



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: Katy Tang, Jane Kim, Ahsha Safai

Clerk: Erica Major (415) 554-4441

Monday, January 7, 2019

1:30 PM

City Hall, Committee Room 263

Regular Meeting

President Malia Cohen appointed Supervisor Aaron Peskin, in place of Supervisor Ahsha Safai, to the Land Use and Transportation Committee for the regular meeting of January 7, 2019.

Present: 3 - Katy Tang, Jane Kim, and Aaron Peskin

Excused: 1 - Ahsha Safai

The Land Use and Transportation Committee met in regular session on Monday, January 7, 2019, with Chair Katy Tang presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Tang called the meeting to order at 1:36 p.m. On the call of the roll, Chair Tang, Vice Chair Kim, and Member Peskin were noted present. Member Safai was noted not present. There was a quorum.

Supervisor Safai Excused from Attendance

Member Peskin moved that Member Safai be excused from the Land Use and Transportation Committee meeting of January 7, 2019. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

1. [181046](#) [Planning Code - HOME-SF Project Authorization]

Sponsors: Tang; Safai

Ordinance amending the Planning Code to require additional findings for HOME-SF project authorizations; extending the application deadline for projects eligible for the HOME-SF temporary provisions; amending the fee for Affordable Housing Bonus Program projects; and affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

10/30/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/29/2018.

11/07/18; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; and to the Planning Commission for public hearing and recommendation, pursuant to Planning Code, Section 302(b).

11/21/18; 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. Any proposal would require environmental review.

12/07/18; RESPONSE RECEIVED. On December 6, 2018, the Planning Commission met and held a duly noticed public hearing recommending approval with modifications.

12/10/18; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker: Paolo Ikezoe (Planning Department); presented information and answered questions raised throughout the discussion.

Supervisor Safai requested to be added as a co-sponsor.

12/10/18; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Paolo Ikezoe and Jacob Bintliff (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Corey Smith (San Francisco Housing Action Coalition); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

2. [181061](#) **[Planning Code - Conversion of Medical Cannabis Dispensary Uses to Cannabis Retail Uses]**

Ordinance amending the Planning Code to allow Medical Cannabis Dispensaries (MCDs) with approvals from the Planning Department for a Medical Cannabis Dispensary Use as of January 5, 2018, to apply to convert to Cannabis Retail Uses under the same conditions as MCDs that held valid final permits from Department of Public Health as of January 5, 2018; exempting all such converted Cannabis Retail Uses from otherwise applicable Conditional Use Authorization requirements; clarifying that such Cannabis Retail Uses are not exempted from any minimum radius that is required by a State licensing authority for distance between a Cannabis Retailer and an existing school, day care center or youth center; allowing Equity Program or Equity Incubator Applicants who have MCD applications pending at the Planning Department to apply to convert to Cannabis Retail Uses; exempting such Cannabis Retail Uses from the minimum radius requirements between those establishments and existing Cannabis Retailers and Medical Cannabis Retailers; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302. (City Administrator)

10/29/18; RECEIVED FROM DEPARTMENT.

11/13/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/13/2018.

11/16/18; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission pursuant to Planning Code Section 302(b) for public hearing and recommendation; Small Business Commission for comment and recommendation; and Department of Public Health and Office of Cannabis for informational purposes.

11/21/18; 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. Any proposal would require environmental review.

11/26/18; RESPONSE RECEIVED. On November 15, 2018, the Planning Commission conducted duly noticed public hearing and recommended approval with modifications for the proposed legislation.

Heard in Committee. Speakers: Michael Christensen (Planning Department); Eugene Hillsman (Office of Cannabis); presented information and answered questions raised throughout the discussion. Speaker; spoke in support of the hearing matter. Rob Yost; spoke in opposition of the hearing matter.

Vice Chair Kim moved that this Ordinance be AMENDED, on Page 3, Lines 20-21, by striking 'except that if a State licensing authority specifies a minimum radius from an existing School, public or private, or from an existing day care center or youth center, that minimum radius shall apply.'. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

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

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

4. [180916](#) **[Planning, Administrative Codes - Zoning Controls and Fees in the C-3-R (Downtown Retail) District]**

Sponsor: Peskin

Ordinance amending the Planning Code to change zoning controls for Non-Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District; amending the Planning and Administrative Codes to create the Union Square Park, Recreation, and Open Space Fund and Fee; affirming 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 necessity, convenience, and welfare pursuant to Planning Code, Section 302.

09/18/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/18/2018.

09/26/18; 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.

09/27/18; 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.

10/16/18; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

10/19/18; NOTICED. First 10-Day Fee Ad for 10/29/2018 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

10/24/18; 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.

10/25/18; NOTICED. Second 10-Day Fee Ad for 10/29/2018 Land Use and Transportation Committee hearing published in the Examiner; per Government Code Section 6062(a).

10/25/18; RESPONSE RECEIVED. On October 18, 2018, the Planning Commission conducted a duly noticed public hearing and recommended approval with modifications for the proposed legislation.

10/29/18; CONTINUED. Heard in Committee. Speakers: None.

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. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Audrey Butkus (Planning Department); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Karin Flood, Executive Director (Union Square Business Improvement District); spoke in support of the hearing matter. Speaker; Tuija Catalano (Reuben, Junius & Rose); Mark Stephen (City Center Realty Partners); spoke on various concerns relating to the hearing matter.

See duplicated File No. 190030.

Member Peskin requested this Ordinance be DUPLICATED.

Ordinance amending the Planning Code to change zoning controls for Non-Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District; amending the Planning and Administrative Codes to create the Union Square Park, Recreation, and Open Space Fund and Fee; affirming 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 pursuant to Planning Code, Section 302.

Member Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 7, by striking 'and' before 'making'; on Page 1, Line 9, by adding 'making' before 'findings'; on Page 7, Line 9, by striking 'through three ground floor' and replacing it with 'and two'; on Page 12, Lines 18-21, by adding 'The Board of Supervisors has reviewed the Nexus Study and finds that the study supports a finding that new office use creates a park use factor of 2.62 park users per 1,000 square feet. The Board of Supervisors has reviewed the Nexus Study and finds that the study supports a maximum nexus fee of \$12.95 per gross square feet for office uses.'; on Page 12, Line 24, by adding 'at \$4 per square foot' after 'Open Space Fee'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

Ordinance amending the Planning Code to change zoning controls for Non-Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District; amending the Planning and Administrative Codes to create the Union Square Park, Recreation, and Open Space Fund and Fee; affirming 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 necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of January 14, 2019. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

7. [190030](#) [Planning, Administrative Codes - Zoning Controls and Fees in the C-3-R (Downtown Retail) District]

Sponsor: Peskin

Ordinance amending the Planning Code to change zoning controls for Non-Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District; amending the Planning and Administrative Codes to create the Union Square Park, Recreation, and Open Space Fund and Fee; affirming 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 pursuant to Planning Code, Section 302.

Member Peskin moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 12, Lines 5-8, by adding 'The Board of Supervisors has reviewed the Nexus Study and finds that the study supports a finding that new office use creates a park use factor of 2.62 park users per 1,000 square feet. The Board of Supervisors has reviewed the Nexus Study and finds that the study supports a maximum nexus fee of \$12.95 per gross square feet for office uses.' after '(p)'; on Page 12, Line 11, by adding 'at \$6 per square foot' before 'Open Space Fee'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

Ordinance amending the Planning Code to change zoning controls for Non-Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District; amending the Planning and Administrative Codes to create the Union Square Park, Recreation, and Open Space Fund and Fee; affirming 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 necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

Ayes: 3 - Tang, Kim, Peskin

Excused: 1 - Safai

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:36 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.