



**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*

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**Monday, June 3, 2019**

**1:30 PM**

**City Hall, Legislative Chamber, Room 250**

**Regular Meeting**

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

*The Land Use and Transportation Committee met in regular session on June 3, 2019, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:31 p.m.*

## **ROLL CALL AND ANNOUNCEMENTS**

*On the call of the roll, Chair Peskin and Member Haney were noted present. Vice Chair Safai, was noted not present.*

*A quorum was present.*

*Vice Chair Safai was noted present at 1:32 p.m.*

## **AGENDA CHANGES**

*There were no agenda changes.*

## REGULAR AGENDA

### Chair Peskin Excused from Voting

**Vice Chair Safai moved that Chair Peskin be excused from voting on File No. 181107. The motion carried by the following vote:**

Ayes: 2 - Safai, Haney

Excused: 1 - Peskin

### 181107 [Planning Code - Landmark Designation - 524 Union Street (aka Paper Doll)]

Ordinance amending the Planning Code to designate 524 Union Street (aka Paper Doll), Assessor's Parcel Block No. 0103, Lot No. 009, as a Landmark under 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)

11/07/18; RECEIVED FROM DEPARTMENT.

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

05/24/19; NOTICED. Notice of Public Hearing for 6/3/2019 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

*Heard in Committee. Speakers: Shannon Ferguson (Planning Department); Barak Smucha; presented information and answered questions raised throughout the discussion. Shayne Watson; Lindsay Mulcahy; spoke in support of the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 2 - Safai, Haney

Excused: 1 - Peskin

**190413 [Administrative, Police Codes - Programs for the Vehicular Homeless and Use of Vehicles for Human Habitation]**

**Sponsors: Brown; Safai, Fewer, Stefani, Mandelman, Haney, Mar, Walton, Ronen and Yee**  
Ordinance amending the Administrative Code to require the Department of Homelessness and Supportive Housing (“HSH”) to establish a Safe Overnight Parking Pilot Program to provide eligible vehicularly homeless persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with the Municipal Transportation Agency (“MTA”) to develop an On-Street Parking Citation and Tow- and-Storage-Fee Abatement Program to provide eligible vehicularly homeless persons with waivers of parking fines and fees; and affirming the Planning Department’s determination under the California Environmental Quality Act.

04/15/19; DUPLICATED. Duplicated from File No. 190141

04/15/19; CONTINUED TO CALL OF THE CHAIR.

04/17/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

05/02/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guildines 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Any physical project would require environmental review.

05/20/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker: Shakirah Simley (Office of Supervisor Vallie Brown); presented information and answered questions raised throughout the discussion.

05/20/19; CONTINUED AS AMENDED.

*Heard in Committee. Speakers: Supervisor Vallie Brown (Board of Supervisors); presented information and answered questions raised throughout the discussion. Michael Wright; Sonja Trauss; spoke on various concerns relating to the hearing matter.*

*Although it was not required, Member Haney moved that the committee affirm the proposed changes to the ordinance which were previously accepted as amendments at the Land Use and Transportation Committee meeting on May 20, 2019. The motion carried by the following vote:*

*Ayes: 3 - Peskin, Safai, Haney*

**RECOMMENDED by the following vote:**

*Ayes: 3 - Peskin, Safai, Haney*

Chair Peskin requested that File Nos. 181156 and 190590 be heard together.

**181156 [Planning, Business and Tax Regulations Codes - Accessory Dwelling Units in New Construction]**

**Sponsor: Safai**

Ordinance amending the Planning Code and Business and Tax Regulations Code to authorize the addition of an Accessory Dwelling Unit in the construction of a new single-family home or multi-family building; clarifying the ministerial approval process and creating an expedited Board of Appeals process for certain Accessory Dwelling Units in single-family homes meeting specific requirements; 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.

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 Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review; Board of Appeals 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.

03/15/19; REMAIN ACTIVE. 3/15/2019 - The Board of Supervisors adopted Resolution No. 118-19 (File No. 190225) extending the Planning Commission's review period by 90 days; 6/3/2019.

04/08/19; RESPONSE RECEIVED. On March 7, 2019, the Planning Commission met and held a public hearing and recommended approval with modifications of the proposed legislation.

05/20/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Peter Miljanich (Office of the City Attorney); Veronica Flores (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; Jennifer Bieber (San Francisco Tenants Union); Speaker; Speaker; Ozzy Rohm and Anastasia Youvanopolous (Noe Neighborhood Council); Theresa Flandric (Senior and Disability Action); Sonja Trauss; Ben Levi; Jeremy Schaub; spoke in support of the hearing matter. Georgia Schuttish; Michael Murphy; Bruce Bowman; Frank Henderson; Mr. Wright; spoke on various concerns relating to the hearing matter.

05/20/19; CONTINUED AS AMENDED. See duplicated File No. 190590.

05/20/19; DUPLICATED.

*Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Michael Wright; Dylan Casey; Sonja Trauss; Victoria Pierce; Jeremy Schaub; Ryan Patterson; Corey Smith; spoke on various concerns relating to the hearing matter.*

**Vice Chair Safai moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Pages 18-21, to include conforming amendments to the Planning Code, Article 7 tables. The motion carried by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Pages 18-20, to add Planning Department notice requirements to be conducted subsequent to a determination that an application is in compliance with the standards of Planning Code, Section 207(c)(6). The motion carried by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**190590 [Planning, Business and Tax Regulations Codes - Accessory Dwelling Units in New Construction]****Sponsor: Safai**

Ordinance amending the Planning Code and Business and Tax Regulations Code to authorize the addition of an Accessory Dwelling Unit in the construction of a new single-family home or multi-family building; clarifying the ministerial approval process and creating an expedited Board of Appeals process for certain Accessory Dwelling Units in single-family homes meeting specific requirements; amending the requirements of the discretionary approval process under which property owners must subject certain Accessory Dwelling Units to the Rent Ordinance; 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.

05/20/19; CONTINUED AS AMENDED.

05/20/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

05/24/19; REFERRED TO DEPARTMENT. Re- referred to the Planning Commission pursuant to Planning Code Section 302.

*Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Michael Wright; Dylan Casey; Sonja Trauss; Victoria Pierce; Jeremy Schaub; Ryan Patterson; Corey Smith; spoke on various concerns relating to the hearing matter.*

**Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Pages 18-21, to add Planning Department notice requirements to be conducted subsequent to a determination that an application is in compliance with the standards of Planning Code, Section 207(c)(6). The motion carried by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**181153 [Planning Code - Regional Commercial and Folsom Street Neighborhood Commercial Transit Districts, Arts Activities and Nighttime Entertainment Uses]****Sponsor: Haney**

Ordinance amending the Planning Code to allow Arts Activities as a principally permitted use in the RCD (Regional Commercial District), to conditionally permit Nighttime Entertainment uses within the RCD in historic buildings and buildings that contribute to a historic district, to exempt Nighttime Entertainment in the RCD from the 200-foot buffer requirement, and to require a Preservation, Rehabilitation and Maintenance Plan for uses within the Folsom Street Neighborhood Commercial Transit and RCD Districts; 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.

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; Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Historic Preservation Commission, Entertainment Commission, and Arts Commission 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.

02/26/19; RESPONSE RECEIVED. On February 6, 2019, the Planning Commission met and held a meeting and recommended approval with modification.

03/05/19; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Haney introduced a substitute Ordinance bearing a new title.

03/12/19; RESPONSE RECEIVED. The Planning Commission declined to re-hear the matter as the changes were discussed and deliberated over on the February 21, 2019.

03/12/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Historic Preservation Commission, Entertainment Commission, and Arts Commission for informational purposes.

04/24/19; 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.

05/13/19; CONTINUED. Heard in Committee. Speakers: Peter Ziblat (Pelosi Law Group); Amy DeLuc (Saint Joseph's Arts Foundation); spoke on various concerns relating to the hearing matter.

*Heard in Committee. Speakers: Diego Sanchez (Planning Department); Aimee DeLuc (Saint Joseph's Foundation); Peter Ziblat (Pelosi Law Group); Antonio; spoke on various concerns relating to the hearing matter.*

**Member Haney moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6-7, by inserting 'and to principally permit such uses in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street)'; on Page 3, Lines 9-10, by inserting 'except that Nighttime Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street)'; on Page 4, Lines 21-22, by inserting 'except that Nighttime Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street)'; and on Page 5, Lines 23-24, by inserting 'and P in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street)'. The motion carried by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

Ordinance amending the Planning Code to allow Arts Activities as a principally permitted use in the RCD (Regional Commercial District), to conditionally permit Nighttime Entertainment uses within the RCD in historic buildings and buildings that contribute to a historic district and to principally permit such uses in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street), to exempt Nighttime Entertainment in the RCD from the 200-foot buffer requirement, and to require a Preservation, Rehabilitation and Maintenance Plan for uses within the Folsom Street Neighborhood Commercial Transit and RCD Districts; 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.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**190567 [Planning Code - Interim Zoning Moratorium on Change of Nighttime Entertainment Use - One Maritime Plaza Area]**

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

Urgency ordinance approving an interim zoning moratorium for 45 days on changes of nighttime entertainment use in the One Maritime Plaza area bounded by Jackson Street to the north, Sacramento Street to the south, Drumm Street to the west, and Sansome Street to the east; 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.

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

05/21/19; ASSIGNED to Land Use and Transportation Committee. President Yee waived the 30 day rule pursuant to Board Rule 3.23.

05/24/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

05/24/19; NOTICED. 10-Day Notice for 6/3/2019 Land Use and Transportation Committee hearing published in the Examiner and posted, per Planning Code Section 333.

05/24/19; 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.

*Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Jeff Dean; Brooke Heinichen; Ed Ant; spoke in support of the hearing matter.*

**RECOMMENDED AS COMMITTEE REPORT 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 2:23 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Government Audit and Oversight Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.*