



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, November 29, 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, November 29, 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 Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 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; and 6) 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.

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

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by replacing 'within' with 'accessory to' throughout the legislation; by renaming Medical Services to Health Services in Article 8; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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.

Member Peskin moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of December 6, 2021. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

211094 [Priority for Veterans with an Affordable Housing Preference under Administrative Code, Chapter 47 - Disparate Impact Analysis]

Sponsors: Mar; Stefani, Walton and Preston

Ordinance directing the Mayor's Office of Housing and Community Development to conduct a disparate impact analysis of granting a priority for veterans who qualify for an affordable housing preference under Administrative Code, Chapter 47.

10/19/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/18/2021.

10/22/21; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development for informational purposes.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Kristen Jensen (Office of City Attorney); presented information and answered questions raised throughout the discussion. Jenny Perez; Commissioner Nicholas Rusanoff (Veterans' Affairs Commission); Ahami Chan; James Necongki; Charles Baker; spoke in support of the hearing matter. Tom McGreen; Alfred Simms; Linda Chapman; Tim Lombo (Deputy Sheriff Association); Courtney Ellington, Executive Director (American Legion War Memorial Commission); Bill Barnicle; Jason Chittavong (Veterans Justice Court); spoke on various concerns relating to the hearing matter.

Vice Chair Preston moved that this Ordinance be RECOMMENDED. 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 2:34 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.