



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, Matt Haney

Clerk: Erica Major (415) 554-4441

Monday, February 4, 2019

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Matt Haney

The Land Use and Transportation Committee met in regular session on Monday, February 4, 2019, with Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Peskin called the meeting to order at 1:33 p.m. On the call of the roll, Chair Peskin, Vice Chair Safai, and Member Haney were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Supervisor Haney was noted absent at 1:57 p.m. and present at 1:59 p.m.

181213 [Building Code - Vacant or Abandoned Commercial Storefronts]

Sponsors: Fewer; Yee, Mandelman, Peskin, Stefani, Safai, Ronen, Walton, Haney, Brown and Mar

Ordinance amending the Building Code to require vacant or abandoned commercial storefront owners to pay annual registration fees at the time of registration; require annual inspections of registered vacant or abandoned storefronts; update the penalty for violations of the requirement to register vacant or abandoned commercial storefronts; and affirming the Planning Department's determination under the California Environmental Quality Act.

12/11/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/10/2019.

12/17/18; REFERRED TO DEPARTMENT. Planning Department for environmental review; Building Inspection Commission for comment and recommendation.

01/02/19; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation.

01/15/19; RESPONSE RECEIVED. On January 14, 2019, the Small Business Commission heard the proposed legislation and voted to recommend approval with modifications.

01/17/19; RESPONSE RECEIVED. The Small Business Commission submitted a revised response to the proposed legislation.

01/18/19; RESPONSE RECEIVED. On January 16, 2019, the Building Inspection Commission met and held a public hearing on the proposed legislation and voted to recommend approval with modifications.

01/22/19; 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.

01/25/19; NOTICED. First 10-Day Fee Ad for 02/04/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/30/19; NOTICED. Second 10-Day Fee Ad for 02/04/2019 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); William Strawn (Department of Building Inspection); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Daniel Bursher; Theresa Flandrich (Senior and Disability Action); Curtis Bradford; Steven Burdough; Felicia; Mel Beatle; spoke in support of the hearing matter.

Vice Chair Safai moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 3-4, by adding 'up to half' before 'shall be refunded'; on Page 4, Lines 8-9, by adding 'owner of a registered Vacant or Abandoned Commercial Storefront' after 'The'; on Page 5, Lines 9-11, by adding 'provide a report from a licensed professional confirming the storefront's interior and exterior has been maintained, as specified in Sections 103A.4.5. and 103A.4.5.2' after 'shall'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Vice Chair Safai moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 25, 2019. The motion carried by the following vote:

Ayes: 2 - Peskin, Safai

Absent: 1 - Haney

181108 [Police, Housing Codes - Required Disclosure of Storm Flood Risks]

Sponsor: Yee

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)

11/16/18; RECEIVED FROM DEPARTMENT.

11/27/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/27/2018.

12/05/18; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Building Inspection Commission for public hearing and recommendation; Police Department for informational purposes.

12/27/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

01/22/19; RESPONSE RECEIVED. On January 16, 2019, the Building Inspection Commission met and heard a public hearing and voted to recommend approval of the proposed legislation.

01/29/19; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

01/31/19; RESPONSE RECEIVED. The Building Inspection Commission confirmed that the language in the substitute legislation was discussed on January 16, 2018, and have declined to re-hear the matter.

01/31/19; RESPONSE RECEIVED. Not a project under CEQA Guidelines Sections 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

Heard in Committee. Speakers: Jarlene Choy (Office of Supervisor Norman Yee); Sarah Minick (Public Utilities Commission); presented information and answered questions raised throughout the discussion. June Allen; Laura Johnson; Speaker; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Peskin, Safai, Haney

190050 [Street Encroachment Permit - Dogpatch Arts Plaza on a Portion of 19th Street]**Sponsors: Mayor; Walton**

Resolution granting revocable permission to 650 Indiana Street LLC, the property owner of 650 Indiana Street (Assessor's Parcel Block No. 4041, Lot No. 009), to occupy and maintain a portion of the 19th Street public right-of-way, between Indiana Street and Interstate Highway 280, with an arts-focused public pedestrian plaza; accepting an offer of public improvements and dedicating the 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.

01/15/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Supervisor Shamann Walton (Board of Supervisors); Debra Lutske (Public Works); Katie O'Brien (Build Inc.); Mark Bonsignore (Place Lab); John Malamut and Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

Member Haney moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190053 [Street Encroachment Permit - Eagle Plaza on a Portion of 12th Street at Harrison Street]**Sponsors: Mayor; Haney and Mandelman**

Resolution granting revocable permission to 1532 Harrison Owner, LLC, the property owner of 1532 Harrison Street (Assessor's Parcel Block No. 3521, Lot No. 055-056), to install, occupy, and maintain a portion of the 12th Street public right-of-way, between Harrison Street and Bernice Street, with a LGBTQ leather-focused public pedestrian plaza space and a two-lane roadway; conditionally accepting an offer of public improvements and dedicating the 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.

01/15/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Debra Lutske (Public Works); Katie O'Brien (Build Inc.); Mark Bonsignore (Place Lab); presented information and answered questions raised throughout the discussion. David Savi; Tom Taylor; Rachel Sullivan; spoke in support of the hearing matter.

Member Haney moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

190108 [Planning Code - Conversion of Medical Cannabis Dispensary Uses to Cannabis Retail Uses]

Ordinance amending the Planning Code to allow Medical Cannabis Dispensaries (MCDs) with approvals from the Planning Department for a Medical Cannabis Dispensary Use as of January 5, 2018, to apply to convert to Cannabis Retail Uses under the same conditions as MCDs that held valid final permits from the Department of Public Health as of January 5, 2018; exempting all such converted Cannabis Retail Uses from otherwise applicable Conditional Use Authorization requirements; allowing Equity Program or Equity Incubator Applicants who have MCD applications pending at the Planning Department to apply to convert to Cannabis Retail Uses; exempting such Cannabis Retail Uses from the minimum radius requirements between those establishments and existing Cannabis Retailers and Medical Cannabis Retailers; 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. (City Administrator)

01/29/19; REFERRED. Duplicated from File No. 181061.

01/29/19; DUPLICATED. Duplicated from File No. 181061.

Heard in Committee. Speakers: Marlene Tran; spoke in opposition of the hearing matter. Robb Yost; spoke on various concerns relating to the hearing matter.

Vice Chair Safai moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 2, Line 19, by striking '190' and replacing it with '191'; on Page 4, Line 25, by striking 'January 1' and replacing it with December 31'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Ordinance amending Section 191 of the Planning Code to deem a Grandfathered Medical Cannabis Dispensary (MCD) that receives a permit to operate as an MCD from the Department of Public Health before December 31, 2019, a Temporary Cannabis Sales Use and extending the expiration date of Section 191 to January 1, 2021; 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. (City Administrator)

Vice Chair Safai moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of February 11, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:00 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.