



**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: Malia Cohen, Scott Wiener, Aaron Peskin*

*Clerk: Andrea Ausberry (415) 554-4442*

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Monday, May 2, 2016

1:30 PM

City Hall, Legislative Chamber, Room 250

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**Regular Meeting**

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**Present:** 3 - Malia Cohen, Scott Wiener, and Aaron Peskin

*The Land Use and Transportation Committee met in regular session on Monday, May 2, 2016, with Chair Malia Cohen presiding.*

## ROLL CALL AND ANNOUNCEMENTS

*Chair Cohen called the meeting to order at 1:38 p.m. On the call of the roll, Chair Cohen, Vice Chair Wiener, and Member Peskin were noted present. There was a quorum.*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### **160273 [Street Artist Spaces - Market Street, Drumm to Spear Streets]**

Resolution approving designation of four selling spaces on the north side of Market Street, Drumm to Spear Streets, for use by street artists certified by the Arts Commission of the City and County of San Francisco; and exempting said spaces from the regulations of Police Code, Section 2405, relating to street artist display size, distance from entrances, distance from crosswalks, and distance between artists' displays. (Arts Commission)

03/18/16; RECEIVED FROM DEPARTMENT.

04/05/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

04/13/16; REFERRED TO DEPARTMENT. Referred to Police Department for informational purposes.

*Heard in Committee. Speakers: Howard Lazar (Arts Commission); provided an overview and responded to questions raised throughout the discussion. Tad Skye; Louise; spoke in support of the hearing matter.*

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

Ayes: 3 - Cohen, Wiener, Peskin

**151280 [Planning Code - Permitting Accessory Massage Uses, with a Conditional Use Permit, in the North of Market Residential Special Use District]****Sponsor: Kim**

Ordinance amending the Planning Code to permit accessory massage uses, with a Conditional Use permit, in the North of Market Residential Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

12/15/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/14/2016.

12/23/15; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); and Small Business Commission for review and recommendation.

01/28/16; 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.

03/01/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

03/07/16; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation (per Planning Code, Section 302(b)); and Small Business Commission for review and recommendation.

03/14/16; RESPONSE RECEIVED. 3/10/2016 - The Planning Commission held a public hearing and recommended approval of the proposed legislation; Resolution No. 19587.

03/17/16; 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.

*Heard in Committee. Speakers: April Ang (Office of Supervisor Jane Kim); Diego Sanchez (Planning Department); provided an overview and responded to questions raised throughout the discussion. Caroline Smith; Pratibha Tekkey; Kathy Loper; spoke in support of the hearing matter. John Nulty; spoke in opposition to the hearing matter.*

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

Ayes: 3 - Cohen, Wiener, Peskin

## LITIGATION

*Heard in Committee. Speakers: Mei Ling Hui (Department of the Environment); provided an overview and responded to questions raised throughout the discussion. Vanessa; Female Speaker; Richard Warren; Male Speaker; John Nulty; Leslie; Larry; Bill; Nancy Warfield; spoke in support of the hearing matter. Dale Rodgers (Property Owner); Steven Hammond (Attorney for Property Owner); Larry Costello; spoke in opposition to the hearing matter.*

*Persons in attendance: Jon Givner, Deputy City Attorney and Manu Pradhan, Deputy City Attorney (Office of the City Attorney); Andrea Ausberry (Office of the Clerk of the Board).*

**Member Peskin moved to convene in closed session. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

## **Conference with City Attorney**

*[Convene in Closed Session - Conference with City Attorney - Anticipated Litigation Related to Potential Litigation Arising out of the Designation of the Norfolk Island/Cook Pine Hybrid Tree at 46A Cook Street as a Landmark Tree - City as Defendant]*

*Motion that the Land Use and Transportation Committee of the Board of Supervisors assert the attorney-client privilege and convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation arising out of the possible ordinance designating the Norfolk Island/Cook Pine hybrid tree at 46A Cook Street as a landmark tree; closed session pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(2), which permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in anticipated litigation.*

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

### **160320 [Landmark Tree Designation - Norfolk Island/Cook Pine Hybrid Located at 46A Cook Street]**

**Sponsor: Farrell**

Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as a landmark tree pursuant to Public Works Code, Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

04/05/16; ASSIGNED to Land Use and Transportation Committee. President Breed waived 30-Day Rule (File No. 160320) - April 26, 2016

04/13/16; RESPONSE RECEIVED. Recommendation of Norfolk Island/Cook Pine.

04/13/16; REFERRED TO DEPARTMENT. Referred to Public Works; Department of the Environment; Planning Department; and Planning Commission for informational purposes.

04/22/16; NOTICED. Landmark notice mailing to property owners.

**Vice Chair Wiener moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

*[Elect Not to Disclose]*

*Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.*

**Vice Chair Wiener moved not to disclose the closed session deliberations. The motion carried by the following vote:**

Ayes: 3 - Cohen, Wiener, Peskin

## **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.*