



**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 24, 2019**

**1:30 PM**

**City Hall, Committee Room 263**

**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 Monday, June 24, 2019, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 1:30 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 1:33 p.m.*

**AGENDA CHANGES**

*There were no agenda changes.*

**REGULAR AGENDA**

**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 23 liquor license 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 reduce the distance measured 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 as a permitted use an Outdoor Activity Area operated between 6 a.m. to 10 p.m., and to allow Limited Restaurant use as an Accessory Use; 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.

*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 Kamilowicz; Eva Lee (Chinatown Merchants Association); Eric Raymond; Aashish Karkhanis; Ben Bleiman (California Music and Culture Association/San Francisco Bar Owner Alliance); Charles Billilies (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.

**Chair Peskin moved that this Ordinance be AMENDED, 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

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.

**Chair Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of July 8, 2019. The motion carried by the following vote:**

Ayes: 3 - Peskin, Safai, Haney

**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.

*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*

**Chair Peskin moved that this Ordinance be CONTINUED to the Land Use and Transportation Committee meeting on July 8, 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 3:11 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.*