



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: Malia Cohen, Scott Wiener, Jane Kim

Clerk: Alisa Somera (415) 554-4447

Monday, December 7, 2015

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 4 - Malia Cohen, Scott Wiener, Jane Kim, and John Avalos

ROLL CALL AND ANNOUNCEMENTS

Chair Malia Cohen called the meeting to order at 1:36 p.m. On the call of the roll, Chair Cohen, Vice Chair Wiener, and Member Kim were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

151233 [Temporary Sidewalk Closure - Minna Street from 2nd Street to New Montgomery Street]

Sponsor: Kim

Resolution temporarily closing the public sidewalk on Minna Street from 2nd Street to New Montgomery Street on Monday, January 11, 2016, from 5 p.m. to 10 p.m.

12/01/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speakers: Michelle Delaney (111 Minna Gallery); Lt. Dave Falzon (Police Department); Meryl Klein (Municipal Transportation Agency); presented information and answered questions raised throughout the discussion. Peter Warfield; spoke neither in support nor against the hearing matter.

Member Kim moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

151082 [Health Code - Amendment to Sugar-Sweetened Beverage Warning Ordinance]**Sponsor: Wiener**

Ordinance amending the Health Code by changing the exemption for permitted signs under Section 4203(d) of the Sugar-Sweetened Beverage Warning Ordinance to signs permitted on or before October 20, 2015.

10/20/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 11/19/2015.

11/04/15; REFERRED TO DEPARTMENT. Referred to the Youth Commission per Charter Section 4.124 for comment and recommendation; Mayor's Office, Small Business Commission and the Department of Public Health for informational purposes.

11/16/15; TRANSFERRED to Land Use and Transportation Committee. 11/16/15 - President Breed transferred File No. 151082 from PSNS to Land Use.

11/23/15; RESPONSE RECEIVED. The Youth Commission voted unanimously to support the Resolution at their meeting on November 16, 2015.

Heard in Committee. Speakers: Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

Vice Chair Wiener moved that this Ordinance be AMENDED on Page 2, Line 3, by striking 'that' and adding 'unless it' before 'satisfies.' The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

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

Ayes: 3 - Cohen, Wiener, Kim

Supervisor Norman Yee was noted present at 1:54 p.m.

Supervisor John Avalos was noted present at 2:17 p.m.

150793 [Planning Code - Child Care Requirements for Office and Residential Projects and Associated Fees]

Sponsors: Yee; Avalos

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; 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.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

07/29/15; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Planning Commission for hearing and recommendation; Small Business Commission for comment and recommendation; Youth Commission; Human Services Agency; Office of Economic and Workforce Development; and Department of Building Inspection for informational purposes.

08/13/15; RESPONSE RECEIVED. Statutory Exemption under CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges - the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges...

09/24/15; RESPONSE RECEIVED. 9/21/2015 - The Youth Commission held a public hearing and voted unanimously to support the proposed legislation.

11/09/15; RESPONSE RECEIVED. 10/21/2015 - The Planning Commission held a public hearing and recommended approval with modifications.

11/27/15; NOTICED. First Fee Ad published for the December 7, 2015 Land Use and Transportation Committee hearing.

12/03/15; NOTICED. Second Fee Ad published for the December 7, 2015 Land Use and Transportation Committee hearing.

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

Heard in Committee. Speakers: Supervisors Norman Yee and John Avalos (Board of Supervisors); presented information and answered questions raised throughout the discussion. Graham Dobson (Office of Early Care and Education); Lawland Long (Family and Child Empowerment Services, San Francisco); Candace Wong (Low Income Investment Fund); Rosie Kennedy (Family Child Care Association); Karen Alvarado; Judith Boschini (Family Child Care Association); Sara (San Francisco Family Child Care Association); Michele Lundy; Xue Juan Zheng (Family Child Care Association); Irene Thomasjacks; spoke in support of the hearing matter. Andrew Yip; spoke neither in support nor against the hearing matter.

Member Kim moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to require Designated Child Care Units be 1,000 square feet or more, to remove the income qualification and requirements for tenants of Designated Child Care Units, and to add an Operative Date. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Kim

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

Ayes: 3 - Cohen, Wiener, Kim

Supervisor Yee was noted not present at 2:30 p.m.

151097 [Hearing - Anticipated Impacts of Super Bowl 50]

Sponsors: Cohen; Kim

Hearing on the planning for anticipated neighborhood impacts, job opportunities, transportation issues, and safety plans for the events associated with Super Bowl 50, including specifics regarding any Market Street closure and possible removal of Muni overhead wires, as well as these impacts on transportation and commute times, pedestrian and bicyclist safety, and plans for mitigating impacts of closure or removal of wires on Market Street; and requesting the Mayor's Office, the Office of Economic and Workforce Development, the Municipal Transportation Agency, the Port, and the Police Department to report.

10/20/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

11/04/15; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the Economic and Workforce Development, Port Department, San Francisco Municipal Transportation Agency, Police Department, and Planning Department for informational purposes and requesting the various departments to report.

11/17/15; SUBSTITUTED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

11/24/15; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of Economic and Workforce Development, San Francisco Municipal Transportation Agency, Port Department, and Police Department for informational purposes and requesting the various departments to report.

11/30/15; TRANSFERRED to Land Use and Transportation Committee. 11/30/2015 - President London Breed transferred this item from the Public Safety and Neighborhood Services Committee to Land Use and Transportation Committee.

Heard in Committee. Speakers: Daniel Lurie and Keith Bruce (Super Bowl 50 Host Committee); Todd Rufo, Director (Office of Economic and Workforce Development); Supervisor John Avalos (Board of Supervisors); Male Speaker (Office of Economic and Workforce Development); Bijan Karimi (Department of Emergency Management); Peter Albert (Municipal Transportation Agency); Captain Timothy Falvey (Police Department); Daley Dunham (Port); presented information and answered questions raised throughout the discussion. Herbert Weiner; Rick Laubscher (Market Street Railway); Steve Lutge (IATSE Local 16); Jenny Beck (Boys & Girls Clubs of San Francisco); Cornelia Flannery (Mission Neighborhood Centers); Villy Wang (BAYCAT); James Peckel; Eddie Zheng (CYC); Daniel Bergerac and Richard Magary (Castro Merchants); Heather Saunders (Juma Ventures); John Loftus (Boston Properties); J. P. Leddy (Golden Gate Business Association); Paul Pendergast (Small Business Network); Dawn Akerman, President (Outsmart Office Solutions); John Hernstat (Hyatt Regency San Francisco); Peter Warfield; C. Coleman; Andrew Yip; spoke on various concerns regarding the hearing matter.

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

Ayes: 3 - Cohen, Wiener, Kim

President London Breed was noted present at 4:26 p.m. and not present at 4:47 p.m.

President London Breed appointed Supervisor John Avalos, in place of Supervisor Jane Kim, to the Land Use and Transportation Committee meeting of December 7, 2015 for File No 150943.

Supervisor Kim Excused from Voting

Chair Cohen, seconded by Member Avalos, moved that Member Kim be excused from voting on File No. 150943. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Avalos

Excused: 1 - Kim

150943 [Administrative Code - Bicycle Yield Enforcement Policy]

Sponsors: Avalos; Breed, Campos, Kim, Mar and Wiener

Ordinance amending the Administrative Code to add Chapter 110 to establish the "San Francisco Right-of-Way Policy" to promote safety, tolerance, and harmony among all users of City Streets; make arrests and citations of bicyclists for failure to stop at a stop sign the lowest traffic enforcement priority, provided that the bicyclist first slows to a safe speed and yields the right-of-way to any other vehicle or pedestrian in the intersection; require quarterly reports from the Police Department on statistics related to traffic enforcement, injuries, and fatalities; and require notification of state officials of this Ordinance.

09/22/15; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2015.

09/29/15; REFERRED TO DEPARTMENT. Referred to the Police Department, Sheriff's Department, Municipal Transportation Agency, District Attorney, Public Defender, Department of Public Health, Pedestrian Safety Advisory Committee, and Bicycle Advisory Committee for informational purposes.

11/10/15; TRANSFERRED to Land Use and Transportation Committee. 11/10/15 - President Breed transferred File No. 150943 from Rules to Land Use.

12/04/15; RESPONSE RECEIVED. The Police Department provided a response with their concerns regarding the proposed legislation.

Heard in Committee. Speakers: Supervisor John Avalos and President London Breed (Board of Supervisors); Captain Tim Oberzeir (Police Department); Tom Maguire (Municipal Transportation Agency); Leilani Schwarcz (Department of Public Health); Carla Johnson, Director (Mayor's Office on Disability); presented information and answered questions raised throughout the discussion. Richard May (Bicycle Advisory Committee); Nathan Woody (San Francisco Yellow Bike); Sacha Zelmorini; Sven Eberlein; Mica Desmond; Male Speaker (San Francisco Bicycle Coalition); Erin Boyle; Michael Barnes; Laura O'Donovan; Joanne Fraguli; Elliot Schwartz; Male Speaker; Edward Hasbrough; Amandeep Jawa (San Francisco Bicycle Coalition); spoke in support of the hearing matter. Herbert Weiner (Save Muni); Howard Williams; Matthew Dove (YMCA Bicycle Program); Bruce Oka; John Alex Lowell (FDR Democratic Club of San Francisco); Denise Senhaux (Mayor's Disability Council); Pi Ra (Senior and Disability Action); spoke in opposition to the hearing matter.

Member Avalos moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to remove the urging clause regarding yielding to Municipal Transportation Agency vehicles; clarify that all drivers and bicyclists yield to pedestrians in the roadway; specify that bicyclists shall slow to a safe speed of no more than 6 miles per hour; clarify that this section shall not prevent law enforcement officers from enforcing California Vehicle Code, Section 22450(a); require the Police Department to report the breakdown of traffic stops and citations of bicyclists by race or ethnicity, age, and sex; encourage the development of a Bicycle Yield Enforcement Policy Education Plan; and revise the Clerk of the Board's directive to transmit the Chapter to elected state officials. The motion carried by the following vote:

Ayes: 3 - Cohen, Wiener, Avalos

Excused: 1 - Kim

Ordinance amending the Administrative Code to add Chapter 110 to establish the "San Francisco Right-of-Way Policy" to promote safety, tolerance, and harmony among all users of City Streets; make arrests and citations of bicyclists for failure to stop at a stop sign the lowest traffic enforcement priority, provided that the bicyclist first slows to a safe speed and yields the right-of-way to any other vehicle or pedestrian in the intersection; require quarterly reports from the Police Department on statistics related to traffic enforcement, injuries, and fatalities; urge the Municipal Transportation Agency to develop a program to educate the public about the Bicycle Yield Enforcement Policy; and require notification of state officials of this Ordinance.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Wiener, Avalos

Noes: 1 - Cohen

Excused: 1 - Kim

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 6:09 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.