

Board of Supervisors



City Hall
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Legislation Introduced at Roll Call

Tuesday, February 15, 2022

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

211292 [Various Codes - Street Vendor Regulation]

Sponsors: Mayor; Safai and Ronen

Ordinance amending the Public Works Code to regulate vending, require permits for vending, and authorize permit fees and enforcement actions; amending provisions of the Administrative, Business and Tax Regulations, Park, and Police Codes to conform with those amendments; amending the Port Code to merge its permit program with the Public Works permit program; repealing reporting provisions from the Health Code; and adopting findings under the California Environmental Quality Act. SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

211092 [Planning Code - Automotive Uses; Housing Density]

Sponsor: Mayor

Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

210866 [Planning, Subdivision Codes; Zoning Map - Density Exception in Residential Districts]
Sponsors: Mandelman; Haney
Ordinance amending the Planning Code to rezone all Residential, One Family (RH-1) zoning districts to Residential, Two Family (RH-2) zoning districts, and to provide a density limit exception to permit up to four dwelling units per lot, and up to six dwelling units per lot in Corner Lots, in all RH (Residential, House) zoning districts, subject to certain requirements, including among others the replacement of protected units; amending the Subdivision Code to authorize a subdivider that is constructing new dwelling units pursuant to the density exception to submit an application for condominium conversion or a condominium map that includes the existing dwelling units and the new dwelling units that constitute the project; 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. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

RESOLUTIONS

- 220152 [Agreement - Complete Coach Works - Perform Mid-Life Overhaul Services for 219 Coaches - Not to Exceed \$101,659,122.25]**
Sponsor: Mayor
Resolution approving an agreement between the City and County of San Francisco, by and through the Municipal Transportation Agency (MTA) and Complete Coach Works, to perform mid-life overhaul services to replace and rehabilitate systems for up to 48 standard (40 feet) Hybrid Electric New Flyer Coaches, 111 articulated (60 feet) Hybrid Electric New Flyer Coaches, and 60 articulated (60 feet) Electric Trolley Coaches, in an amount not to exceed \$101,659,122.25 for a term not to exceed five years, to commence upon execution of the agreement by the Director of Transportation after Board approval; and to authorize the MTA to enter into amendments or modifications to the contract that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Municipal Transportation Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 220158 [Accept In-Kind Gift - Retroactive - Tipping Point Community - Strategic and Operational Consulting Services - Value Not to Exceed \$67,500]**
Sponsor: Mayor
Resolution retroactively authorizing the Department of Homelessness and Supportive Housing ("HSH") to accept an in-kind gift for continued strategic and operational consulting services related to the HSH's Shelter-in-Place Winddown and Rehousing Process ("SIP Rehousing Process") in a value not to exceed \$67,500 from Tipping Point Community for a term from January 1, 2022, through September 30, 2022. (Department of Homelessness and Supportive Housing). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 220159 [Interim Zoning Controls - Conditional Use Authorization for Parcel Delivery Service Uses]**
Sponsors: Walton; Preston and Ronen
Resolution imposing interim zoning controls for 18 months to require a Conditional Use authorization and specified findings for proposed Parcel Delivery Service uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 306.7. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

MOTIONS

220163 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Forty-Fifth Supplement]

Sponsor: Walton

Motion concurring in actions taken by the Mayor in the Forty-Fifth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by requiring City decision making boards and commissions created in the Charter to hold in-person meetings starting on March 7, 2022, and creating rules for such meetings, and requiring other City boards, commissions, and advisory bodies to continue to meet remotely; and authorizing the Human Services Agency to extend certain emergency contracts for the City's use of hotel rooms. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

220147 [Appointment, Commission on the Aging Advisory Council - Eva Aber]

Motion appointing Eva Aber, term ending March 31, 2024, to the Commission on the Aging Advisory Council. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

220148 [Appointment, Park, Recreation and Open Space Advisory Committee - John Raul Somoza]

Motion appointing John Raul Somoza, term ending February 1, 2024, to the Park, Recreation and Open Space Advisory Committee. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUEST FOR HEARING

220164 [Hearing - Permitted and Illicit Cannabis Cultivation, Public Safety, and Fire Hazard Impacts - Promotion of Permitted Cultivation in Appropriate Locations]

Sponsor: Mar

Hearing on permitted and illicit cannabis cultivation in San Francisco, the City's efforts to address public safety and fire hazard impacts, and to incentivize permitted cannabis cultivation in appropriate locations; and requesting the Office of Cannabis, Police Department, Fire Department, Department of Building Inspection, and Planning Department to report. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

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 RESOLUTIONS

- 220138 [Use Agreement - BH/AB Productions, LLC - Development of Documentary Television Project with San Francisco Animal Care and Control]**
Resolution authorizing San Francisco Animal Care and Control ("SFACC") to enter into a Use Agreement with BH/AB Productions, LLC to develop and produce a documentary television project about SFACC's animal emergency rescue calls and Animal Control Officers; and grant all necessary trademark licenses and the exclusive right for a term of no longer than one year and one week to traditional and digital networks, to commence upon approval by the Board of Supervisors. (City Administrator). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 220143 [Cost Reimbursement Agreement - Pacific Gas and Electric Company - Management of Residual Petroleum Hydrocarbons - Pier 70]**
Resolution approving the Cost Reimbursement Agreement between the Port and Pacific Gas and Electric Company for management of residual petroleum hydrocarbons on Port property within the shoreline and submerged land near the former Potrero Power Plant Site and Pier 70, for a 20-year term or reimbursement of \$5,000,000 whichever comes first, to commence upon Board approval. (Port). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 220144 [Contract Agreement - Rebuilding Together San Francisco - Fix Lead SF - Not to Exceed \$14,300,000]**
Resolution authorizing the Department of the Environment to execute a contract between the City and County of San Francisco, acting by and through its Department of the Environment, and Rebuilding Together San Francisco for the provision of the administration of the City and County's Fix Lead SF Program, a program to reduce childhood lead poisoning in San Francisco residences, for the five year period of March 1, 2022, through February 28, 2027, in the amount not to exceed \$14,300,000 with three one-year options to extend. (Environment). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 220145 [Agreements - Long Duration Storage - Tumbleweed Energy Storage, LLC - CleanPowerSF - Not to Exceed \$65,000,000]**
Resolution authorizing the Public Utilities Commission to purchase long duration energy storage from Tumbleweed Energy Storage LLC by 1) entering into the Buyer Liability Pass Through Agreement; 2) entering into the Tumbleweed Energy Storage Project Participation Share Agreement; and 3) entering into the Tumbleweed Coordinated Operations Agreement, all of which are agreements between California Community Power, CleanPowerSF, and six community choice aggregators to enable the City and County of San Francisco to purchase long duration energy storage to serve customers of CleanPowerSF with a not to exceed amount of \$65,000,000 for a 15-year term to commence upon commercial operation of the project, pursuant to Charter, Section 9.118. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act - February 15, 2022

Regular Board Meeting Minutes for January 11, 2022 were approved.

Requests Granted

From: Supervisor Hillary Ronen

To: Chief Scott of the San Francisco Police Department

Requesting: A response to Supervisor Ronen's letter regarding the SFPD's crime and clearance rates. The inquiry also requests the SFPD's crime and clearance rates be sent to the Office of the Mayor, the Department of Police Accountability, and the San Francisco Police Commission.

From: Supervisor Hillary Ronen

Requesting: A report on Mayor London Breed's 2019 Teacher Retention Stipend Pilot Program answering following questions:

- How has the stipend pilot program affected retention?
- What has been the reception of this program from teachers and principals of the schools that were a part of the pilot program? Has the sunset of the program affected teacher retention or morale?
- What would it cost to do a similar program again through the City?
- If the City were to continue/restart this program, would the dollar amount of the stipend per teacher per year need to be adjusted, or was the initially allocated dollar amount considered effective?

In Memoriam

Qing Zhi Deng – Supervisor Aaron Peskin

Member, Board of Supervisors
District 9



City and County of San Francisco

HILLARY RONEN

February 15, 2022

Letter of Inquiry

Dear Chief Scott,

I am concerned that the political rift between the Police Department and District Attorney's Office is causing a deliberate work stoppage by your Department. I genuinely hope that is not the case but a series of reports in the *San Francisco Chronicle* and clearance statistics from your Department suggest otherwise.

Furthermore, my staff and I have witnessed several captains and officers tell our constituents that there is no point in investigating or arresting perpetrators of crime because the District Attorney will not prosecute. Not only is that patently false, in 2021, the District Attorney brought charges in 66.94% of the cases your Department has presented to him, the highest charging rate since 2018.

<https://www.sfdistrictattorney.org/policy/da-stat/> It is absolutely unacceptable for police officers to just stop doing their jobs because they don't like the way another department is doing its job.

San Francisco Chronicle Stories Detailing Officers Ignoring Crimes Occurring in Front of Them

This past Saturday, the *Chronicle* reported on the destruction of the San Francisco Wine Society's beloved parklet in the Financial District. Police responded and interrupted the vandalism, but then drove away without the perpetrator, who continued destroying the space. The owner, Danielle Kuzinich, was left with thousands in damages and a lack of trust in the police's ability to provide any assistance. [She says officers let vandal go after her S.F. parklet was trashed. Are city's police doing enough to fight crime? \(sfchronicle.com\)](#)

In December 2021, the *Chronicle* reported that a Tenderloin woman was assaulted and struck on the head on her way to a Laundromat. Though the woman immediately rushed to Tenderloin Station to report the incident, officers made no effort to find the perpetrators. After leaving the station, she was never contacted by police. [What have police been doing in the Tenderloin until now? Residents say not a whole lot \(sfchronicle.com\)](#) Similarly, in November 2021, the *Chronicle* reported that SFPD officers responded to the burglary of a marijuana dispensary, and simply watched from their patrol car as the burglars left the dispensary with stolen items, got into their getaway car, executed a three-point turn, and drove away. [San Francisco police just watch as burglary appears to unfold, suspects drive away, surveillance video shows \(sfchronicle.com\)](#)

When journalist Heather Knight published this story, several commenters on Twitter told their own similar stories of inaction by SFPD.

These accounts are deeply concerning and send a message to San Francisco residents that our officers are not doing all they can to investigate crime and prevent future harm. The stories indicate a systemic breakdown in your department.

In speaking with the Department of Police Accountability, in the past 6 months, they have received 31 complaints of police's failure to investigate reported crimes. Last year, of all complaints received, 42.5% of complaints involved neglect of duty by officers including failure to write incident reports and/or investigate crimes. <https://sf.gov/data/dpa-dashboard>

The San Francisco Police Department's Clearance Rates

The San Francisco Police Department's clearance-rate dashboard also paints a troubling picture that the Department is not doing the job it claims to. Clearance rates have declined from 2020-2021. In 2021, clearance rates were down for robberies 14 percent, for burglaries 9 percent, for car theft almost 16 percent, and for larceny 36 percent.

Unfortunately, the facts show that the problem is getting worse. According to San Francisco Police Department's own published arrest data, only 8.1 percent of reported crimes in 2021 led to an arrest. This is the San Francisco Police Department's lowest arrest rate in 10 years. Further, only 3.5 percent of property crimes in 2021 led to an arrest. <https://data.sfgov.org/Public-Safety/Police-Department-Incident-Reports-2018-to-Present/wg3w-h783>

San Francisco Police Department's own clearance-rate dashboard reveals that SFPD has also become markedly less successful at clearing, or solving, crime. [Clearance Rates Dashboard | San Francisco Police Department](#). For instance, San Francisco Police Department solved only 12 percent of rapes in 2021, a shocking 38 percent lower success rate than the year before. For arson cases last year, the police solved only 10 percent of cases, a 42 percent reduction from the prior year.

In fact, the police department's success rate has fallen in every category reported on their dashboard. In 2021, robbery solve rates were down 14 percent, burglary solve rates were down 9 percent, car theft solve rates were down almost 16 percent, assault solve rates were down 0.5 percent, and larceny solve rates were down more than 36 percent. Shockingly, in 2021, police solved only 2.4 percent of reported thefts.

This decline in clearance rates cannot be tied to a decrease in crime reporting. According to San Francisco Police Department's own data, reported property crime increased 15 percent from 2020 to 2021, while arrests for those same crimes decreased by 20 percent.

Budget Supplemental Pending Before the Board of Supervisors

Oftentimes when I have brought up these issues in the past, you have said the problem is understaffing and an insufficient budget. This is not true.

Last year, the Board of Supervisors and Mayor increased your budget by \$28 Million for a total budget of \$683 Million. At the same time, the Board of Supervisor and Mayor's Office created 10 street response teams to address homelessness and people living with mental illness and drug addiction to more effectively address a poverty and public health crisis. These ten street teams made up of doctors, social workers, peer advocates, and community paramedics, are supposed to respond to the majority of B and C level calls for service on the streets. You have championed these street teams and agree that police should not be the first responders to poverty and health issues.

However, despite the increase in budget and decrease in work responsibilities for the Department, you are currently seeking additional funds from the Board of Supervisors. I will be hard pressed to vote for additional funding until I see proof that increased policing solves the problems and needs of the residents and businesses of San Francisco.

It is time to stop using the District Attorney as a scapegoat for broken morale in your department and start taking responsibility to solve the difficult problems in our City under your jurisdiction.

There are many incredible and dedicated officers in your department who pour their hearts into the work of not only keeping San Franciscans safe but also genuinely trying to help people that are suffering on the streets. These officers are demeaned by other officers that pass the buck and an overall atmosphere in the Department that focuses more on the actions of the District Attorney than its own internal challenges.

I look forward to hearing your response to this letter of inquiry and specifically what you are doing about reports of officers failing to do their jobs and the record low clearance rates in the Department.

Sincerely,

A handwritten signature in blue ink that reads "Hillary Ronen". The signature is written in a cursive, flowing style.

Hillary Ronen, District 9 Supervisor

San Francisco Board of Supervisors

cc: Mayor Breed
Department of Police Accountability
Police Commission