours; the sign does not obscure architectural features of the building; the sign does not damage the building to which it is attached; and the sign's lettering is arranged vertically; 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 under Planning Code, Section 302, that this amendment will serve the public necessity, convenience, and welfare.

10/06/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/5/2015.

10/13/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; and Department of Building Inspection for informational purposes.

11/23/15; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15060(c)(2) because it does not result in a physical change in the environment.

12/28/15; RESPONSE RECEIVED. 12/17/2015 - The Planning Commission held a public hearing and recommended approval of the legislation with modifications; Planning Commission Resolution No. 19536.

01/26/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

02/01/16; REFERRED TO DEPARTMENT. Re-referred substitute legislation (Version 2) to the Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); Small Business Commission for review and possible recommendation; and Department of Building Inspection for informational purposes.

Heard in Committee. Speakers: Conor Johnston (Office of President London Breed); Aaron Starr (Planning Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Cohen, Wiener, Peskin

151179 [Health Code - Banning the Sale of Tobacco Products to Persons Aged 18-20]**Sponsors: Wiener; Mar, Cohen and Farrell**

Ordinance amending the Health Code to prohibit tobacco retailers from selling tobacco products, including smokeless tobacco and electronic cigarettes, to persons aged 18, 19, or 20.

11/17/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 12/17/2015.

11/24/15; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation; Department of Public Health and Office of Small Business Commission for informational purposes.

01/26/16; RESPONSE RECEIVED. 1/11/2016 - The Small Business Commission voted unanimously to recommend approval of the proposed legislation.

02/04/16; RESPONSE RECEIVED. 02/01/2016 - The Youth Commission voted unanimously to support this Ordinance.

02/04/16; TRANSFERRED to Land Use and Transportation Committee. 2/4/2016 - President Breed transferred this matter from the Government Audit and Oversight Committee to the Land Use and Transportation Agency.

02/05/16; RESPONSE RECEIVED. 1/26/2016 - The Board of Education adopted Resolution No. 161-26A2 in support of the proposed legislation.

Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); Derek Smith and Janine Young (Department of Public Health); presented information and answered questions raised throughout the discussion. Bob Gordon (San Francisco Tobacco Free Coalition); Karin Arora (University of California, San Francisco); Yogi Hendlin (University of California, San Francisco, Center for Tobacco Control Research and Education); Quarry Pak (San Francisco Unified School District); Wilma Batiste and Cathy Otto (American Cancer Society/Cancer Action Network); Angel Rodriguez (Communities in Harmony Advocating for Learning and Kids/Bay Area Community Resources); Randy Uang (Breathe California); Christopher Ndubuizu (Breathe California Golden Gate Public Health Partnership); Ted Guggenheim; John Maa (San Francisco Medical Society); Chris Tsakalakis (American Heart Association); Amber Finley (Vietnamese Youth Development Center); Don Nunley (Food Justice Leaders); Alex Abalos (Vietnamese Youth Development Center); James Lau; Brittni Chicuata (American Heart Association); Andrea Garcia (Youth Leadership Institute); Carol McGruder (African American Tobacco Control Leadership Council); Meina Young; spoke in support of the hearing matter. Gilbert Criswell; Female Speaker; spoke in opposition to the hearing matter.

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

Ayes: 3 - Cohen, Wiener, Peskin

160026 [Planning Code, Zoning Map - Rezoning Noe Valley Town Square]**Sponsor: Wiener**

Ordinance amending the Planning Code, Zoning Map, to rezone Noe Valley Town Square, 3861-24th Street, Assessor's Block No. 6509, Lot No. 040, from its current designation as 24th Street - Noe Valley Neighborhood Commercial District and 40-X to Public (P) and Open Space (OS); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/11/2016.

01/20/16; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); and Small Business Commission for review and recommendation.

01/28/16; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

02/12/16; NOTICED. 10-Day Zoning Map Notice for the February 22, 2016 Land Use and Transportation Committee hearing, pursuant to Government Code Sections 65856 & 65090.

02/17/16; RESPONSE RECEIVED. 2/11/2016 - The Planning Commission held a public hearing and recommended approval; Resolution No. 19564.

Heard in Committee. Speakers: None.

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

Ayes: 3 - Cohen, Wiener, Peskin

Supervisor John Avalos was noted present at 2:33 p.m.

160115 [Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit; Mandatory Legalization of Unauthorized Units]**Sponsor: Avalos**

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether legal or illegal) and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units where is no legal path for legalization, residential units that have received prior Planning approval, and single family structures that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and requiring re-issuance of unabated notices of violation to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

(Economic Impact)

02/08/16; DUPLICATED. Duplicated from File No. 150494.

02/08/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Duplicated from File No. 150494.

Heard in Committee. Speakers: Supervisors John Avalos and Jane Kim (Board of Supervisors); William Strawn (Department of Building Inspection); Aaron Starr (Planning Department); Brian Cheu (Mayor's Office of Housing and Community Development); Kimia Haddadan (Planning Department); presented information and answered questions raised throughout the discussion. Matt McFarland (Tenderloin Housing Clinic); Tom Radulovich; Carina, Kash, and Chandra Xian Redadl (1049 Market Street Tenants); Deepa Varma (San Francisco Tenants Union); Naomi Cooper (1049 Market Street); Sarah Sherburn-Zimmer and Tommi Avicelli Mecca (Housing Rights Committee); Vaughan; Lindsay Gauthier (Dance Ground Keriak); Werthcom; George Gracy; spoke in support of the hearing matter. Ryan Patterson (Zacks & Freedman, P.C.); David Gast; Patrick; Sean Keighran (Residential Builders Association); Charlie Gauss; spoke in opposition to the hearing matter.

02/08/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 22, 2016. Before the vote was taken, and in order to allow additional amendments to be considered, Member Peskin withdrew the motion.

02/08/16; CONTINUED AS AMENDED.

02/11/16; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for possible additional public hearing and recommendation (per Planning Code, Section 302(b)); Building Inspection Commission for possible additional public hearing and recommendation (per Charter, Section D33750-5); and Mayor's Office of Housing and Community Development, Public Works, and Rent Board for informational purposes.

02/11/16; RESPONSE RECEIVED. Not considered a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Jon Givner (Office of the City Attorney); Aaron Starr (Planning Department); William Strawn (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Tom Radulovich (Livable City); Lindsay Gauthier (Dance Ground Keriak); Robyn Drisdell; Janan New (San Francisco Apartment Association); John Rodriguez; spoke in support of the hearing matter. Alex Ku; Meina Young, Kuan Chang, Christy Tam, and Noni Richen (Small Property Owners of San Francisco); Ryan Patterson (Zacks & Freedman, P.C.); Male Speaker; spoke in opposition to the hearing matter.

Vice Chair Wiener moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to provide an initial screening by the Department of Building Inspection before a Conditional Use permit is issued to determine if the unit can be legalized; to exempt units that the Department of Building Inspection has determined to have serious safety hazards; to delete 'Building Code, Section 102A.3.1.1 - Re-issuance of an unabated notice of violation'; to suspend a notice of violation issuance once the property owner submits an application for legalization; to rescind the notice of violation and any liens recorded if legalization or removal of the unauthorized unit occurs within one year; and to require the Planning Commission to consider whether the cost would constitute a financial hardship if there are no City funds available to assist the property owners with the cost. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether authorized or unauthorized) and to exempt from the Conditional Use application requirement unauthorized units where there is no legal path for legalization, residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation order the filing of an application to legalize an unauthorized unit unless infeasible under the Building Code, the Planning Commission approves its removal, or a serious and imminent hazard exists on the property; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.
(Economic Impact)

Vice Chair Wiener requested this Ordinance be DUPLICATED AS AMENDED.

See Duplicated File No. 160185.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

160185 [Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit; Mandatory Legalization of Unauthorized Units]**Sponsor: Avalos**

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether authorized or unauthorized) and to exempt from the Conditional Use application requirement unauthorized units where there is no legal path for legalization, residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation order the filing of an application to legalize an unauthorized unit unless infeasible under the Building Code, the Planning Commission approves its removal, or a serious and imminent hazard exists on the property; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

(Economic Impact)

Duplicated from File No. 160115.

Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Jon Givner (Office of the City Attorney); Aaron Starr (Planning Department); William Strawn (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Tom Radulovich (Livable City); Lindsay Gauthier (Dance Ground Keriac); Robyn Drisdell; Janan New (San Francisco Apartment Association); John Rodriguez; spoke in support of the hearing matter. Alex Ku; Meina Young, Kuan Chang, Christy Tam, and Noni Richen (Small Property Owners of San Francisco); Ryan Patterson (Zacks & Freedman, P.C.); Male Speaker; spoke in opposition to the hearing matter.

Vice Chair Wiener moved that this Ordinance be AMENDED to change the imposition of a 'conditional use requirement' to a 'discretionary review requirement.' Before the vote was taken, Vice Chair Wiener withdrew this motion.

Vice Chair Wiener moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by increasing the amount of time a property owners has to come into compliance after receiving a notice of violation from 'one year' to 'three years.' The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin
(Economic Impact)

Vice Chair Wiener moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 29, 2016. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

Supervisor Avalos was noted not present at 3:10 p.m.

151290 [Hearing - Oversized Vehicle Pilot Program]**Sponsor: Cohen**

Hearing on the status of the Oversized Vehicle Pilot Program, including updates on what areas have implemented oversized vehicle restrictions, how they have worked, and whether they should be expanded to additional areas; and requesting the Municipal Transportation Agency and Police Department to report.

12/15/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/23/15; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency and Police Department for informational purposes since they will be required to attend the hearing and report.

Heard in Committee. Speakers: Hank Willson and Andy Thornley (Municipal Transportation Agency); Sam Dodge, Director (Mayor's Office of Housing Opportunity, Partnerships & Engagement); Officer Tracy Green (Police Department, Bayview Station); presented information and answered questions raised throughout the discussion. Martha Thompson and Joshua Lenhart (San Francisco Design Center); Lisa Marie Alatorre (Coalition on Homelessness); Melodie; Shira Noel (Homeless Youth Alliance); Kelley Cutler (Coalition on Homelessness); Ian Derouin; Brad Andersen; Thad Partridge; Ariel Kelley; Charles Lee Noland; spoke on various concerns regarding the hearing matter.

Chair Cohen moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 4:36 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.