



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

Monday, November 13, 2017

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

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

The Land Use and Transportation Committee met in regular session on Monday, November 13, 2017, with Chair Mark Farrell presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Farrell called the meeting to order at 1:44 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

170871 [Fire, Housing Codes - Residential Hotel Fire Safety Requirements Triggered by Sale or Transfer]**Sponsor: Peskin**

Ordinance amending the Fire and Housing Codes to require automatic sprinklers in non-residential areas of residential hotels sold or transferred after August 1, 2017; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

07/25/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/24/2017.

08/02/17; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; Department of Building Inspection and the Fire Department for informational purposes.

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.

09/21/17; RESPONSE RECEIVED. On September 20, 107, the Building Inspection Commission met and held a public hearing and voted unanimously to support the proposed amendment.

10/30/17; CONTINUED. Heard in Committee. Speakers: Jordan Davis (SRO Task Force); Yan Ling Liang; Leung Wing Hoo; Feng So Nui; Laura; spoke in support of the hearing matter.

Heard in Committee. Speakers: Jordan Davis; Candy Crawford; Tim Hoang; Ms. Maria; Sheryl Mabina; Matthias Mormino; Denise Tory; spoke in support of the proposed legislation.

Vice Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Line 14, by adding '(A) Owners of', Line 15, by adding '(i) S', Lines 17-21, by adding '(ii) Ten days prior to submitting building permit application, provide written notice to any tenants of the non-residential areas subject to the upgrade requirement of the tenant's right to apply to the Department of Building Inspection for a deferment of the upgrade requirement; and (iii) B', and Lines 21-22, by striking 'Property owners who are subject to the requirements of this subsection shall b'; and Page 6, Lines 1-10, by adding '(B) Tenants of non-residential areas impacted by the upgrade requirement may apply to the Department of Building Inspection for a deferment of the upgrade requirement if; (i) they have a written lease that was in effect as of the effective date of the ordinance; and (ii) the lease explicitly requires that the tenant pay for the costs of building upgrades or updates. (C) Any deferment of the upgrade requirement will be limited to the area subject to the applying tenant's lease and shall expire upon the expiration of that tenant's lease.' 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

170922 [Planning Code - Landmark Designation of 2731-2735 Folsom Street (aka Gaughran House)]**Sponsor: Peskin**

Ordinance amending the Planning Code to designate 2731-2735 Folsom Street (aka Gaughran House), Lot No. 031 in Assessor's Parcel Block No. 3640, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

07/26/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.

11/03/17; NOTICED. Mailed notice to affected property owners and interested parties, per Planning Code Section 1004.3.

Supervisor Peskin requested to be added as the sponsor.

Heard in Committee. Speaker: Shannon Ferguson (Planning Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin recessed the meeting at 3:52 p.m. and reconvened at 3:53 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; 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.

09/26/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/26/2017.

10/02/17; 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; Office of Cannabis, Department of Public Health, Police Department, Recreation and Parks Department, and the San Francisco Unified School District for informational purposes; Small Business Commission for comment and recommendation.

10/03/17; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee. Mayor Lee introduced a substitute Ordinance bearing the same title.

10/04/17; 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.

10/04/17; 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; Office of Cannabis, Department of Public Health, Police Department, Recreation and Parks Department, and the San Francisco Unified School District for informational purposes; Small Business Commission for comment and recommendation.

11/02/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Aaron Starr (Planning Department); Supervisor Ahsha Safai and Supervisor Jane Kim (Board of Supervisors); Director Nicole Elliott (Office of Cannabis); Israel Nives-Rivera and Dr. Tomas Aragon (Department of Public Health); Jon Givner (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Jim Lazarus (SF Chamber of Commerce); Bobby Bruno; Joelle Kenealey and Marleen Norman (Outer Mission Merchants and Residents Association); Michael Starr; Male Speaker; Keena Middleton; Johnny Delphine; Victoria Belmont; Domino; Karen Sparks; Luke Brunen; Dave Cooper; Female Speaker; Mr. Seger; Braudon Brown; Sam Paltro; Shauna Govner; Denise Dorey; Aaron Ash (Golden Gate University School of Law); Tamara Risk; Male Speaker; Alisa McRoberts; Michele Gezbo; Male Speaker; Don Marcanelly; Travis Kelly; Leslie Hoepfer (Axis of Love); Andrea Greenberg; Nancy Doh; Aaron Flynn (California Growers Association); Dr. Chris Summerson; Henry V.W.; Danny Wax; Jennifer Garcia (Local 648); Mark Malone; Jennifer Low (Office of Supervisor Norman Yee); Female Speaker; Jesse Stout; spoke in support of the matter. Stephanie Cajina (Excelsior Action Group); Sonya Ng; Female Speaker; Elizabeth; Troy Campbell (Fisherman's Wharf CBD); Rose Kong; Andrey Leong; Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Female Speaker (translated); Male Speaker (translated); Male Speaker (translated); Female Speaker (translated); Tasha Sole; Christi; Alice; Male Speaker (translated); Wendy Wong; Female Speaker; spoke in opposition of the matter. Vince Courtney; Wendy McPherson (Flower Power Dispensary); spoke neither in support nor opposition on the matter.

The Committee called and adopted the following portions of Supervisor Sheehy's proposed amendments separately, each by a unanimous positive vote: 1) Limit the number of Cannabis Retail in the Excelsior district; 2) Require the Office of Cannabis and the Planning Department to make reasonable efforts to ensure that the building permit authorizing the change of use from a Medical Cannabis Dispensary Use to a

Cannabis Retail Use and the Office of Cannabis permit required for operation of the Cannabis Retail establishment shall be issued concurrently; 3) Add Agriculture Use Category; 4) Require Conditional Use authorization if there are more than two other existing Cannabis Retail establishments or Medical Cannabis Dispensaries within 1,000 feet radius of the proposed site; 5) Allow the Commission to consider the concentration of Cannabis retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Medical Cannabis Dispensary Use; 6) Allow for Cannabis to be consumed or smoked on site pursuant to the authorization of the City's Office of Cannabis.

11/02/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/02/17; CONTINUED AS AMENDED.

11/06/17; DUPLICATED. 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 Safai, 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 Delaplaine; 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.

11/06/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. See Duplicated File No. 171187.

11/06/17; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Jeff Sheehy (Board of Supervisors); Aaron Starr (Planning Department); Nicole Elliot, Director (Office of Cannabis); Supervisor Ahsha Safai (Board of Supervisors); Sophia Kittler (Office of Supervisor Malia Cohen); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Doug Bloch; Aren Ash; Brandon Brown; James Mandolin; DeAnthony Jones; Joseph Preese; Gilbert Canebo; John Martinelli; Oscar Islas; Female Speaker; Trevor Martin; Sonja Travss; Travis Kelly; Johnny Delaplaine; Zoe Polk; Anna Belda; Nina Parks; Male Speaker; Susan King; Female Speaker; Terence Allen; Ace Washington; Lesile V.; Christine Sawyer; Dr. Chris Emerson; Male Speaker; Charlie Pappas; spoke in support of the proposed legislation. Marlene Tran; Sonja Ng; Tony Ma; Sherry Lau; Audrey Lam; Wilson Chu; Edna James; Female Speaker; Female Speaker; Mrs. Yee; Yan Siu Hay; Lau Tin Yeung; Lin Chu Yee; Mok Man Ying; Male Speaker; Ms. Auyeung; Gee Hau Sing; Au Yu Wei; Leung Bic Wan; Mr. Kwan; Leung Mei Hor; Mr. Ju; Mr. Wong; Ms. Yee; Yee Kwok; Female Speaker; Lee Family; Mr. Lok; Ms. Lui; Ms. Lam; Lau Chung Yan; Ms. Chan; Chu Chung Li; Fung Yee Leung; Male Speaker; Female Speaker; Ms. Wong; Male Speaker; Cheung Wei Lai; Female Speaker; Ms. Lim; Ms. Lau; Female Speaker; Mary; Ms. Cheung; Mr. Huang; Female Speaker; Richard Ou; Male Speaker; Male Speaker; Jie Chang; Female Speaker; Mary Ma; Ellen; spoke in opposition to the proposed legislation. David Goldman; Kenna Middleton; David Hooper; Michael Koehn; Terence Smith; Male Speaker; Quinton Platt; Luke Bruner; Karen Whitton; Shauna; Cynthia Breharjo; Jennifer Garcia; Denise Dorey; Martin Olive; Female Speaker; spoke on various comments regarding the legislation.

The Committee called the following proposed amendments separately, and accepted each by a unanimous positive vote:

1) Vice Chair Peskin moved to amend the Ordinance by allowing multiple medical cannabis dispensaries and cannabis retailers to be located in the same location when holding valid permits;

2) Vice Chair Peskin moved to amend the Ordinance by changing the restriction to one Cannabis Retail Use or Medical Cannabis Dispensary per 600 feet;

3) Member Tang moved to amend the Ordinance by requiring neighborhood notification, pursuant to Planning Code Section 311 and 312, citywide for Grandfathered Medical Cannabis Dispensaries seeking Mandatory Discretionary Review; and

4) Member Tang moved to amend the Ordinance by allowing condition use authorization for Cannabis Retail Uses and Medical Cannabis Dispensaries in Neighborhood Commercial Shopping Districts.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

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) 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.

11/06/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 171041.

11/06/17; CONTINUED AS AMENDED.

11/06/17; DUPLICATED. Duplicated from File No. 171040.

Heard in Committee. Speakers: Supervisor Jeff Sheehy (Board of Supervisors); Aaron Starr (Planning Department); Nicole Elliot, Director (Office of Cannabis); Supervisor Ahsha Safai (Board of Supervisors); Sophia Kittler (Office of Supervisor Malia Cohen); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Doug Bloch; Aren Ash; Brandon Brown; James Mandolin; DeAnthony Jones; Joseph Preese; Gilbert Canebo; John Martinelli; Oscar Islas; Female Speaker; Trevor Martin; Sonja Travss; Travis Kelly; Johnny Delaplaine; Zoe Polk; Anna Belda; Nina Parks; Male Speaker; Susan King; Female Speaker; Terence Allen; Ace Washington; Lesile V.; Christine Sawyer; Dr. Chris Emerson; Male Speaker; Charlie Pappas; spoke in support of the proposed legislation. Marlene Tran; Sonja Ng; Tony Ma; Sherry Lau; Audrey Lam; Wilson Chu; Edna James; Female Speaker; Female Speaker; Mrs. Yee; Yan Siu Hay; Lau Tin Yeung; Lin Chu Yee; Mok Man Ying; Male Speaker; Ms. Auyeung; Gee Hau Sing; Au Yu Wei; Leung Bic Wan; Mr. Kwan; Leung Mei Hor; Mr. Ju; Mr. Wong; Ms. Yee; Yee Kwok; Female Speaker; Lee Family; Mr. Lok; Ms. Lui; Ms. Lam; Lau Chung Yan; Ms. Chan; Chu Chung Li; Fung Yee Leung; Male Speaker; Female Speaker; Ms. Wong; Male Speaker; Cheung Wei Lai; Female Speaker; Ms. Lim; Ms. Lau; Female Speaker; Mary; Ms. Cheung; Mr. Huang; Female Speaker; Richard Ou; Male Speaker; Male Speaker; Jie Chang; Female Speaker; Mary Ma; Ellen; spoke in opposition to the proposed legislation. David Goldman; Kenna Middleton; David Hooper; Michael Koehn; Terence Smith; Male Speaker; Quinton Platt; Luke Bruner; Karen Whitton; Shauna; Cynthia Breharjo; Jennifer Garcia; Denise Dorey; Martin Olive; Female Speaker; spoke on various comments regarding the legislation.

The Committee called the following proposed amendments separately, and accepted each by a unanimous positive vote:

- 1) Vice Chair Peskin moved to amend the Ordinance by allowing multiple medical cannabis dispensaries and cannabis retailers to be located in the same location when holding valid permits;*
- 2) Member Tang moved to amend the Ordinance by requiring neighborhood notification, pursuant to Planning Code Section 311 and 312, citywide for Grandfathered Medical Cannabis Dispensaries seeking Mandatory Discretionary Review; and*
- 3) Member Tang moved to amend the Ordinance by allowing a maximum of two Cannabis Retail Uses and Medical Cannabis Dispensaries in the area south of Lincoln Way and west of Sunset*

Boulevard and requiring they obtain a Conditional Use authorization; and allowing a maximum of one Medical Cannabis Dispensary or Cannabis Retail establishment in the Noriega Street Neighborhood Commercial District, one in the Irving Street Neighborhood Commercial District, one in the Taraval Street Neighborhood Commercial District, and one in the Judah Street Neighborhood Commercial District; and

4) *Member Tang moved to amend the Ordinance by allowing condition use authorization for Cannabis Retail Uses and Medical Cannabis Dispensaries in Neighborhood Commercial Shopping Districts.*

moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 3 - Farrell, Peskin, Tang

Vice Chair Peskin moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried 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 4:48 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.