



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, September 12, 2023 - 2:00 PM

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

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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

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

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents: 1) Legislation; 2) Budget and Legislative Analyst report; 3) Department or Agency cover letter and/or report; 4) Public correspondence. These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk or at <https://sfbos.org/legislative-research-center-lrc>.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where legislation is the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room. Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives; except that public speakers using interpretation assistance will be allowed to testify for twice the amount of time. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want to display a document should place it on the overhead during their public comment and remove the document when they want the screen to return to live coverage of the meeting.

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傳譯服務: 所有常規及特別市參事會議和常務委員會會議將提供西班牙文, 中文以及菲律賓文的傳譯服務, 但必須在會議前最少48小時作出請求, 以確保能獲取到傳譯服務. 將因應請求提供交替傳譯服務, 以便公眾向有關政府機構發表意見. 如需更多資訊或請求有關服務, 請致電 (415) 554-5184 聯絡我們.

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PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at espesyal na pagpupulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpupulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA)

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance No. 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications. The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel, at www.sfgovtv.org or Cable Channels 26, 28, 78 or 99 (depending on your provider). Board and Committee meeting agendas and minutes are available on the Board's website www.sfbos.org and adhere to web development guidelines based upon the Federal Access Board's Section 508 Guidelines. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability. If further assistance is needed, please contact Wilson Ng at (415) 554-5184 wilson.l.ng@sfgov.org

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at soft@sfgov.org Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>.

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit <http://www.sfethics.org>.

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PUBLIC COMMENT CALL-IN

[1 \(415\) 655-0001](tel:14156550001) / Meeting ID: 2662 463 6510 # #

(Press *3 to enter the speaker line)

ROLL CALL AND PLEDGE OF ALLEGIANCE

Pursuant to Board Rule 4.7.1 the President shall present the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula.

COMMUNICATIONS

APPROVAL OF MEETING MINUTES

Approval of the July 18, 2023, and July 25, 2023, Board Meeting Minutes.

AGENDA CHANGES

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

Pursuant to Charter Section 3.100(7), the Mayor shall appear, in person, at one regularly scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board. This item will be read at the Board Meeting on the second Tuesday of each month, unless rescheduled by the Mayor and the Board President. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's Agenda as an action item.

By eight (8) votes, the Board of Supervisors may, by oral motion, allow an eligible District Supervisor to ask a question that was not previously posed if the question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that were not anticipated prior to the posting of this agenda. Public comment for this item will take place during general public comment.

1. **230956** **[Formal Policy Discussions - September 12, 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 3:

1. Public Safety

Discussion: The Mayor shall DISCUSS eligible topic(s) with the Board of Supervisors.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Preston, Stefani, Mandelman

2. [230686](#) **[Settlement of Lawsuit - Walgreen Co. - City to Receive \$229,610,002 Over 15 Years]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against Walgreen Co. for \$229,610,002 (the City to be paid \$200,000,002 over 15 years, the City's outside counsel to be paid \$29,610,000); the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc f/k/a Actavis Plc, Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves Walgreen Co.'s improper and unlawful dispensing of prescription opioids at its pharmacies, which contributed to the epidemic of opioid abuse and misuse and caused a public nuisance in San Francisco. (City Attorney)

09/05/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. [230687](#) **[Settlement of Lawsuit - Teva Pharmaceuticals USA, Inc. and Related Entities - City to Receive \$24,797,604 Over 13 Years]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against Cephalon, Inc.; Teva Pharmaceuticals USA, Inc.; Teva Pharmaceutical Industries Ltd; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. (f/k/a Watson Pharma, Inc.); Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Warner Chilcott Company, LLC; Actavis South Atlantic LLC; Actavis Totowa LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc. (f/k/a/ Watson Laboratories, Inc.-Salt Lake City); Actavis Laboratories FL, Inc. (f/k/a Watson Laboratories, Inc.-Florida); and Andia, Inc. for \$24,797,604 (the City to be paid \$19,499,928 over 13 years, the City's outside counsel to be paid \$3,043,340, and the City Attorney's Office to be paid \$2,254,336) and naloxone valued at \$20,000,000; directing the Controller to allocate funds to the City Attorney's Office as provided in the settlement agreement; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc f/k/a Actavis Plc, Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that the Teva defendants created a public nuisance and violated the Unfair Competition Law by falsely and misleadingly marketing opioids as safer than they actually are and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

09/05/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. [230688](#) **[Settlement of Lawsuit - Allergan Finance, LLC and Allergan Limited - City to Receive \$12,916,274 Over 5 Years]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco and the People of the State of California against Allergan Finance, LLC (f/k/a Actavis, Inc., which, in turn, was f/k/a Watson Pharmaceuticals, Inc.) and Allergan Limited (f/k/a Allergan plc, which, in turn, was f/k/a Actavis plc) for \$12,916,274 (the City to be paid \$10,156,889 over 5 years, the City's outside counsel to be paid \$1,585,179, and the City Attorney's Office to be paid \$1,174,206); directing the Controller to allocate funds to the City Attorney's Office as provided in the settlement agreement; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc f/k/a Actavis Plc, Watson Pharmaceuticals, Inc. n/k/a Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that the Allergan defendants created a public nuisance and violated the Unfair Competition Law by falsely and misleadingly marketing opioids as safer than they actually are and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

09/05/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chan, Mandelman, Safai

5. [230702](#) **[Administrative Code - Exempt Guaranteed Income From County Adult Assistance Program Determinations]**

Sponsors: Mayor; Safai and Mandelman

Ordinance amending the Administrative Code to exempt payments received by housed participants in Guaranteed Income pilot programs from the Human Service Agency's determinations regarding the participants' eligibility for the County Adult Assistance Programs and the amount of aid the participants may receive.

Question: Shall this Ordinance be PASSED ON FIRST READING?

6. [230833](#) **[Authorizing Tax-Exempt and/or Taxable Certificates of Participation - Multiple Capital Improvement Projects - Not to Exceed \$77,170,000]**

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation, in one or more series on a tax-exempt and/or taxable basis and from time to time, evidencing and representing an aggregate principal amount of not to exceed \$77,170,000 ("Certificates"), to finance and refinance certain capital improvement projects within the City and County of San Francisco's ("City") capital plan and generally consisting of critical repairs, renovations and improvements to City-owned buildings, facilities, streets and works maintained and utilized by various City departments; approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease to the Trustee and lease back to the City of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City and at 1 Moreland Drive, San Bruno, California, together with any other property determined by the City's Director of Public Finance to be made subject to the lease and lease back arrangements; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate, as defined herein; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents, as defined herein; ratifying previous actions taken in connection therewith, as defined herein; and repealing and rescinding a portion of the authorization to issue Certificates of Participation of the City established through the adoption of Ordinance No. 226-19 of the City on October 11, 2019.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

7. [230480](#) **[Communications Lease - State of California - California Highway Patrol - 125 Christmas Tree Point - \$9,000 Initial Base Rent]**

Resolution authorizing and approving the lease of approximately 400 square feet of the City-owned radio equipment room and one antenna at 125 Christmas Tree Point, aka Twin Peaks Blvd, with the State of California, General Services Agency, for the California Highway Patrol, for an initial annual base rent of \$9,000 with annual adjustments of four percent for a term of 10 years, with two five-year options to renew to commence upon execution of the Lease, and after approval of this Resolution by the Board of Supervisors and Mayor, in their respective sole and absolute discretion; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and to authorize the Director or Property to enter into any extensions, amendments, or modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Lease or this Resolution. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

8. [230573](#) **[Property Lease - State of California Department of Transportation - Selby & Palou Mini Park - Annual Base Rent of \$2,000]**
Sponsors: Mayor; Walton
Resolution authorizing a lease with the State of California, acting by and through its Department of Transportation, for the Recreation and Park Department to operate a property commonly known as Assessor's Parcel Block No. 5331, Lot No. 056, located under Highway 280 along Selby Street between Quesada Avenue and Palou Avenue, for an initial term of 10 years with three five-year options and base rent of \$2,000 per year with four percent yearly adjustments; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein.
- Question: Shall this Resolution be ADOPTED?**
9. [230716](#) **[Maintenance Agreement - California Department of Transportation - Installation and Maintenance of Transportation Art]**
Sponsor: Walton
Resolution approving a maintenance agreement between the City and County of San Francisco and the California Department of Transportation ("Caltrans") for the City's maintenance of artwork on right-of-way within Caltrans jurisdiction located at the southeast corner of 17th Street and San Bruno Avenue, and southwest corner of 17th Street and Vermont Street for the Potrero Gateway Public Art Project; and the City's indemnification of Caltrans for any claims occurring by reason of anything done or omitted to be done by City under the agreement, effective upon approval of this Resolution.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
10. [230811](#) **[Emergency Declaration - Repairs at Laguna Honda Hospital - 375 Laguna Honda Boulevard - Estimated Cost Not to Exceed \$28,400,000]**
Sponsors: Mayor; Melgar
Resolution approving the Director of Public Works' declaration of emergency under Administrative Code, Section 6.60, for repair work at Laguna Honda Hospital and Rehabilitation Center, located at 375 Laguna Honda Boulevard, estimated to cost in excess of \$250,000 but not to exceed \$28,400,000. (Public Works)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
11. [230814](#) **[Accept and Expend Grant - Retroactive - Blue Shield California Foundation - Leveraging Collaboratives to End Domestic Violence Program - \$150,000]**
Sponsors: Mayor; Mandelman
Resolution retroactively authorizing the Department on the Status of Women to accept and expend a grant from the Blue Shield California Foundation in the amount of \$150,000 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)
- Question: Shall this Resolution be ADOPTED?**

12. [230816](#) **[Accept and Expend Grant - California Department of Water Resources - San Francisco Zoo Recycled Water Project - Not to Exceed \$538,051]**

Sponsors: Mayor; Chan, Safai and Mandelman

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend grant funds of up to \$538,051 from the California Department of Water Resources for the pipeline construction of the San Francisco Zoo Recycled Water Project, pursuant to Administrative Code, Section 10.170-1(b), for the period of October 1, 2023, through December 31, 2024. (Public Utilities Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

13. [230842](#) **[Sole Source Negotiations - Fisherman's Wharf Revitalized, LLC - Seawall Lot 300/301 and Pier 45]**

Sponsors: Peskin; Safai and Mandelman

Resolution exempting from the competitive bidding policy set forth in Administrative Code, Section 2.6-1, the potential real estate transaction involving Port property at Seawall Lot 300/301 and Pier 45 with Fisherman's Wharf Revitalized, LLC, for development of a mixed use property that includes an experiential museum, events center, public plaza, expanded limited vehicular access resilient waterfront promenade, a combination winery/brewery/distillery, and short term vacation rental project celebrating, highlighting, and supporting the fishing and seafood industry of Fisherman's Wharf and increasing public access to and enjoyment of the Bay; urging the Port and Fisherman's Wharf Revitalized, LLC to engage in outreach to affected and interested neighbors, community members and other stakeholders to ensure that the proposed project is designed with public input; and urging the Port Director, with the assistance of Port staff, the City Attorney's Office and other City officials to take all actions needed to negotiate an exclusive negotiating agreement and a term sheet with Fisherman's Wharf Revitalized, LLC on a sole source basis, consistent with this Resolution.

Question: Shall this Resolution be ADOPTED?

Referred Without Recommendation from the Budget and Finance Committee

Present: Supervisors Chan, Mandelman, Safai

14. 230710 [Permit Issuance - Another Planet Entertainment LLC - Polo Field Concerts - Minimum Permit Fee of \$1,400,000 Per Year for a Two-Day Event and \$2,100,000 for a Three-Day Event]

Sponsors: Mayor; Safai and Mandelman

Resolution authorizing the Recreation and Park Department to issue a permit for Another Planet Entertainment LLC to hold a ticketed concert at the Golden Gate Park Polo Fields on the Friday, Saturday, and Sunday following the Outside Lands Festival in 2024, 2025 and 2026, in exchange for a minimum permit fee \$1,400,000 per year for a two-day event and \$2,100,000 for a three-day event for a three-year term to commence in 2024, and a commitment to hold three free musical concerts per year, for each year in which concerts are held at the Polo Fields; affirming a categorical exemption under the California Environmental Quality Act; and to authorize the General Manager of the Recreation and Park Department to enter into amendments or modifications to the permit that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the permit or this Resolution. (Recreation and Park Department)

Question: Shall this Resolution be ADOPTED?

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

SPECIAL ORDER 3:00 P.M.

APPEAL PROCEDURES

Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 3:00 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 3:00 p.m.:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 3:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.

PUBLIC COMMENT WILL BE TAKEN

[1 \(415\) 655-0001 / Meeting ID: 2662 463 6510 # #](tel:14156550001)

(Press *3 to enter the speaker line)

15. [230886](#) **[Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 939 Lombard 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 Categorical Exemption by the Planning Department on June 29, 2023, for the proposed project at 939 Lombard Street, Assessor's Parcel Block No. 0072, Lot No. 021, to demolish an existing two-car parking structure at the front of the lot and construct a new 5,173 square foot single-family dwelling within a RM-1 (Residential Mixed - Low Density) Zoning District and 40-X Height and Bulk District. (District 3) (Appellant: Martin Lee Eng) (Filed July 28, 2023) (Clerk of the Board)

Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two Motions should be approved.)

16. [230887](#) **[Affirming the Categorical Exemption Determination - 939 Lombard Street]**
Motion affirming the determination by the Planning Department that the proposed project at 939 Lombard Street is categorically exempt from environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

17. [230888](#) **[Conditionally Reversing the Exemption Determination - 939 Lombard Street]**
Motion conditionally reversing the determination by the Planning Department that the proposed project at 949 Lombard Street is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

18. [230889](#) **[Preparation of Findings to Reverse the Exemption Determination - 939 Lombard Street]**
Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 939 Lombard Street is exempt from further environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Homelessness and Behavioral Health Select Committee at a Regular Meeting on Friday, September 8, 2023, at 10:00 a.m. The Chair intends to request the Committee to send the following items as Committee Reports on Tuesday, September 12, 2023.

19. [230869](#) **[Grant Agreement Amendment - Homeless Prenatal Program - Homelessness Prevention Assistance - Not to Exceed \$23,461,035]**

Sponsors: Mayor; Walton

Resolution approving the third amendment to the grant agreement between the Homeless Prenatal Program and the Department of Homelessness and Supportive Housing ("HSH") for homelessness prevention assistance; extending the grant term by 45 months for a total term of July 1, 2018, through June 30, 2027; increasing the agreement amount by \$13,561,035 for a total amount not to exceed \$23,461,035; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

20. [230870](#) **[Grant Agreement Amendment - Brilliant Corners - Young Adult Rapid Re-Housing - Not to Exceed \$27,309,402]**
Sponsor: Mayor
Resolution approving the first amendment to the grant agreement between Brilliant Corners and the Department of Homelessness and Supportive Housing (“HSH”) for housing location and rental assistance for young adults in rapid re-housing; extending the grant term by 24 months from June 30, 2024, for a total term of July 1, 2021, through June 30, 2026; increasing the agreement amount by \$17,409,402 for a total amount not to exceed \$27,309,402; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement/contract that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City. (Department of Homelessness and Supportive Housing)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
21. [230871](#) **[Grant Agreement Amendment - Tenderloin Housing Clinic, Inc. - Master Lease Hotels - Not to Exceed \$241,657,513]**
Sponsor: Mayor
Resolution approving the second amendment to the grant agreement between the Tenderloin Housing Clinic, Inc. and the Department of Homelessness and Supportive Housing (“HSH”) for master lease stewardship, property management, and support services at 16 permanent supportive housing sites; extending the grant term by 24 months for a total term of July 1, 2020, through June 30, 2026; increasing the agreement amount by \$108,753,662 for a total amount not to exceed \$241,657,513; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City. (Department of Homelessness and Supportive Housing)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
22. [230872](#) **[Grant Agreement Amendment - Five Keys Schools and Programs - Bayshore Navigation Center - Not to Exceed \$25,071,113]**
Sponsors: Mayor; Walton
Resolution approving the second amendment to the grant agreement between Five Keys Schools and Programs and the Department of Homelessness and Supportive Housing (“HSH”) for shelter and support services at the Bayshore Navigation Center; extending the grant term by 33 months for a total term of January 1, 2021, through June 30, 2026; increasing the agreement amount by \$15,155,893 for a total amount not to exceed \$25,071,113; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**

23. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

24. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

PUBLIC COMMENT CALL-IN

[1 \(415\) 655-0001 / Meeting ID: 2662 463 6510 # #](tel:4156550001)

*(Press *3 to enter the speaker line)*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

(PUBLIC COMMENT for Items 25 through 32 will be taken during Item 24 - General Public Comment.)

Items 25 through 32

25. [230875](#) **[International Overdose Awareness Day - August 31, 2023]**
Sponsors: Ronen; Preston, Peskin, Walton, Chan and Melgar
Resolution recognizing August 31, 2023, as an International Overdose Awareness Day in the City and County of San Francisco.
- 07/25/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 09/05/2023; CONTINUED.
- Question: Shall this Resolution be ADOPTED?**
26. [230940](#) **[Approval of a Retroactive 90-Day Extension for Planning Commission Review of Parcel Delivery Services Definition (File No. 230704)]**
Sponsor: Chan
Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 230704) amending the Planning Code to revise the definition of Parcel Delivery Services to include Fleet Charging for freight or Autonomous Vehicles, as defined, that are primarily engaged in or preparing to deliver parcels or goods, and Parking Garages for use by employees of a Parcel Delivery Service use; 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.
- 09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

27. [230945](#) **[Approval of a Retroactive 90-Day Extension for Planning Commission Review of Planning Code - Eliminating Public Art Requirement for 100% Affordable Housing Projects (File No. 230706)]**
Sponsor: Dorsey
Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 230706) amending the Planning Code to eliminate the public art requirement for 100% affordable housing projects and provide for the relocation or removal of existing artwork at such projects subject to certain conditions, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
- 09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
28. [230946](#) **[Urging Plan Approval - Interdepartmental Staff Committee on Traffic and Transportation - How Weird Street Faire Admission Fee for 2023]**
Sponsor: Dorsey
Resolution urging the Interdepartmental Staff Committee on Traffic and Transportation to approve a proposed plan to allow the How Weird Street Faire for 2023 to charge an admission fee.
- 09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
29. [230947](#) **[Transit Month - September 2023]**
Sponsors: Mandelman; Peskin, Preston, Engardio, Dorsey, Chan, Ronen, Stefani, Walton, Safai and Melgar
Resolution proclaiming the month of September 2023 as the Eighth Annual San Francisco Transit Month in the City and County of San Francisco.
- 09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
30. [230949](#) **[Emergency Declaration - Portsmouth Square Elevators Modernization - Estimated Cost of Repairs Not to Exceed \$2,200,000]**
Sponsor: Peskin
Resolution approving the Recreation and Park Department General Manager's declaration of emergency under Administrative Code, Section 6.60, for the repair and replacement of the elevators at Portsmouth Square Parking Garage, with an estimated not to exceed amount of \$2,200,000. (Recreation and Park Department)
- 09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

31. [230950](#) [Urging HSH to Fill Vacant Permanent Supportive Housing Units]

Sponsors: Preston; Peskin, Walton and Chan

Resolution urging the Department of Homelessness and Supportive Housing (HSH) to fill at least half of the vacant Permanent Supportive Housing units within 90 days and to maintain a vacancy rate no greater than 5% thereafter.

09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [230953](#) [Childhood Cancer Awareness Month - September 2023]

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

Resolution recognizing the month of September 2023 as Childhood Cancer Awareness Month in the City and County of San Francisco.

09/05/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

(PUBLIC COMMENT WILL BE TAKEN on any Imperative Agenda item introduced.)

[1 \(415\) 655-0001 / Meeting ID: 2662 463 6510 # #](tel:14156550001)

*(Press *3 to enter the speaker line)*

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

230918 [Administrative Code - Surveillance Technology Policy for Fine Arts Museums of San Francisco]

Ordinance approving Surveillance Technology Policy for Fine Arts Museums of San Francisco use of a camera management and video monitoring system. (Fine Arts Museum)

08/29/2023; RECEIVED FROM DEPARTMENT.

09/12/2023; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

230919 [Petitions and Communications]

Petitions and Communications received from August 31, 2023, through September 7, 2023, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 12, 2023.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Office of the Mayor, making an appointment to the following body. Copy: Each Supervisor. (1)

Appointment pursuant to Charter, Sections 3.100(18) and 4.118:

- Commission on the Environment
 - o Angelique Tompkins - term ending April 20, 2027

From the Mayor's Office of Housing and Community Development (MOHCD), submitting a response to a letter of inquiry issued by Supervisor Catherine Stefani at the July 11, 2023, Board of Supervisors Meeting. Copy: Each Supervisor. (2)

From the Recreation and Park Department, submitting the Childhood Lead Poisoning Prevention Program Fourth Quarter Status Report for Fiscal Year (FY) 2022-2023, pursuant to Resolution No. 157-99. Copy: Each Supervisor. (3)

From the Sheriff's Department Oversight Board, submitting the First Quarterly Report (Q1) for January 1, 2023 - March 31 and Second Quarterly Report (Q2) for April 1, 2023 - June 30, 2023, pursuant to Charter, Section 4.137(b)(5). Copy: Each Supervisor. (4)

From the Department on the Status of Women (WOM), submitting the Monthly Update on the Status of Abortion Rights. Copy: Each Supervisor. (5)

From the Department of Public Health (DPH), submitting a response to a letter of inquiry issued by Supervisors Catherine Stefani and Rafael Mandelman at the July 25, 2023, Board of Supervisors Meeting. Copy: Each Supervisor. (6)

From the Human Rights Commission (HRC), submitting amendments to the HRC's Bylaws. Copy: Each Supervisor. (7)

From the Department of Homelessness and Supportive Housing (HSH), submitting the Annual Report on Evictions from site-based permanent supportive housing for Fiscal Year (FY) 2022-2023, pursuant to Administrative Code, 20.500. Copy: Each Supervisor. (8)

From the Human Services Agency (HSA), submitting the Homeless and Supportive Housing Fund for Fiscal Year (FY) 2022 - 2023 Report, pursuant to Administrative Code, Section 10.100-77(e). Copy: Each Supervisor. (9)

From the Recreation and Park Department (RPD), submitting the Park Hours Report for Fiscal Year (FY) 2021-2022, pursuant to Park Code, Section 3.21(f). Copy: Each Supervisor. (10)

From the San Francisco Bicycle Advisory Committee, submitting a Resolution in Support of Ending the Ban on Bicycles on Bart Escalators. Copy: Each Supervisor. (11)

From the Recreation and Park Department (RPD), submitting the Golden Gate and Safety Annual Report for Fiscal Year (FY) 2023, pursuant to Charter, Section 16.12, Section 5(a).

Copy: Each Supervisor. (12)

From various departments, pursuant to Administrative Code, Section 12B.5-1(d)(1), submitting approved Chapter 12B Waiver Request Forms. 3 Contracts Copy: Each Supervisor. (13)

From the California Department of Parks and Recreation, submitting the National Register of Historic Places Nomination for Western Manufacturing Company Building, pursuant to Federal Regulations 36 CFR Part 60.6(c). Copy: Each Supervisor. (14)

From the Department of California Highway Patrol, submitting information regarding the illegal discharge (or threatened illegal discharge) of hazardous waste, pursuant to California Health and Safety Code, Section 25180.7 (Proposition 65). Copy: Each Supervisor. (15)

From Mary Rogus, regarding the Jon Stewart company and disability access. Copy: Each Supervisor. (16)

From M. Thorne, regarding various subjects. Copy: Each Supervisor. (17)

From a member of the public, regarding water recycling and algal blooms. Copy: Each Supervisor. (18)

From Rickmer Kose, regarding various subjects. Copy: Each Supervisor. (19)

From a member of the public, regarding bus shelters. Copy: Each Supervisor. (20)

From Adele Framer, regarding altercations to the Civic Center area, specifically the United Nations (UN) Plaza. Copy: Each Supervisor. (21)

From Maro Zazzera, regarding District 9. Copy: Each Supervisor. (22)

From Joe A. Kunzler, regarding District 2. Copy: Each Supervisor. (23)

From members of the public, regarding public banking plans. 2 Letters. Copy: Each Supervisor. (24)

From Maxina Ventura, regarding driverless vehicles. Copy: Each Supervisor. (25)

From a member of the public, regarding the San Francisco Municipal Transit Agency's (SFMTA) quick build on Geary Boulevard Copy: Each Supervisor. (26)

From Steve Ike, regarding the Office of Contract Administration (OCA). Copy: Each Supervisor. (27)

From members of the public, regarding a proposed Resolution exempting from the competitive bidding policy set forth in Administrative Code, Section 2.6-1, the potential real estate transaction involving Port property at Seawall Lot 300/301 and Pier 45 with Fisherman's Wharf Revitalized, LLC. File No. 230842. 2 Letters. Copy: Each Supervisor. (28)

From members of the public, regarding the Heart of the City Farmers Market. 2 Letters. Copy: Each Supervisor. (29)

From members of the public, regarding open air drug markets. 2 Letters. Copy: Each Supervisor. (30)

From Chris Christiano, regarding John F. Kennedy Drive. Copy: Each Supervisor. (31)

From Monica D, regarding various subjects. Copy: Each Supervisor. (32)

From members of the public, regarding extended parking meter hours. 11 Letters. Copy: Each Supervisor. (33)

From members of the public, regarding a Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on June 29, 2023, for the proposed project at 939 Lombard Street. File No. 230886. 15 Letters. Copy: Each Supervisor (34)

From members of the public, regarding Supervisor Matt Dorsey's request for the study of drug dealing defendants' eligibility for taxpayer-funded legal counsel. 88 Letters. Copy: Each Supervisor. (35)

From members of the public, regarding No Turn on Red Lights. 112 Letters. Copy: Each Supervisor. (36)

From members of the public, in opposition to DGO 5.25 claim of Officer Safety. 241 Letters. Copy: Each Supervisor (37)

ADJOURNMENT