

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, November 9, 2021 - 2:00 PM

Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

*(remote public access provided via teleconference)*

[www.sfgovtv.org](http://www.sfgovtv.org)

### Regular Meeting

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SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,  
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AISHA SAFAI, CATHERINE STEFANI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

**Budget and Appropriations Committee**  
Supervisors Haney, Safai, Mar, Ronen, Walton

**Budget and Finance Committee**  
Supervisors Haney, Safai, Mar

**Government Audit and Oversight Committee**  
Supervisors Preston, Chan, Mandelman

**Land Use and Transportation Committee**  
Supervisors Melgar, Preston, Peskin

**Public Safety and Neighborhood Services Committee**  
Supervisors Mar, Stefani, Haney

**Rules Committee**  
Supervisors Peskin, Mandelman, Chan

**Youth, Young Adult, and Families Committee**  
Supervisors Ronen, Safai, Melgar

#### Meeting Days

Wednesday  
1:00 PM

Wednesday  
10:30 AM

1st and 3rd Thursday  
10:00 AM

Monday  
1:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
10:00 AM

2nd Friday  
10:00 AM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Volume 116 Number 37

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**Members Present:** Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

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*The Board of Supervisors of the City and County of San Francisco met in regular session, and provided public comment through teleconferencing, on Tuesday, November 9, 2021, with President Shamann Walton presiding.*

*President Walton called the meeting to order at 2:00 p.m.*

### **Remote Access to Information and Participation**

*On March 17, 2020, the Board of Supervisors (Board) authorized their Board and Committee meetings to convene remotely and allow remote public comment via teleconference. Effective June 29, 2021, the Board and staff began to reconvene for in-person Board proceedings. Committee meetings will continue to convene remotely until further notice. Visit the SFGovTV website at ([www.sfgovtv.org](http://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: [bos@sfgov.org](mailto:bos@sfgov.org); all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. Please visit the Board's website ([www.sfbos.org](http://www.sfbos.org)) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.*

### **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*On the call of the roll, Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Safai, Stefani, and Walton were noted present.*

*Supervisor Ronen was noted not present.*

*There was a quorum of the Board present.*

*Due to technical difficulties, President Walton recessed the meeting at 2:02 p.m. and reconvened the meeting at 2:08 p.m.*

*Upon reconvening, Supervisor Ronen was noted present.*

*President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.*

## COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board that she was in receipt of correspondence, dated November 4, 2021, from Brian O'Neill of Zacks, Freedman & Patterson, PC, representing the Appellants, Tom and Kari Rocca, withdrawing their appeal of the project at 35 Ventura Avenue (File Nos. 210927-210930).

Clerk Calvillo further instructed members of the public, when general public comment is called, 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. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email ([bos@sfgov.org](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

## APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the October 5, 2021, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Preston, seconded by Supervisor Mandelman, moved to approve the October 5, 2021, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## AGENDA CHANGES

There were no agenda changes.

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

### **211161 [Formal Policy Discussions - November 9, 2021]**

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topic submitted from the Supervisor representing District 5. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

#### 1. Homelessness (District 5)

*Mayor London N. Breed addressed the Board of Supervisors regarding the upcoming 2022 Elections and the additional funding that will be needed to cover the unexpected costs. Mayor Breed then discussed the above referenced topic submitted by the District 5 Supervisor.*

*Supervisor Preston began the discussions by asking the following question: What are the reasons - all the reasons - that your administration suddenly reversed course and reneged on its commitment to open transitional age youth (TAY) homeless services at 730 Stanyan Street by October 31, 2021? Mayor Breed responded that the resources provided during the budget cycle were not sufficient to cover these services. The City is making historic investments in homelessness to provide shelters and establish services. For example, the Lower Polk TAY shelter was opened earlier this year and has been critical in providing the type of interventions needed and the spending is being done wisely with clear objectives.*

*Supervisor Preston then followed up with the following question: Will you commit today to open homeless TAY drop-in services before the end of this calendar year? Mayor Breed reiterated that revenues were not sufficient to do so and the challenges around accountability are of deep concern to her. She is committed to coming up with solutions with the Supervisor's office to address these problems and situations around homeless youth in the community.*

*Mayor Breed did not ask any questions related to this topic.*

*Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

## CONSENT AGENDA

### Recommendations of the Land Use and Transportation Committee

**210808 [Planning Code - Requirements for Laundromats and On-site Laundry Services]**

**Sponsors: Peskin; Chan, Preston, Ronen, Mandelman, Haney, Walton, Mar and Melgar**

Ordinance amending the Planning Code to add Laundromat as a defined term, to require conditional use authorization for uses replacing Laundromats, and to prohibit Accessory Dwelling Units that reduce on-site laundry services unless replaced; 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.

**Ordinance No. 209-21**

**FINALLY PASSED**

**210868 [Planning Code - Inclusionary Housing Program Updates]**

**Sponsors: Ronen; Chan, Peskin, Preston, Melgar, Mandelman, Safai and Haney**

Ordinance amending the Planning Code to update inclusionary housing program requirements; 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 necessity, convenience, and welfare under Planning Code, Section 302.

**Ordinance No. 210-21**

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### From the Board

*President Walton requested File Nos. 211071 and 211072 be called together.*

#### **211071 [Settlement of Lawsuit - AmerisourceBergen Corp., Cardinal Health, Inc., and McKesson Corp. - City to Receive \$27 Million to \$50 Million Over 18 Years]**

Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against three large distributors of prescription opioids (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) for abatement funds in the range of \$27 million to \$50 million to be paid over 18 years; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation created a public nuisance and violated the Unfair Competition Law and the False Advertising Laws by distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

**Ordinance No. 211-21**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211072 [Settlement of Lawsuit - Johnson & Johnson - City to Receive \$6 Million to \$11 Million Over 9 Years]**

Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals, Inc., for abatement funds in the range of \$6 million to \$11 million to be paid over 9 years; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that Johnson and Johnson's subsidiary, Janssen Pharmaceuticals, Inc., created a public nuisance and violated the Unfair Competition Law and the False Advertising Laws through deceptive marketing of opioids, manufacturing and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and to report suspicious opioid orders as required by state and federal law. (City Attorney)

**Ordinance No. 212-21**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **NEW BUSINESS**

### **Recommendations of the Budget and Finance Committee**

**210806 [Accept and Expend Grant - Retroactive - Blue Shield of California Foundation - Leveraging Collaboration to End Domestic Violence - Amendment to the Annual Salary Ordinance - FYs 2020-2021 and 2021-2022 - \$300,000]**

**Sponsors: Mayor; Ronen**

Ordinance retroactively authorizing the Department on the Status of Women to accept and expend a grant in the amount of \$300,000 through the Blue Shield of California Foundation, and amending Ordinance No. 166-20 (Annual Salary Ordinance File No. 200568 for Fiscal Years (FYs) 2020-2021 and 2021-2022) to provide for the addition of one grant-funded Class 1820 Junior Administrative Analyst position (FTE 1.0) for the period of April 1, 2021, through March 31, 2023.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210009 [Contract Agreement Amendment - Retroactive - HealthRIGHT 360 - Fiscal Intermediary Check-Writing Services - Not to Exceed \$46,766,160]**

Resolution retroactively approving Amendment No. 1 to the agreement between HealthRIGHT 360 and the Department of Public Health (DPH) for fiscal intermediary check-writing services, in an amount not to exceed \$46,766,160; to extend the term by one year and eleven months, from July 31, 2021, for a total agreement term of January 1, 2021, through June 30, 2023; and to authorize DPH to enter into amendments or modifications to the contract, as defined herein, that do not increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract. (Public Health Department)  
(Fiscal Impact)

**Resolution No.** 520-21

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

*President Walton requested File Nos. 211003 and 211004 be called together. During the discussion on these matters, privilege of the floor was granted unanimously to Sailaja Kurella, Acting Director (Office of Contract Administration), who responded to questions raised.*

**211003 [Contract Modification - MSC Industrial Supply Company Inc. - Purchase of Industrial Supplies - Term Extension - Not to Exceed \$14,277,623]**

Resolution authorizing the Office of Contract Administration to enter into a Sixth Modification to the contract between the City and County of San Francisco and MSC Industrial Supply Company Inc. for the purchase of industrial supplies for City departments, increasing the contract amount by \$4,377,623 for a total contract amount not to exceed \$14,277,623 and extending the term by one year and two months for a total term of May 1, 2017, through June 30, 2023. (Office of Contract Administration)  
(Fiscal Impact)

**Resolution No.** 523-21

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211004 [Contract Modification - Buckles-Smith Electric Co. - Purchase of Electrical Supplies and Fixtures - Not to Exceed \$13,946,868]**

Resolution authorizing the Office of Contract Administration to enter into a Fifth Amendment (Modification No. 5) to the contract between the City and County of San Francisco and Buckles-Smith Electric Co. for the purchase of electrical supplies and fixtures for City departments, increasing the contract amount by \$4,046,868 for a total not to exceed amount of \$13,946,868 and extending the term by one year from June 30, 2022, for a total contract duration of six years of July 5, 2017, through June 30, 2023. (Office of Contract Administration)  
(Fiscal Impact)

**Resolution No.** 524-21

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton



**211050 [Apply for Grant - United States Department of Housing and Urban Development - Continuum of Care Program - Not to Exceed \$59,300,000]****Sponsor: Mayor**

Resolution approving the 2021 grant application for the United States Department of Housing and Urban Development Continuum of Care Program in an amount not to exceed \$59,300,000; and fulfilling the Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more. (Department of Homelessness and Supportive Housing)

**Resolution No. 513-21****ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Recommendation of the Land Use and Transportation Committee****210744 [Commemorative Street Name Designation - "Polytechnic Way" - 700 Block of Frederick Street]****Sponsor: Preston**

Resolution adding the commemorative street name "Polytechnic Way" to the 700 block of Frederick Street in recognition of San Francisco's first public high school and its contribution to the education of thousands of San Franciscans from 1894 to 1972.

**Resolution No. 521-21****ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Recommendations of the Public Safety and Neighborhood Services Committee****210605 [Administrative Code - Domestic Violence Data Reporting]****Sponsors: Stefani; Melgar, Safai, Haney, Mar, Mandelman, Ronen and Walton**

Ordinance amending the Administrative Code to require the Police Department and the District Attorney to submit quarterly reports to the Board of Supervisors, the Mayor, and various City departments regarding the number of cases of domestic violence.

*Supervisors Mandelman, Ronen, and Walton requested to be added as co-sponsors.*

**Supervisor Ronen requested this Ordinance be DUPLICATED.**

*See duplicated File No. 211172.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211172 [Administrative Code - Domestic Violence Data Reporting]****Sponsors: Stefani; Melgar, Safai, Haney, Mar, Mandelman, Ronen and Walton**

Ordinance amending the Administrative Code to require the Police Department and the District Attorney to submit quarterly reports to the Board of Supervisors, the Mayor, and various City departments regarding the number of cases of domestic violence.

*Duplicated from File No. 210605.*

**Supervisor Ronen, seconded by Supervisor Chan, moved that this duplicated Ordinance be REFERRED to the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

*President Walton requested File Nos. 210976 and 211008 be called together.*

**210976 [Liquor License Transfer - 2539 Mission Street - Evergreen Market]**

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Ish's Community Market, Corp., doing business as Evergreen Market, located at 2539 Mission Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**Resolution No. 522-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211008 [Liquor License Transfer - 524 Post Street - The Olympic Club]**

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to The Olympic Club, located at 524 Post Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

**Resolution No. 525-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Recommendations of the Rules Committee****211029 [Administrative Code - Naming the City Hall Press Room for Barbara A. Taylor]****Sponsors: Peskin; Walton, Ronen, Mandelman, Preston and Chan**

Ordinance amending the Administrative Code to name the City Hall Press Room in memory of legendary reporter Barbara Ann Taylor.

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

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **Supervisor Peskin Excused from Voting**

Supervisor Melgar, seconded by Supervisor Preston, moved that Supervisor Peskin be excused from voting on File No. 210479. The motion carried by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Preston, Ronen, Safai, Stefani, Walton  
Excused: 1 - Peskin

## **210479 [Appointments, Immigrant Rights Commission - Zay David Latt, Mario Paz, Celine Kennelly, Nima Rahimi, Sarah Souza, and Lucia Obregon Matzer]**

Motion appointing Zay David Latt (residency requirement waived), Mario Paz (residency requirement waived), Celine Kennelly, Nima Rahimi, Sarah Souza, and Lucia Obregon Matzer, terms ending June 6, 2023, to the Immigrant Rights Commission. (Rules Committee)

**Motion No.** M21-155

**APPROVED** by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Preston, Ronen, Safai, Stefani, Walton  
Excused: 1 - Peskin

## **SPECIAL ORDER 2:30 P.M. - Recognition of Commendations**

Supervisor Mandelman, seconded by Supervisor Ronen, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

*Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Captain Nicole Jones and Captain Rachel Moran (Police Department) in recognition of their dedication to public service and many accomplishments supporting District 8. President Walton and Supervisors Ronen, Melgar, and Safai shared in this commendation. Deputy Chief David Lazar (Police Department) provided additional remarks recognizing both Captains and their accomplishments.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to April McGill, Executive Director (American Indian Cultural Center), and Sharaya Souza, Executive Director (American Indian Cultural District), on the occasion of National Native American Heritage Month and in recognition of their accomplishments as ambassadors and tireless advocates for Native American Indian communities.*

**SPECIAL ORDER 3:00 P.M.**

*President Walton requested File Nos. 210927, 210928, 210929, and 210930 be called together.*

**210927 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 35 Ventura Avenue Project]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on November 18, 2018, for the proposed project at 35 Ventura Avenue, Assessor's Parcel Block No. 2816, Lot No. 008, to include the second floor addition of 15 feet in height for the proposed property that would consist of an approximately 30 foot tall, 3,000 square foot, single family home. (District 7) (Appellant: Ryan Patterson of Zacks, Freedman & Patterson PC, on behalf of Tom and Kari Rocca) (Filed August 30, 2021) (Clerk of the Board)

*President Walton opened the public hearing and informed the Board that a settlement had been reached between the parties and the Appellant has withdrawn the appeal. Supervisor Melgar provided brief remarks regarding the project, the appeal, and the subsequent withdrawal of the appeal. The President then inquired as to whether any individual wished to address the Board. There were no speakers. President Walton closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**210928 [Affirming the Categorical Exemption Determination - 35 Ventura Avenue]**

Motion affirming the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically exempt from further environmental review. (Clerk of the Board)

**Motion No. M21-154**

**Supervisor Melgar, seconded by Supervisor Safai, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210929 [Conditionally Reversing the Exemption Determination - 35 Ventura Avenue]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Melgar, seconded by Supervisor Safai, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210930 [Preparation of Findings to Reverse the Exemption Determination - 35 Ventura Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Melgar, seconded by Supervisor Safai, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## COMMITTEE REPORTS

### Recommendation of the Rules Committee

#### **211031 [Administrative Code - Request for Sheriff's Services]**

**Sponsors: Safai; Peskin, Mar and Mandelman**

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private individuals and private entities to provide supplemental law enforcement services.

**Supervisor Safai, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of November 16, 2021. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Anastasia Yovanopolous; expressed support of newly introduced legislation urging the institutionalization of a sensitive communities map in the General Plan Housing Element.*

*Kara Galavan; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Shawn Carberry; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Maria Ahnich; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Donnie Centric; expressed concerns regarding the concentration of homeless in District 6.*

*Rocky Shawlin; expressed support of newly introduced legislation 1) apologizing to the Chinese American community and 2) prohibiting factory farms.*

*John Arne; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Anna; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Candy Anne Merrill; expressed concerns regarding current health orders and visitor restrictions for those in medical care.*

*Maryanne Merlay; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Almira; expressed support of newly introduced legislation prohibiting factory farms.*

*Carolyn; shared personnel concerns regarding the Department of Public Health.*

*Francisco Da Costa; expressed concerns regarding public comment and needed street repairs.*

*James Elword; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Jean Walsh; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Mary Alonzo; expressed concerns regarding a Public Works urban forestry project at St. Mary's Park and the College Avenue median.*

*Supervisor Haney was noted absent at 4:47 p.m. and for the remainder of the meeting.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **211145 [Final Map No. 10341 - 3310 Mission Street]**

Motion approving Final Map No. 10341, an eight residential unit and two commercial unit, mixed-use condominium project, located at 3310 Mission Street, being a subdivision of Assessor's Parcel Block No. 6635, Lot No. 054; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M21-156**

**APPROVED by the following vote:**

Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton  
Absent: 1 - Haney

## **Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Ronen requested that File No. 211157 be severed so it they may be considered separately.*

### **211157 [Recognizing November as National Native American Heritage Month]**

**Sponsors: Ronen; Chan, Mandelman, Preston, Walton, Peskin, Safai, Melgar, Mar and Stefani**

Resolution recognizing November 1, 2021, through November 30, 2021, as National Native American Heritage Month for their contributions to our nation and as first peoples of San Francisco, celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States, and encouraging all people to participate in activities and events to learn about and understand the contribution of native peoples to this land.

*Supervisors Mandelman, Preston, Walton, Peskin, Safai, Melgar, Mar, and Stefani requested to be added as co-sponsors.*

Supervisor Ronen, seconded by Supervisor Preston, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 8, by changing 'native peoples' to 'indigenous people', Line 14, by adding 'and' after 'Francisco', Lines 17-18, by changing 'and non-federally recognized tribes throughout California; and' to 'recognized and 75 non-federally recognized Nations petitioning for recognition in California; and'; on Page 1, Line 23, through Page 2, Line 3, by adding 'WHEREAS, The City and County of San Francisco formally recognized in 2019 the American Indian Cultural Center of San Francisco as a virtual Cultural Center. The first American Indian Center (AIC) in San Francisco started in the 1940s to create an identity for American Indian people, providing programming space and resources for American Indians in the Urban areas. These community and cultural centers hold a strong history and cultural foundation for American Indians in San Francisco; and'; on Page 2, Line 10, by changing 'as many' to 'over', Line 11, by changing 'reservation' to 'ancestral' and 'identified' to 'such as', Lines 12-17, by changing 'as one of the top four urban job centers which resulted in San Francisco Bay Area having one of the highest populations of relocated intertribal American Indian nations in California; and' to 'where they would be forced to assimilate. American Indian cultural centers became the cultural foundation for American Indians in Urban communities resulting in California being one of the highest populations of relocated intertribal Nations. Today 90 percent of American Indian populations live in urban cities like San Francisco; and'; Line 20, by changing 'movements' to 'actions' and changing 'including' to 'notably'; on Page 2, Line 23, through Page 3, Line 2, by changing 'broken treaties, and was the catalyst for President Nixon's return of the sacred Blue Lake, 48,000 acres back to the Taos Pueblo Tribe of New Mexico; and' to 'broken and unratified treaties, exposing the genocide of California Indian Nations and the extraction of their environmental resource funded by the federal government and state of California; and'; on Page 3, Lines 19-20, by changing 'Native peoples of Native Americans to the culture of the United States' to 'of American Indians', Line 22, by changing 'Native Americans' to 'American Indians'; and on Page 4, by adding 'cultural humility'. The motion carried by the following vote:

Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Absent: 1 - Haney

Resolution recognizing November 1, 2021, through November 30, 2021, as National Native American Heritage Month for their contributions to our nation and as first peoples of San Francisco, celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States, and encouraging all people to participate in activities and events to learn about and understand the contribution of indigenous people to this land.

**Resolution No. 526-21**

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Chan, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Absent: 1 - Haney

## IMPERATIVE AGENDA

*There were no imperative agenda items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

## ORDINANCES

### **211173 [Appropriation - Department of Elections - \$11,973,601 - FY2021-2022]**

**Sponsors: Mayor; Mandelman**

Ordinance appropriating \$6,875,478 from the General Reserve and \$5,098,123 from other revenue, for a total amount of \$11,973,601 to the Department of Elections to support additional costs from unforeseen elections in Fiscal Year (FY) 2021-2022, including upcoming elections for the San Francisco School Board of Education and State Assembly District 17; this Ordinance requires a two-thirds approval vote of all members of the Board of Supervisors for \$10,082,775 pursuant to Charter, Section 9.113(c).

(Pursuant to Charter, Section 9.113(c), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve such appropriation ordinance for passage.)

(Fiscal Impact)

11/09/21; ASSIGNED to Budget and Finance Committee.

### **211174 [Appropriation - General Reserve - Fire Department - Paramedic Staffing - \$2,479,218 - FY2021-2022]**

**Sponsors: Mayor; Safai, Mar and Haney**

Ordinance appropriating \$2,479,218 of General Fund General Reserves to the Fire Department for increased staffing to address paramedic staffing shortages in Fiscal Year (FY) 2021-2022; this Ordinance requires a two-thirds approval vote of all members of the Board of Supervisors for \$2,393,268 pursuant to Charter, Section 9.113(c).

(Pursuant to Charter, Section 9.113(c), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve such appropriation ordinance for passage.)

(Fiscal Impact)

11/09/21; ASSIGNED to Budget and Finance Committee.



**211175 [Public Employment - Amendment to the Salary Ordinance for the Fire Department - FY2021-2022]****Sponsors: Mayor; Safai, Mar and Haney**

Ordinance amending Ordinance No. 109-21 (Salary Ordinance Fiscal Years 2021-2022 and 2022-2023) to reflect the addition of 50 new positions (13.68 FTEs) in Fiscal Year (FY) 2021-2022 in the Fire Department to address paramedic staffing shortages.

(Fiscal Impact)

11/09/21; ASSIGNED to Budget and Finance Committee.

**211177 [Health Code - Subacute Care Reporting Requirements]****Sponsors: Safai; Ronen**

Ordinance amending the Health Code to require general acute care hospitals in the City to report annually to the Department of Public Health the number of, and certain demographic information regarding, patients transferred to a health facility outside of the City to receive subacute skilled nursing care and patients who qualify for subacute skilled nursing care but are not transferred to a health facility outside of the City.

11/09/21; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 12/9/2021.

## RESOLUTIONS

**211178 [Accept and Expend Grant - State Coastal Conservancy Priority Conservation Area Grant Program - Twin Peaks Improvement Project - \$500,000]****Sponsor: Mayor**

Resolution authorizing the Recreation and Park Department to accept and expend grant funding from the State Coastal Conservancy Priority Conservation Area Grant Program in the amount of \$500,000 to support the Twin Peaks Improvement Project ("Project"); and approving the Grant Agreement substantially in the form as the draft agreement which is on file with the Clerk of the Board which requires the Recreation and Park Department to maintain the Project for a 20-year period commencing upon project completion, pursuant to Charter, Section 9.118(b). (Recreation and Park Department)

(Fiscal Impact; No Budget and Legislative Analyst Report)

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211179 [Accept and Expend Grant - Retroactive - Substance Abuse and Mental Health Services Administration - The Care Coordination and Transitions Management Project - \$3,000,000]****Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$3,000,000 from the Substance Abuse and Mental Health Services Administration for participation in a program, entitled "The Care Coordination and Transitions Management Project," for the period of September 30, 2021, through September 29, 2023. (Public Health Department)

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211180 [Urging the Planning Department to Institutionalize a Sensitive Communities Map in the General Plan Housing Element]****Sponsors: Chan; Walton, Preston, Peskin and Ronen**

Resolution urging the Planning Department to institutionalize a sensitive communities map in the City's 2022 Housing Element Update of the General Plan; to preserve at-risk housing and provide long-term stability to existing communities; and to apply policies that specifically incentivize affordable housing production within sensitive communities and all across San Francisco.

11/09/21; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**211181 [Urging Acknowledgment of the Service Disparities of Transgender and Repatriated Veterans and Building of Strategies that Address these Disparities]****Sponsors: Haney; Preston**

Resolution urging the United States Department of Veterans Affairs and the San Francisco Fort Miley Department of Veteran Affairs to acknowledge the disparities of physical and psychological health and medical care among transgender, black transgender, and repatriated veterans; and to develop transformative strategies for increasing access to these necessary veteran affairs benefits.

11/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**211182 [Supporting a Moratorium on the Construction and Expansion of Animal Feeding Operations, Factory Farms, and Slaughterhouses in California]****Sponsor: Haney**

Resolution stating that the City and County of San Francisco supports a moratorium on the construction and expansion of animal feeding operations, factory farms, and slaughterhouses in California; and encouraging the United States legislature to support the Farm Systems Reform Act.

11/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**211183 [Lower Polk Community Benefit District - Annual Reports - FYs 2018-2019 and 2019-2020]****Sponsor: Peskin**

Resolution receiving and approving annual reports for the Lower Polk Community Benefit District for Fiscal Years (FYs) 2018-2019 and 2019-2020, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**211185 [Agreement - Harvey M. Rose Associates, LLC - Budget and Legislative Analyst Services - Not to Exceed \$10,500,000]**

Resolution approving an agreement between Harvey M. Rose Associates, LLC and the Board of Supervisors for the Budget and Legislative Analyst Services for a total amount not to exceed \$10,500,000 for an initial term of four years from January 1, 2022, through December 31, 2025. (Clerk of the Board)

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## MOTIONS

### **211184 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Fortieth Supplement]**

**Sponsor: Walton**

Motion concurring in actions taken by the Mayor in the Fortieth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by delegating to the Human Resources Director and the Director of Transportation the authority until December 31, 2021, to waive or modify provisions of Memoranda of Understanding with labor organizations representing sworn employees of the Fire Department and Transit Operators related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances where necessary or appropriate to ensure staffing to carry out essential government services and respond to the pandemic.

11/09/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **211186 [Reappointment, Eastern Neighborhoods Community Advisory Committee - Kim-Shree Maufas]**

Motion reappointing Kim-Shree Maufas, term ending October 19, 2023, to the Eastern Neighborhoods Community Advisory Committee. (Clerk of the Board)  
Kim-Shree Maufas, Seat 6, succeeding themselves, must be nominated by the District 9 Supervisor, and shall live, work or own a business in the "Plan Area" they are appointed to represent, for the unexpired portion of a two-year term ending October 19, 2023.

## **Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

## PROPOSED ORDINANCES

### **211074 [Settlement of Lawsuit - Judy O'Neil - \$2,500,000]**

Ordinance authorizing settlement of the lawsuit filed by Judy O'Neil against the City and County of San Francisco for \$2,500,000; the lawsuit was filed on December 19, 2017, in U.S. District Court for the Northern District of California, Case No. 17-cv-07190; entitled Judy O'Neil v. City and County of San Francisco, et al.; the lawsuit involves an officer involved shooting that resulted in the death of Keita O'Neil. (City Attorney)

11/01/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**211075 [Settlement of Lawsuit - Steven D. Lee - \$600,000]**

Ordinance authorizing settlement of the lawsuit filed by Steven D. Lee against the City and County of San Francisco for \$600,000; the lawsuit was filed on April 29, 2020, in San Francisco Superior Court, Case No. CGC-20-584260; entitled Steven D. Lee v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

11/01/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**211076 [Settlement of Lawsuit - Andrea Gansheimer - \$315,000]**

Ordinance authorizing settlement of the lawsuit filed by Andrea Gansheimer against the City and County of San Francisco for \$315,000; the lawsuit was filed on January 23, 2020, in San Francisco Superior Court, Case No. CGC-20-582426; entitled Andrea Gansheimer v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

11/01/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

**211141 [Ground Lease Modification - United Airlines, Inc. - Three-Year Term Extension]**

Resolution approving Modification No. 3 to Ground Lease No. 00-0464 between the City and County of San Francisco, acting by and through its Airport Commission, and United Airlines, Inc. to extend the term by three years, provide for rent adjustments during the extension term, and update certain legal provisions required by applicable local, state, and federal laws, as defined herein, to take effect only after approval by the Board of Supervisors. (Airport Commission)

10/27/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211142 [License Agreements - Department of the Environment - Zero Waste Signmaker Tool]**

Resolution authorizing the Department of the Environment to enter into agreements with other municipalities and entities under which the City will grant a royalty free, irrevocable, and perpetual license to use the City's Zero Waste Signmaker Tool. (Environment)

10/28/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211143 [Accept and Expend Grant - Larkin Street Youth Services - Rising Up - \$130,000]**

Resolution authorizing the Office of the Treasurer and Tax Collector to accept and expend a grant in the amount of \$130,000 from Larkin Street Youth Services for the purpose of providing one-on-one financial coaching to Transitional Age Youth through the Rising Up campaign from January 1, 2022, through December 31, 2022. (Treasurer-Tax Collector)

10/28/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211144 [Ground Lease Modification - United Airlines, Inc. - Three-Year Term Extension]**

Resolution approving Modification No. 1 to Ground Lease No. 96-0268 between the City and County of San Francisco, acting by and through its Airport Commission, and United Airlines, Inc. to extend the term by three years, provide for rent adjustments during the extension term, and update certain legal provisions required by applicable local, state, and federal laws, as defined herein, to take effect only after approval by the Board of Supervisors. (Airport Commission)

10/29/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**In Memoriams**

*Ruth Jackson - Entire Board*

*Mark Glaze - Supervisor Stefani*

*Supervisor Wilma Chan - Entire Board*

*Nancy Hellman Bechtle - Supervisors Peskin and Stefani*

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 5:07 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on December 14, 2021.*

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Angela Calvillo, Clerk of the Board