



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: John Carroll
(415) 554-4445 ~ john.carroll@sfgov.org

Monday, June 17, 2024

1:30 PM

City Hall, Legislative Chamber, Room 250

Regular Meeting

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

The Land Use and Transportation Committee met in regular session on Monday, June 17, 2024, with Chair Myrna Melgar presiding. Chair Melgar called the meeting to order at 1:31 p.m.

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.

COMMUNICATIONS

John Carroll, Land Use and Transportation Committee Clerk, instructed members of the public that public comment is taken on each item on the agenda. Alternatively, written comments may be submitted through email (john.carroll@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

240640 [Landmark Tree Designation - Coast Redwood - 4 Montclair Terrace]

Sponsor: Peskin

Ordinance designating the coast redwood (*Sequoia sempervirens*) tree located at 4 Montclair Terrace as a landmark tree pursuant to the Public Works Code; making findings supporting the designation; and directing official acts in furtherance of the landmark tree designation, as defined herein.

06/04/24; ASSIGNED to Land Use and Transportation Committee. 6/5/24 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

Heard in Committee. Speaker(s): Brian Wiedenmeyer, Executive Director (Friends of the Urban Forest); presented information and answered questions raised throughout the discussion. Roland Guidry; Thierry Fill; Speaker; shared support for the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

240213 [Commemorative Street Name Designation - “Dr. Howard Thurman Way” - 2020 Stockton Street]

Sponsors: Peskin; Preston and Melgar

Resolution adding the commemorative street name “Dr. Howard Thurman Way” to the 2020 Block of Stockton Street in recognition of Dr. Howard Thurman’s legacy in San Francisco.

03/05/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

03/13/24; REFERRED TO DEPARTMENT. Referred to Public Works for informational purposes.

06/07/24; NOTICED. Ten-Day Notice for June 17, 2024 Land Use and Transportation Committee hearing posted online, onsite, and mailed, pursuant to Public Works Code Section 789, et seq.

Heard in Committee. Speaker(s): Anton Wong; Chuck Collins; Reverend Dr. Dorsey Blake; Noah Griffin; Aaron Grizell; Carol Berger; Carol Ann Rogers, President (Russian Hill Neighbors); Speaker; Peter Fitzsimmons; Thierry Fill; shared various concerns regarding the hearing matter.

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

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

Ayes: 3 - Melgar, Preston, Peskin

240411 [Planning Code - Polk Street Neighborhood Commercial District]**Sponsor: Peskin**

Ordinance amending the Planning Code to create an exception to allow storefront mergers and large uses for certain Limited Restaurant Uses designated as Legacy Businesses in the Polk Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

04/23/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/23/2024.

05/02/24; REFERRED TO DEPARTMENT. Referred to the Planning Commission for findings of consistency with the General Plan; the eight priority policies of Planning Code, Section 101.1; and findings of public necessity, convenience, and welfare under Planning Code, Section 302. Referred to the Small Business Commission for review and comment.

05/13/24; 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.

06/13/24; RESPONSE RECEIVED. On June 13, 2024, the Planning Commission met and held a duly noticed hearing and recommended approval of the proposed legislation with modifications.

Heard in Committee. Speaker(s): Veronica Flores (Planning Department); presented information and answered questions raised throughout the discussion. Aya Ahn (Bob's Donuts); Speaker; Thierry Fill; shared various concerns regarding the hearing matter.

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

Ayes: 3 - Melgar, Preston, Peskin

240407 [Police Code - Tenderloin Retail Hours Restriction Pilot Program]**Sponsor: Mayor**

Ordinance amending the Police Code to create a two-year pilot program, during which retail food and tobacco establishments in a high-crime area of the Tenderloin police district are prohibited from being open to the public from 12:00 a.m. to 5:00 a.m.; and authorizing the Department of Public Health to impose administrative fines for violation of the hours restriction, declaring an establishment's operation in violation of the hours restriction to be a public nuisance, authorizing enforcement actions by the City Attorney, and creating a private right of action for persons harmed by a violation of the hours restriction.

04/23/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/23/2024.

04/29/24; REFERRED TO DEPARTMENT. Referred to the Police Department, the Department of Public Health, and the Office of the City Attorney for informational purposes. Referred to the Small Business Commission for review and comment.

Heard in Committee. Speaker(s): Commander Derrick Lew (San Francisco Police Department); presented information and answered questions raised throughout the discussion. Thierry Fill; David Elliot Lewis, Co-Chair (Tenderloin People's Congress); Kate Robinson, Executive Director (Tenderloin Community Benefit District); Suzy (Central City Collaborative); Kathy Bohn; Clifford Gilmore (Central City SRO Collaborative); Juliana Martinez; Dan Williams; Kimo Crossman; Rhiannon Bailard, Chief Operating Officer (UC Law); Pratibha Tekkey (Central City SRO Collaborative); Chris Schulman, Executive Director (Lower Polk Community Benefit District); Helene Sautou (Mid Market Community Benefit District); Sheyenne White (Central City SRO Collaborative); Speaker; Gregg Johnson; Mohammed; Margarita Mena; Johana Ramirez; Speaker; Francisco; Jose Maria; Speaker; Mohammed; Speaker; Miriam Zouzounis; Speaker; Carol; shared various concerns regarding the hearing matter.

Vice Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 5-7, by inserting 'or from 2:00 a.m. to 5:00 a.m. if subject to regulation by the California Department of Alcoholic Beverage Control;' on Page 4, Line 23, through Page 5, Line 6, by inserting '(l) In spite of the Department of Health's 2022 Overdose Prevention Plan, which committed to open multiple "Wellness Hubs" across San Francisco in various impacted neighborhoods to reach people who use drugs, provide overdose prevention services, and ultimately help improve street conditions in San Francisco, the City has not operated any such sites since the closure of the Tenderloin Center, in December 2022. (m) Some businesses in the Tenderloin Public Safety Area, as of June 2024, have an active liquor license from the California Department of Alcoholic Beverage Control (ABC), and are already highly regulated, required to close by 2:00 a.m., and required to adhere to strict operating standards as a condition of their license;' on Page 5, Lines 7-13, to read 'The Office of the Mayor and the Police Department assert that the requirements imposed in this Article 58 are likely to improve public safety in the Tenderloin. This pilot program, prohibiting for two years retail food and tobacco establishments in the Tenderloin Public Safety Area from being open to the public between 12:00 a.m. and 5:00 a.m., or between 2:00 a.m. and 5:00 a.m. if they are ABC licensees, will enable the Police Department and certain other City departments to evaluate the effectiveness of this restriction in improving public safety in the Tenderloin;' on Page 5, Line 15, through Page 6, Line 6, by inserting '(o) While the restrictions in Article 58 may affect some businesses and may result in some level of hardship for those businesses, the City, in reliance upon the judgment of the Police Department, has determined that the potential benefits of these restrictions outweigh the potential harms, as the restrictions are attempting to address the urgent needs and conditions that exist in the Tenderloin Public Safety Area. (p) To ensure positive investment in the community during the pilot program, the City should ensure that community ambassadors, enhanced regular street and sidewalk cleaning, and trash pickup are prioritized within the Tenderloin Public Safety Area. (q) This Article 58 is not intended to limit the enforcement of other laws and regulations by City departments, including but not limited to the City Attorney, Department of Public Health, Police Department, and Sheriff's Office, to address the conditions noted herein, and any state or federal agencies and regulators with jurisdiction to address matters that arise within the Tenderloin Public Safety Area. (r) The Board of Supervisors urges the Office of the Mayor, the Police Department, and other City departments, as applicable, to continue to undertake enforcement efforts during this pilot program against businesses that are engaged in conduct that is already illegal, including illegal onsite gambling, fraud, and health and safety violations;' on Page 6, Lines 9-10, by inserting "'ABC" shall mean the California Department of Alcoholic Beverage Control. "ABC Licensee" shall mean a Retail Establishment that holds an active license from the ABC to sell liquor;' on Page 6, Line 16, "'OEWD" shall mean the Office of Economic and Workforce Development;' on page 6, Lines 17-19, to read "'Restricted Hours" shall mean the period between 12:00 a.m. and 5:00 a.m., seven days a week, and including holidays for ABC Licensees, and between 12:00 a.m. and 5:00 a.m. for Retail Establishments that do not hold an ABC License;' on Page 7, Lines 11-16, by inserting '(b) At least 15 days prior to the start of the pilot program, DPH and OEWD shall contact all Retail Establishments (including ABC Licensees) to explain the new restrictions and restricted hours. Such contact shall be conducted in the appropriate language to ensure that the operator of the establishment is able to understand the new restrictions. In addition, OEWD shall create a way for businesses in the Tenderloin Public Safety Area to provide feedback to the City regarding the pilot program, its enforcement, and its effects;' on Page 13, Lines 1-18, by inserting 'SEC. 5809. REPORTING REQUIREMENTS Six months following the start of this pilot program, the Drug Market Agency Coordination Center ("DMACC") shall submit a report to the Clerk of the Board of Supervisors, along with a proposed resolution accepting the report. The report shall outline progress made to address conditions in the Tenderloin Public Safety Area, including enforcement under Article 58 and other City-led enforcement actions related to addressing the conditions noted in Section 5800, including updates from DMACC, the City Attorney, DPH, the Police Department, the Sheriff and any other entities working with the

City. While the report may include other details as departments see fit to include, the report shall at minimum include information about how crime patterns and statistics have changed in the Tenderloin Public Safety Area, number of enforcement actions under Article 58, other related enforcement actions in the Tenderloin Public Safety Area, and reported calls for service during early morning hours throughout the duration of the pilot program. The report shall also include updates from OEWD about outreach efforts and any other programs designed to help businesses within the Tenderloin Public Safety Area and an overview of feedback from businesses regarding the effects of the pilot program. A hearing shall be held on the matter by the Board of Supervisors or one of its committees;' and making conforming and clerical amendments throughout the ordinance text. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Police Code to create a two-year pilot program, during which retail food and tobacco establishments in a high-crime area of the Tenderloin police district are prohibited from being open to the public from 12:00 a.m. to 5:00 a.m., or from 2:00 a.m. to 5:00 a.m. if subject to regulation by the California Department of Alcoholic Beverage Control; authorizing the Department of Public Health to impose administrative fines for violation of the hours restrictions; declaring an establishment's operation in violation of the hours restrictions to be a public nuisance; authorizing enforcement actions by the City Attorney; and creating a private right of action for persons harmed by a violation of the hours restriction.

See Duplicate File No. 240696

DUPLICATED AS AMENDED

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

Ayes: 3 - Melgar, Preston, Peskin

240696 [Police Code - Tenderloin Retail Hours Restriction Pilot Program]

Sponsor: Mayor

Ordinance amending the Police Code to create a two-year pilot program, during which retail food and tobacco establishments in a high-crime area of the Tenderloin police district are prohibited from being open to the public from 12:00 a.m. to 5:00 a.m., or from 2:00 a.m. to 5:00 a.m. if subject to regulation by the California Department of Alcoholic Beverage Control; authorizing the Department of Public Health to impose administrative fines for violation of the hours restrictions; declaring an establishment's operation in violation of the hours restrictions to be a public nuisance; authorizing enforcement actions by the City Attorney; and creating a private right of action for persons harmed by a violation of the hours restriction.

Duplicated from File No. 240407

Vice Chair Preston moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting of July 1, 2024. 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 3:32 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.