



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: Myrna Melgar, Dean Preston, Aaron Peskin

Clerk: Erica Major (415) 554-4441

Monday, February 14, 2022

1:30 PM

Regular Meeting

Present: 3 - Myrna Melgar, Dean Preston, and Aaron Peskin

The Land Use and Transportation Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, February 14, 2022, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:30 p.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: Erica.Major@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Land Use and Transportation Committee Meetings begin at 1:30 p.m. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Melgar, Vice Chair Preston, and Member Peskin were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

*Erica Major, Clerk of the Land Use and Transportation Committee, instructed members of the public, to contribute live comments for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt, dial * 3 to be added to the queue to speak, advised the public to call from a quiet location, speak clearly and slowly, and turn down their television, radio, or streaming device, and that written comments may be submitted through email to the Clerk (Erica.Major@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

REGULAR AGENDA

210898 [Planning Code - Landmark Designation - One Montgomery Street (aka 1-25 Montgomery Street) (Crocker National Bank Building)]

Sponsor: Peskin

Ordinance amending the Planning Code to designate One Montgomery Street (aka 1-25 Montgomery Street), Crocker National Bank Building, Assessor's Parcel Block No. 0292, Lot Nos. 001A and 002, as a Landmark consistent with the standards set forth in 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)

08/26/21; RECEIVED FROM DEPARTMENT.

09/07/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/7/2021.

02/04/22; NOTICED. Notice of Public Hearing for 2/14/2022 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. Woody LaBounty (San Francisco Heritage); spoke in support of the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

220037 [Planning Code - Landmark Designation - “Allegory of California,” The City Club of San Francisco (formerly Pacific Stock Exchange Luncheon Club), 155 Sansome Street]

Sponsors: Peskin; Melgar, Preston and Mandelman

Ordinance amending the Planning Code to designate the fresco, titled “Allegory of California,” in the grand stairwell between 10th and 11th floors of The City Club of San Francisco (former Pacific Stock Exchange Luncheon Club), within 155 Sansome Street, Assessor’s Parcel Block No. 0268, Lot No. 001A, as a Landmark consistent with the standards set forth in 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)

01/11/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/10/2022.

02/04/22; NOTICED. Notice of Public Hearing for 2/14/2022 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

Heard in Committee. Speakers: Pilar LaValley (Planning Department); presented information and answered questions raised throughout the discussion. Alan Martinez; Woody LaBounty (San Francisco Heritage); Rodrigo Hans; spoke in support of the hearing matter. Speaker; spoke on various concerns relating to the hearing matter.

Supervisors Melgar, Preston, and Mandelman requested to be added as a co-sponsors.

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

Ayes: 3 - Melgar, Preston, Peskin

220046 [Commemorative Street Name Designation - “Sister Vish-Knew Way” - 000 Block of Alert Alley]

Sponsors: Mandelman; Melgar, Preston and Haney

Resolution adding the commemorative street name “Sister Vish-Knew Way” to the 000 Block of Alert Alley in recognition of activist Sister Vish-Knew, co-founder of the Sisters of Perpetual Indulgence, and her dedication to and lasting impact on San Francisco and the global LGBTQ+ community.

01/11/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

01/19/22; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency, Public Works, Fire Department, Police Department, and Department of Emergency Management for informational purposes.

02/04/22; NOTICED. Notice of Public Hearing for 2/14/2022 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

02/04/22; RESPONSE RECEIVED. Public Works submitted proof of posting as required under Public Works Code Section 789, et seq.

02/10/22; RESPONSE RECEIVED. The Police noted no objections to the proposed name change.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion. Sister Roma; Sister Tilda NexTime; spoke in support of the hearing matter.

Supervisors Melgar and Preston requested to be added as a co-sponsors.

Vice Chair Preston moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

211263 [Planning Code - Massage Establishment Zoning Controls]**Sponsors: Mandelman; Ronen and Preston**

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time; 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 general welfare findings pursuant to Planning Code, Section 302.

12/06/21; DUPLICATED. See original File No. 210381.

12/06/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

12/06/21; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

12/08/21; 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.

12/20/21; RESPONSE RECEIVED. On December 16, 2021, the Commission met and recommended support to the proposed legislation.

12/23/21; 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.

02/04/22; RESPONSE RECEIVED. On February 3, 2022, the Commission met and held a duly noticed hearing and recommended approval with modifications for the proposed legislation.

02/07/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Jacob Bintliff (Office of Supervisor Rafael Mandelman); Veronica Flores (Planning Department); Kristen Jensen (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

02/07/22; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion. Linda Chapman; Speaker; spoke on various concerns relating to the hearing matter.

Chair Melgar requested this matter be DUPLICATED.

See Duplicate File No. 220161.

DUPLICATED

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

Ayes: 3 - Melgar, Preston, Peskin

220161 [Planning Code - Massage Establishment Zoning Controls]**Sponsors: Ronen; Mandelman and Preston**

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time; 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 general welfare findings pursuant to Planning Code, Section 302.

Duplicated from File No. 211263.

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by requiring Conditional Use for massage accessory use in hotels or personal services in the Ocean Avenue NCT; by adding language to permit massage accessory use for health services in the Ocean Avenue NCT; and adding clarifying and conforming changes. The motion carried by the following vote:

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

Ayes: 3 - Melgar, Preston, Peskin

210116 [Planning Code, Zoning Map - Central Neighborhoods Large Residence Special Use District]**Sponsor: Mandelman**

Ordinance amending the Planning Code and Zoning Map to create the Central Neighborhoods Large Residence Special Use District (the area within a perimeter established by Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street, 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street, Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street, Bosworth Street, O'Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena Vista Avenue East), to preserve and enhance neighborhood context and affordability by, among other things, requiring Conditional Use authorization for large residential developments in the District and prohibiting new residential development or expansion of an existing Residential Building that would result in any Dwelling Unit exceeding 4,000 square feet of gross floor area in most circumstances; 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 findings of public convenience, necessity, and welfare under Planning Code, Section 302.

02/02/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/4/2021.

02/11/21; 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.

03/30/21; 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.

04/30/21; REMAIN ACTIVE. On April 20, 2021, the Board adopted extension Resolution No. 165-21 (Board File No. 210397) extending the Ordinance an additional 90 days, expiring August 10, 2021.

09/17/21; REMAIN ACTIVE. On September 7, 2021, the Board adopted extension Resolution No. 405-21 (Board File No. 210881) extending the Ordinance an additional 60 days, expiring October 9, 2021.

09/23/21; RESPONSE RECEIVED. On September 23, 2021, the Commission met and held a duly noticed meeting and recommended to disapprove the proposed legislation.

01/25/22; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee. Supervisor Mandelman substituted an Ordinance bearing a new title.

01/28/22; 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.

02/02/22; RESPONSE RECEIVED. The Planning Commission was given the opportunity to hear the substitute ordinance and waived their option to hear the matter at the January 27, 2022 meeting.

02/04/22; NOTICED. 10-Day Notice for 2/14/2022 Land Use and Transportation Committee hearing published in the Examiner and posted, per California Government Code, Sections 65856 & 65090.

Heard in Committee. Speakers: Supervisor Rafael Mandelman (Board of Supervisors); Veronica Merlone (Planning Department); presented information and answered questions raised throughout the discussion. Kurt DeBarg; Ozzie Rohm (Noe Neighborhood Council); Bill Holtzman; Carolyn Kenady (Dolores Height Improvement Club); spoke in support of the hearing matter. Lee Leah; Georgia Schuttish; spoke on various concerns relating to the hearing matter.

Chair Melgar moved that this Ordinance AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by updating the required findings that were not made by the Planning Commission; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

220131 [Administrative Code - COVID-19 Tenant Protections]

Sponsors: Preston; Chan, Peskin, Ronen, Walton, Melgar and Haney

Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that came due on or after April 1, 2022, and was not paid due to the COVID-19 pandemic; and to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants.

02/01/22; ASSIGNED to Land Use and Transportation Committee. 2/3/22 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

02/09/22; REFERRED TO DEPARTMENT. Referred to the Rent Board for informational purposes.

Heard in Committee. Speakers: Anastasia Yovanopoulos; Theresa Flandrich (North Beach Tenants Committee); Danny Khoo (Merchants Association); Eitryn Jones; spoke in support of the hearing matter. Speaker; Tom Fluss; Speaker; Amanda; spoke on various concerns relating to the hearing matter.

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

Vice Chair Preston requested that this matter be DUPLICATED.

See Duplicate File No. 220162.

DUPLICATED

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

Ayes: 3 - Melgar, Preston, Peskin

220162 [Administrative Code - COVID-19 Tenant Protections]

Sponsors: Preston; Chan, Peskin, Ronen, Walton and Melgar

Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that came due on or after April 1, 2022, and was not paid due to the COVID-19 pandemic; and to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants.

Duplicated from File No. 220131.

Vice Chair Preston moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 3:13 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.