



# City and County of San Francisco

## Meeting Agenda

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

### Land Use and Transportation Committee

*Members: Aaron Peskin, Ahsha Safai, Matt Haney*

*Clerk: Erica Major (415) 554-4441*

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Monday, July 8, 2019

1:30 PM

City Hall, Legislative Chamber, Room 250

**Regular Meeting**

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## ROLL CALL AND ANNOUNCEMENTS

## AGENDA CHANGES

## REGULAR AGENDA

- 190048** **[Planning Code - Building Standards]**  
**Sponsor: Mandelman**  
Ordinance amending the Planning Code to require building setbacks for buildings fronting on narrow streets, modify front yard requirements in Residential Districts, increase required rear yards in single-family zoning districts by five percent, amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, and allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses; 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 general welfare under Planning Code, Section 302.  
  
1/15/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.  
  
1/23/19; REFERRED TO DEPARTMENT.  
  
4/17/19; RESPONSE RECEIVED.  
  
6/17/19; CONTINUED.  
  
6/24/19; CONTINUED.

2. [190248](#) **[Planning Code - Uses in the Upper Market NCT and NCT-3 Zoning Districts]**

**Sponsor: Mandelman**

Ordinance amending the Planning Code to revise the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) District controls to allow Arts Activities, Philanthropic Administrative Services, and Public Facilities as a principal use on all stories, revise the Upper Market Neighborhood Commercial Transit (NCT) District controls to allow Arts Activities and Institutional Uses as a principal use on the first and second stories and as a conditional use on the third story and above and to allow General Entertainment as a principal use on the first and second stories, modify the requirements for liquor stores and bars in the NCT-3 and Upper Market Street NCT Districts, add additional conditional use criteria for liquor stores and require liquor stores to comply with standard location and operating conditions, and add additional uses to the definition of Open Air Sales; 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 general welfare under Planning Code, Section 302.

3/5/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

3/12/19; REFERRED TO DEPARTMENT.

4/24/19; RESPONSE RECEIVED.

5/8/19; RESPONSE RECEIVED.

5/21/19; RESPONSE RECEIVED.

3. [181211](#) **[Health, Planning, and Police Codes - Small Business Permit Streamlining]**  
**Sponsors: Mayor; Brown**

Ordinance to streamline small business permitting by, among other things, amending the Health Code to align regulation of restaurant enclosures for outdoor food service and restroom requirements with state standards; amending the Planning Code to clarify that a Type 2 (winegrower) and Type 23 (small beer manufacturer) liquor licenses may be used in conjunction with a Bar or Restaurant use, to amend the definition of a Bar to provide for consistent treatment of Type 64 liquor licenses, to modify Nighttime Entertainment use food service requirements, to reduce the distance measured for Retail Sales and Services uses in Neighborhood Commercial zoning districts to any neighborhood commercial district, to amend the use limitation provisions for nonconforming uses in RH (Residential, House), RM (Residential Mixed), and RTO (Residential, Transit-Oriented) districts to any neighborhood commercial district, to amend the definition of General Entertainment to include Amusement Game Arcade, to allow mechanical amusement games as a principally permitted use on the first story in the Haight Street Neighborhood Commercial District, to allow General Entertainment uses on higher floors in the Japantown Neighborhood Commercial District, and to allow Limited Restaurant use as an Accessory Use, and to revise the Upper Market Neighborhood Commercial Transit (NCT) District to allow General Entertainment as a principal use on the first and second stories; amending the Police Code to eliminate certain duplicative inspections and signoffs in connection with Place of Entertainment permits, and amending the definition of Limited Live Performance Locale to remove the requirement for food and beverage service; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

12/11/18; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

12/17/18; REFERRED TO DEPARTMENT.

3/1/19; RESPONSE RECEIVED.

3/12/19; RESPONSE RECEIVED.

3/13/19; RESPONSE RECEIVED.

4/1/19; CONTINUED TO CALL OF THE CHAIR.

6/17/19; CONTINUED.

6/24/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

6/24/19; CONTINUED AS AMENDED.

4. [190417](#) **[Environment Code - Checkout Bag Charge; Recyclable or Compostable Pre-Checkout Bags]**

**Sponsor: Brown**

Ordinance amending the Environment Code to raise the amount stores must charge for checkout bags from 10 cents to 25 cents per bag; to require that pre-checkout bags provided to customers before they reach the point of sale be recyclable or compostable; and affirming the Planning Department's determination under the California Environmental Quality Act.

4/16/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/22/19; REFERRED TO DEPARTMENT.

5/6/19; RESPONSE RECEIVED.

5. [190652](#) **[Resolution of Intent - Street and Public Easement Vacation - Mission Rock Project]**

**Sponsors: Mayor; Haney**

Resolution declaring the intent of the Board of Supervisors to order the street vacation for the entirety of Seawall Lot 337 (located east of Third Street between China Basin Channel and Mission Rock Street, including China Basin Park) and portions of Terry A. Francois Boulevard along with public service easements in connection with the Mission Rock Project; and setting a hearing date for the Board of Supervisors to sit as a Committee of the Whole on September 3, 2019, at 3:00 p.m. for all persons interested in the proposed vacation of said street areas and public service easements.

6/4/19; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

6. [190654](#) **[Street and Public Service Easement Vacation Order - Mission Rock Project]**

**Sponsors: Mayor; Haney**

Ordinance ordering the street vacation of the entirety of Seawall Lot 337 (located east of Third Street between China Basin Channel and Mission Rock Street, including China Basin Park) and portions of Terry A. Francois Boulevard along with public service easements in connection with the Mission Rock Project; reserving various temporary rights in favor of the City and PG&E, subject to conditions specified in this Ordinance; authorizing official acts in connection with this Ordinance, as defined herein; 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.

6/4/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7. [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 36 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.

4/2/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

4/10/19; REFERRED TO DEPARTMENT.

4/15/19; RESPONSE RECEIVED.

5/2/19; RESPONSE RECEIVED.

6/28/19; NOTICED.

7/3/19; NOTICED.

## ADJOURNMENT

*NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.*

## LEGISLATION UNDER THE 30-DAY RULE

*NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.*

### 190644

#### **[Planning Code - Landmark Designation - 2031 Bush Street (aka the Kinmon Gakuen Building)]**

Ordinance amending the Planning Code to designate 2031 Bush Street (aka the Kinmon Gakuen Building), Assessor's Parcel Block No. 0676, Lot No. 027, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience and welfare findings under Planning Code, Section 302. (Historic Preservation Commission)

5/29/19; RECEIVED FROM DEPARTMENT.

6/11/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

### 190671

#### **[Planning Code - Landmark Designation - 2851-2861 24th Street (The Galería de la Raza/Studio 24 Building)]**

**Sponsor: Ronen**

Ordinance amending the Planning Code to designate 2851-2861 24th Street (The Galería de la Raza/Studio 24 Building), a portion of Assessor's Parcel Block No. 4268, Lot No. 001, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare findings under Planning Code, Section 302. (Historic Preservation Commission)

6/4/19; RECEIVED FROM DEPARTMENT.

6/18/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

**190681 [Planning Code, Zoning Map - Flower Mart - 2000 Marin Street Special Use District]****Sponsor: Haney**

Ordinance amending the Planning Code and Zoning Map to establish the 2000 Marin Street Special Use District (Assessor's Parcel Block No. 4346, Lot No. 003), and to create additional Key Site exceptions for the Flower Mart site, located on the southern half of the block north of Brannan Street between 5th Street and 6th Street (Assessor's Parcel Block No. 3778, Lot Nos. 001B, 002B, 004, 005, 047, and 048); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

6/11/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/19/19; REFERRED TO DEPARTMENT.

**190682 [Development Agreement - KR Flower Mart, LLC - Flower Mart - Fifth and Brannan Streets]****Sponsor: Haney**

Ordinance approving a Development Agreement between the City and County of San Francisco and KR Flower Mart, LLC, a Delaware limited liability company, for the development of an approximately 6.5-acre site located at 5th Street and Brannan Street, with various public benefits including a new on-site or off-site wholesale flower market; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); approving the receipt and expenditure of funds for an off-site new wholesale flower market as set forth in the Development Agreement, as applicable; approving the development impact fees for the project and waiving certain Planning Code fees and requirements for a temporary flower market; confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56; and ratifying certain actions taken in connection therewith, as defined herein.

6/11/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/19/19; REFERRED TO DEPARTMENT.

**190702 [Planning Code - New Rooftop Floor Area or Building Volume on Noncomplying Structure Designated as a Significant Building - Assessor's Parcel Block No. 3707]**

Ordinance amending the Planning Code to permit new floor area or building volume on the rooftop of a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, located on Assessor's Parcel Block No. 3707, provided that the rooftop has an existing parapet at least 17 feet in height along the primary building frontage; 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 under Planning Code, Section 302. (Planning Department)

6/13/19; RECEIVED FROM DEPARTMENT.

6/25/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

**190707 [Street Vacation - Potrero HOPE SF Project - Phase 2]****Sponsors: Mayor; Walton**

Ordinance ordering the vacation of streets in the Potrero HOPE SF Project - Phase 2 (Blocks A and B) site, generally bounded by 25th Street on the north, 26th Street on the south, Wisconsin Street on the west, and Connecticut Street on the east; allowing a reservation of rights for electric utilities access at the southwest corner of 25th Street and Wisconsin Street and required pedestrian access; authorizing the City to quitclaim its interest in the vacation areas to the San Francisco Housing Authority; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public Works Director for purposes of recordation of property rights.

6/18/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

**190708 [Environment Code - 100% Renewable Energy Required for On-Site Electricity Demands in Nonresidential Buildings of 50,000 Square Feet or More]****Sponsors: Mayor; Brown and Safai**

Ordinance amending the Environment Code to require all nonresidential buildings of 50,000 square feet or more to provide all on-site electricity demands from 100% greenhouse gas-free or renewable sources and to authorize the Director of the Department of the Environment to adopt rules and regulations for implementation of the requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

6/18/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/25/19; REFERRED TO DEPARTMENT.

**190711 [Public Works Code - Street Tree Replacement]****Sponsor: Safai**

Ordinance amending the Public Works Code to require Public Works, with certain exceptions, to replace any street tree it has removed within 120 days; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact; No Budget and Legislative Analyst Report)

6/18/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/25/19; REFERRED TO DEPARTMENT.

**190714 [Extending Interim Zoning Controls - Off-Street Parking in the “Market Street Hub” Area]****Sponsors: Mayor; Brown**

Resolution extending for six months interim zoning controls that limit off-street parking for new development projects to the principally-permitted accessory parking ratios established under the Planning Code, and remove the possibility to apply for a conditional use authorization to increase such parking, in the area known as “the Hub” or the “Market Street Hub,” which covers the eastern-most portions of the Market and Octavia Plan area, and is bounded generally by Fell Street and Hayes Street to the north; Market Street and Howard Street to the east; Highway 101 to the south and southeast; and Haight Street, Gough Street, Page Street, and Franklin Street to the west; and making environmental findings, and findings of consistency with the eight priority policies of Planning Code, Section 101.1.

6/18/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/25/19; REFERRED TO DEPARTMENT.

**190731 [Planning Code - Abandonment of Conditional Uses in North Beach Neighborhood Commercial District]****Sponsor: Peskin**

Ordinance amending the Planning Code to change, from 18 months to three years, the period of non-use required to deem as discontinued a permitted conditional use in the North Beach Neighborhood Commercial 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 public necessity, convenience, and welfare findings under Planning Code, Section 302.

6/25/19; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

7/3/19; REFERRED TO DEPARTMENT.



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## Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation, 2) Budget and Legislative Analyst report,
- 3) Department or Agency cover letter and/or report, 4) Public correspondence

Items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

## Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

**IMPORTANT INFORMATION:** The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board or Clerk of the Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

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**LANGUAGE INTERPRETERS:** Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Peggy Nevin at (415) 554-5184. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7719**

### **Disability Access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Wilson Ng at (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>