



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, July 8, 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, July 8, 2019, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:35 p.m.

ROLL CALL AND ANNOUNCEMENTS

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

AGENDA CHANGES

There were no 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.

01/15/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/14/2019.

01/23/19; 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.

04/17/19; RESPONSE RECEIVED. On April 11, 2019, the Planning Commission conducted a duly noticed public hearing and recommended approval with modifications for the proposed legislation.

06/17/19; CONTINUED. Heard in Committee. Speakers: Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Mr. Wright; Speaker; spoke on various concerns relating to the hearing matter.

06/24/19; CONTINUED. Heard in Committee. Speakers: None.

Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of July 1, 2019. The motion carried by the following vote:

Ayes: 2 - Peskin, Haney
Absent: 1 - Safai

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

Ayes: 3 - Peskin, Safai, Haney

Heard in Committee. Speakers: Diego Sanchez (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Speaker; Karen Curtiss and Ross Levy (American Institute of Architects); spoke in support of the hearing matter. Tom Radulovich, Executive Director (Livable City); Lewis Dillon (Making San Francisco Great Again); spoke on various concerns relating to the hearing matter.

Member Safai moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 9-12, by adding ‘, and 6) provide that specified alterations to nonconforming structures for the purpose of creating habitable space or an Accessory Dwelling Unit are not subject to Section 311 review requirements if the specified requirements are met;’ after ‘residential uses’; on Page 5, Line 3, by striking ‘five’ and replacing it with ‘ten’; on Page 10, Lines 15-21, by adding ‘provided, however, that the Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4) or 207(c)(6), and provided further that the reduction/waiver is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance.’ after ‘whichever is greater;’; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Ordinance amending the Planning Code to 1) require building setbacks for buildings fronting on narrow streets, 2) modify front yard requirements in Residential Districts, 3) increase required rear yards in single-family zoning districts by five percent, 4) amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, 5) allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses, and 6) provide that specified alterations to nonconforming structures for the purpose of creating habitable space or an Accessory Dwelling Unit are not subject to Section 311 review requirements if the specified requirements are met; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Member Safai moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of July 15, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

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.

03/05/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/4/2019.

03/12/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Planning Department for environmental review; Police Department for informational purposes; and Small Business Commission for comment and recommendation.

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.

05/08/19; RESPONSE RECEIVED. On April 8, 2019, the Small Business Commission heard the proposed legislation and recommended approval.

05/21/19; RESPONSE RECEIVED. On May 9, 2019, the Planning Commission conducted a duly noticed public hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speakers: Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Tom Radulovich, Executive Director (Livable City); spoke on various concerns relating to the hearing matter.

Member Safai moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 4-5, by deleting ' Philanthropic Administrative Services, and' after 'Arts Activities'; on Page 1, Line 6, by adding 'and provide that in this District Arts Activities are considered to be active uses;' after 'stories'; on Page 1, Line 9, by adding ' allow Institutional Uses as a principal use on the first and second stories' after 'stories'; on Page 1, Lines 11-13, by adding ' delete the note for an existing ground-floor bar, and require a health service use on the first story that is not a licensed community or free clinic to comply with formula retail controls;' after 'second stories'; on Page 1, Lines 18-19, by adding 'delete Philanthropic Administrative Services from the Code as a separately-defined Institutional Use;'; on Page 5, Lines 6-12, by deleting 'The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards, maintained by the Department's Bureau of Street Use and Mapping. In addition, the business operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of litter associated with the business during business hours in accordance with Article 1, Section 34 of the Police Code.' and replacing it with 'Employees of the establishment shall walk a 100-foot radius from the premises sometime between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by patrons. '; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

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 and provide that in this District Arts Activities are considered to be active uses; revise the Upper Market Neighborhood Commercial Transit (NCT) District controls to allow Arts Activities and Institutional Uses as a principal use on all the first and second stories, allow 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, delete the note for an existing ground-floor bar, and require a health service use on the first story that is not a licensed community or free clinic to comply with formula retail controls; delete the Upper Market NCT District from the requirements for ground floor commercial uses; 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; delete Philanthropic Administrative Services from the Code as a separately-defined Institutional Use; 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.

Member Safai moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of July 15, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

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 Land Use and Transportation Committee, expires on 1/10/2019.

12/17/18; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation; Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Planning Department for environmental review; Entertainment Commission, Office of Economic and Workforce Development, Department of Public Health, Police Department, Fire Department, and Department of Building Inspection for informational purposes.

03/01/19; RESPONSE RECEIVED. On January 28, 2019, the Small Business Commission heard and recommended approval of the proposed legislation; a revised response was received in place of the original.

03/12/19; 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.

03/13/19; RESPONSE RECEIVED. On March 7, 2019, the Planning Commission conducted a duly noticed hearing and recommended approval with modification.

04/01/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Ben VanHouten (Office of Economic and Workforce Development); presented information and answered questions raised throughout the discussion.

06/17/19; CONTINUED. Heard in Committee. Speakers: Supervisor Vallie Brown (Board of Supervisors); Speaker; spoke in opposition of the hearing matter.

06/24/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Benjamin Van Houten (Office Economic and Workforce Development); Audrey Butkus (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Henry Karnilowicz; Eva Lee (Chinatown Merchants Association); Eric Raymond; Aashish Karkhanis; Ben Bleiman (California Music and Culture Association/San Francisco Bar Owner Alliance); Charles Bililias (Souvla); Kathryn Power (North East Medical Services); Peter Papadopoulos (Mission Economic Development Agency); Danny Sauter, President (North Beach Neighbors); spoke in support of the hearing matter. Bruce Livingston, Executive Director (Alcohol Justice); Tes Welborn (Haight Ashbury Neighborhood Council); Kevin Ortiz (Latino Democratic Club); spoke in opposition of the hearing matter. Jim Worshell; Steve Wickwire; Steve Madrid (Cole Valley Improvement Association); spoke on various concerns relating to the hearing matter.

Vice Chair Safai moved that this Ordinance be AMENDMENT, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 5, Lines 9-10, by adding 'Dining areas and bars are not required to be enclosed, provided that no food preparation occurs there other than adding ingredients to a beverage or dispensing into a serving container when the beverage is prepared for immediate service in response to an individual consumer order.' after 'mesh screens.'; on Page 5, Line 16, by striking 'food establishment' and replacing it with 'permanent food facility,;'; on Page 5, Line 16, by striking '27520' and replacing it with 113849'; by updating the definition of 'onsite consumption of food'; by striking the definition for 'Amusement Game Arcade'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin requested this matter be DUPLICATED.

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

Ayes: 3 - Peskin, Safai, Haney

Chair Peskin rescinded his request to DUPLICATE the matter.

06/24/19; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Ben Van Houten (Office of Economic and Workforce Development); Audrey Butkus (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Robert Fruchtman; Henry Karnilowicz; spoke in support of the hearing matter. Bruce Wolfe (Alcohol Justice); spoke in opposition of the hearing matter. Mr. Wright; Steve Wilgewire; Jay Cheng (San Francisco Chamber of Commerce); Yemin Kim and Rica Lee (Democratic Club); Tess Welborn; Speaker; Lewis Dillon (Making San Francisco Great Again); spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of July 22, 2019. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Supervisor Safai was noted absent at 4:21 p.m. and for the remainder of the meeting.

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.

04/16/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/16/2019.

04/22/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Small Business Commission for comment and recommendation.

05/06/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines 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.

Heard in Committee. Speakers: Deborah Raphael, Director (Department of the Environment); presented information and answered questions raised throughout the discussion. Miriam Gordon (Upstream); Kathy Brown; spoke in support of the hearing matter. Mr. Wright; spoke in opposition of the hearing matter. Speaker; Speaker; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 17-19, by deleting finding (k) and re-lettering the finding accordingly; on Page 4, Lines 4-6, by deleting '(o) At the Global Climate Action Summit in September 2018, Mayor Breed committed San Francisco to new waste reduction targets that will require the City to reduce total waste generation by 15%, and cut waste sent to landfill by 50%, by 2030.' and replacing it with ' At the Global Climate Action Summit in September 2018, Mayor Breed updated San Francisco's zero waste goal by committing to reduce citywide waste generation by 15% and materials disposed 50% by 2030 based on 2015 levels.'; and on Page 4, Lines 16-25, by updating the definition for Compostable Pre-Checkout Bag. The motion carried by the following vote:

Ayes: 2 - Peskin, Haney

Absent: 1 - Safai

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

Ayes: 2 - Peskin, Haney

Absent: 1 - Safai

Chair Peskin requested that File Nos. 190652 and 190654 be called together.

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.

06/04/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speaker: Mr. Wright; spoke on various concerns relating to the hearing matter.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Haney

Absent: 1 - Safai

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.

06/04/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/4/2019.

Heard in Committee. Speaker: Mr. Wright; spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this matter be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of September 3, 2019. The motion carried by the following vote:

Ayes: 2 - Peskin, Haney

Absent: 1 - Safai

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.

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).

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.

Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of September 9, 2019. The motion carried by the following vote:

Ayes: 2 - Peskin, Haney

Absent: 1 - Safai

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 4:49 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.