

# LAND USE AND TRANSPORTATION COMMITTEE CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Monday, November 6, 2017 - 1:30 PM

City Hall, Legislative Chamber, Room 250

### Regular Meeting

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Members: Mark Farrell, Aaron Peskin, Katy Tang

Clerk: Alisa Somera (415) 554-7711

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

**Budget and Finance Committee**

Supervisors Cohen, Yee, Tang

**Budget and Finance Federal Select Committee**

Supervisors Cohen, Sheehy, Fewer

**Government Audit and Oversight Committee**

Supervisors Kim, Peskin, Breed

**Land Use and Transportation Committee**

Supervisors Farrell, Peskin, Tang

**Public Safety and Neighborhood Services Committee**

Supervisors Ronen, Sheehy, Fewer

**Rules Committee**

Supervisors Safai, Fewer, Yee

#### Meeting Days

Thursday

10:00 AM

Thursday

1:00 PM

1st and 3rd Wednesday

10:00 AM

Monday

1:30 PM

2nd and 4th Wednesday

10:00 AM

1st and 3rd Wednesday

1:00 PM

**Members Present:** Aaron Peskin, Katy Tang, London Breed, Jane Kim, and Ahsha Safai

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*President London Breed appointed herself, in place of Supervisor Mark Farrell, to the Land Use and Transportation Committee meeting of November 6, 2017.*

*The Land Use and Transportation Committee met in regular session on Monday, November 6, 2017, with Vice Chair Aaron Peskin presiding.*

## **ROLL CALL AND ANNOUNCEMENTS**

*Vice Chair Peskin called the meeting to order at 1:36 p.m. On the call of the roll, Vice Chair Peskin, Member Tang, and Member Breed were noted present. There was a quorum.*

*Upon convening, Supervisors Ahsha Safai and Jeff Sheehy were also noted present.*

## **Supervisor Farrell Excused From Attendance**

**Member Tang moved that Supervisor Farrell be excused from attending the Land Use and Transportation Committee meeting of November 6, 2017. The motion carried by the following vote:**

Ayes: 3 - Peskin, Tang, Breed

Excused: 1 - Farrell

## **AGENDA CHANGES**

*There were no agenda changes.*

## REGULAR AGENDA

### *SPECIAL MEETING OF THE BOARD OF SUPERVISORS*

*Supervisor Jane Kim was noted present at 1:40 p.m.; thereby constituting a quorum of the Board of Supervisors. A Special Meeting of the Board of Supervisors was convened at 1:40 p.m. However, the meeting was conducted in all respects as a committee meeting and all substantive decisions were recommendations of the committee; no action was taken as the Board.*

*Supervisor Norman Yee was also noted present at 1:41 p.m.*

*Present: Supervisors Breed, Kim, Peskin, Safai, Sheehy, Tang, Yee*

*Supervisor Yee was noted absent at 2:55 p.m.*

### *ADJOURNMENT OF THE BOARD OF SUPERVISORS*

*At the hour of 3:05 p.m., Supervisor Safai was noted absent; thereby adjourning the Special Meeting of the Board of Supervisors.*

*Supervisors Kim and Sheehy were noted absent at 3:12 p.m.*

*Supervisor Breed was noted absent at 3:50 p.m.*

*Supervisors Safai and Sheehy were noted present at 4:02 p.m.*

*Supervisor Kim was noted present at 4:05 p.m.*

### *SPECIAL MEETING OF THE BOARD OF SUPERVISORS*

*Supervisor Breed was noted present at 4:07 p.m.; thereby constituting a quorum of the Board of Supervisors. A Special Meeting of the Board of Supervisors was reconvened at 4:07 p.m. However, the meeting was conducted in all respects as a committee meeting and all substantive decisions were recommendations of the committee; no action was taken as the Board.*

*Present: Supervisors Breed, Kim, Peskin, Safai, Sheehy, and Tang*

*Supervisor Yee was also noted present at 4:51 p.m.*

**171041 [Planning Code - Cannabis Regulation]**

**Sponsors: Mayor; Sheehy**

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) create a limit of three Medical Cannabis Dispensaries and Cannabis retail uses, in any combination, in the Excelsior Outer Mission Street Neighborhood Commercial District; and 7) delete superseded Planning Code provisions; 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.

*Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); Aaron Starr (Planning Department); Jon Givner (Office of the City Attorney); Nicole Elliott, Director (Office of Cannabis); Supervisors Ahsha Safaí, Jeff Sheehy, and Norman Yee (Board of Supervisors); Kanishka Karunaratne (Office of Supervisor Mark Farrell); Male Representative (Department of Public Health); presented information and answered questions raised throughout the discussion. Jim Lazarus (San Francisco Chamber of Commerce); Laura Thomas; Gilbert Crisswell; Bobby Bruner; Joanne Hillary; Rudy Corpuz (United Playaz); Ali Jamil; Susan King; Doug Bloc; John Morocco; Female Speaker; Johnny Delaplane; Quentin Platt; Scott Bitmoore; Malik; Aaron Flynn; Ginka; Daniel Felkowski; Kristen Teramoto; Silas; Patrick Goggin; Shauna Goklar; Matthew King; Wendy McPherson; Davie McCarthy; Denise Dory; Dr. Chris Emerson; Ryan Indigo Warren; Karen West; Betsy Kabaker; Jon Martinelle; Male Speaker; Stephanie Tucker; Male Speaker; Audrey Leong; Sarah Shrader; Terence Allen; Alice Lim; Nancy Do; Jeremy Uptegrove; spoke in support of the proposed legislation. Liz Williams; Arnie Tran; Katy Chang; Female Speaker; Ellen; Mary Ma; Elaine Ka; I.M. Gay; Tamar Ritz; Female Speaker; Valerie Schmalz; Sandra Ma; Teresa Ducau; spoke in opposition to the proposed legislation. Laura Clark; Esther; spoke neither in support nor opposition to the proposed legislation.*

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

Ayes: 3 - Peskin, Tang, Breed

Excused: 1 - Farrell

*See Duplicated File No. 171187.*

**Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to change the radius of a parcel containing an existing school from 1000-foot to 600-foot on Pages 9 and 11; to modify Section 190 regarding Grandfathered MCDs; and to make other clarifying and conforming amendments. The motion carried by the following vote:**

Ayes: 3 - Peskin, Tang, Breed

Excused: 1 - Farrell

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) create a limit of three Medical Cannabis Dispensaries and Cannabis retail uses, in any combination, in the Excelsior Outer Mission Street Neighborhood Commercial District; 7) delete superseded Planning Code provisions; 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 November 13, 2017. The motion carried by the following vote:**

Ayes: 3 - Peskin, Tang, Breed

Excused: 1 - Farrell

### **171187 [Planning Code - Cannabis Regulation]**

**Sponsors: Mayor; Sheehy**

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) create a limit of three Medical Cannabis Dispensaries and Cannabis retail uses, in any combination, in the Excelsior Outer Mission Street Neighborhood Commercial District; and 7) delete superseded Planning Code provisions; 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.

*Duplicated from File No. 171041.*

**Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to limit to one cannabis retail per 600-foot radius; to modify Section 190 regarding Grandfathered MCDs, to include district specific controls; to add Mandatory Discretionary Review to existing MCDs in Districts 4 and 7 for MCD expansions; to add language that a day care center is as defined in California Health and Safety Code Section 1596.76, as that Section may be amended from time to time; to modify the radius of 1,200-foot to 1,000-foot surrounding schools or day care centers; and to make other clarifying and conforming amendments. The motion carried by the following vote:**

Ayes: 3 - Peskin, Tang, Breed

Excused: 1 - Farrell

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) limit the number of Medical Cannabis Dispensaries and Cannabis Retail Uses in various Neighborhood Commercial Districts and other commercial corridors; 7) allow Medical Cannabis Dispensaries and Cannabis Retail Uses with conditional use authorization in NC-1 Districts south of Lincoln Way and West of Sunset Boulevard; 8) prohibit and Medical Cannabis Dispensaries and Cannabis Retail Uses in the Chinatown Mixed-Use Districts; 9) delete superseded Planning Code provisions; 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 November 13, 2017. The motion carried by the following vote:**

Ayes: 3 - Peskin, Tang, Breed

Excused: 1 - Farrell

*Supervisor Yee was noted absent at 6:10 p.m.*

*Chair Peskin recessed the meeting at 6:18 p.m. and reconvened the meeting at 6:24 p.m.*

#### ADJOURNMENT OF THE BOARD OF SUPERVISORS

*Supervisors Sheehy and Tang were noted absent at 6:24 p.m.; thereby adjourning the Special Meeting of the Board of Supervisors.*

*President London Breed appointed Supervisor Jane Kim, in place of Supervisor Katy Tang, to the Land Use and Transportation Committee meeting of November 6, 2017, beginning at 6:24 p.m. and for the remainder of the meeting.*

#### **170995 [Commemorative Street Name Designation - "Tony Bennett Way" - 900 Block of Mason Street]**

**Sponsor: Peskin**

Resolution adding the commemorative street name "Tony Bennett Way" to the 900 block of Mason Street in recognition of legendary singer Tony Bennett and his ambassadorship to the City and County of San Francisco, as well as his long and celebrated history with the Fairmont Hotel and San Francisco communities.

*Heard in Committee. Speakers: None.*

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

Ayes: 3 - Peskin, Kim, Breed

Excused: 1 - Farrell

Absent: 1 - Tang

**171015 [Interim Zoning Controls - Off-Street Parking in the “Hub” Area]**

**Sponsors: Breed; Kim and Peskin**

Resolution imposing for 18 months interim zoning controls limiting off-street parking for new development to the principally-permitted parking ratios established under the Planning Code, and removing the possibility to apply for a conditional use authorization to increase such parking, in the area known as “the Hub” or the “Market Street Hub,” which covers the eastern-most portions of the Market and Octavia Plan area, and is bounded generally by Fell and Hayes Streets to the north; Market and Howard Streets to the east; Highway 101 to the south and southeast; and Haight, Gough, Page, and Franklin Streets to the west; applying these interim zoning controls to development projects that have not received an approval of a development application prior to the effective date of this Resolution and will provide no on-site affordable housing under the City’s Inclusionary Affordable Housing Program; and making environmental findings and findings of consistency with the eight priority policies of Planning Code, Section 101.1.

*Heard in Committee. Speakers: None.*

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

Ayes: 3 - Peskin, Kim, Breed

Excused: 1 - Farrell

Absent: 1 - Tang

*President London Breed appointed Supervisor Ahsha Safai, in place of Supervisor Mark Farrell, to the Land Use and Transportation Committee meeting of November 6, 2017, beginning at 6:39 p.m. and for the remainder of the meeting.*

*Supervisor Breed was noted not present at 6:40 p.m.*

**170941 [Planning Code, Zoning Map - Transit Center Special Sign District]**

**Sponsor: Kim**

Ordinance amending the Planning Code to create the Transit Center Special Sign District (bounded by Market Street on the north, Folsom Street on the south, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex, and Second Streets, but excluding the planned City Park between Mission, Howard, Second, and Beale Streets and those portions of the Transit Center District Plan Area included in Zone 1 of the Transbay Redevelopment Plan Area, which include portions of land bounded by Spear, Mission, Folsom, and Second Streets), to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; amending the Zoning Map to show the Transit Center Special Sign District; 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 a finding of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

*Heard in Committee. Speakers: Eric Sanchez (Planning Department); provided an overview and responded to questions raised throughout the discussion. Jody Lang; spoke neither in support nor opposition to the proposed legislation.*

**Member Kim moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Line 13, by adding 'park under the jurisdiction and supervision of the San Francisco Recreation and Park Commission or any other public agency or planned public park, where a planned park is one that the San Francisco Recreation and Park Commission or any other public agency has identified as a site for a park through a public planning process and identified in the Transit Center District Plan' and to make other clarifying amendments. The motion carried by the following vote:**

Ayes: 3 - Peskin, Kim, Safai  
Excused: 1 - Farrell  
Absent: 1 - Tang

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

Ayes: 3 - Peskin, Kim, Safai  
Excused: 1 - Farrell  
Absent: 1 - Tang

Vice Chair Peskin requested File Nos. 170992 and 170748 be called together.

**170992 [Bi-Annual Housing Balance Report - May 2017]**

**Sponsor: Kim**

Resolution receiving and approving the bi-annual Housing Balance Report dated May 12, 2017, submitted as required by Planning Code, Section 103.

*Heard in Committee. Speakers: None.*

**Member Kim moved that this Resolution be CONTINUED to the Land Use and Transportation Committee meeting of November 27, 2017. The motion carried by the following vote:**

Ayes: 3 - Peskin, Kim, Safai

Excused: 1 - Farrell

Absent: 1 - 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.

*Heard in Committee. Speakers: None.*

**Member Kim moved that this Hearing be CONTINUED to the Land Use and Transportation Committee meeting of November 27, 2017. The motion carried by the following vote:**

Ayes: 3 - Peskin, Kim, Safai

Excused: 1 - Farrell

Absent: 1 - Tang

## ADJOURNMENT

*There being no further business, the Land Use and Transportation Committee adjourned at the hour of 6:44 p.m.*

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

*Approved by the Board of Supervisors on December 12, 2017.*

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Angela Calvillo, Clerk of the Board