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, July 29, 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, July 29, 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

240758 **[Updating Infill Opportunity Zone for Congestion Management Planning]**

Sponsor: Mandelman

Resolution updating the area designated as an Infill Opportunity Zone for Congestion Management Planning in the City and County of San Francisco under California Government Code, Section 65088 et seq.

07/09/24; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Heard in Committee. Speaker(s): Supervisor Rafael Mandelman (Board of Supervisors); Chun Ho Chow (San Francisco County Transportation Authority); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Melgar, Preston, Peskin

240725 **[Planning Code - Landmark Designation - Rainbow Flag at Harvey Milk Plaza]**

Sponsors: Mandelman; Engardio, Dorsey, Peskin, Chan, Melgar and Preston

Ordinance amending the Planning Code to designate the Rainbow Flag Installation at Harvey Milk Plaza, by Gilbert Baker, located at the southwest corner of the intersection of Market Street and Castro Street, 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.

06/25/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/25/2024.

07/08/24; REFERRED TO DEPARTMENT. Referred to the Planning Department for Environmental Review.

07/19/24; NOTICED. Notice of Public Hearing for July 29, 2024 Land Use and Transportation Committee meeting mailed to property owners and interested parties.

07/25/24; RESPONSE RECEIVED. The project was determined to be categorically exempt under CEQA Guidelines Section 15308 on May 6, 2024 (Planning Case 2023-003679PRJ).

Heard in Committee. Speaker(s): Supervisor Rafael Mandelman (Board of Supervisors); presented information and answered questions raised throughout the discussion. Ralph Hibbs; Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Harry; Terry Asten Bennett, President (Castro Merchants Association); Jeff Sheehy; shared support for the hearing matter.

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

Chair Melgar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 8-10, to read '20-foot by 30-foot six-striped Rainbow Flag with the colors red, orange, yellow, green, blue, and violet, flying at full mast 24 hours a day, seven days a week, year-round.' The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

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

Ayes: 3 - Melgar, Preston, Peskin

240766 **[Administrative Code - Ban on Automated Rent-Setting]**

Sponsors: Peskin; Chan, Preston and Melgar

Ordinance amending the Administrative Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San Francisco. (Economic Impact Pending Further Review; No Economic Impact Report)

07/16/24; ASSIGNED to Rules Committee. 7/17/24 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

07/22/24; REFERRED TO DEPARTMENT. Referred to the Housing Authority and the Rent Board for informational purposes.

07/22/24; TRANSFERRED to Land Use and Transportation Committee. President Peskin transferred this ordinance from the Rules committee to the Land Use and Transportation committee.

Heard in Committee. Speaker(s): Lee Hepner (American Economic Liberties Project); presented information and answered questions raised throughout the discussion. Lena Maybaum (Housing Rights Committee); Lucas Wiley; Mitchell Olmenberg; shared support for the hearing matter.

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

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Line 14, by inserting 'revenue management;' on Page 1, Lines 19-22, to read 'Participating landlords provide vast amounts of proprietary data to the programs, which do not just summarize statistical data, but also perform calculations with the data to then set or provide recommendations for rent and occupancy levels;' on Page 3, Lines 16-25, to revise the definition of Algorithmic device to read '"Algorithmic device" means a device commonly known as revenue management software, that uses one or more algorithms to perform calculations of non-public competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising a landlord on whether to leave a unit vacant or on the amount of rent that the landlord may obtain for that unit. "Algorithmic device" includes a product that incorporates an algorithmic device, but does not include (A) report that publishes existing rental data in an aggregated manner but does not recommend rents or occupancy levels for future leases; or (B) a product used for the purpose of establishing rent or income limits in accordance with the affordable housing program guidelines of a local government, the state, the federal government, or other political subdivision;' and making clerical and conforming changes throughout the ordinance text. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

DUPLICATED AS AMENDED

See Duplicate File No. 240796.

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

240796 **[Administrative Code - Ban on Automated Rent-Setting]**

Sponsors: Peskin; Chan, Preston and Melgar

Ordinance amending the Administrative Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San Francisco.
(Economic Impact Pending Further Review; No Economic Impact Report)

Duplicated from File No. 240766.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by inserting 'and to authorize enforcement by tenants' rights organizations;' on Page 4, Lines 16-19, by inserting '(3) A nonprofit organization with tax-exempt status under 26 United States Code Section 501(c)(3) or 501(c)(4) and with a primary mission of protecting the rights of tenants in San Francisco may also bring a civil action to enforce violations of subsection (b) and seek the remedies set forth in subsection (d)(2), including attorneys' fees and costs;' and making conforming and clerical changes throughout the ordinance text. The motion carried by the following vote:

Ayes: 3 - Melgar, Preston, Peskin

Ordinance amending the Administrative Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San Francisco, and to authorize enforcement by tenants' rights organizations.
(Economic Impact Pending Further Review; No Economic Impact Report)

Member Peskin 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

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 2:22 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.