



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, December 6, 2021

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, December 6, 2021, 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

210381 [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.

04/13/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/13/2021.

04/21/21; REFERRED TO DEPARTMENT. Referred to the Department of Public Health for informational purposes.

04/26/21; REFERRED TO DEPARTMENT. Referred to the Small Business Commission for comment and recommendation; Office of Cannabis for informational purposes.

05/13/21; 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 environm

06/22/21; RESPONSE RECEIVED. On April 12, 2021, the Commission met and held a duly noticed hearing and recommended approval with modifications.

11/24/21; RESPONSE RECEIVED. On May 24, 2021, the Commission met and recommended approval of the proposed legislation.

11/29/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Amy Beinart (Office of Supervisor Hillary Ronen); Veronica Flores (Planning Department); Kristen Jensen (Office of City Attorney); presented information and answered questions raised throughout the discussion. Eric Stein (Harsch Investment Properties); Christine Dew; Linda Chapman; spoke on various concerns relating to the hearing matter.

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

Member Peskin requested this Ordinance be DUPLICATED.

Member Peskin moved that the previous motion be RESCINDED.

Ayes: 3 - Melgar, Preson, Peskin

11/29/21; CONTINUED AS AMENDED.

Heard in Committee. Speaker: Amy Beinart (Office of Supervisor Hillary Ronen); presented information and answered questions raised throughout the discussion.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 10, Line 18, by adding ‘, not including a Residential Hotel;’ before ‘personal service’. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Member Peskin moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

See Duplicate File No. 211263.

Member Peskin requested this matter be DUPLICATED.

211263 [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. 210381.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding 'Accessory to Health Services'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

210836 [Public Works Code - Street Tree Planting and Removal]**Sponsors: Safai; Mandelman and Melgar**

Ordinance amending the Public Works Code to eliminate administrative objections to removal of Hazard Street Trees, require Public Works to plant replacement Street Trees within 120 days of removal, require that Street Trees removed without a permit be replaced by Street Trees of equal size, require that Tree protection plans include the applicant's acknowledgement of potential Tree replacement costs, and set maximum administrative penalties for removing or injuring Street Trees; and affirming the Planning Department's determination under the California Environmental Quality Act 07/20/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/19/2021.

07/23/21; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review; and Public Works for informational purposes.

09/16/21; 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.

10/18/21; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Carla Short, Interim Director (Public Works); Julie Rosenberg (Board of Appeals); presented information and answered questions raised throughout the discussion. Speaker; Katherine Howard; spoke on various concerns relating to the hearing matter.

Heard in Committee. Speakers: Lauren Chung (Office of Supervisor Ahsha Safai); Chris Buck (Public Works); presented information and answered questions raised throughout the discussion. Speaker; Josh Clip; spoke in support of the hearing matter. Adam; Lance Carnes; John Nulty; Michael Nulty, Executive Director (Alliance for a Better District 6); spoke on various concerns relating to the hearing matter.

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

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT BEARING NEW TITLE, by striking 'eliminate administrative objections to removal of Hazard Street Trees,' from the long title; on Page 2, Lines 8-9, by adding 'or if within 15 days after the giving of notice for Removal of a hazard Street Tree, as specified in Subsection (a)(4),'; and on Page 7, Line 10, by striking 'Tree on private property or a'. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Public Works Code to require the Department of Public Works to plant replacement Street Trees within 120 days of removal, require that Street Trees removed without a permit be replaced by Street Trees of equal size, require that Tree protection plans include the applicant's acknowledgement of potential Tree replacement costs, and set maximum administrative penalties for removing or injuring Street Trees; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

Ayes: 3 - Melgar, Preston, Peskin

Chair Melgar requested File Nos. 211208 and 211137 be called together.

211208 [Urging Bicycle Share and Powered Scooter Share to Enhance User Compliance and Protect Pedestrians, Seniors and People with Disabilities]

Sponsor: Peskin

Resolution urging permittees of San Francisco's Bicycle Share and Powered Scooter Share Programs to implement measures to advance rider compliance with existing terms and conditions of San Francisco's Bicycle Share and Powered Scooter Share Program requirements, and urging the San Francisco Municipal Transportation Agency and its Board of Directors to establish new permit terms and conditions that further serve the goal of ensuring the public health and safety of pedestrians, seniors and people with disabilities.

11/16/21; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

11/24/21; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency and Public Works for informational purposes.

12/01/21; TRANSFERRED to Land Use and Transportation Committee. President Walton transferred this matter from Public Safety and Neighborhood Services Committee to the Land Use and Transportation Committee.

Heard in Committee. Speakers: Kate Toran and Adrian Leung (Municipal Transportation Agency); Bivett Brackett and Karla Owunwanne (Lime); Lauren Greenwood and Alex April (Spin); Bob Walsh, Brian Bucella, and Maria Laposata (Bird); presented information and answered questions raised throughout the discussion. Zach Effrin; Brian Haagsman (Walk SF); Felicia Smith; Adam Pevlock; Theresa Flandric; Francisco Da Costa; Mark Gleason (Teamsters Local 665); Parker Day; David Alexander; Robert Fruckman; Kathy De Luca (Community Living Campaign); Bob Walsh; Linda Chapman; Martin Munoz; Cliff Barter; Michael Nulty; Greg Zuckino; spoke on various concerns relating to the hearing matter.

Member Peskin moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, by striking 'with Terms and Conditions Designed to' after 'Compliance' and adding 'and' before 'Protect'; by adding 'for future permits'; on Page 4, Lines 1-3, by adding 'FURTHER RESOLVED, That the Board of Supervisors urges permittees to promptly install and otherwise implement sidewalk detection technology designed to prevent illegal riding on sidewalks; and, be it'; on Page 4, Lines 4-6, by adding 'FURTHER RESOLVED, That the Board of Supervisors urges SFMTA to condition the issuance of future permits permittees' installation and implementation of sidewalk detection technology designed to prevent illegal riding on sidewalks.'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Resolution urging permittees of San Francisco's Bicycle Share and Powered Scooter Share Programs to implement measures to advance rider compliance with existing terms and conditions of San Francisco's Bicycle Share and Powered Scooter Share Program requirements, and urging the SFMTA and its Board of Directors to establish new permit terms and conditions for future permits that further serve the goal of ensuring the public health and safety of pedestrians, seniors and people with disabilities.

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

Ayes: 3 - Melgar, Preston, Peskin

211137 [Hearing - Shared Mobility Devices Compliance with Public Health and Safety Regulations]**Sponsor: Peskin**

Hearing to address non-compliance by Shared Mobility Device permittees and riders of Shared Mobility Devices with laws and regulations designed to protect the health and safety of riders and pedestrians, including families, seniors and people with disabilities; and requesting the Municipal Transportation Agency and Shared Mobility Device permittees to report.

10/26/21; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

11/02/21; TRANSFERRED to Land Use and Transportation Committee. President Walton transferred this matter from Public Safety and Neighborhood Services to the Land Use and Transportation Committee.

11/04/21; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency, Lime, Scoot, Spin, Lyft, and Baywheels for informational purposes and requested the listed agencies to report.

Heard in Committee. Speakers: Kate Toran and Adrian Leung (Municipal Transportation Agency); Bivett Brackett and Karla Owunwanne (Lime); Lauren Greenwood and Alex April (Spin); Bob Walsh, Brian Bucella, and Maria Laposata (Bird); presented information and answered questions raised throughout the discussion. Zach Effrin; Brian Haagsman (Walk SF); Felicia Smith; Adam Pevlock; Theresa Flandric; Francisco Da Costa; Mark Gleason (Teamsters Local 665); Parker Day; David Alexander; Robert Fruckman; Kathy De Luca (Community Living Campaign); Bob Walsh; Linda Chapman; Martin Munoz; Cliff Barter; Michael Nulty; Greg Zuckino; spoke on various concerns relating to the hearing matter.

Member Peskin moved that this Hearing 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 5:07 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.