

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 20, 2022 - 2:00 PM

IN-PERSON MEETING

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

(remote access provided)

(remote public comment provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Ronen, Safai, Chan, Mar, Walton

Budget and Finance Committee

Supervisors Ronen, Safai, Chan

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, Melgar

Rules Committee

Supervisors Peskin, Mandelman, Chan

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Dorsey

Meeting Days

Wednesday

1:00 PM

Wednesday

12:30 PM

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.

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

The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, September 20, 2022, with President Shamann Walton presiding.

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

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public may submit their comments by email to: 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. Committee agendas and their associated documents are available at <https://sfbos.org/meetings/42>.

Please visit the Board's website (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 or bos@sfgov.org.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members of the Board were 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

*Alisa Somera, Legislative Deputy Director, 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 (bos@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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

220199 [Administrative, Police Codes - Ban on Gas-Powered Landscaping Equipment] Sponsors: Melgar; Mar, Stefani, Ronen, Safai and Mandelman

Ordinance amending the Administrative Code and Police Code to 1) prohibit the City from using gas-powered landscaping equipment to perform a City function starting July 1, 2024, with temporary waivers for City departments that document to the satisfaction of the Director of the Department of the Environment ("Department") the unavailability of needed technology to replace such equipment; 2) prohibit the City from contracting for the use of gas-powered landscaping equipment to perform a City function starting July 1, 2024, with waivers for City departments that document to the satisfaction of the Purchaser the necessity of such waiver; 3) prohibit the use of gas-powered landscaping equipment in the City starting January 1, 2026, except such equipment for which the Department determines replacement technology is unavailable, and penalize property owners and business owners and managers that violate that prohibition; 4) establish a buy-back and/or incentive program ("Buy-Back Program") to assist owners of such equipment in transitioning away from its use; 5) require that the Department conduct a public education campaign regarding the gas-powered landscaping equipment ban and the Buy-Back Program; 6) establish a fund to receive penalties collected for violation of the ban and other monies, to use for purchases of equipment for City departments to replace gas-powered landscaping equipment, for the Buy-Back Program, for safe disposal of gas-powered landscaping equipment, and/or to fund the Department's public education campaign; 7) designate the Department to administer and enforce the ordinance; and 8) require the Department, starting in 2026 and ending on December 31, 2036, to report to the Board of Supervisors by March 31 of each year on progress over the prior calendar year in enforcing the restrictions on gas-powered landscaping equipment, conducting the public education campaign, administering the Buy-Back Program, and using the monies in the fund.
(Fiscal Impact)

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

PASSED ON FIRST READING by the following vote:

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

220803 [Lease Amendment - New Conservatory Theatre Center - 25 Van Ness Avenue, Lower Level - Additional Five-Year Option - Rent Forgiveness - \$50,067.60]

Sponsor: Mandelman

Resolution authorizing the Real Estate Division to approve a fourth amendment to the lease to extend approximately 14,229 rentable square feet of space at 25 Van Ness Avenue, Lower Level, to New Conservatory Theatre Center, a California non-profit corporation, for a five-year period from October 1, 2028, through September 30, 2033, and forgive rent between January 2021, through June 2021, in the amount of \$50,067.60; and to authorize the Director of Property to enter into any extensions, amendments, or modifications to the Lease that do not materially reduce the rent or otherwise materially increase the obligations or liabilities to the City and are necessary or advisable to effectuate the purposes of the Lease or this Resolution. (Real Estate Department)

Supervisor Mandelman requested to be added as the sponsor.

ADOPTED by the following vote:

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

220855 [Accept and Expend Grant - California Department of Fire and Forestry Protection - Urban and Community Forest California Climate Investments Grant Program - \$1,193,594]

Sponsors: Mayor; Dorsey and Mar

Resolution authorizing the Department of Public Works to accept and expend a grant in the amount of \$1,193,594 from the California Department of Forestry and Fire Protection Urban and Community Forestry Grant Program, entitled "Urban and Community Forest California Climate Investments Grant Program," as provided through the California Greenhouse Gas Reduction Fund, for a term beginning July 1, 2022, through March 30, 2026, to support the operation of a tree nursery workforce development program at the South of Market Tree Nursery; and affirming the California Department of Transportation's determination under the California Environmental Quality Act. (Fiscal Impact)

ADOPTED by the following vote:

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

220857 [Accept and Expend Grant - Retroactive - California State Department of Toxic Substances Control - India Basin 900 Innes Remediation Project - \$1,384,000]

Sponsors: Mayor; Walton and Mar

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a \$1,384,000 grant from the California State Department of Toxic Substances Control for the 900 Innes Remediation Project; approving the Grant Terms and Conditions for the period of June 30, 2022, through June 29, 2023; and to authorize the Recreation and Park Department to enter into amendments or modifications to the Grant Terms and Conditions and to execute further agreements that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purposes of the Project or this Resolution. (Recreation and Park Department)

ADOPTED by the following vote:

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

220880 [Real Property Lease Extension - 124 Turk Street, L.P. - 124 Turk Street - Permanent Supportive Housing - \$563,653.94 Annual Base Rent]**Sponsors: Mayor; Preston, Safai and Ronen**

Resolution authorizing the Director of Property, on behalf of the Department of Homelessness and Supportive Housing, to exercise the option to extend the term of the Lease of real property located at 124 Turk Street, with 124 Turk Street, L.P., for continued use of 55 units of Permanent Supportive Housing at a base rent of \$563,653.94 per year with annual rent increases beginning August 2023, for a ten-year term commencing upon approval of this Resolution and expiring on July 31, 2032; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of the extended term under the Lease and this Resolution, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

220885 [Execute Standard Agreement and Accept and Expend Grant - California Department of Housing and Community Development - 2021 Homekey Grant - 3055-3061 16th Street - Not to Exceed \$7,480,080]**Sponsors: Mayor; Ronen**

Resolution authorizing the Department of Homelessness and Supportive Housing ("HSH") to execute a Standard Agreement with the California Department of Housing and Community Development for a total amount not to exceed \$7,480,080 of Project Homekey grant funds; to accept and expend those funds for the acquisition of the property located at 3055-3061 16th Street for Permanent Supportive Housing for Transitional Aged Youth and to support its operations upon execution of the Standard Agreement through June 30, 2026; approving and authorizing HSH to commit approximately \$1,600,000 in required matching funds for capital expenditures and a minimum of five years of operating subsidy; affirming the Planning Department's determination under the California Environmental Quality Act; adopting the Planning Department's findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing HSH to enter into any additions, amendments, or other modifications to the Standard Agreement and the Homekey Documents that do not materially increase the obligations or liabilities of the City or materially decrease the benefits to the City.

(Fiscal Impact)

ADOPTED by the following vote:

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

220892 [Urging Development of Financing Plan by December 31, 2022, for Emergency Firefighting Water System]**Sponsors: Mar; Chan and Mandelman**

Resolution urging the Office of Resilience and Capital Planning to create a financing plan by December 31, 2022, for expanding the Emergency Firefighting Water System (EFWS) to unprotected areas of the City, with current and potential sources of funding for the EFWS, hose tenders and other options to minimize fire damage from a major earthquake.

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

ADOPTED by the following vote:

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

President Walton requested File Nos. 220897 and 220898 be called together.

220897 [Issuance and Sale of Revenue Obligations - California Enterprise Development Authority - The Urban School of San Francisco - Not to Exceed \$10,000,000]

Sponsor: Preston

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority, in an aggregate principal amount not to exceed \$10,000,000 to finance and/or reimburse the cost of construction, installation, rehabilitation, equipping and/or furnishing of educational and related facilities owned and operated by, or leased and operated by The Urban School of San Francisco, a California nonprofit public benefit corporation, located at 1530 Page Street.

ADOPTED by the following vote:

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

220898 [Issuance and Sale of Revenue Obligations - California Enterprise Development Authority - San Francisco University High School - Not to Exceed \$49,000,000]

Sponsor: Stefani

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority, in an aggregate principal amount not to exceed \$49,000,000 to finance the cost of demolition, construction, installation, equipping and/or furnishing of educational and related facilities to be owned and operated by San Francisco University High School, a California nonprofit public benefit corporation, located at 3150 California Street.

ADOPTED by the following vote:

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

220900 [Amended and Restated Lease - San Francisco Market Corporation - San Francisco Wholesale Produce Market - Jerrold Avenue and Toland Street]

Sponsor: Walton

Resolution approving and authorizing the Director of Property to amend and restate the current lease for the San Francisco Wholesale Produce Market, near 2095 Jerrold Avenue (generally bordering Highway 280 and Innes and Kirkwood Avenues, and Toland and Rankin Streets), with the San Francisco Market Corporation, including authorizing separate parcel leases as needed to provide real estate security in order to obtain one or more private construction loans; adopting findings pursuant to the California Environmental Quality Act; adopting findings that the contemplated transactions are consistent with the General Plan, and the eight priority policies of the Planning Code, Section 101.1; and authorizing the Director of Property to execute an amended and restated lease with the San Francisco Market Corporation ("Amended and Restated Lease"), make certain modifications, as defined herein, and take certain actions in furtherance of this Resolution and the Amended and Restated Lease, as defined herein. (Real Estate Department)
(Fiscal Impact)

ADOPTED by the following vote:

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

Recommendations of the Land Use and Transportation Committee

220654 [Planning Code - Landmark Designation - City Cemetery]

Sponsors: Chan; Melgar, Peskin and Mar

Ordinance amending the Planning Code to designate City Cemetery, the majority of Assessor's Parcel Block No. 1313, Lot No. 029, located in Lincoln Park on the north side of Clement Street, to the east of the San Francisco Veteran Affairs Medical Center (formerly the Fort Miley Military Reservation), to the east and south of the Golden Gate National Recreation Area, and to the west of Assessor's Parcel Block Nos. 1312, 1392, and 1401, 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. (Historic Preservation Commission)

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

Supervisor Chan, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE on Page 7, Line 11, by correcting 'with', and Line 14, by changing 'as directed by' to 'in coordination with'. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

220895 [Interim Zoning Controls - Extending and Modifying Requirements for Large Residential Projects in RC, RM, and RTO Districts]

Sponsors: Peskin; Chan

Resolution extending and modifying interim zoning controls enacted in Resolution No. 10-21 for parcels in Residential-Commercial Combined (RC), Residential-Mixed (RM) and Residential-Transit Oriented (RTO) districts, requiring Conditional Use Authorization for certain residential developments that do not maximize the number of units allowed by applicable density restrictions; 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.

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

220427 [Administrative Code - County Veterans Service Officer Role and Duties]

Sponsor: Safai

Ordinance amending the Administrative Code to place the County Veterans Service Officer ("Officer") under the Department of Disability and Aging Services (DAS) rather than the Department of Administrative Services; give the Director of the DAS authority to nominate the Officer; update annual reporting requirements of the Officer to the Board of Supervisors and Mayor; and provide administrative support to the Veterans' Affairs Commission.

PASSED ON FIRST READING by the following vote:

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

220606 [Administrative Code - Surveillance Technology Policy for Police Department Use of Non-City Entity Surveillance Cameras]**Sponsors: Mayor; Safai and Mandelman**

Ordinance approving Surveillance Technology Policy for Police Department use of non-City entity surveillance cameras and establishing a sunset date fifteen months after the effective date of the ordinance.

(Supervisor Chan dissented in Committee.)

Supervisors Safai and Mandelman requested to be added as co-sponsors.

Supervisor Ronen, seconded by Supervisor Chan, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion FAILED by the following vote:

Ayes: 4 - Chan, Preston, Ronen, Walton

Noes: 7 - Dorsey, Mandelman, Mar, Melgar, Peskin, Safai, Stefani

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE. Before the vote was taken, Supervisor Peskin, seconded by Supervisor Mandelman, withdrew this motion to amend.

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
(Supervisor Chan dissented in Committee.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Dorsey, Mandelman, Mar, Melgar, Peskin, Safai, Stefani

Noes: 4 - Chan, Preston, Ronen, Walton

220877 [Administrative Code - Repeal of Legacy Business Registry Fee]**Sponsors: Peskin; Ronen, Chan, Mandelman, Mar, Preston, Stefani and Safai**

Ordinance amending the Administrative Code to remove the requirement to charge a Legacy Business Registry administrative fee.

Supervisors Mar, Preston, Stefani, and Safai requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

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

220879 [Administrative Code - Workforce Development - Re-Establishing the Committee on City Workforce Alignment]**Sponsors: Walton; Mar**

Ordinance amending the Administrative Code to re-establish the Committee on City Workforce Alignment; to give the Committee responsibility for planning and coordinating the City's Workforce Development programs; and to make other changes to the procedures governing the planning and implementation of Workforce Development programs.

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

Supervisor Walton, seconded by Supervisor Mandelman, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 6, Line 6, through Page 7, Line 20, by assigning seat numbers to each seat, Lines 21-22, by striking 'Additional requirements for the six public representatives are set forth below in subsection (c)'; on Page 8, Lines 1-8, by striking 'At least two of the public representatives appointed by the Mayor and at least two of the public representatives appointed by the Board of Supervisors shall, at the time of their appointments, be employed by Nonprofit Corporations that provide Workforce Development Services to low-income San Francisco residents and those with barriers to employment. Further, at least one of the public representatives appointed by the Mayor and at least one of the public representatives appointed by the Board of Supervisors shall be affiliated with a labor organization and shall have leadership experience and demonstrated expertise in workforce development systems, policies, and programs, including registered apprenticeship programs.'; on Page 9, Lines 20-24, by adding '(i) The Alignment Committee shall meet at least every four months. (j) Any member of the Alignment Committee who fails to attend at least half of the meetings held in a calendar year shall be deemed to have resigned from the committee. In that event, the Alignment Committee or its representative shall notify the member's appointing authority of the vacancy on the committee created by the constructive resignation.'; on Page 10, Lines 2-3, by adding '(a) The Office of Economic and Workforce Development shall provide administrative support for the Alignment Committee.'; and making other clarifying and confirming changes. The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

220848 [Appointment, Treasury Oversight Committee - David Martin]

Motion approving the Treasurer's nomination of David Martin (residency requirement waived), term ending June 17, 2026, to the Treasury Oversight Committee. (Clerk of the Board)

Motion No. M22-144

APPROVED by the following vote:

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

220946 [Appointment, Children, Youth and Their Families Oversight and Advisory Committee - Andrea Torrey]

Motion appointing Andrea Torrey, term ending July 1, 2024, to the Children, Youth and Their Families Oversight and Advisory Committee. (Rules Committee)

Motion No. M22-145

APPROVED by the following vote:

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

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

Without objection, Rule 5.36 of the Rules of the Board of Supervisors was suspended to grant privilege of the floor to the following guest(s).

LATINX HERITAGE MONTH

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Latinx Heritage Month, their accomplishments, and their continued community support as referenced below:

Supervisor Melgar recognized Arturo Riera and Sylvia Ramirez, Co-Directors (Latin Jazz Youth Ensemble of San Francisco);

Supervisor Ronen recognized Ivan Corado-Vega (Latin@ Task Force);

Supervisor Mar recognized Celia's by the Beach, accepted by Sal Lopez;

Supervisor Mandelman recognized Dolores Huerta Elementary School, accepted by Cristina Urbano - Principal, Pablo Portillo, and Evelyn Hernandez;

Supervisor Peskin recognized El Farolito Taqueria, accepted by Irene, Lupe and Santiago Lopez;

Supervisor Preston recognized La Cocina Marketplace, accepted by Lupe Moreno, Dilsa Lugo, and Estrella Gonzalez;

Supervisor Safai recognized Excelsior Strong, accepted by Patty Barazza;

Supervisor Stefani recognized Gilda Gonzalez, CEO (Planned Parenthood of Norcal);

President Walton recognized Valentina Sedeno;

Supervisor Chan recognized Elmy Bermejo Family; and

Supervisor Dorsey recognized Lex Montiel (SF Eagle).

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 220735 and 220736 be called together.

Board of Supervisors Sitting as a Committee of the Whole

220735 [Hearing - Committee of the Whole - Street and Public Service Easement Vacation Order - Parkmerced Development Project - September 20, 2022, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 20, 2022, at 3:00 p.m., to consider an Ordinance ordering the conditional vacation of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (the "Street Vacation Area"), and certain San Francisco Public Utilities Commission public service easements (the "Easement Vacation Area"), all within the Parkmerced Development Project area, an approximately 152-acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; reserving various easement rights in favor of the City and third-party utilities, subject to specified conditions; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions by City officials in furtherance of this Ordinance; scheduled pursuant to Resolution No. 352-22 (File No. 220734), adopted on July 26, 2022. (Clerk of the Board)

President Walton opened the public hearing and inquired as to whether any individual wished to address the Committee of the Whole relating to the street and public service easement vacation order in the Parkmerced Development Project (File Nos. 220735 and 220736). Jonathan Cherry (Office of Economic and Workforce Development); provided an overview of the street and public service easement vacation order and responded to questions raised throughout the discussion. Glenn Rodgers; Francisco Da Costa; provided their position regarding the street and public service easement vacation order. The President closed public comment, declared the matter heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

Referred Without Recommendation from the Land Use and Transportation Committee**220736 [Street and Public Service Easement Vacation Order - Parkmerced Development Project]****Sponsor: Mayor**

Ordinance ordering the conditional vacation of portions of Higuera Avenue, Vidal Drive, Arballo Drive, and Garces Drive (the "Street Vacation Area"), and certain San Francisco Public Utilities Commission public service easements (the "Easement Vacation Area"), all within the Parkmerced Development Project area, an approximately 152-acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; reserving various easement rights in favor of the City and third-party utilities, subject to specified conditions; adopting findings under the California Environmental Quality Act; adopting findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions by City officials in furtherance of this Ordinance, as specified herein.

PASSED ON FIRST READING by the following vote:

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

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 220853 and 220854 be called together.

Board of Supervisors Sitting as a Committee of the Whole

220853 [Hearing - Committee of the Whole - Transbay Block 4 Redevelopment Project - September 20, 2022, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 20, 2022, at 3:00 p.m., to consider 1) an Ordinance approving an amendment to the Transbay Redevelopment Plan to increase height and bulk limits on Block 4 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 010, located on the south side of Howard Street between Beale and Main Streets), by increasing the maximum height limit for tower buildings from 450 feet to 513 feet, and increasing certain maximum floor plate sizes; and making certain findings (File No. 220854); an Ordinance amending the Zoning Map of the Planning Code to facilitate development of the Transbay Block 4 Redevelopment Project (located on the south side of Howard Street between Beale and Main Streets) by increasing height limits; and making certain findings (File No. 220836); a Resolution approving the disposition of land, and entrance into a ground lease of certain air space rights, by the Successor Agency to the Redevelopment Agency of the City and County of San Francisco to F4 Transbay Partners LLC, a Delaware limited liability company, and Transbay Block 4 Housing Partnership, L.P., a California limited partnership, for a purchase price of \$6,000,000 for the property generally located at 200 Main Street, bounded by Howard, Main and Beale Streets and extending approximately 205 feet southeast from Howard Street (Assessor's Parcel Block No. 3739, Lot Nos. 010 and 011), commonly known as Transbay Block 4; making findings under the Transbay Redevelopment Plan (incorporating California Health and Safety Code, Section 33433); and making certain findings (File No. 220858); and an forthcoming Ordinance amending the General Plan; scheduled pursuant to Motion No. M22-123, approved on July 26, 2022. (Clerk of the Board)

President Walton opened the public hearing and inquired as to whether any individual wished to address the Committee of the Whole relating to the continuance of the Transbay Block 4 Redevelopment Project (File Nos. 220853 and 220854). Elizabeth Colomello and James Morales (Office of Community Investment and Infrastructure); Anne Pearson (Office of the City Attorney); provided an overview of the redevelopment project and responded to questions raised throughout the discussion. There were no public speakers. The President closed public comment on the continuance, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Dorsey, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of November 1, 2022. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

From the Board

220854 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area - Zone One, Block 4]

Sponsor: Dorsey

Ordinance approving an amendment to the Transbay Redevelopment Plan to increase height and bulk limits on Block 4 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 010, located on the south side of Howard Street between Beale and Main Streets), by increasing the maximum height limit for tower buildings from 450 feet to 513 feet, and increasing certain maximum floor plate sizes; making findings under the California Environmental Quality Act; making findings under the California Community Redevelopment Law; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Supervisor Dorsey, seconded by Supervisor Mandelman, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of November 1, 2022. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

President Walton requested File Nos. 220506 and 220723 be called together.

220506 [Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

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

220721 [Board Response - Civil Grand Jury Report - Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change]

Sponsor: Walton

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

(This item was not sent as a committee report.)

220723 [Board Response - Civil Grand Jury Report - Safe and Accessible Parks for All]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

ADOPTED by the following vote:

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

President Walton requested File Nos. 220798, 220799, and 220800 be called together.

220798 [Tolling Agreement - PK Domestic Property LLC - Hotel Adagio - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for Hotel Adagio to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

ADOPTED by the following vote:

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

220799 [Tolling Agreement - Park Intermediate Holdings LLC - Hyatt Centric Hotel - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for Park Intermediate Holdings LLC for the Hyatt Centric Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

ADOPTED by the following vote:

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

220800 [Tolling Agreement - PK Domestic Property LLC - Le Meridien Hotel - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for the Le Meridien Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

ADOPTED by the following vote:

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

Recommendation of the Land Use and Transportation Committee

220643 [Planning Code - Tenderloin Neon Special Sign District]

Sponsors: Preston; Peskin and Melgar

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; amending Sheet SS01 of the Zoning Map to show the Tenderloin Neon Special Sign 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 public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Rules Committee

220539 [Campaign and Governmental Conduct Code - Behested Payments Exceptions]

Sponsors: Peskin; Safai, Chan, Walton, Preston and Mar

Ordinance amending the Campaign and Governmental Conduct Code to modify the rules concerning behested payment solicitations, by excepting solicitations made under certain types of City programs to solicit, request, and contractually obligate charitable donations through competitively procured contracts; providing that the receipt of a non-discretionary license, permit, or other entitlement for use does not make a person an interested party; providing that attempting to influence an administrative action does not make a person an interested party; excepting solicitations made in connection with the City's acquisition of real property; and making other clarifying changes. (Pursuant to Campaign and Governmental Conduct Code, Section 3.204, this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

PASSED ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Speaker; expressed various concerns relating to the treatment of certain Members of the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Safai was noted absent at 5:57 p.m. and for the remainder of the meeting.

220976 [Committee of the Whole - Kaiser Permanente Mental Health Care Workers' Strike and its Effects on City Workers, the Majority of Whom are Kaiser Patients, and Other San Franciscans - September 27, 2022, at 3:00 p.m.]

Sponsors: Ronen; Chan

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on September 27, 2022, at 3:00 p.m. during the regular Board of Supervisors meeting, to hold a public hearing on Kaiser Permanente Mental Health Care Workers' Strike which is entering its fifth week and its effects on city workers, the majority of whom are Kaiser patients, and other San Franciscans; and requesting the Health Service System, Department of Public Health, Chief Executive Officer of Kaiser Foundation Health Plan, Inc., and Chief Executive Officer of the Permanente Medical Group to attend.

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

Motion No. M22-146

APPROVED

220983 [Appointment, Child Care Planning and Advisory Council - Savitha Moorthy]

Motion appointing Savitha Moorthy (residency requirement waived), term ending September 14, 2023, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Motion No. M22-147

APPROVED

The foregoing items were acted upon by the following vote:

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

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.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

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

220964 [Settlement of Lawsuit - Rachell Evans - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Rachell Evans against the City and County of San Francisco for \$100,000; the lawsuit was filed on May 14, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02935-SI; entitled Rachell Evans v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220965 [Settlement of Lawsuit - Aliitasi T. Alapati - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Aliitasi T. Alapati against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 11, 2020, in United States District Court, Case No. 21-cv-04144-SI; entitled Aliitasi T. Alapati v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220966 [Settlement of Lawsuit - Brandon Murphy - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Brandon Murphy against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 10, 2019, in San Francisco Superior Court, Case No. CGC-19-572705; entitled Brandon Murphy v. Regents of The University of California, et al.; the lawsuit involves alleged personal injury from medical negligence. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

220967 [Settlement of Lawsuit - Gayatri Kishore - \$44,775]

Ordinance authorizing settlement of the lawsuit filed by Gayatri Kishore against the City and County of San Francisco for \$44,775; the lawsuit was filed on August 27, 2020, in San Francisco Superior Court, Case No. CGC-20-586409; entitled Gayatri Kishore v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:00 p.m.