



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, Dean Preston

Clerk: Erica Major (415) 554-4441

Monday, January 13, 2020

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Ahsha Safai, and Dean Preston

The Land Use and Transportation Committee met in regular session on Monday, January 13th, 2020, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:32 p.m.

ROLL CALL AND ANNOUNCEMENTS

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

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

190973 [Health Code - Approving a New Location for a Permittee's Medical Cannabis Dispensary Permit]**Sponsor: Haney**

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department's determination under the California Environmental Quality Act.

09/24/19; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 10/24/2019.

10/04/19; REFERRED TO DEPARTMENT. Referred to the Office of Cannabis, the Planning Department, the Department of Building Inspection, the Mayor's Office on Disability, the Fire Department, and the Department of Public Health for informational purposes. Referred to the Planning Department for environmental review. Referred to the Small Business Commission for comment and review.

10/29/19; RESPONSE RECEIVED. On October 28, 2019, the Small Business Commission met and recommended approval of the ordinance.

12/04/19; TRANSFERRED to Land Use and Transportation Committee. President Yee transferred this matter to the Land Use and Transportation Committee, from the Public Safety and Neighborhood Services Committee.

12/05/19; 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.

12/09/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Honey Mahogany (Office of Supervisor Matt Haney); presented information and answered questions raised throughout the discussion. Bram Goodman (San Francisco Social Club); Gilbert Gonego; Gregory Ledbetter (Black and Brown); Shane Ewing; Larry Ferree; Junebug (Rose Kenyon Group); Kenya Sager (Axis); Gabriel Padilla (Releaf Herbal Coop); Edward; Sean; Denise Torrey; Reese Fenton; Speaker; Franko; Tee Espinoza; Aaron Mitchell; Antoine Brooks (Wolfman America); Adam Steiner; Randall Larson (Relief); Gregory Mills; Pamela Blart; Victor Fleming (Releaf); Robert Jones; Rudy Corpus; Nena Parks; Mark A. Mark; Ryan Miller; Don Ron; Speaker; Julie Sinclair; Heidi Canli; Von Reyes; Ms. Fang Su; Morris Moreno; Antoine; spoke in support of the hearing matter.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6-10, by adding 'the permittee, if a natural person, or a natural person who is verified Equity Applicant, was identified as an applicant or as a person who would be "engaged in the management of the medical cannabis dispensary," on the original Article 33 permit application submitted on or before January 5, 2018,'; on Page 3, Lines 1-7, by adding '(C) The Grandfathered MCD Permittee, if a natural person, or a natural person verified as an Equity Applicant by the Office of Cannabis and exercising ownership and/or control with respect to the Grandfathered MCD Permittee in accordance with at least one of the criteria in Section 1604(b)(3) of the Police Code, was listed in the Grandfathered MCD Permittee's Article 33 permit application submitted on or before January 5, 2018, as either an applicant or as a person who would be "engaged in the management of the medical cannabis dispensary," in accordance with Section 3304(c)(2) of the Health Code.'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Ordinance amending the Health Code to authorize the Director of the Department of Public Health to allow an existing Medical Cannabis Dispensary permittee to operate under that permit at a new location, provided the permittee has been verified by the Office of Cannabis as an Equity Applicant under the Police Code, the permittee, if a natural person, or a natural person who is a verified Equity Applicant, was identified as an applicant or as a person who would be “engaged in the management of the medical cannabis dispensary,” on the original Article 33 permit application submitted on or before January 5, 2018, the permittee has been evicted from the location associated with the permit or been notified by the landlord that the lease would be terminated or not renewed, the new location has an existing authorization for Medical Cannabis Dispensary Use, the permittee has complied with all requirements of Article 33 of the Health Code (the Medical Cannabis Act) with respect to the new location, and the permittee satisfies the provisions of Article 33 regarding authorization by the Office of Cannabis to sell Adult Use Cannabis; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of January 27, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

191260 [Planning Code, Zoning Map - Establishing 12 Named Neighborhood Commercial Districts]**Sponsors: Ronen; Fewer, Walton, Haney, Preston, Yee, Peskin and Safai**

Ordinance amending the Planning Code to establish 1) the Inner Balboa Street Neighborhood Commercial District (NCD) generally including the properties along Balboa Street between 2nd and 8th Avenues, 2) the Outer Balboa Street NCD generally including the properties along Balboa Street between 32nd and 39th Avenues, 3) the Bayview NCD generally including the properties along 3rd Street from Yosemite to Jerrold Avenues, 4) the Cortland Avenue NCD generally including the properties along Cortland Avenue between Bonview and Folsom Streets, 5) the Geary Boulevard NCD generally including the properties along Geary Boulevard between Masonic and 28th Avenues, 6) the Mission Bernal NCD generally including the properties along Mission Street between Cesar Chavez and Randall Streets, 7) the San Bruno Avenue NCD generally including the properties along San Bruno Avenue between Hale and Olmstead Streets, 8) the Cole Valley NCD generally including the properties along Cole Street from Frederick to Grattan Streets and some parcels north of Carl Street and south of Parnassus, 9) the Lakeside Village NCD generally including the properties along Ocean Avenue between Junipero Serra Boulevard to 19th Avenue, 10) the Lower Haight Street NCD generally including the properties along Haight Street between Webster and Steiner Streets, 11) the Lower Polk Street NCD generally including non-contiguous properties along Polk Street from Geary Boulevard to Golden Gate Avenue with frontage on Geary Boulevard, Golden Gate Avenue, and other side streets, and 12) the Inner Taraval NCD generally including the properties along Taraval Street from 19th to Forest Side Avenues; amending the Zoning Map to include the new Neighborhood Commercial 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 welfare under Planning Code, Section 302.

12/10/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/9/2020.

12/17/19; 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.

12/17/19; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

12/19/19; 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.

12/23/19; REFERRED TO DEPARTMENT. Referred (version 2) to Planning Department for environmental review; Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b).

01/03/20; NOTICED. 10-Day Notice for 1/13/2020 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

01/10/20; RESPONSE RECEIVED. The Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

Heard in Committee. Speakers: Amy Beinart (Office of Supervisor Hillary Ronen); Audrey Merlone (Planning Department); presented information and answered questions raised throughout the discussion.

Supervisors Peskin and Safai requested to be added as a co-sponsor.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, updating the zoning tables to include a cross reference to Planning Code, Section 207.7: on Page 6, Lines 14-15; on Page 13, Line 25; on Page 21, Line 8; on Page 28, Line 15; on Page 36, Line 15; on Page 43, Line 21; on Page 59, Line 13; and by striking 'esidential' to reference 'R District' in place of 'Residential District'; on Page 52, Line 4; on Page 67, Line 2; on Page 67, Line 3; on Page 74, Line 5; on Page 74, Line 7; on Page 81, Line 13; on Page 81, Line 15; on Page 89, Line 5, and on Page 89, Line 7. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

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

Ayes: 3 - Peskin, Safai, Preston

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.

07/15/19; RECOMMENDED. 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.

07/23/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/23/19; RE-REFERRED AS AMENDED to Land Use and Transportation Committee.

07/25/19; 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.

07/25/19; RESPONSE RECEIVED. The Planning Commission considered the proposed amendment at their hearing on June 13, 2019 and included the amendment in their recommendation to the Board. The Planning Commission declined to rehear the item.

07/26/19; 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.

01/03/20; NOTICED. First 10-Day Fee Ad for 1/3/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

01/08/20; NOTICED. Second 10-Day Fee Ad for 1/3/2020 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

Heard in Committee. Speakers: None.

Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting of January 27, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

180969 [Plumbing Code - Cross-Connection Control]

Ordinance amending the Plumbing Code to delete the local amendment to the California Plumbing Code referring to the San Francisco Public Utilities Commission's Rules and Regulations in the section on Cross-Connection Control; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

10/01/18; RECEIVED FROM DEPARTMENT.

10/16/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/15/2018.

10/23/18; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

10/24/18; REFERRED TO DEPARTMENT. Referred to the Public Utilities Commission for informational purposes.

11/01/18; 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.

12/03/18; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Steve Panelli and Mike Mitchell (Department of Building Inspection); presented information and answered questions raised throughout the discussion. John Scarpulla (Public Utilities Commission); Ni To; spoke on various concerns relating to the hearing matter.

08/26/19; RESPONSE RECEIVED. 8/21/2019 - The Building Inspection Commission voted unanimously to recommend approval of the proposed Ordinance.

09/16/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: John Scarpulla (Public Utilities Commission); Dr. June Weintraub (Department of Public Health); presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 5-7, by adding ‘,and to add local cross-connection controls for beverage dispensers and industrial water chillers and a testing requirement for backflow prevention assemblies or devices’; updating the Building Inspection Commission’s review date; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Ordinance amending the Plumbing Code to delete the local amendment to the California Plumbing Code referring to the San Francisco Public Utilities Commission's Rules and Regulations in the section on Cross-Connection Control, and to add local cross-connection controls for beverage dispensers and industrial water chillers and a testing requirement for backflow prevention assemblies or devices; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of January 27, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Chair Peskin requested that File Nos. 191179 and 191181 be called together.

191179 [Resolution of Intent to Vacate Streets - A Portion of Vallejo Street Right-of-Way and a Portion of Davis Street Right-of-Way - Teatro ZinZanni Project]

Sponsor: Mayor

Resolution declaring the intention of the Board of Supervisors to order the vacation of the Vallejo Street right-of-way generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001, and Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street and The Embarcadero and a portion of the Davis Street right-of-way generally located between Broadway Street and The Embarcadero, as part of the improvements for the Teatro ZinZanni hotel, theater, and public park development project on Seawall Lots 323 and 324; and setting the hearing date for all persons interested in the proposed vacation of said public right-of-way.

11/19/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speaker: Ricky Tijani (Port Department);; presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding the reference of the Committee of the Whole date of February 11, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

Resolution declaring the intention of the Board of Supervisors to order the vacation of the Vallejo Street right-of-way generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001, and Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street and The Embarcadero and a portion of the Davis Street right-of-way generally located between Broadway Street and The Embarcadero, as part of the improvements for the Teatro ZinZanni hotel, theater, and public park development project on Seawall Lots 323 and 324; and setting a hearing date for the Board of Supervisors to sit as a Committee of the Whole on February 11, 2020, for all persons interested in the proposed vacation of said public right-of-way.

Chair Peskin moved that this Resolution be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

191181 [Street Vacation - Vallejo Street and Davis Street Right-of-Ways - Teatro ZinZanni Development Project]

Sponsor: Mayor

Ordinance ordering the vacation of streets on a portion of the Vallejo Street right-of-way, generally bounded by Assessor's Parcel Block No. 0138, Lot No. 001, and Assessor's Parcel Block No. 0139, Lot No. 002, between Davis Street and The Embarcadero and a portion of the Davis Street right-of-way as part of improvements for the Teatro ZinZanni hotel, entertainment venue, and public open space project; making findings about the Mitigated Negative Declaration 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.

11/19/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/19/2019.

Heard in Committee. Speaker: Ricky Tijani (Port Department);; presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of February 11, 2020. The motion carried by the following vote:

Ayes: 3 - Peskin, Safai, Preston

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:56 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.