



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: Mark Farrell, Aaron Peskin, Katy Tang

Clerk: Alisa Somera (415) 554-7711

Monday, April 24, 2017

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Mark Farrell, Aaron Peskin, and Katy Tang

The Land Use and Transportation Committee met in regular session on Monday, April 24, 2017, with Chair Mark Farrell presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Farrell called the meeting to order at 1:36 p.m. On the call of the roll, Chair Farrell, Vice Chair Peskin, and Member Tang were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

170206 [Planning Code - Off-Street Parking and Loading Requirements]**Sponsor: Farrell**

Ordinance amending the Planning Code to clarify and consolidate language, delete redundancies and outdated provisions, correct typographical errors and erroneous cross-references, and make minor substantive changes to update provisions in various sections that deal with parking and loading requirements; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

02/28/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2017.

03/08/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); to Small Business Commission for comment and recommendation; and to Municipal Transportation Agency, Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; Entertainment Commission; San Francisco Unified School District; and Department of Building Inspection for informational purposes.

03/23/17; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

04/17/17; CONTINUED. Heard in Committee. Speakers: Tom Radulovich; Kristy Wong (SPUR); spoke in support of the proposed legislation.

Heard in Committee. Speakers: Diego Sanchez (Planning Department); Dillon Auyoung (Municipal Transportation Agency); presented information and answered questions raised throughout the discussion.

Vice Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 5-9, by striking 'and make minor substantive changes to update provisions in various sections that deal with parking and loading requirements' and adding 'base required or allowed off-street parking and loading areas on Occupied Floor Area rather than Gross Floor Area, and consolidate and update the multiple provisions for establishing the maximum quantities of accessory parking that in some cases would result in a reduction in parking'; Page 1, Line 22, through Page 2, Line 1, by clarifying the California Environmental Quality Act determination; Page 2, Line 15, by adding '249.75, 249.76'; Page 3, Lines 11, 18, and 23, by adding '303(t) or (u)'; on Page 13, Line 22, by adding 'and' and striking 'and Upper Market'; Page 16, Lines 10-11, by adding 'and' and striking 'and Upper Market'; Page 21, Lines 4 and 8, by striking 't' and adding 'u'; Page 50, Lines 7 and 19, by adding 'not'; Page 60, Lines 9-11, by adding 'None required' and striking '500 sq. ft. when lot size over 20,000 sq. ft.'; and other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Ordinance amending the Planning Code to clarify and consolidate language, delete redundancies and outdated provisions, correct typographical errors and erroneous cross-references, base required or allowed off-street parking and loading areas on Occupied Floor Area rather than Gross Floor Area, and consolidate and update the multiple provisions for establishing the maximum quantities of accessory parking that in some cases would result in a reduction in parking; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

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

Ayes: 3 - Farrell, Peskin, Tang

160281 [Planning Code - Dwelling Unit Mix Requirements]**Sponsors: Yee; Farrell**

Ordinance amending the Planning Code to add an additional option for the dwelling unit mix of large buildings in specified zoning districts to allow developers to have a mix of two- and three-bedroom units that results in no less than 35% of the total number of proposed units having two or three bedrooms with at least 10% of the total number of proposed units having three bedrooms; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

03/22/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/21/2016.

03/29/16; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302.(b)); Department of Building Inspection; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; and Rent Board for informational purposes.

04/04/16; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

05/17/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

05/24/16; REFERRED TO DEPARTMENT. Re-referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302.(b)); Department of Building Inspection; Mayor's Office of Housing and Community Development; Office of Community Investment and Infrastructure; and Rent Board for informational purposes.

06/03/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

06/21/16; RESPONSE RECEIVED. On June 16, 2016, the Planning Commission held a public hearing and recommended approval of the proposed legislation with modifications; Resolution No. 19667.

04/17/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor Farrell requested to be added as a co-sponsor.

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Aaron Starr (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Eric Tao; Corey Smith; Kristy Wong (SPUR); Tony Kelley; spoke in support of the proposed legislation.

04/17/17; CONTINUED AS AMENDED.

Heard in Committee. Speaker: Supervisor Norman Yee (Board of Supervisors); presented information and answered questions raised throughout the discussion.

Member Tang moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

160019 [Administrative Code, Planning Code - Designated Child Care Units]**Sponsors: Yee; Peskin**

Ordinance amending the Planning Code to require that if a developer elects to provide Designated Child Care Units in lieu of paying the Residential Child Care Impact Fee for a project with ten or more affordable units, any Designated Child Care Unit must be an affordable unit; 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 a finding of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

01/12/16; DUPLICATED. Duplicated from File No. 150793.

01/12/16; REFERRED to Land Use and Transportation Committee. Duplicated from File No. 150793.

01/19/16; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); Small Business Commission for review and recommendation; Youth Commission for review and recommendation (per Charter, Section 4.124); and Department of Building Inspection, Human Services Agency, and Office of Economic and Workforce Development for informational purposes.

10/25/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Yee submitted a substitute Ordinance bearing a new title.

11/01/16; REFERRED TO DEPARTMENT. Referred substitute legislation (version 2) to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); to Small Business Commission for comment and recommendation; to Youth Commission for comment and recommendation, pursuant to Charter Section 4.124; and to Department of Building Inspection, Human Services Agency and Office of Economic and Workforce Development for informational purposes.

11/02/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

11/10/16; 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.

11/23/16; RESPONSE RECEIVED. 11/21/2016 - The Youth Commission held a hearing and voted unanimously to support the proposed legislation.

04/18/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Yee submitted a substitute Ordinance bearing a new title.

04/19/17; REFERRED TO DEPARTMENT. Referred substitute legislation (version 3) to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); to Small Business Commission for comment and recommendation; to Youth Commission for comment and recommendation, pursuant to Charter Section 4.124; and to Department of Building Inspection, Human Services Agency and Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Aaron Starr (Planning Department); Graham Dobson (Office of Early Care and Education); presented information and answered questions raised throughout the discussion. Beatrice Gibson; Anna Moreno; Michelle Lundy; Maria Wistoria; Female Speaker; Marie Lazuda; spoke in support of the proposed legislation.

Member Tang moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Chair Farrell requested File Nos. 170203 and 170204 be called and heard together.

170203 [Planning Code - Article 7 Reorganization; Technical and Other Amendments]

Sponsor: Mayor

Ordinance amending the Planning Code to reorganize Article 7 and to update, correct, clarify, and simplify Code language in other Planning Code Sections; requiring Conditional Use authorization for Bars, and Liquor Stores on the first floor in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts ("NCDs"); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; prohibit Kennels, Large Scale Urban Agriculture, Business Hours from 2 a.m. to 6 a.m., and the demolition or merge of units on the second story and above in the North Beach NCD; preserve the small storefronts, street frontage and prohibit vehicular access on certain streets within the North Beach NCD and "SUD"; create the definition of Special Food Manufacturing and amending the Eating and Drinking Controls for the North Beach SUD; 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 convenience, necessity, and welfare under Planning Code, Section 302.

02/28/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2017.

03/08/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); to Small Business Commission for comment and recommendation; and to Department of Building Inspection for informational purposes.

03/09/17; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15060(c) and 15378 because it does not result in a physical change in the environment.

04/14/17; RESPONSE RECEIVED. 3/27/2017 - The Small Business Commission voted to recommend approval of the proposed legislation.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Anastasia Yonopolis; Eileen Boken; spoke in opposition to the proposed legislation.

Member Tang moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 35, Lines 15-16, by adding 'use primarily serving persons under 18 years of age and which consists of the following', Lines 17-18, by striking 'that primarily serves persons under 18 years of age'; and in Planning Code, Section 303.1, by listing 'Retail Sales and Service uses' that are not considered 'Formula Retail', adding a separate list of 'Formula Retail' for Article 8; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Member Tang requested that this Ordinance be DUPLICATED AS AMENDED.

See duplicated File No. 170466.

Member Tang moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

170466 [Planning Code - Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts; Conditional Use authorization for Bars, Liquor Stores, and Medical Cannabis Dispensaries]

Sponsor: Mayor

Ordinance amending the Planning Code to reorganize Article 7 and to update, correct, clarify, and simplify Code language in other Planning Code Sections; requiring Conditional Use authorization for Bars, and Liquor Stores on the first floor in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts (“NCDs”); enacting permanent controls requiring Conditional Use authorization for Medical Cannabis Dispensaries in the Noriega, Irving, Taraval, and Judah NCDs; require Conditional Use authorization for Personal Services on the second floor in the Noriega, Irving, Taraval, and Judah NCDs; prohibit Kennels, Large Scale Urban Agriculture, Business Hours from 2 a.m. to 6 a.m., and the demolition or merge of units on the second story and above in the North Beach NCD; preserve the small storefronts, street frontage and prohibit vehicular access on certain streets within the North Beach NCD and “SUD”); create the definition of Special Food Manufacturing and amending the Eating and Drinking Controls for the North Beach SUD; 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 convenience, necessity, and welfare under Planning Code, Section 302.

Duplicated from File No. 170203.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Anastasia Yonopolis; Eileen Boken; spoke in opposition to the proposed legislation.

Member Tang moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding language to require conditional use authorization for bars, liquor stores, and medical cannabis dispensaries on the first story, and for personal services on the second story, in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts; and striking all other code language and references. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Ordinance amending the Planning Code to require in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts a Conditional Use authorization for Bars, Liquor Stores, and Medical Cannabis Dispensaries on the first story and for Personal Services on the second story; 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

Ayes: 3 - Farrell, Peskin, Tang

170204 [Planning Code - Deletion of Duplicate Definitions and Outdated Article 7 Zoning Control Tables]**Sponsor: Mayor**

Ordinance amending Planning Code, Article 7, to delete Zoning Control Tables that are superseded by new Zoning Control Tables in a companion ordinance and to delete duplicate definitions previously relocated to Article 2 and related outdated text; 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.

02/28/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/30/2017.

03/08/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); to Small Business Commission for comment and recommendation; and to Department of Building Inspection for informational purposes.

03/09/17; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15060(c) and 15378 because it does not result in a physical change in the environment.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Anastasia Yonopolis; Eileen Boken; spoke in opposition to the proposed legislation.

Member Tang moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:50 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.