



# City and County of San Francisco

## Meeting Minutes

### Land Use and Economic Development Committee

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

*Members: Scott Wiener, Jane Kim, Malia Cohen*

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

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Monday, October 27, 2014

1:30 PM

City Hall, Committee Room 263

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### Regular Meeting

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**Present:** 3 - Scott Wiener, Malia Cohen, and Eric Mar

**Absent:** 1 - Jane Kim

*President David Chiu appointed Supervisor Eric Mar, in place of Supervisor Jane Kim, to the Land Use and Economic Development Committee for the meeting of October 27, 2014.*

## MEETING CONVENED

*The meeting convened at 1:35 p.m.*

## REGULAR AGENDA

### 140980 [Summary Street Vacation - Portion of Raccoon Drive]

**Sponsor: Wiener**

Ordinance ordering the summary street vacation of a portion of Raccoon Drive, between Twin Peaks Boulevard and Saint Germain Avenue; approving a quitclaim of the City's interest in the vacation area; approving a public access easement over a portion of the vacation area; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this legislation are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

09/16/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/16/2014.

09/30/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Department, Municipal Transportation Agency, Police Department, Fire Department, Department of Public Works and Real Estate for informational purposes.

10/17/14; RESPONSE RECEIVED. Categorically exempt under CEQA Guidelines Section 15112, Class 12: Surplus Government Property Sales.

*Heard in Committee. Speakers: Vaughn Walker; Dona Crowder; spoke in support of the proposed legislation.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

**141030 [Hearing - Street Tree Relinquishment Program]****Sponsors: Wiener; Chiu and Cohen**

Hearing requesting the Department of Public Works to provide a status report on San Francisco's ongoing program to transfer ownership of all street trees from the City to private property owners.

09/30/14; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

10/09/14; REFERRED TO DEPARTMENT. Referred to Public Works; and Urban Forestry - Environment for informational purposes.

*Heard in Committee. Speakers: Carla Short (Public Works); John Swae (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing. Male Speaker and Susanna Russo (Friends of the Urban Forest); Dan Flanagan; Kristen Krehbiel (SF Beautiful); Paul; Ken Cleveland; Frank Mason; spoke on various concerns regarding the hearing matter.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

*File Nos. 140844 and 130788 were called together.*

**140844 [Planning Code - Formula Retail and Large-Scale Retail Controls]****Sponsor: Mar**

Ordinance amending the Planning Code to amend the definition of Formula Retail to include businesses that have 19 or more outlets worldwide; expand the applicability of Formula Retail controls to other types of uses; require Conditional Use authorization for Formula Retail establishments in the C-3-G district with facades facing Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; delete the requirement for Conditional Use authorization when a Formula Retail establishment changes operator but remains the same size and use category; define intensification and abandonment for Formula Retail uses; require Formula Retail uses to comply with performance guidelines; amend the Conditional Use criteria for Large-Scale Retail Uses except for General and Specialty Grocery stores, to require an economic impact study and establish new fees for said study; amend Neighborhood Commercial Districts that required Conditional Use for Financial and Limited Financial Services to principally permit Financial and Limited Financial Services; delete the Conditional Use requirement for Walk-Up Facilities that are not set back 3 feet; and adopting findings, including environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

06/30/14; RESPONSE RECEIVED. On June 9, 2014, the Small Business Commission recommended approval of the proposed Ordinance.

07/18/14; RESPONSE RECEIVED. On July 17, 2014, the Planning Commission voted to recommend the Board of Supervisors approve the proposed Ordinance.

07/21/14; RECEIVED FROM DEPARTMENT.

07/29/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 8/28/2014.

08/19/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; Small Business Commission for comment and recommendation; Office of Community Investment and Infrastructure and Office of Economic Analysis for informational purposes.

09/18/14; RESPONSE RECEIVED. Not defined as a project under CEQA Sections 15378 and 15060(c)(2).

09/22/14; NOTICED.

09/28/14; NOTICED.

10/06/14; CONTINUED. Heard in Committee. Speakers: None.

*Heard in Committee. Speakers: AnMarie Rodgers and Kanishka Burns (Planning Department); Victoria Wong (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Vamantha Higgins (Golden Gate Restaurant Association); Connie Fort (SF Labor Foundation); Michelle Lim (Jobs with Justice); Karheema; Micky; Carol Brownson; Meka Brown (Larkin Street Youth Services); Stephen Cornell; Lily Lee; Mary Ju; Xinyi Lei; Ann Yuey; Jefferson McCarley; Natalie Mate (Safeway); Matt Holmes and Samantha Zeger (Retail West Inc.); Sarah Brett; Pamela Mendelsahn; Paul Wermel; Henry Karnilowicz (SFCDMA); Fredrick Roberts; Doug Jones; Andy Blue; Wendy Mogg (Sweet inspiration Bakery Café); Emerson Chin; Kristen Krehbiel (SF Beautiful); Ileen Dick; Ken Cleveland; Peter Cohen; Richard Ow; spoke in support of the proposed legislation. Ann Natunewicz; Jazmen Gregory (Yolo Berry); Vikki Zddovsky; Pierce; Hans Hansson; Susan Jordan; J. Fandel; spoke in opposition to the proposed legislation. Dee Dee Workman (Chamber of Commerce); Paul Webber (Telegraph Hill Dwellers); Janet Crane (Freebairn Smith & Crane); spoke neither in support nor opposition on the matter.*

**Supervisor Mar, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

Ordinance amending the Planning Code to amend the definition of Formula Retail to include businesses that have 11 or more outlets worldwide; expand the applicability of Formula Retail controls to other types of uses; require Conditional Use authorization for Formula Retail establishments in the C-3-G district with facades facing Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; provide a method for calculating the concentration of formula retail establishments in a certain area; require Planning Department staff to recommend disapproval of new formula retail in the Upper Market Neighborhood Commercial District based on concentration of existing Formula Retail; delete the requirement for Conditional Use authorization when a Formula Retail establishment changes operator but remains the same size and use category; define intensification and abandonment for Formula Retail uses; require Formula Retail uses to comply with performance guidelines; amend the Conditional Use criteria for Large-Scale Retail Uses, and for Formula Retail uses of 20,000 gross square feet or greater except for General and Specialty Grocery stores, to require an economic impact study and establish new fees for said study; require 30 days' public notice for conditional use hearings on proposed Formula Retail uses; amend Neighborhood Commercial Districts that required Conditional Use for Financial and Limited Financial Services to principally permit Financial and Limited Financial Services except in the Castro Street Neighborhood Commercial District, Upper Market Neighborhood Commercial Transit District, and 24th Street - Noe Valley Neighborhood Commercial District; delete the Conditional Use requirement for Walk-Up Facilities that are not set back 3 feet; and correct various Code provisions to ensure accuracy of cross-references; and adopting findings, including environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**Supervisor Mar, seconded by Supervisor Cohen, moved that this Ordinance be DUPLICATED AS AMENDED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

**Supervisor Mar, seconded by Supervisor Cohen, moved that this Ordinance be RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

File No. 141131 was duplicated from File No. 140844.

### **141131 [Planning Code - Formula Retail and Large-Scale Retail Controls]**

#### **Sponsor: Mar**

Ordinance amending the Planning Code to amend the definition of Formula Retail to include businesses that have 1119 or more outlets worldwide; expand the applicability of Formula Retail controls to other types of uses; require Conditional Use authorization for Formula Retail establishments in the C-3-G district with facades facing Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; provide a method for calculating the concentration of formula retail establishments in a certain area; require Planning Department staff to recommend disapproval of new formula retail in the Upper Market Neighborhood Commercial District based on concentration of existing Formula Retail; delete the requirement for Conditional Use authorization when a Formula Retail establishment changes operator but remains the same size and use category; define intensification and abandonment for Formula Retail uses; require Formula Retail uses to comply with performance guidelines; amend the Conditional Use criteria for Large-Scale Retail Uses, and for Formula Retail uses of 20,000 gross square feet or greater except for General and Specialty Grocery stores, to require an economic impact study and establish new fees for said study; require 30 days' public notice for conditional use hearings on proposed Formula Retail uses; amend Neighborhood Commercial Districts that required Conditional Use for Financial and Limited Financial Services to principally permit Financial and Limited Financial Services except in the Castro Street Neighborhood Commercial District, Upper Market Neighborhood Commercial Transit District, and 24th Street - Noe Valley Neighborhood Commercial District; delete the Conditional Use requirement for Walk-Up Facilities that are not set back 3 feet; and correct various Code provisions to ensure accuracy of cross-references; and adopting findings, including environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**Supervisor Mar, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

Ordinance amending the Planning Code to amend the definition of Formula Retail to include businesses that have 11 or more outlets worldwide; expand the applicability of Formula Retail controls to other types of uses; require Conditional Use authorization for Formula Retail establishments in the C-3-G district with facades facing Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; provide a method for calculating the concentration of formula retail establishments in a certain area; require Planning Department staff to recommend disapproval of new formula retail in the Upper Market Neighborhood Commercial District based on concentration of existing Formula Retail; delete the requirement for Conditional Use authorization when a Formula Retail establishment changes operator but remains the same size and use category; define intensification and abandonment for Formula Retail uses; require Formula Retail uses to comply with performance guidelines; amend the Conditional Use criteria for Large-Scale Retail Uses, and for Formula Retail uses of 20,000 gross square feet or greater except for General and Specialty Grocery stores, to require an economic impact study and establish new fees for said study; require 30 days' public notice for conditional use hearings on proposed Formula Retail uses; amend Neighborhood Commercial Districts that required Conditional Use for Financial and Limited Financial Services to principally permit Financial and Limited Financial Services except in the Castro Street Neighborhood Commercial District, Upper Market Neighborhood Commercial Transit District, and 24th Street - Noe Valley Neighborhood Commercial District; delete the Conditional Use requirement for Walk-Up Facilities that are not set back 3 feet; and correct various Code provisions to ensure accuracy of cross-references; and adopting findings, including environmental findings, Planning Code, Section 302 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

**130788 [Planning Code - Expanding Formula Retail Controls]****Sponsor: Mar**

Ordinance amending the Planning Code to expand the definition of formula retail to include businesses that have eleven or more outlets worldwide, and to include businesses 50% or more owned by formula retail businesses; expand the applicability of formula retail controls to other types of retail uses; expand the notification procedures for formula retail applications; require an economic impact study as part of the formula retail conditional use application; charge administrative fees to pay for staff review time of such studies; and making environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1. (5/13/14 - Supervisor Mar submitted a substitute ordinance bearing a new title.)

07/26/13; RESPONSE RECEIVED. 7/25/2013 - The Planning Commission held a public hearing and recommended the issue of formula retail be studied further to increase understanding and examine potential impacts; Resolution No. 18931.

07/30/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

08/08/13; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

08/14/13; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

10/22/13; REACTIVATED PURSUANT TO RULE 3.42 to Land Use and Economic Development Committee. Board approval of a 60-day Extension for Planning Commission review (File No. 131041).

05/13/14; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

05/21/14; RESPONSE RECEIVED. Not a project under CEQA guidelines Sections 15060(c) and 15378.

05/21/14; REFERRED TO DEPARTMENT. Re-referred to the Planning Department for environmental review; Planning Commission for public hearing and recommendation; and Small Business Commission for review and recommendation.

07/18/14; RESPONSE RECEIVED. On July 17, 2014, the Planning Commission voted to recommend the Board of Supervisors approve the proposed Ordinance.

09/22/14; NOTICED.

09/28/14; NOTICED.

10/06/14; CONTINUED. Heard in Committee. Speakers: None.

*Heard in Committee. Speakers: Heard in Committee. Speakers: AnMarie Rodgers and Kanishka Burns (Planning Department); Victoria Wong (Office of the City Attorney); presented information concerning the matter and answered questions raised throughout the hearing. Vamantha Higgins (Golden Gate Restaurant Association); Connie Fort (SF Labor Foundation); Michelle Lim (Jobs with Justice); Karheema; Micky; Carol Brownson; Meka Brown (Larkin Street Youth Services); Stephen Cornell; Lily Lee; Mary Ju; Xinyi Lei; Ann Yuey; Jefferson McCarley; Natalie Mate (Safeway); Matt Holmes and Samantha Zeger (Retail West Inc.); Sarah Brett; Pamela Mendelsahn; Paul Wermel; Henry Karnilowicz (SFCDMA); Fredrick Roberts; Doug Jones; Andy Blue; Wendy Mogg (Sweet inspiration Bakery Café); Emerson Chin; Kristen Krehbiel (SF Beautiful); Ileen Dick; Ken Cleveland; Peter Cohen; Richard Ow; spoke in support of the proposed legislation. Ann Natunewicz; Jazmen Gregory (Yolo Berry); Vikki Zddovsky; Pierce; Hans Hansson; Susan Jordan; J. Fandel; spoke in opposition to the proposed legislation. Dee Dee Workman (Chamber of Commerce); Paul Webber (Telegraph Hill Dwellers); Janet Crane (Freebairn Smith & Crane); spoke neither in support nor opposition on the matter.*

**TABLED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

**140970 [Administrative Code - Calculating Interest on Residential Rental Security Deposits]**

Ordinance amending the Administrative Code to provide a new method for calculating the interest on residential rental security deposits beginning March 1, 2015. (Rent Stabilization and Arbitration Board)

09/09/14; RECEIVED FROM DEPARTMENT.

09/23/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/23/2014.

10/07/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

10/17/14; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2).

*Heard in Committee. Speakers: Robin Collins (Rent Board); presented information concerning the matter and answered questions raised throughout the hearing.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim

**120881 [Planning Code, Zoning Map - Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts]****Sponsor: Chiu**

Ordinance amending the Planning Code, by repealing Section 158 and amending various other Code Sections, to modify controls for uses and accessory uses in Commercial and Residential Commercial (RC) Districts; eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach Neighborhood Commercial Districts (NCDs), and the Washington-Broadway Special Use District (SUD); make maximum residential parking permitted in Downtown Commercial and RC Districts consistent with Neighborhood Commercial Transit (NCT) Districts; make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; make surface parking lots a non-conforming use in Downtown Commercial Districts; modify conformity requirements in various use districts; modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; permit certain exceptions from exposure and open space requirements for historic buildings; remove references to deleted sections of the Code; amend Zoning Map Sheet SU01 to consolidate the two Washington-Broadway SUDs and revise the boundaries; and making environmental findings, Section 302, findings, and findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1.

09/04/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/4/2012.

09/17/12; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Small Business Commission for review and recommendation; and Planning Commission for informational purposes only.

09/20/12; RESPONSE RECEIVED. Non-physical exemption per CEQA Section 15060(c)(2).

08/12/13; REMAIN ACTIVE. Supervisor Chiu requested this matter remain active for an additional six months; 2/12/2014.

06/02/14; REMAIN ACTIVE. Supervisor Chiu requested this matter remain active for an additional six months; 12/10/14.

09/15/14; NOTICED.

09/21/14; NOTICED.

09/29/14; CONTINUED. Heard in Committee. Speakers: No Speakers.

10/20/14; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Judson True (Office of Supervisor Chiu); presented information concerning the matter and answered questions raised throughout the hearing. Tom Radulovich (Livable City); spoke in support of the proposed legislation.

10/20/14; CONTINUED AS AMENDED.

*Heard in Committee. Speakers: Judson True (Office of Supervisor Chiu); Aaron Starr (Planning Department); presented information concerning the matter and answered questions raised throughout the hearing.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Wiener, Cohen, Mar

Absent: 1 - Kim



## ADJOURNMENT

*The meeting adjourned at 4:59 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Economic Development Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up*