

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 18, 2023 - 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, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Homelessness and Behavioral Health Select Committee

Supervisors Ronen, Mandelman, Walton

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Engardio

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd and 4th Friday

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, 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, in-person with remote access and public comment also available via telephone, on Tuesday, April 18, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:01 p.m.

Remote Access to Information and Participation

The Board of Supervisors (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: www.sfgovtv.org), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to bos@sfgov.org; all comments received will be made a part of the official record.

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.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. 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.)*

APPROVAL OF MEETING MINUTES

President Peskin inquired whether any Member of the Board had any corrections to the March 14, 2023, Regular Board Meeting Minutes, or the March 15, 2023, Special Meeting Minutes at the Budget and Appropriations Committee Meeting, which constituted a quorum of the Board of Supervisors, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Stefani, moved to approve the March 14, 2023, Regular Board Meeting Minutes, and the March 15, 2023, Special Meeting Minutes at the Budget and Appropriations Committee Meeting, which constituted a quorum of the Board of Supervisors, 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.

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

230393 [Formal Policy Discussions - April 18, 2023]

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

The following topic was noticed on the agenda representing District 10:

1. Reparations

Mayor London N. Breed addressed the Board of Supervisors regarding recent violent incidents and how the Police Department and other various City departments have responded to address violent crimes, retail crimes, and open-air drug dealing. Mayor Breed spoke on the recently approved appropriation to fund overtime for the Police Department and urged the Members to recognize our Police Officers as they continue to do the valuable work making our City safe. Mayor Breed then discussed the above referenced topics submitted by the District 10 Supervisor.

Supervisor Walton began the discussion by asking the following question: Are you fully committed to reparations for the Black community in San Francisco? Mayor Breed responded by thanking those involved for their work and efforts around reparations and will continue working with Supervisor Walton on programming completed and efforts underway to assist the Black community. There will be significant challenges around the budget, but she intends to continue working on those programs that work and invest in the Black community.

Supervisor Walton then followed up with the following question: Will you support the \$50 million supplemental appropriation to establish the Office of Reparations and implement approved recommendations? Mayor Breed responded that she has no plans to support that request at this time.

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

HEARD AND FILED

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

President Peskin requested File Nos. 230055 and 230209 be called together.

230055 [Public Employment - Amendment to the Salary Ordinance for the Office of the Public Defender - Immigration Legal Defense Support - FY2022-2023]

Sponsors: Mayor; Melgar, Safai, Mandelman and Preston

Ordinance amending Ordinance No. 162-22 (Salary Ordinance Fiscal Years 2022-2023 and 2023-2024) to reflect the addition of two positions (0.34 FTEs) in the Office of the Public Defender to support Immigration Legal Defense in Fiscal Year (FY) 2022-2023.
(Fiscal Impact)

FINALLY PASSED by the following vote:

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

230209 [Appropriation - \$1,051,298 State Settlement Award to the Office of Public Defender - FY2022-2023]

Sponsors: Mayor; Safai, Mandelman and Preston

Ordinance appropriating \$1,051,298 of state settlement funds to support immigration legal defense in the Office of the Public Defender (PDR) in Fiscal Year (FY) 2022-2023.
(Fiscal Impact)

FINALLY PASSED by the following vote:

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

230210 [Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - California Department of Public Health - Future of Public Health Funding - \$3,639,888]

Sponsor: Mayor

Ordinance retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$3,639,888 from the California Department of Public Health for participation in a program, entitled "Future of Public Health Funding," for the period of July 1, 2022, through June 30, 2023; and amending Ordinance No. 162-22 (Annual Salary Ordinance File No. 220670 for Fiscal Years 2022-2023 and 2023-2024) to provide for the addition of 17 grant-funded full-time positions in Class 0923 Manager II (0.5 FTE), Class 0931 Manager III (0.25 FTE), Class 0941 Manager VI (0.25 FTE), Class 1823 Senior Administrative Analyst (0.25 FTE), Class 1824 Principal Administrative Analyst (0.25 FTE), Class 2586 Health Worker II (0.75 FTE), Class 2802 Epidemiologist I (0.5 FTE), Class 2803 Epidemiologist II (0.5 FTE), and 2830 Public Health Nurse (1.0 FTE). (Public Health Department)

FINALLY PASSED by the following vote:

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

230211 [Appropriation - California Public Utilities Commission Revenue - San Francisco Public Utilities Commission - Community Food Service Energy Efficiency Program - \$4,579,056 - FY2022-2023]

Sponsors: Mayor; Safai and Mandelman

Ordinance appropriating \$4,579,056 of California Public Utilities Commission revenue in the San Francisco Public Utilities Commission for CleanPowerSF Capital Improvements to implement the Community Food Service Energy Efficiency Program; and placing \$3,052,704 on Controller's Reserve, in Fiscal Year (FY) 2022-2023.
(Fiscal Impact)

FINALLY PASSED by the following vote:

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

230217 [Grant Agreement - Planned Parenthood Northern California - Security Services - Not to Exceed \$400,000 - Waiver of Competitive Solicitation Requirement]

Sponsors: Stefani; Mandelman and Ronen

Ordinance authorizing the Department of Public Health ("Department") to award a one-time grant to Planned Parenthood Northern California ("Planned Parenthood NC") by waiving the competitive solicitation requirements of Administrative Code, Chapter 21G, for the purpose of funding security personnel to support access to family planning and other sexual and reproductive healthcare services in an amount not to exceed \$400,000, for a term not to exceed two years; and requiring the Department to provide an annual report to the Board of Supervisors on the security personnel selected by Planned Parenthood NC and security incidents experienced by Planned Parenthood NC.
(Public Health Department)
(Fiscal Impact)

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

FINALLY PASSED 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

230124 [Administrative and Public Works Codes - Shared Spaces Program]

Sponsors: Peskin; Dorsey, Engardio and Mandelman

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, convert the shared space use into a post-pandemic permit, and modify the consent procedures for fronting tenants and property owners; amending the Public Works Code to address abandonment of structures as part of shared spaces enforcement; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED by the following vote:

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

230156 [Environment Code - Safe Drug Disposal]

Sponsors: Mayor; Mandelman and Dorsey

Ordinance amending the Environment Code to eliminate the requirement that certain drugs ("covered drugs") be disposed of at either a permitted hazardous waste disposal facility or permitted large municipal waste combustor, as those terms are defined by Environmental Protection Agency regulations, or at a facility that provides equivalent or superior environment and human health protection to such facilities, and to instead require that covered drugs be disposed of at a waste disposal facility operating in compliance with all local, state, and federal requirements applicable to that waste disposal facility; to require regular reporting of the compliance status of disposal facilities used; to change drug wholesalers' obligation to update the City's list of covered drug producers from an annual update to an update on request of the Environment Department's Director; to remove the requirement that operators of a drug stewardship plan receive prior approval of a change in manufacturers, and instead add a requirement that such operators receive prior approval of a change in disposal facilities used; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

230258 [Accept and Expend Grant and Annual Salary Ordinance Amendment - Retroactive - United States Department of Justice - STOP School Violence Program - \$1,000,000]

Sponsors: Mayor; Safai and Mandelman

Ordinance 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 1, 2022, through September 30, 2024; and amending Ordinance No. 162-22 (Annual Salary Ordinance for Fiscal Years (FY) 2022-2023 and 2023-2024) to provide for the addition of one grant-funded full-time position in Class 1824 Principal Administrative Analyst (0.25 FTE in FY2022-2023, 1.0 FTE in FY2023-2024). (Department of Children, Youth & Their Families)

PASSED ON FIRST READING by the following vote:

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

230172 [Accept and Expend Grant - California State Library - Building Forward, Library Infrastructure Grant Award - Total Amount \$13,210,129]

Sponsors: Mayor; Peskin, Chan, Mandelman and Safai

Resolution authorizing the San Francisco Public Library to accept and expend a grant in the amount of \$13,210,129 from the California State Library Building Forward, Library Infrastructure Program with \$5,280,042 for the Mission Branch Renovation Project and \$7,930,087 for the Chinatown Branch Renovation Project, for the period starting the date of execution of the Agreement by both parties through March 31, 2026. (Public Library)
(Fiscal Impact)

ADOPTED by the following vote:

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

230206 [Grant Agreement - Retroactive - Children's Council of San Francisco - Workforce Compensation and Administrative Services - Not to Exceed \$164,346,004]

Sponsors: Safai; Mandelman

Resolution retroactively approving the grant agreement between the City and County of San Francisco and Children's Council of San Francisco for the provision of Early Care Workforce Compensation and Administrative Services to support the City's implementation of the San Francisco Citywide Plan for Early Care and Education (ECE) Workforce Development and Compensation Initiatives for the period of October 1, 2022, through June 30, 2025, in an amount not to exceed \$164,346,004. (Department of Early Childhood)
(Fiscal Impact)

ADOPTED by the following vote:

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

230248 [Airport Professional Services Agreement - T1 Partners - Program Management Support Services for the Terminal 1/Boarding Area B Redevelopment Program - Term Extension]

Resolution approving Modification No. 18 to Airport Contract 9185.9, Program Management Support Services for the San Francisco International Airport, Terminal 1/Boarding Area B Redevelopment Program, with T1 Partners, a Joint Venture consisting of The Allen Group, LLC, and EPC Consultants, Inc., to extend the term from July 7, 2023, through July 31, 2025, with no change to the contract amount not to exceed \$38,000,000 pursuant to Charter, Section 9.118(b). (Airport Commission)

ADOPTED by the following vote:

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

230262 [Accept and Expend Grant - Retroactive - California Department of Community Services and Development - \$1,244,798.66 and \$103,243.80]

Sponsors: Mayor; Safai and Mandelman

Resolution retroactively authorizing the San Francisco Public Utilities Commission to accept and expend federal funds sourced by the State Budget Act and administered by the California Department of Community Services and Development, in the total amounts of \$1,244,798.66 and \$103,243.80 respectively, to assist eligible CleanPowerSF and Hetch Hetchy Power residential customer accounts who accrued customer account arrears due to the COVID-19 pandemic between March 4, 2020, through December 31, 2021. (Public Utilities Commission)

ADOPTED by the following vote:

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

230293 [Accept and Expend Grant - Retroactive - California Department of Health Care Services - Bridge Navigator Program - \$120,000]

Sponsors: Mayor; Mandelman and Safai

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$120,000 from the California Department of Health Care Services through the Public Health Institute for participation in a program, entitled "Bridge Navigator Program," for the period of July 1, 2022, through June 30, 2023. (Public Health Department)

ADOPTED by the following vote:

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

President Peskin requested File Nos. 230294 and 230316 be called together.

230294 [Accept and Expend Grant - Retroactive - University of California, San Francisco - Construction Community Outreach Program - \$150,000]

Sponsors: Mayor; Chan

Resolution retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$150,000 from the University of California, San Francisco (UCSF) for the CityBuild program to assist UCSF's Construction Community Outreach Program in achieving their voluntary local hire goal of 30% on UCSF projects during the grant period of July 1, 2022, through June 30, 2023. (Department of Economic and Workforce Development)

ADOPTED by the following vote:

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

230316 [Accept and Expend Grant - Retroactive - The North Valley Workforce Development Board - Regional Equity and Recovery Partnerships with Bay Area Equity Collaborative - \$350,000]

Sponsors: Mayor; Walton

Resolution retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$350,000 from the North Valley Workforce Development Board, a lead applicant of the grant award from the California Workforce Development Board for Regional Equity and Recovery Partnerships with the Bay Area Equity Collaborative during the grant period of December 1, 2022, through September 30, 2025.

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

President Peskin requested File Nos. 230222 and 230223 be called together.

230222 [Accept and Expend Grant - Noe Valley Town Square Prefabricated Public Restroom and Future Modular Restrooms Project in San Francisco Parks and Open Spaces - \$1,700,000]

Sponsors: Mayor; Mandelman and Ronen

Resolution authorizing the Recreation and Park Department to accept and expend a grant from the California Department of Parks and Recreation in the amount of \$1,700,000 for the Noe Valley Town Square Prefabricated Public Restroom and Future Modular Restroom Project in San Francisco Parks and Open Spaces; approving the associated grant agreement for the term of July 1, 2022, through June 30, 2026; and authorizing the Recreation and Park Department to enter into amendments or modifications to the grant agreement that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purposes of this grant or this Resolution. (Recreation and Park Department)

ADOPTED by the following vote:

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

230223 [Accept and Expend Grant - Volumetric Building Companies and Public Restroom Company - Noe Valley Town Square Restroom - \$425,000]**Sponsors: Mayor; Mandelman and Ronen**

Resolution authorizing the Recreation and Park Department to accept and expend an in-kind grant valued at approximately \$425,000 from Volumetric Building Companies and Public Restroom Company for a prefabricated modular restroom that has been manufactured offsite, and its installation at Noe Valley Town Square, for a period of January 2023 through October 2023. (Recreation and Park Department)

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee**230259 [Memorandum of Understanding - San Francisco Police Officers' Association]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association, to be effective July 1, 2023, through June 30, 2026.

(Supervisor Preston dissented in Committee.)

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 Rules Committee**230135 [Administrative Code - Small Business Commission Duties]****Sponsor: Peskin**

Ordinance amending the Administrative Code to revise the duties of the Small Business Commission by replacing the duty to coordinate an application and selection process to recognize outstanding contributions by small businesses during Small Business Month with a duty to coordinate activities to encourage the general public to support San Francisco small businesses during Small Business Month.

PASSED ON FIRST READING by the following vote:

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

230408 [Administrative Code - Public Works Contracting]**Sponsor: Mandelman**

Ordinance amending the Administrative Code to remove the minimum cost criterion weighting for Design-Build and Construction Manager/General Contractor best value procurements.

PASSED ON FIRST READING by the following vote:

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

230243 [Appointments, Assessment Appeals Board No. 3 - Marc Dickow and John Su]

Motion appointing Marc Dickow, term ending September 2, 2024, and John Su, term ending September 1, 2025, to the Assessment Appeals Board No. 3. (Rules Committee)

Motion No. M23-060

APPROVED 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. Hillary Kunins (Department of Public Health) in recognition of her many accomplishments as a leader in health services. Dr. Grant Colfax, Director (Department of Public Health), provided additional commending remarks.

Supervisor Safai introduced, welcomed, and presented a Certificate of Honor to the Police Officers from the Bayview and Ingleside Stations in recognition of their response and apprehension of a suspect in the armed robbery of an elderly woman.

230287 [Disapproving the Conditional Use Authorization - 800 Taraval Street]

Motion disapproving the decision of the Planning Commission by its Motion No. 21246, approving a Conditional Use Authorization, identified as Planning Case No. 2022-001838CUA, for a proposed project at 800 Taraval Street. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

Supervisor Melgar, seconded by Supervisor Ronen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 5-6, by adding ‘; and approving a Conditional Use Authorization for the same Planning case and property with different conditions’, and on Lines 16-25, by adding ‘and, be it FURTHER MOVED, That the Board hereby approves a Conditional Use Authorization for the same property subject to the conditions set forth in the document, entitled “Additional Conditions for Conditional Use Authorization at 800 Taraval,” dated April 18, 2023, on file with the Clerk of the Board of Supervisors in File No. 230287, which is hereby declared to be part of this Motion as if set forth fully herein; and, be it FURTHER MOVED, That the Board directs the Clerk to submit copies of this Motion and the document, entitled “Additional Conditions for Conditional Use Authorization at 800 Taraval,” to the Planning Department, Office of Cannabis, and the Department of Public Health.’ The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 2 - Engardio, Stefani

Motion disapproving the decision of the Planning Commission by its Motion No. 21246, approving a Conditional Use Authorization, identified as Planning Case No. 2022-001838CUA, for a proposed project at 800 Taraval Street; and approving a Conditional Use Authorization for the same Planning Case and property with different conditions. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

Motion No. M23-058

Supervisor Melgar, seconded by Supervisor Ronen, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 2 - Engardio, Stefani

230288 [Preparation of Findings Related to Conditional Use Authorization - 800 Taraval Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2022-001838CUA for a proposed project at 800 Taraval Street. (Clerk of the Board)

Motion No. M23-059

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

Ayes: 9 - Chan, Dorsey, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 2 - Engardio, Stefani

COMMITTEE REPORTS

Recommendations of the Land Use and Transportation Committee

220340 [Planning Code - Neighborhood Commercial and Mixed Use Zoning Districts]

Sponsor: Dorsey

Ordinance amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use districts, and in historic and nonconforming commercial buildings in Residential Enclave districts; 3) principally permit General Entertainment in the Folsom Street NCT district; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial districts; 5) principally permit Nighttime Entertainment on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street unless they are zoned Residential Enclave District (RED) or Residential Enclave District - Mixed (RED-MX); 6) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility Uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 7) require that large developments in South of Market Mixed use districts which contain commercial spaces provide a mix of commercial space sizes; 8) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 9) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

PASSED ON FIRST READING by the following vote:

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

220971 [Planning Code - Gates, Railings, and Grillwork Exceptions for Cannabis Retail Uses and Existing Non-Residential Uses and Change in 75% Gate Transparency Requirement to 20%]

Sponsors: Safai; Preston, Melgar and Mandelman

Ordinance amending the Planning Code to exempt certain existing gates, railings, and grillwork at Non-Residential uses from transparency requirements, subject to the provisions for noncomplying structures, and exempt Cannabis Retail uses from transparency requirements for gates, railings, and grillwork for a three-year period, provided the Cannabis use installs artwork on any new exempt gates, and require removal of gates, railings, and grillwork installed pursuant to that exemption when a Cannabis Retail use's business permit becomes invalid or the business ceases to operate, and change the transparency requirement for gates, railings, and grillwork in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts from 75% to 20% open to perpendicular view with additional requirements for fire safety; 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, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

230311 [Administrative Code - COVID-19 Tenant Protections]

Sponsors: Preston; Walton, Peskin, Ronen and Chan

Ordinance amending the Administrative Code to extend by 60 days the restrictions on evicting or imposing late fees on residential tenants who could not pay rent that came due during the COVID-19 emergency; and including within those restrictions units where the rent is controlled or regulated by the City.

PASSED ON FIRST READING 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.

PUBLIC COMMENT

Otto Duffy; provided an update on personal interactions with other regular public commenters.

Gilbert Crisswell; expressed support of keeping remote public comment available.

San Francisco; expressed concerns regarding the Brown Act and the need to observe certain communities.

Speaker; expressed concerns regarding homeless encampments that block sidewalks and criminals that vandalize property.

Speaker; expressed concerns regarding bad business practices by certain organizations.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Mandelman assumed the chair at 6:12 p.m. The President resumed the chair 6:14 p.m.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation

230397 [Closed Session - Anticipated Litigation - Funding Overdose Prevention Centers - April 18, 2023]

Closed Session for the Board of Supervisors to convene on April 18, 2023, pursuant to California Government Code, Section 54956.9, and San Francisco Administrative Code, Section 67.10(d)(2), for the purpose of conferring with, or receiving advice from, the City Attorney regarding anticipated litigation in which the City may be a plaintiff or defendant, regarding existing and possible future claims and demands related to the City's potential use of City funds, including opioid settlement funds, to support overdose prevention centers; scheduled pursuant to Motion No. M23-055 (File No. 230396), approved on April 12, 2023. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 6:38 p.m. to convene in closed session pursuant to Motion No. M23-055 (File No. 230396), approved on April 12, 2023.

The following Supervisors were noted present: Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

Persons in attendance: David Chiu, City Attorney, and Anne Pearson and Manu Pradhan, Deputy City Attorneys (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

The matter was heard in closed session, no action was taken, and the hearing was filed.

HEARD IN CLOSED SESSION

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 8:40 p.m.

The following Supervisors were noted present: Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Ronen, seconded by Supervisor Safai, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

230423 [Approval of Retroactive 90-Day Extension for Planning Commission Review of Family Housing Opportunity Special Use District; Design Controls and Review Procedures (File No. 230026)]

Sponsor: Melgar

Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 230026) amending the Planning Code to create the Family Housing Opportunity Special Use District, authorize up to four dwelling units for eligible projects, exempt eligible projects from certain height restrictions, conditional use authorizations, and neighborhood notification requirements, and eliminate a Planning Commission discretionary review hearing for eligible projects upon delegation by the Planning Commission; amending the Zoning Map to show the Family Housing Opportunity Special Use District; and 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.

ADOPTED

230425 [Supporting California Assembly Bill No. 871 (Haney) - Safety in Employment: Conveyances]

Sponsor: Safai

Resolution supporting California Assembly Bill No. 871, authored by Assembly Member Matt Haney, to improve safety in employment related to elevator construction by requiring the California Division of Occupational Safety and Health to issue permits for the construction of all elevators, increase work standards for mechanic certification, and enable submissions through an online portal.

ADOPTED

230355 [Committee of the Whole - Report of Assessment Costs for Sidewalk Inspection and Repair Program - May 9, 2023, at 4:00 p.m.]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 9, 2023, at 4:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for work done or caused to be done through the Sidewalk Inspection and Repair Program pursuant to Public Works Code, Section 706.9, and Administrative Code, Chapter 80, the cost thereof having been paid for by the City and County out of a revolving fund.
(Clerk of the Board)

Motion No. M23-061

APPROVED

230358 [Committee of the Whole - Report of Assessment Costs for Blighted Properties - Accelerated Sidewalk Abatement Program - May 9, 2023, at 4:00 p.m.]

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on May 9, 2023, at 4:00 p.m., to hold a public hearing on a Resolution approving a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Clerk of the Board)

Motion No. M23-062

APPROVED

230430 [Appointment, Child Care Planning and Advisory Council - Benson Wong]

Motion appointing Benson Wong, term ending March 19, 2025, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Benson Wong, seat 6, succeeding Beverly Melugin, term expired, must be a nominee of the District 6 Supervisor and represent one of the following categories: consumers, child care providers, discretionary, community representatives, or public agency representatives, for the unexpired portion of a three-year term ending March 19, 2025.

Motion No. M23-063

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 Chan requested that File No. 230418 be severed so that it may be considered separately.

230418 [Support of the Internet Archive]

Sponsors: Chan; Mandelman, Preston and Dorsey

Resolution recognizing the irreplaceable public value of libraries, including online libraries like the Internet Archive, and the essential rights of all libraries to own, preserve, and lend both digital and print books to the residents of San Francisco and the wider public; supporting the Internet Archive and its public service mission; and urging the California State Legislature and the United States Congress to support digital rights for libraries, including controlled digital lending and the option for libraries to own their digital collections.

Supervisors Mandelman, Preston, and Dorsey 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

Supervisor Melgar requested that File Nos. 230421 and 230422 be severed so that they may be considered separately.

230421 [Supporting California State Senate Bill No. 85 (Wiener) - the California Extended Case Management Act (CECM)]

Sponsors: Melgar; Stefani, Chan and Preston

Resolution supporting California State Senate Bill No. 85, the California Extended Case Management Act (CECM), authored by Senator Scott Wiener, to extend case management services to refugees and asylees.

Supervisors Stefani, Chan, and Preston 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

230422 [Supporting California State Assembly Bill No. 1672 (Haney) - In-Home Supportive Services Employer-Employee Relations Act]

Sponsors: Melgar; Walton, Engardio, Safai, Preston, Stefani and Chan

Resolution supporting California State Assembly Bill No. 1672, In-Home Supportive Services Employer-Employee Relations Act, authored by Assembly Member Matt Haney, to expand the definition of "public employer," to include an employer who is subject to the In-Home Supportive Services Employer-Employee Relations Act.

Supervisors Preston, Stefani, and Chan 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

Supervisor Preston requested that File No. 230424 be severed so that it may be considered separately.

230424 [Urging the Governor and State Legislature to Provide Multi-Year Operations Funding and to Develop Long-Term Funding Plans to Support Bay Area Transit Agencies]

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

Resolution urging Governor Gavin Newsom and the State Legislature to provide multi-year operations funding to assist California's transit systems as they recover from the pandemic and to develop long-term funding plans to serve the millions of Californians who rely on public transit.

Supervisors Chan, Mandelman, and Melgar 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

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 ORDINANCE

230400 [Settlement of Lawsuit - New Cingular Wireless PCS LLC - \$463,593]

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS LLC against the City and County of San Francisco for \$463,593; the lawsuit was filed on December 12, 2022, in San Francisco Superior Court, Case No. CGC-22-603406; entitled New Cingular Wireless PCS LLC. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of penalties and interest related to the access line tax for tax periods February 1, 2021, through and including August 31, 2021. (City Attorney)

04/04/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230364 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works)

04/10/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Board of Supervisors.

230401 [Acceptance and Recording of Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]

Resolution authorizing acceptance and recording of 124 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; affirming the Planning Department's determination of "not a project" under the California Environmental Quality Act; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Airport Commission)

04/04/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

230402 [Lease Extension Option Exercise - Michael C. Mitchell - 837 Malcolm Road, Burlingame - Annual Base Rent \$150,450]

Resolution approving the exercise of the second of two one-year extension options under Lease No. 09-0023, between Michael C. Mitchell and the City and County of San Francisco, acting by and through its Airport Commission, to extend the Lease for one year, for a period of May 1, 2024, through April 30, 2025, for a total term of April 21, 2009, through April 30, 2025, and increasing the annual rent to \$150,450 for office and industrial space occupied by the San Francisco International Airport Reprographics Department at 837 Malcolm Road, Burlingame.

04/06/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230403 [Grant Agreement - Brilliant Corners - Scattered Site Housing and Rental Subsidy Administration Services - Not to Exceed \$15,036,591]

Resolution approving the grant agreement between the City and County of San Francisco and the non-profit Brilliant Corners, to provide Scattered Site Housing and Rental Subsidy Administration services to seniors and adults with disabilities during the period of July 1, 2023, through June 30, 2027, for a total not to exceed amount of \$15,036,591. (Human Services Agency)

04/06/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230404 [Selection of Independent Auditors - Macias Gini & O'Connell LLP - Not to Exceed \$6,806,424]

Resolution selecting Macias Gini & O'Connell LLP as independent auditors for the Controller's Office and the separately audited departments of the City, for an amount not to exceed \$6,806,424 for a four-year contract term to commence July 1, 2023, through June 30, 2027, with an optional extension period of up to three years. (Controller)

04/06/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230405 [Contract Amendment - 21 Tech, LLC - Service and Support Agreement - Not to Exceed \$18,200,000]

Resolution authorizing the Office of the Treasurer & Tax Collector to amend a service and support agreement with 21 Tech, LLC which enables the City and County of San Francisco to accept online tax filings, to extend the contract term for an additional 10 years, increasing the contract amount by \$10,000,000 for a total amount not to exceed \$18,200,000 to commence upon Board of Supervisors and Mayoral approval for the period of May 31, 2023, through May 31, 2033. (Treasurer-Tax Collector)

04/07/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230406 [Contract Amendment - Mount St. Joseph-St. Elizabeth - Behavioral Health Services - Not to Exceed \$20,541,061]

Resolution approving Amendment No. 2 to the agreement between Mount St. Joseph-St. Elizabeth and the Department of Public Health (DPH), for behavioral health services to women, children, and families; to increase the agreement by \$11,169,510 for a total amount not to exceed \$20,541,061; to extend the term by four years, from June 30, 2023, for a total agreement term of January 1, 2018, through June 30, 2027; and to authorize DPH to enter into amendments or modifications to the contract prior to its final execution by all parties 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. (Public Health Department)

04/07/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select Committee.

230407 [Grant Agreement - Institute On Aging - Community Living Fund Program – Not to Exceed \$22,750,279]

Resolution approving the grant agreement between the City and County of San Francisco and the non-profit Institute On Aging, for the provision of the Community Living Fund program, for the period of July 1, 2023, through June 30, 2027, for a total not to exceed amount of \$22,750,279. (Human Services Agency)

04/10/23; RECEIVED FROM DEPARTMENT.

04/18/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 8:41 p.m.