



**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: Erica Major (415) 554-4441*

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**Monday, September 11, 2017**

**1:30 PM**

**City Hall, Legislative Chamber, Room 250**

**Regular Meeting**

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

*The Land Use and Transportation Committee met in regular session on Monday, September 11, 2017, with Chair Mark Farrell presiding.*

**ROLL CALL AND ANNOUNCEMENTS**

*Chair Farrell called the meeting to order at 1:42 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**

**170419 [Planning Code - North Beach, Telegraph Hill, Broadway and Chinatown Area Controls]****Sponsor: Peskin**

Ordinance amending the Planning Code to support Legacy Businesses; expand the definition of historic buildings and impose additional requirements in the Broadway Neighborhood Commercial District (NCD) and North Beach Special Use District (SUD); prohibit certain uses in the North Beach SUD; reduce the lot size limit in the North Beach SUD; modify the requirements for approval of parking garages in the Telegraph Hill-North Beach Residential SUD, the North Beach NCD, and Chinatown Mixed Use Districts; revise the definition of Formula Retail; 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 findings of public convenience, necessity, and welfare under Planning Code, Section 302.

04/11/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/11/2017.

04/21/17; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for public hearing and recommendation pursuant to Planning Code, Section 302(b); Small Business Commission for comment and recommendation; and to Public Works, Mayor's Office of Housing and Community Development, and Police Department for informational purposes.

04/28/17; 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.

07/11/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. 7/11/17 - Supervisor Peskin introduced a substitute Ordinance bearing a new title.

07/14/17; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation (per Planning Code, Section 302 (b)); Planning Department for environmental review; Small Business Commission for comment and recommendation; Public Works, Mayor's Office of Housing and Community Development, and Police Department for informational purposes.

07/18/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Peskin introduced a substitute Ordinance bearing a new title.

07/19/17; 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.

07/19/17; REFERRED TO DEPARTMENT. Referred to Public Works, Mayor's Office of Housing and Community Development, and Police Department for informational purposes; Small Business Commission for comment and recommendation; Planning Department for environmental review; Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b);

08/04/17; 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.

09/05/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Peskin introduced a substitute Ordinance bearing a new title.

09/07/17; REFERRED TO DEPARTMENT. Referred to Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b); Planning Department for environmental review; Small Business Commission for comment and recommendation; Public Works, Mayor's Office of Housing and Community Development, and Police for informational purposes.

09/07/17; 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.

*Heard in Committee. Speakers: Diego Sanchez (Planning Department); Colleen Chawla (Department of Public Health); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Lauren Kahn; Stan Hayes (Telegraph Hill Dwellers); Milo Trauss (San Francisco Union Party); spoke in support of the hearing matter.*

Laura Clark (YIMBY); Cory Smith; spoke in opposition of the hearing matter. DeeDee Workman (San Francisco Chamber of Commerce); Ace Washington; spoke neither in support nor against the hearing matter.

**Vice Chair Peskin requested that this Ordinance be DUPLICATED.**

*See duplicated File No. 170982.*

**Vice Chair Peskin moved that this Ordinance be AMENDED, by striking Section 303.1 from the proposed Ordinance. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

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

Ayes: 3 - Farrell, Peskin, Tang

**170982 [Planning Code - North Beach, Telegraph Hill, Broadway and Chinatown Area Controls; Formula Retail]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to support Legacy Businesses; expand the definition of historic buildings and impose additional requirements in the Broadway Neighborhood Commercial District (NCD) and North Beach Special Use District (SUD); prohibit certain uses in the North Beach SUD; reduce the lot size limit in the North Beach SUD; modify the requirements for approval of parking garages in the Telegraph Hill-North Beach Residential SUD, the North Beach NCD, and Chinatown Mixed Use Districts; reduce off-street parking spaces permitted for residential uses in the Telegraph Hill-North Beach Residential SUD, and the Broadway and North Beach NCDs; revise the definition of Formula Retail; and 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 convenience, necessity, and welfare under Planning Code, Section 302.

*Duplicated from File No. 170419*

**Vice Chair Peskin moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

**170837 [Building Code - Mandatory Disability Access Improvements - Extension of Time For Compliance and Report to the Board of Supervisors]****Sponsor: Tang**

Ordinance amending Chapter 11D of the Building Code to extend the time for compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

07/18/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/17/2017.

07/21/17; REFERRED TO DEPARTMENT. Referred to the Mayor's Office on Disability and the Department on Building Inspection for informational purposes.

08/23/17; RESPONSE RECEIVED. On August 14, 2017, the Small Business Commission voted (6-0, 1 absent) to recommend that the Board of Supervisors approve the proposed ordinance.

*Heard in Committee. Speakers: None.*

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

Ayes: 3 - Farrell, Peskin, Tang

**170733 [Subdivision Code - Transfer Subdivision Maps]**

Ordinance amending the Subdivision Code to allow subdivision map applicants to apply for and obtain final or parcel transfer subdivision maps that are for conveyancing and/or financing purposes only, but do not grant any development rights; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/20/2017.

06/28/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

07/03/17; RESPONSE RECEIVED. Not defined as a project under CEQA Section 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

*Heard in Committee. Speakers: Javier Rivera (Public Works); presented information and answered questions raised throughout the discussion. Ace Washington; spoke neither in support nor against the hearing matter.*

**Vice Chair Peskin moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

**170748 [Hearing - Planning Department's Housing Balance Report No. 5]****Sponsor: Kim**

Hearing on the Planning Department's Housing Balance Report No. 5, dated May 12, 2017; and requesting the Planning Department and the Mayor's Office of Housing and Community Development to report.

06/13/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

06/21/17; REFERRED TO DEPARTMENT. Referred to the Planning Department and the Mayor's Office of Housing and Community Development for informational purposes and requesting the departments to report.

*Heard in Committee. Speakers: None.*

**Vice Chair Peskin moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

**170884 [Urging the Recreation and Parks Commission to Remove the Name of Justin Herman from the Plaza on The Embarcadero]****Sponsors: Peskin; Breed, Kim, Cohen, Ronen, Fewer, Yee, Sheehy, Farrell, Safai and Tang**

Resolution urging the Recreation and Parks Commission to remove the name of Justin Herman from the plaza located at the intersection of The Embarcadero and Market Street.

07/25/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

08/02/17; REFERRED TO DEPARTMENT. Referred to the Recreation and Parks Commission, Recreation and Parks Department and the Human Rights Commission for informational purposes.

*Heard in Committee. Speakers: Barbara Johnson; spoke in support of the hearing matter. Art Evans; spoke in opposition of the hearing matter. Ace Washington; spoke neither in support nor against the hearing matter.*

*Vice Chair Peskin moved that this Resolution be RECOMMENDED. The motion carried by the following vote:*

*Ayes: 3 - Farrell, Peskin, Tang*

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

*Ayes: 3 - Farrell, Peskin, Tang*

**Vice Chair Peskin moved that this Resolution be AMENDED, by adding a whereas clause that addresses the estimated cost to change the name of Justin Herman Plaza. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

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

Ayes: 3 - Farrell, Peskin, Tang

**170865 [Zoning - Interim Moratorium on Medical Cannabis Dispensaries]****Sponsor: Cohen**

Urgency ordinance approving an interim zoning moratorium on the approval of medical cannabis dispensaries for 45 days, in accordance with California Government Code, Section 65858; 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.

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

07/25/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/25/2017.

08/01/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Department of Public Health and Planning Department for informational purposes; Small Business Commission for comment and recommendation.

08/04/17; 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.

08/22/17; RESPONSE RECEIVED. On August 14, 2017, the Small Business Commission voted (6-0, 1 absent) to recommend that the Board of Supervisors approve this ordinance.

09/01/17; NOTICED. 10-Day Notice for 9/11/2017 Land Use and Transportation Committee hearing published in the Examiner and posted pursuant to Government Code Section 65090 et seq. (no mailing as it is City-wide).

*Heard in Committee. Speakers: Supervisor Malia Cohen (Board of Supervisors); presented information and answered questions raised throughout the discussion. Wilson Chu (Chinese American Democratic Club); Teresa Duqus (San Francisco Community Empowerment Center); spoke in support of the hearing matter. David Goldman (Brownie Mary Democratic Club); Ace Washington; Michael Koehn (Brownie Mary Democratic Club); Male Speaker; Ben Bleiman (California Music and Culture Association); JoAnn Hillery (Nug Medical Dispensary); Tony Bowles (Americans for Safe Access); DeeDee Workman (San Francisco Chamber of Commerce); Johnny Delaplaine; Sara Shrader; Quentin Platt; Devon Ebbs; Dominique Papoli (Brownie Mary Democratic Club); Male Speaker; spoke in opposition of the hearing matter.*

**Vice Chair Peskin moved that this Ordinance be AMENDED, on Page 3, Lines 13-14, by adding 'without uniform and equitable regulations for the granting of those permits.'; on Page 3, Lines 16-19, and on Page 3, Lines 20-25, by striking Section 1(b)(3)(A) and Section 1(b)(3)(B); and making other clarifying and confirming changes. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

**Vice Chair Peskin moved that this Ordinance be AMENDED, on Page 6, Line 24, and Page 7, Lines 1-2, by adding ', except where the proposed Medical Cannabis Dispensary use has been scheduled for a hearing before the Planning Commission as of September 11, 2017' before 'Section 102'; and on Page 6, Lines 22-23, by adding 'In addition' after '2017'; and on Page 6, Line 23, by striking 'A' and replacing it with 'any'. The motion carried by the following vote:**

Ayes: 3 - Farrell, Peskin, Tang

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

**Member Tang moved that this Ordinance be AMENDED, on Page 7, Lines 3-6, by adding '(b) A proposed Medical Cannabis Dispensary use that is required to obtain a conditional use authorization, and for which a final determination on the conditional use authorization, including the resolution of any appeal, has not yet been made as of the effective date of this ordinance, is subject to this ordinance.'; on Page 7, Line 7, by adding '(c) Except as specified in subsection (b) above'; and on Page 7, Line 7, by striking 'A' and replacing it with 'a'. The motion carried by the following vote:**

Ayes: 2 - Peskin, Tang

Noes: 1 - Farrell

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

(Supervisor Farrell dissented in Committee.)

**REFERRED WITHOUT RECOMMENDATION AS AMENDED AS A COMMITTEE REPORT 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 3:49 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.*