

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 23, 2024 - 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT
CONNIE CHAN, MATT DORSEY, JOEL ENGARDIO, RAFAEL MANDELMAN,
MYRNA MELGAR, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI,
CATHERINE STEFANI, SHAMANN WALTON

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Melgar, Walton, Peskin

Budget and Finance Committee

Supervisors Chan, Mandelman, Melgar

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Ronen, Walton, Safai

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, Joel Engardio, Rafael Mandelman, 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 on Tuesday, January 23, 2024, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:02 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members were present.

President Peskin 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.

President Peskin led the Members of the Board and the audience in the pledge of allegiance to the flag of the United States of America, pursuant to Board Rule 4.9.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, welcomed members of the public to attend Board meetings and provide comment in-person or view the meeting live on SFGovTV's award winning Cable Channel 26 or at www.sfgovtv.org. Those requiring interpretation services should contact the Office of the Clerk of the Board at least 48 hours in advance of the meeting, pursuant to Administrative Code, Section 91.7.

(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.)

Clerk Calvillo informed the Board that an Americans with Disabilities Act (ADA) request for accommodations was received to allow a member of the public to provide public comment at the beginning of the meeting. President Peskin requested the member of the public be provided the opportunity to deliver their public comment out of order (see Public Comment on Page 14).

APPROVAL OF MEETING MINUTES

President Peskin inquired whether a Member of the Board had any corrections to the December 5, 2023, and December 12, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Walton, moved to approve the December 5, 2023, and December 12, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Land Use and Transportation Committee

231125 [Building, Green Building, Mechanical, and Plumbing Codes - Amending Findings Supporting Enactment of 2022 Codes]

Ordinance amending the local findings included by reference in the following Ordinances: 1) 2022 San Francisco Building Code (Ordinance No. 225-22); 2) 2022 San Francisco Green Building Code (Ordinance No. 227-22); 3) 2022 San Francisco Mechanical Code (Ordinance No. 228-22); 4) San Francisco Plumbing Code (Ordinance No. 230-22); and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission as required by State law. (Building Inspection Commission)

FINALLY PASSED

Recommendations of the Rules Committee

231076 [Administrative Code - Composition of Behavioral Health Commission]

Sponsor: Dorsey

Ordinance amending the Administrative Code to reduce the membership of the Behavioral Health Commission from 17 to 12 seats; provide that the full Board of Supervisors rather than individual Supervisors makes these appointments; require that at least one seat be held by a veteran or veteran advocate; reduce the minimum number of seats reserved for consumers and families of consumers from nine to six; provide two seats for mental health professionals; update staggered terms for all seats; and retain existing members.

FINALLY PASSED

231217 [Administrative Code - Surveillance Technology Policy - City Administrator - Security Camera Systems]

Ordinance approving a modified Surveillance Technology Policy for the City Administrator's Office's acquisition and use of security camera systems. (City Administrator)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

231054 [Authorization of American Registry for Internet Numbers Agreements with Department of Technology]

Ordinance approving contracts between the City and the American Registry for Internet Numbers, LTD. (ARIN) for the registration of the City's internal network and the public-facing network Internet Protocol addresses, and granting waivers of specified contract-related requirements in the Administrative Code for this transaction. (Department of Technology)

PASSED ON FIRST READING by the following vote:

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

231128 [Appropriation - \$1,350,239 in Tax Increment Revenue Bond Proceeds in Treasure Island Infrastructure and Revitalization Financing District - FY2023-2024]

Sponsors: Mayor; Dorsey

Ordinance appropriating \$1,350,239 from the issuance of Treasure Island Infrastructure and Revitalization Financing District (IRFD) Series 2023B Tax Increment Revenue Bonds to the affordable housing project in the Mayor's Office of Housing and Community Development; and placing these amounts on Controller's Reserve in Fiscal Year (FY) 2023-2024. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

President Peskin requested File Nos. 231222 and 231277 be called together.

231222 [Accept and Expend Grant - Retroactive - State of California - Board of State and Community Corrections - Organized Retail Theft Vertical Prosecution Program - Amendment to the Annual Salary Ordinance - FY2023-2024 and FY2024-2025 - \$2,050,000]

Sponsors: Mayor; Mandelman, Melgar, Engardio and Safai

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,050,000 from the State of California, Board of State and Community Corrections, to fund the Organized Retail Theft Vertical Prosecution Grant Program; and amending Ordinance No. 145-23 (Annual Salary Ordinance, File No. 230645 for Fiscal Years (FYs) 2023-2024 and 2024-2025) to provide for the addition of one grant-funded position in Class 8177 Attorney-Civil/Criminal (FTE 1.0) and one grant-funded position in Class 8550 District Attorney's Investigator-SFERS (FTE 1.0) at the Office of the District Attorney for the grant agreement period of October 1, 2023, through June 1, 2027. (District Attorney)

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

PASSED ON FIRST READING by the following vote:

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

231277 [Accept and Expend Grant - Retroactive - John D. and Catherine T. MacArthur Foundation - Safety and Justice Challenge - \$1,200,000]

Sponsors: Mayor; Mandelman and Safai

Resolution retroactively authorizing the Office of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of \$1,200,000 from the John D. and Catherine T. MacArthur Foundation, for the grant period of January 1, 2023, through December 31, 2025, to support and sustain the City and County of San Francisco's comprehensive efforts to reduce jail incarceration and racial and ethnic disparities in jail usage as a site in the Safety and Justice Challenge. (District Attorney)

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

ADOPTED by the following vote:

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

231267 [Organized Retail Theft Prevention Grant Program - Waiving Competitive Procurement Requirements Under Administrative Code]

Sponsors: Mayor; Safai, Mandelman and Engardio

Ordinance authorizing the Police Department to expend grant funds received from the Board of State and Community Corrections Organized Retail Theft Grant Program to procure equipment and services without competitive bidding under Administrative Code, Chapter 21.

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

PASSED ON FIRST READING by the following vote:

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

231118 [Accept and Expend Grant - Retroactive - California Energy Commission - California Automated Permit Processing Program - \$100,000]

Sponsors: Mayor; Mandelman

Resolution retroactively authorizing the Department of Building Inspection to accept and expend a grant in the amount of \$100,000 from the California Energy Commission for participation in the California Automated Permit Processing Program and for costs associated directly with the adoption and maintenance of SolarAPP+, an online, automated solar permitting platform, for the period of September 1, 2023, through May 31, 2027. (Building Inspection Department)

ADOPTED by the following vote:

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

231135 [Accept and Expend Grant - Retroactive - United States Department of Justice - STOP School Violence Program - \$1,000,000]

Sponsors: Mayor; Ronen, Mandelman, Melgar, Engardio, Stefani and Safai

Resolution retroactively authorizing the Department of Children, Youth and Their Families to accept and expend a grant in the amount of \$1,000,000 from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for participation in a program, entitled "STOP School Violence Program," for the period of October 2, 2023, through October 1, 2026; the funds will enhance the current San Francisco School Crisis Support Coordination Project to improve San Francisco Unified School District's school climate. (Department of Children, Youth & Their Families)

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

ADOPTED by the following vote:

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

231169 [Accept and Expend Grant - Retroactive - California State Coastal Conservancy - 900 Innes Redevelopment Project - \$5,100,000]

Sponsors: Mayor; Walton and Safai

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant from the California State Coastal Conservancy for a term effective upon execution of the Grant Agreement through December 31, 2024, in the amount of \$5,100,000 for the 900 Innes Redevelopment Project; approving the associated grant agreement; approving the recording of a deed restriction that prohibits residential use and commercial uses defined as "sensitive" on the property in perpetuity; and authorizing the Recreation and Park Department to enter into amendments or modifications to the agreement 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)

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

ADOPTED by the following vote:

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

231174 [Accept and Expend Grant - Retroactive - Andrew W. Mellon Foundation - Jail and Reentry Services Program - Not to Exceed \$375,000]**Sponsors: Mayor; Mandelman and Safai**

Resolution retroactively authorizing the San Francisco Public Library to accept and expend a grant not to exceed amount of \$375,000 from the Andrew W. Mellon Foundation to support the Jail and Reentry Services Program for the performance period of October 1, 2023, through December 31, 2024. (Public Library)

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

ADOPTED by the following vote:

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

231196 [Adopting a Fixed Two-Year Budget in Multiple City Departments, FY 2024-2025 and FY 2025-2026]**Sponsor: Mayor**

Resolution adopting a fixed two-year budgetary cycle for the following City departments: Airport, Port, and Public Utilities Commission for Fiscal Years (FY) 2024-2025 and 2025-2026; defining terms and setting deadlines.

ADOPTED by the following vote:

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

231214 [Master Lease Amendment - Retroactive - United States Navy - Treasure Island Land and Structures - Term Extension]

Resolution retroactively approving Amendment No. 48 to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year to commence December 1, 2023, for a total term of November 19, 1998, through November 30, 2024; and to authorize the Treasure Island Director to execute and enter into amendments to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes and intent of this Resolution. (Treasure Island Development Authority)

ADOPTED by the following vote:

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

231238 [Accept and Expend Grant - Retroactive - California Department of Social Services - Complex Care Capacity Building Allocation - Not to Exceed \$360,570]**Sponsors: Mayor; Mandelman and Safai**

Resolution retroactively authorizing the Department of Juvenile Probation to accept and expend a grant allocation from the California Department of Social Services in the amount of \$360,570 for the period of October 1, 2021, through September 30, 2026, for Intensive Foster Care and Family Preservation Services. (Juvenile Probation Department)

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

ADOPTED by the following vote:

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

231240 [Accept and Expend Grant - Retroactive - Blue Shield California Foundation - Leveraging Collaboratives to End Domestic Violence Program - \$305,850.45]**Sponsors: Mayor; Mandelman, Stefani and Safai**

Resolution retroactively authorizing the Department on the Status of Women to accept and expend a grant increase in the amount of \$155,850.45 for a total amount of \$305,850.45 from the Blue Shield California Foundation for a one-year grant period from April 1, 2023, through March 31, 2024, for the Leveraging Collaboratives to End Domestic Violence Program. (Department on the Status of Women)

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

ADOPTED by the following vote:

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

Referred Without Recommendation From the Budget and Finance Committee**231202 [Emergency Declaration - Zuckerberg San Francisco General Hospital Building 2 - Chiller and Boiler and Cooling Tower Replacement - Estimated Cost of Repairs Exceeds \$250,000]****Sponsor: Mayor**

Resolution approving the Director of Public Works' declaration of emergency under Administrative Code, Section 6.60, to replace chiller, boiler, and cooling tower and perform associated repair and upgrades at Zuckerberg San Francisco General Hospital located at 1001 Potrero Avenue, estimated to cost in excess of \$250,000; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

ADOPTED by the following vote:

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

Recommendations of the Land Use and Transportation Committee**231130 [Existing Building Code - Supplemental Inspections for Tall Buildings]****Sponsors: Peskin; Chan**

Ordinance amending the Existing Building Code to require buildings with 15 or more stories to conduct and submit supplemental inspection reports that will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failure; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

PASSED ON FIRST READING by the following vote:

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

231261 [Conditional Property Exchange Agreement - Kensington Way LLC - Potential Exchange of Vacant Land on Edgehill Mountain Near Kensington Way for Vacant Land Near Moraga Avenue and Noriega Avenue]

Sponsor: Melgar

Resolution authorizing an agreement for the conditional exchange of vacant land located on Edgehill Mountain for City's property on paper street areas near Moraga Avenue and Noriega Avenue; finding that the exchange agreement is a conditional land acquisition agreement under California Environmental Quality Act Guidelines, Section 15004(b)(2)(A); finding City's property to be exempt surplus land under California Government Code, Section 54221(f)(1)(C); and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of the exchange agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the exchange agreement or this Resolution.

ADOPTED by the following vote:

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

Referred Without Recommendation From the Land Use and Transportation Committee

231216 [Planning Code - Landmark Designation - Westwood Park Entrance Gateways and Pillars]

Sponsors: Melgar; Safai

Ordinance amending the Planning Code to designate the Westwood Park Entrance Gateways and Pillars, located at the intersections of Miramar Avenue and Monterey Boulevard, Miramar Avenue and Ocean Avenue, and Judson Avenue and Frida Kahlo Way, 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 Safai requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

231158 [Health Code - Regulating Medical Specimen Test Collection Sites]

Sponsors: Preston; Ronen and Dorsey

Ordinance amending the Health Code to require that sites that collect medical specimens on behalf of clinical laboratories partner with either a governmental entity, a licensed health care provider located in the City, or an educational or academic institution, establish hygiene, sanitation, and privacy standards, and adhere to the Health Insurance Portability and Accountability Act; prohibiting such sites from paying individuals to take a medical test; and providing that a violation of the specimen collection standards is a misdemeanor offense and a public health nuisance subject to an administrative penalty that may be imposed by the Department of Public Health.

PASSED ON FIRST READING by the following vote:

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

231087 [Support for the SOMA Pilipinas Gateway Cultural Marker]

Sponsors: Dorsey; Peskin, Mandelman, Stefani, Engardio, Ronen, Safai, Chan, Preston, Melgar and Walton

Resolution expressing support for a permanent cultural monument for the Filipino Cultural Heritage District; urging the Arts Commission to commission new works that center voices and stories that are not currently reflected by the current collection, such as the voices that reflect Filipino culture and identity; and finding that the SOMA Pilipinas Gateway Project could provide a model for the City to advance social and racial equity by producing cultural monuments that lift up the rich history and collective experience, contributions, struggles, and triumphs of people of color and immigrant communities who are an important part of San Francisco's diversity and soul as a City.

Supervisor Dorsey, seconded by Supervisor Stefani, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of January 30, 2024. The motion carried by the following vote:

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

President Peskin requested File Nos. 231114 and 231157 be called together.

231114 [Liquor License Transfer - 690 Sacramento Street - RM212]

Resolution determining that the person-to-person, premise-to-premise transfer of a Type-48 on-sale general public premises liquor license to Triple Chan Enterprises, to do business as the RM212, located at 690 Sacramento 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; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

231157 [Liquor License Issuance - 177 Eddy Street - The Record Bar]

Resolution determining that the issuance of a Type-90 on-sale general music venue liquor license to SR Visions LLC, to do business as The Record Bar located at 177 Eddy Street (District 5), 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)

ADOPTED by the following vote:

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

Recommendation of the Rules Committee**231124 [Campaign and Governmental Conduct Code - Form 700 Filers - General Services Agency - City Administrator]**

Ordinance amending the Campaign and Governmental Conduct Code to update and clarify the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for officers and employees in the General Services Agency under the City Administrator. (City Administrator)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, 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).

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Dr. Hali Hammer (Department of Public Health) on the occasion of her retirement and in recognition of her many accomplishments as a medical professional. Dr. Grant Colfax, Director (Department of Public Health), provided additional commending remarks. President Peskin shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 231285, 231286, 231287, and 231288 be called together.

231285 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 2395 Sacramento Street 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 General Plan Evaluation by the Planning Department on October 23, 2023, for the proposed project at 2395 Sacramento Street, to allow the rehabilitation of an existing 24,850 square-foot, 4 ½ -story former medical library building at 2395 Sacramento Street (Assessor's Parcel Block No. 0637, Lot No. 016) and to develop an adjacent 3,497 square foot vacant lot at Assessor's Parcel Block No. 0637, Lot No. 015, in order to construct a 68,531 square-foot, 7-story over basement, 78 foot-10 inch tall, residential building containing 24 residential units (1 one-bedroom, 10 two-bedroom, 9 three-bedroom, and 4 four-bedroom), 26 below-grade vehicle parking spaces and 38 Class 1 bicycle parking spaces, seeking waivers from development standards under the individually requested state density bonus program, including Rear Yard (Section 134), Exposure (Section 140), and Height Limit (Section 260), within the RM-3 (Residential, Mixed Use) Zoning District and a 40-X Height and Bulk District. (District 2) (Appellant: Richard Toshiyuki Drury of Lozeau Drury LLP, on behalf of Jonathan Clark) (Filed December 11, 2023) (Clerk of the Board)

President Peskin opened the public hearing and Supervisor Stefani indicated she would be making a motion to continue this matter to a future date, with the concurrence of the appellant and project sponsor. The President then inquired as to whether any individual wished to address the Board regarding the proposed continuance. There were no speakers. President Peskin closed public comment on the continuance.

Supervisor Stefani, seconded by Supervisor Dorsey, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of February 6, 2024. The motion carried by the following vote:

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

231286 [Affirming the General Plan Evaluation - 2395 Sacramento Street]

Motion affirming the determination by the Planning Department that the proposed project at 2395 Sacramento Street is exempt from further environmental review under a General Plan Evaluation. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Dorsey, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 6, 2024. The motion carried by the following vote:

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

231287 [Conditionally Reversing the General Plan Evaluation - 2395 Sacramento Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2395 Sacramento Street is exempt from further environmental review, under a General Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Dorsey, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 6, 2024. The motion carried by the following vote:

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

231288 [Preparation of Findings to Reverse the General Plan Evaluation - 2395 Sacramento Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2395 Sacramento Street is exempt from further environmental review under a General Plan Evaluation. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Dorsey, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 6, 2024. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee**231273 [Settlement of Claims, Litigation - SFPUC Water Pipeline Break - Fillmore Street and Green Street - Not to Exceed \$7,000,000]**

Sponsor: Stefani

Ordinance authorizing the San Francisco Public Utilities Commission (SFPUC) and the Office of the City Attorney to approve settlements of claims arising out of the September 10, 2023, break of the SFPUC's water transmission pipeline at the intersection of Fillmore and Green Streets for amounts exceeding \$25,000 per claim, notwithstanding Administrative Code, Section 10.22, et. seq., but not to exceed \$1,000,000 per claim, and delegating authority under Charter, Section 6.102(5) for the settlement of related litigation, if any, up to an aggregate total settlement amount not to exceed \$7,000,000, subject to periodic reporting to the Board of Supervisors Government Audit and Oversight Committee. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee**231254 [Mayoral Appointment, Municipal Transportation Agency Board of Directors - Janet Tarlov]**

Motion approving/rejecting the Mayor's nomination for appointment of Janet Tarlov, term ending March 1, 2024, to the Municipal Transportation Agency Board of Directors. (Clerk of the Board) (Charter, Section 8A.102(a), provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority (six votes) of the Board of Supervisors after a public hearing. Transmittal Date: November 30, 2023.)

Motion No. M24-003

APPROVED by the following vote:

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

240033 [Mayoral Appointment, Controller - Greg Wagner]

Motion approving/rejecting the Mayor's appointment of Greg Wagner as the Controller for the City and County of San Francisco, for a ten-year term, pursuant to Charter, Section 3.105. (Clerk of the Board)

(Charter, Section 3.105, provides that this appointment is subject to confirmation by the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: January 10, 2024.)

Privilege of the floor was granted unanimously to Greg Wagner, Controller-designate, who thanked the Members for their consideration and provided brief remarks.

Motion No. M24-004

APPROVED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Safai assumed the chair at 3:55 p.m. The President resumed the chair 3:56 p.m.

PUBLIC COMMENT

@DisabilityActivism; expressed support of legislation passed calling for a sustained ceasefire in Gaza and condemning antisemitic, anti-Palestinian, and Islamophobic rhetoric and attacks.

Thierry Fill; expressed concerns and shared the need to appreciate beauty in order to be happy and the need for a new education system.

Speaker; shared concerns regarding public comment and their religious views.

Chris Ward Kline; shared concerns regarding various City department heads and the need for investigations into conduct.

Peter Warfield; expressed concerns regarding the Public Library, public access, and funding for programs.

Bradley Wedemeyer; expressed concerns regarding the Public Library, public access, and funding for programs.

Honest Charley Bodkin; expressed concerns regarding housing affordability, homelessness, substance abuse, and diminishing mental health.

Nicole Brigg; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Speaker; expressed concerns regarding the recertification of Laguna Honda Hospital.

Jordan Davis; expressed concerns regarding public comment, committee reassignments, and the closure of a grocery store.

Hillary Brown; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Lia McGeever; expressed concerns regarding the societal impacts of various policies.

Rev. Arelious Walker; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Ana Veronica; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Pastor Harris; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Daniel Landry; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Speaker; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Sala-Haquekyah Chandler; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Diane Matsuda; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Julianne Hough; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Paul Isao Osaki; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Kathleen Keough; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Nan Park; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Karson Little; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Alice Kawahatsu; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Monique El'Amin; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Yosef Mitchell; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Speaker; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Ace Washington; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Betty Evans; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Tori Spray; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Speaker; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Speaker; expressed concerns regarding the divisiveness in our country and actions taken by elected officials.

Daniel Tomlinson; expressed concerns regarding a broken escalator at the Embarcadero station and the importance of having nice things in our City.

Speaker; shared concerns regarding their disability and need for services or assistance.

Otto Duffy; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Cheryl Thornton; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027) and the discrimination against employees at the Department of Public Health.

Brenda Barros; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Rev. Amos Brown; expressed concerns regarding the closure of a grocery store in the Fillmore (File No. 240027).

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Mandelman assumed the chair at 4:34 p.m. The President resumed the chair 4:37 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

240028 [Supporting California Senate Bill No. 905 (Wiener) - Closing the “Locked Door” Loophole In Auto Break-In Burglary Cases]

Sponsors: Stefani; Mandelman and Safai

Resolution supporting California State Senate Bill No. 905, introduced by Senator Scott Wiener, to close the “locked door loophole” that creates barriers to successfully prosecuting auto burglary.

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

ADOPTED

240043 [Committee of the Whole - Ground Lease Agreements - Transbay Block 2 West - February 13, 2024, at 3:00 p.m.]**Sponsor: Dorsey**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on February 13, 2024, at 3:00 p.m. to hold a public hearing under California Health and Safety Code, Section 33433, and Redevelopment Plan, Section 4.7.2, for the Transbay Redevelopment Project Area to consider approval of ground leases with Transbay 2 Senior, LP and CCDC Transbay 2 Commercial, LLC, for the construction and operation of a mixed-use affordable housing development located at 200 Folsom Street, Assessor's Parcel Block No. 3739, Lot Nos. 015 and 016, also referred to as Transbay Block 2 West within the Transbay Redevelopment Project Area.

Motion No. M24-005**APPROVED****The foregoing items were acted upon by the following vote:**

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Preston requested that File No. 240027 be severed so that it may be considered separately.

240027 [Urging Safeway to Reverse Plan to Close a Grocery Store in the Fillmore]**Sponsors: Preston; Walton, Safai, Peskin, Chan, Ronen and Dorsey**

Resolution urging Safeway Incorporated to reverse plan to close a grocery store at 1335 Webster Street in the Fillmore in March 2024.

Supervisors Ronen and Dorsey requested to be added as co-sponsors.

Supervisor Preston, seconded by Supervisor Walton, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 3-7, by adding 'and WHEREAS, On January 22, 2024, following community pressure, Safeway announced their plans to extend the closing date from March 2024 to January 2025 to give the community and the City more time to establish a transition plan, but Safeway has not provided details regarding their commitments to the community or Board of Supervisors'. The motion carried by the following vote:

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

ADOPTED AS AMENDED by the following vote:

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

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

240034 [Settlement of Lawsuit - Jeffrey Paillet - \$835,000]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Paillet against the City and County of San Francisco for \$835,000; the lawsuit was filed on November 2, 2021, in San Francisco Superior Court, Case No. CGC-21-596176; entitled Jeffrey Paillet v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/09/24; RECEIVED FROM DEPARTMENT.

01/23/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240035 [Settlement of Lawsuit - Mason Masuda - \$9,000,000]

Ordinance authorizing settlement of the lawsuit filed by Mason Masuda against the City and County of San Francisco for \$9,000,000; the lawsuit was filed on May 9, 2023, in San Francisco Superior Court, Case No. CGC-23-606369; entitled Mason Masuda v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

01/12/24; RECEIVED FROM DEPARTMENT.

01/23/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240036 [Business and Tax Regulations Code - Transient Occupancy Tax Returns]

Ordinance amending the Business and Tax Regulations Code for tax periods beginning on or after January 1, 2024, to require short-term rental hosts that do not operate through a qualified website company to file transient occupancy tax returns annually, waive the requirement for those hosts to obtain a certificate of authority from the Tax Collector, change the period for filing transient occupancy tax returns from annually to monthly for all hotel small operators other than short-term rental hosts, codify the Tax Collector's qualified website company program and the return and payment requirements for Tourism Improvement District and Moscone Expansion District assessments, and require qualified website companies to collect and remit Tourism Improvement District assessments. (Treasurer-Tax Collector)

01/12/24; RECEIVED FROM DEPARTMENT.

01/23/24; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/22/2024.

PROPOSED RESOLUTIONS

240037 [Settlement of Unlitigated Claims - Florence Kong; Kin Wo Construction, Inc.; Kwan Wo Ironworks, Inc.; and SFR Recovery, Inc. - San Francisco to Receive \$750,000]

Resolution approving settlement of unlitigated claims against Florence Kong; Kin Wo Construction, Inc.; Kwan Wo Ironworks, Inc.; and SFR Recovery, Inc. (collectively "the Kong Parties") for restitution and civil penalty payments totaling \$750,000; the claims involve allegations that Florence Kong provided gifts to a City official with the intent to unlawfully influence City officials in award of City contracts to the Kong Parties; other material terms of the settlement are that all of the Kong Parties will be debarred except for Kwan Wo Ironworks, Inc., which will remain suspended for a minimum term of three years and until full payment of the settlement amount of \$750,000. (City Attorney)

01/12/24; RECEIVED FROM DEPARTMENT.

01/23/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240038 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property, as defined herein. (Treasurer-Tax Collector)

01/05/24; RECEIVED FROM DEPARTMENT.

01/23/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

240039 [Grant of Non-Exclusive Easement - Midtown Lands LLC - Assessor's Parcel Block No. 2781, Lot No. 022]

Resolution approving and authorizing an Easement Agreement and Quitclaim between the City and Midtown Lands LLC, fixing and perfecting the location and terms of an easement reserved in a 1957 subdivision instrument, for vehicular and pedestrian access and subsurface utilities within Assessor's Parcel Block No. 2781, Lot No. 022, a City parcel located in the Twin Peaks neighborhood; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; affirming the Planning Department's determination under the California Environmental Quality Act; and to authorize the Director of Property to enter into amendments or modifications to the Easement Agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Easement Agreement or this Resolution. (Real Estate Department)

01/08/24; RECEIVED FROM DEPARTMENT.

01/23/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:19 p.m.