



City and County of San Francisco
Meeting Minutes - Final
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, April 18, 2022

1:30 PM

Regular Meeting

IN-PERSON MEETING
City Hall, Legislative Chamber, Room 250

(remote access provided)
(remote public comment provided via teleconference)

President Shamann Walton appointed Supervisor Rafael Mandelman, in place of Supervisor Myrna Melgar, to the Land Use and Transportation Committee for the regular meeting of April 18, 2022.

Present: 2 - Dean Preston, and Rafael Mandelman

Excused: 2 - Myrna Melgar, and Aaron Peskin

The Land Use and Transportation Committee met in regular session, in-person with remote access and public comment via telephone, on Monday, April 18, 2022, with Vice Chair Preston presiding. Vice Chair Preston called the meeting to order at 1:33 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees will convene hybrid meetings that will allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person at the above noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>). Individuals who wish to share documents during a hearing must provide them to the Clerk 48 hours in advance (Erica.Major@sfgov.org); equipment is not available to share hard copy documents received in-person.

Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit https://sfbos.org/in_person_meeting_guidelines for the current guidelines.

Members of the public may also 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, Vice Chair Preston and Member Mandelman were noted present. Chair Melgar and Member Peskin were noted not present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

*Brent Jalipa, Assistant Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email 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.*

Supervisors Melgar and Peskin Excused from Attendance

Chair Preston moved that Supervisors Melgar and Peskin be excused from the regular Land Use and Transportation Committee meeting of April 18, 2022. The motion carried by the following vote:

Ayes: 2 - Preston, Mandelman

Excused: 2 - Melgar, Peskin

220264 [Planning Code - Adult Sex Venues]**Sponsors: Mandelman; Haney**

Ordinance amending the Planning Code to define Adult Sex Venue and principally permit, conditionally permit, or prohibit Adult Sex Venues in Commercial; Residential-Commercial; Production Distribution and Repair (PDR); Neighborhood Commercial; Neighborhood Commercial Transit; and Mixed Use Districts; 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

03/15/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/14/2022.

03/18/22; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation and the Planning Department for environmental review.

03/22/22; REFERRED TO DEPARTMENT. Referred to Department of Public Health for informational purposes; Small Business Commission for comment and recommendation.

04/14/22; RESPONSE RECEIVED. On April 11, 2022, the Small Business Commission met and recommended support to the proposed legislation.

04/14/22; RESPONSE RECEIVED. On April 7, 2022, the Planning Commission met and held a duly noticed hearing and recommended approval with modification for the proposed legislation.

Heard in Committee. Speakers: Aaron Starr (Planning Department); Kristen Jensen (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Ken Rowe (Eros); Cal Callahan and Bob Goldfarb (Leather and LGBTQ Cultural District); spoke in support of the hearing matter.

Member Mandelman moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6-8, by adding 'to prohibit Adult Sex Venues as an accessory use; to prohibit Adult Businesses in the Chinatown Community Business District;' after ; 'Districts'; on Page 5, Lines 15-18, to read 'Section 3. The Planning Code is hereby amended by revising Sections 102, 202.2, 204.2, 204.3, 303, 703, 803.2, 803.3, and 825, and revising the Zoning Control Tables in Sections 209.3, 210.3, 710-745, 750-764, 810-812, 814, 827, 829, and 840-848, to read as follows:'; on Page 6, Lines 4-5, by adding 'An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and is eligible for a Limited Live Performance permit.' after 'Article 47.'; on Page 7, Line 22, by adding '(e) An Adult Sex Venue as defined in Section 102 of this Code.'; on Page 8, Lines 20-21, by adding '(d) Prohibition of Accessory Adult Sex Venues. Adult Sex Venues as defined in Section 102 of this Code are not permitted as an accessory use.'; on Page 9, Lines 15-16, to read '(12) P within the Compton's Transgender Cultural District.'; on Page 13, Line 16, by adding '(10) An Adult Sex Venue as defined in Section 102 of this Code.'; on Page 40, Lines 10-12, to read '(8) P for parcels with frontage on Market Street'; on Page 49, Line 20, by adding '(8) An Adult Sex Venue as defined in Section 102 of this Code.'; on Page 52, Line 19, by adding '(viii) An Adult Sex Venue as defined in Section 102 of this Code.'; on Page 53, by adding an Adult Business Zoning Category, Section 102 to Reference, and NP Controls by story to Table 810- CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE; on Page 57, Lines 5-6, to read '(ii) Nighttime entertainment, massage establishment, Adult Sex Venue, or movie theater'; and on Page 60, to add 842.50 to No., Adult Sex Venue to Zoning Category, Section 102 to References, and C in Mixed Use Office District Controls to Table 843- UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE. The motion carried by the following vote:

Ayes: 2 - Preston, Mandelman

Excused: 2 - Melgar, Peskin

Ordinance amending the Planning Code to define Adult Sex Venue and principally permit, conditionally permit, or prohibit Adult Sex Venues in Commercial; Residential-Commercial; Production Distribution and Repair (PDR); Neighborhood Commercial; Neighborhood Commercial Transit; and Mixed Use Districts; to prohibit Adult Sex Venues as an accessory use; to prohibit Adult Businesses in the Chinatown Community Business District; 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Member Mandelman moved that this Ordinance be RECOMMENDED AS AMENDED. Member Mandelman withdrew the motion before the vote was taken.

Member Mandelman moved that this Ordinance be CONTINUED AS AMENDED to the Land Use and Transportation Committee meeting on April 25, 2022. The motion carried by the following vote:

Ayes: 2 - Preston, Mandelman

Excused: 2 - Melgar, Peskin

ADJOURNMENT

There being no further business, the Land Use and Transportation Committee adjourned at the hour of 1:56 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.