

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 12, 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

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

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, September 12, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:00 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>).

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 a Member of the Board had any corrections to the July 18, 2023, or July 25, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Walton, seconded by Supervisor Preston, moved to approve the July 18, 2023, and July 25, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

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

Mayor London N. Breed addressed the Board of Supervisors regarding the City's efforts shutting down open air drug markets, including statistics on the increased amount of fentanyl seized, resources being brought in, cases being filed in federal court, the number of individuals pulled off the street, the number of individual arrested and charged, mental health services being offered, and resources being expended. The Mayor further spoke on the need to hold people accountable who continue to break the law and reiterated her commitment to clean up the streets in order to improve the lives of those who live and have businesses in these impacted areas. Mayor Breed then discussed the above referenced topic submitted by the District 3 Supervisor.

President Peskin began the discussions by asking the following question as a request: Please update the Board of Supervisors on your direction to the Command Center, what federal and state resources are confirmed, how the leadership structure has recently changed at the Command Center, whether you are willing to regularly update a Data Dashboard as we did at the COVID-19 EOC (which would include how many residents the City is placing in treatment), how we are measuring progress with specific public health and safety data sets, in addition to amounts of fentanyl and drugs seized? Mayor Breed responded that the Data Dashboard is currently being set up, but is taking awhile to go through the various City processes and to retrieve information from the outside law enforcement agencies. All major cities, and even small rural towns, are experiencing the increased challenges that fentanyl brings, along with the multitude of other drugs. Mayor Breed expressed her optimism and direction to establish partnerships between the law enforcement agencies and resources available, particularly the Department of Public Health, to find holistic solutions that removes the unnecessary bureaucracy.

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

HEARD AND FILED

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Government Audit and Oversight Committee

President Peskin requested File Nos. 230686, 230687, and 230688 be called together.

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)

FINALLY PASSED by the following vote:

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

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 Anda, 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)

FINALLY PASSED by the following vote:

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

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)

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

230702 [Administrative Code - Exempt Guaranteed Income From County Adult Assistance Program Determinations]

Sponsors: Mayor; Safai, Mandelman and Ronen

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.

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

PASSED ON FIRST READING by the following vote:

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

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)

PASSED ON FIRST READING by the following vote:

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

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)

ADOPTED by the following vote:

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

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.

ADOPTED by the following vote:

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

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)

ADOPTED by the following vote:

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

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)

ADOPTED by the following vote:

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

230814 [Accept and Expend Grant - Retroactive - Blue Shield California Foundation - Leveraging Collaboratives to End Domestic Violence Program - \$150,000]**Sponsors: Mayor; Mandelman, Ronen, Stefani and Safai**

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)

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

ADOPTED by the following vote:

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

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, Mandelman and Melgar**

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)

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

ADOPTED by the following vote:

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

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.

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

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, Mandelman and Engardio

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)

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

ADOPTED by the following vote:

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

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 posthumous Certificate of Honor to Day'von Hann, accepted by his mother Sha'ray Johnson, in honor of his life that ended too soon at 15 years old when he was shot and killed on 24th Street in July 2019.

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 230886, 230887, 230888, and 230889 be called together.

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)

President Peskin opened the public hearing and inquired as to whether any individual wished to address the Board. Martin Lee Eng and Stephanie Falkenstein (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Anna Billstrom; Speaker; Natasha Babaian; Samir; Masia Wong; Colin Stewart; Thierry Fill; spoke in support of the appeal and in opposition to the project. Don Lewis and Joy Navarette (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Tara Sullivan (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Vadik; spoke in support of the project and in opposition to the appeal. Stephanie Falkenstein (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Peskin closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

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)

Motion No. M23-122

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

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

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)

Supervisor Mandelman, seconded by Supervisor Preston, moved that this Motion be TABLED. The motion carried by the following vote:

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

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)

Supervisor Mandelman, seconded by Supervisor Preston, moved that this Motion be TABLED. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Homelessness and Behavioral Health Select Committee**230869 [Grant Agreement Amendment - Homeless Prenatal Program - Homelessness Prevention Assistance - Not to Exceed \$23,461,035]**

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

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)

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

ADOPTED by the following vote:

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

230870 [Grant Agreement Amendment - Brilliant Corners - Young Adult Rapid Re-Housing - Not to Exceed \$27,309,402]**Sponsors: Mayor; Mandelman, Melgar and Ronen**

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)

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

ADOPTED by the following vote:

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

230871 [Grant Agreement Amendment - Tenderloin Housing Clinic, Inc. - Master Lease Hotels - Not to Exceed \$241,657,513]**Sponsors: Mayor; Mandelman**

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)

ADOPTED by the following vote:

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

230872 [Grant Agreement Amendment - Five Keys Schools and Programs - Bayshore Navigation Center - Not to Exceed \$25,071,113]**Sponsors: Mayor; Walton, Mandelman and Ronen**

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)

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

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Patrick Monette-Shaw; referenced a petition he submitted, entitled "Save 120 Beds at Laguna Honda Hospital," and expressed concerns regarding Laguna Honda Hospital.

Thierry Fill; shared various concerns and the need for beauty and happiness.

Lia McGeever; spoke against the Women's Rights Conference due to concerns regarding transphobia.

Jordan Davis; expressed support of the Resolution recognizing International Overdose Awareness Day (File No. 230875), concern regarding correspondence sent to the Board of Supervisors (File No. 230919), and concerns regarding the Blue Angels and the Women's Rights Conference.

Christopher Ward Kline; expressed concerns regarding infrastructure decline, drug overdoses, checks and balances, and surveillance misuse.

Rex Ridgeway; expressed concerns regarding eighth grade Algebra and the de-tracking of math courses that hinder the student's ability to excel.

JConr Ortega; expressed concerns regarding electors and policy makers that impose their ideology that has escalated the demise of our society.

Lydia Branston; expressed support of the Resolution recognizing International Overdose Awareness Day (File No. 230875).

Sara Shortt; expressed support of the Resolution recognizing International Overdose Awareness Day (File No. 230875).

Joe Kunzler; apologized for the usage of certain terms used in correspondence he submitted and expressed concerns about public comment.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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.

ADOPTED

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.

ADOPTED

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.

ADOPTED

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.

ADOPTED

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.

ADOPTED

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 Ronen requested that File No. 230875 be severed so that it may be considered separately.

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.

Supervisor Ronen, seconded by Supervisor Walton, moved that this Resolution be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 2, Line 20, by striking 'and not seen as a law enforcement problem to serve'; on Page 3, Lines 6-9, striking 'FURTHER RESOLVED, That the Board of Supervisors urges the Mayor's Office to open new Wellness Centers funded in the recently approved budget to provide life-saving support to drug users as soon as possible, especially as there has been no increase in service since the Mayor and District Attorney begin the efforts to arrest drug users.' and adding 'FURTHER RESOLVED, That the Board of Supervisors recognizes that every individual has unique needs and circumstances that require a wide range of interventions to prevent death by overdose and therefore urges a rapid implementation of the full spectrum of interventions to address the Overdose Crisis as funded in this year's budget, including opening wellness centers that will aim to include overdose prevention centers, abstinence-based treatment services, sober living facilities, dual diagnosis services, detox facilities, and other life-saving services that will support people through the varying stages of their journey to recovery.' The motion carried by the following vote:

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

ADOPTED AS AMENDED by the following vote:

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

President Peskin requested that File No. 230949 be severed so that it may be considered separately.

230949 [Emergency Declaration - Portsmouth Square Elevators Modernization - Estimated Cost of Repairs Not to Exceed \$2,200,000]

Sponsors: Peskin; Chan and Mandelman

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)

(Fiscal Impact; No Budget and Legislative Analyst Report)

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

Although it was not required, Supervisor Safai, seconded by Supervisor Chan, moved that this Resolution be REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

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

Supervisor Preston requested that File No. 230950 be severed so that it may be considered separately.

230950 [Urging HSH to Fill Vacant Permanent Supportive Housing Units]

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

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.

Supervisors Safai, Stefani, Melgar, and Ronen 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

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)

08/29/23; RECEIVED FROM DEPARTMENT.

09/12/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/12/2023.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:54 p.m.