



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 15, 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 15, 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

07/08/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 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.

07/08/19; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Tom Rudulovich (Livable City); Karen Curtiss (American Institutes of Architects); Ananya Mishra; spoke on various concerns relating to the hearing matter.

AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 10, Line 18, by striking 'or 207(c)(6)'; on Page 13, Lines 8-9, by adding ', except in the North Beach-Telegraph Hill Residential Special Use District,' after 'provided, however, that'; on Page 13, Lines 8-9, by striking 'or 207(c)(6)'; and on Page 16, Line 8, by striking 'RM'. 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.

RECOMMENDED AS AMENDED 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.

07/08/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 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.

07/08/19; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion. Tom Rudulovich (Livable City); spoke on various concerns relating to the hearing matter.

AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 10, on Lines 14 and 19, by adding '(8)' after 'P'; and on Page 12, Lines 5-9, by striking '(8) Within the Upper Market Neighborhood Commercial Transit District, up to four mechanical amusement devices are considered an accessory use and up to ten mechanical amusement devices will be considered an Amusement Game Arcade use.' and replacing it with **'(8) Arts Activities and Institutional Community Uses in the Upper Market Street NCT District are considered to be "active uses," as defined in Section 145.4 of this Code.'** 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.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Safai, Haney

180939 [Planning Code, Zoning Map - Oceanview Large Residence Special Use District]**Sponsor: Safai**

Ordinance amending the Planning Code and Zoning Map to create the Oceanview Large Residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, Geneva Avenue, and Interstate 280), to promote and enhance neighborhood character and affordability by requiring Conditional Use authorization for large residential developments in the 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

09/25/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/25/2018.

10/03/18; 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.

11/01/18; 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.

11/30/18; NOTICED. 10-Day Notice for 12/10/2018 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

12/10/18; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

01/02/19; REMAIN ACTIVE. 12/11/2018 - The Board of Supervisors adopted Resolution No. 438-18 (File No. 181190) extending the Planning Commission's review period by 90 days; 4/1/2019.

03/29/19; REMAIN ACTIVE. 3/19/2019 - The Board of Supervisors adopted Resolution No. 151-19 (File No. 190297) extending the Planning Commission's review period by 90 days; 6/30/2019.

04/30/19; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

05/03/19; 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

06/13/19; 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.

06/20/19; RESPONSE RECEIVED. On June 13, 2019, the Planning Commission conducted a duly noticed public hearing and recommended approval of the proposed legislation.

07/05/19; NOTICED. 10-Day Notice for 7/15/2019 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speakers: Diego Sanchez (Planning Department); presented information and answered questions raised throughout the discussion. Steven R. Currier; spoke in support of the hearing matter. Mr. Wright; Mark Romero; spoke on various concerns relating to the hearing matter.

Vice Chair Safai moved that this Ordinance be AMENDED, on Page 3, Line 18, by correcting the ratio. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

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

Ayes: 3 - Peskin, Safai, Haney

190689 [Interim Zoning Control - Conditional Use Authorization Required for a Change of Use from Nighttime Entertainment to Another Use Allowed in the Defined South of Market Area]

Sponsors: Haney; Mandelman

Resolution imposing an interim zoning control for an 18-month period requiring conditional use authorization for a change in use from nighttime entertainment to any other use allowed in the area South of Market Street bounded by the southwest side of 12th Street to the southwest side of 5th Street and the south side of Market Street to the south side of Harrison Street; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

06/11/19; ASSIGNED to Land Use and Transportation Committee. President Yee waived the 30 Day Rule pursuant to Board Rule 3.22.

06/19/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

06/25/19; 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.

07/03/19; NOTICED. 10-Day Notice for 7/15/2019 Land Use and Transportation Committee hearing published in the Examiner and posted, per Planning Code Section 333.

Heard in Committee. Speakers: Kristen Sajonas (Bill Sorro Housing Program); Speaker; Rob Cassenova; Chris Sanders (Mezzanine/Popgang Records); Erin Venable (Mezzanine); Mark Remy; Deborah Jackman (Mezzanine); Speaker; Ananya Mishra (GCODE); Michael Lee; Anita Oshowa and Sarah West (Mezzanine); Josh Armstrong; Jenna Kramski; Mr. Wright; Jim Vargas; spoke in support of the hearing matter. Todd Chritton (Microbiz Security Company); Inga Miller (Miller Property Law); spoke in opposition of the hearing matter. Clarity Burke; Ben Bleiman (San Francisco Bar Alliance); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Peskin, Safai, Haney

Member Haney was noted absent at 2:48 p.m.

190458 [Planning, Administrative Codes - North of Market Affordable Housing Fees and Citywide Affordable Housing Fund]

Sponsor: Mayor

Ordinance amending the Planning Code and the Administrative Code to abolish the North of Market Affordable Housing Fund and have certain fees collected in conjunction with North of Market affordable housing deposited in the Citywide Affordable Housing Fund; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

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

05/07/19; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302 for public hearing and recommendation and pursuant to Board Rules of Order 3.22 for review and comment.

06/04/19; 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.

06/25/19; RESPONSE RECEIVED. On June 13, 2019, the Planning Commission met and held a duly noticed meeting and recommended approval with modifications for the proposed legislation.

Heard in Committee. Speakers: Amy Chan (Mayor's Office of Housing and Community Development); Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Mr. Wright; spoke on various concerns relating to the hearing matter.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Safai

Absent: 1 - Haney

190459 [Planning Code - Temporary Uses: Intermittent Activities]**Sponsor: Brown**

Ordinance amending the Planning Code to allow operation of a farmers market on the Department of Motor Vehicles Field Office parking lot at 1377 Fell Street by allowing an intermittent activity to be located on a lot with a public facility in specified residential zoning 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.

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

05/07/19; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Supervisor Brown introduced a substitute Ordinance bearing a new title.

05/15/19; 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.

06/13/19; RESPONSE RECEIVED. CEQA clearance under Planning Department Case No. 2019-012081ENV.

07/02/19; RESPONSE RECEIVED. On June 20, 2019, the Planning Commission met and held a duly noticed meeting and recommended approval of this proposed legislation.

Heard in Committee. Speaker: Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Safai

Absent: 1 - Haney

Member Haney was noted present at 2:56 p.m.

190598 [Public Works Code - Personal Wireless Service Facility Site Permits]

Ordinance amending the Public Works Code to modify the requirements for obtaining Personal Wireless Service Facility Site Permits; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

05/24/19; RECEIVED FROM DEPARTMENT.

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

06/19/19; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Recreation and Parks Department, Department of Public Health, and Planning Department for informational purposes.

06/26/19; REFERRED TO DEPARTMENT. Referred to the Board of Appeals and the Office of the Controller for informational purposes.

07/11/19; 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. Any future physical changes would require environmental review.

Heard in Committee. Speakers: Deborah Lutske and Jeremy Spitz (Public Works); presented information and answered questions raised throughout the discussion. Mr. Wright; spoke on various concerns relating to the hearing matter.

AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding '1500, 1506, 1521, and 1522' to the list of Public Works Code Sections being revised; on Page 2, Line 19, by adding 'Permit Prohibited.' after (c); on Page 2, Lines 21 and 23, by striking ', Transit, or Street Light' and 'or Street Light'; on Page 12, Lines 12 and 18, by adding 'the Department,; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Haney

Ordinance amending the Public Works Code to modify certain of the requirements for obtaining Personal Wireless Service Facility Site Permits, including the requirements for public notice and adjustment of permit fees; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

RECOMMENDED AS AMENDED 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 3:01 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.