

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 21, 2021 - 2:00 PM

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

(remote public access provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AISHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee
Supervisors Haney, Safai, Mar, Ronen, Walton

Budget and Finance Committee
Supervisors Haney, Safai, Mar

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee
Supervisors Mar, Stefani, Haney

Rules Committee
Supervisors Peskin, Mandelman, Chan

Youth, Young Adult, and Families Committee
Supervisors Ronen, Safai, Melgar

Meeting Days

Wednesday
1:00 PM

Wednesday
10:30 AM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

2nd Friday
10:00 AM

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

Members Present: Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, 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, and provided public comment through teleconferencing, on Tuesday, September 21, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:05 p.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors (Board) authorized their Board and Committee meetings to convene remotely and allow remote public comment via teleconference. Effective June 29, 2021, the Board and staff began to reconvene for in-person Board proceedings. Committee meetings will continue to convene remotely until further notice. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members were present.

President Walton 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 for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt, dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. 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.*

AGENDA CHANGES

There were no agenda changes.

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

210978 [Formal Policy Discussions - September 21, 2021]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topic submitted from the Supervisor representing District 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Commercial Rent Delinquency (District 11)

Mayor London N. Breed addressed the Board of Supervisors regarding the efforts to bring back business conventions to the City and her attendance at the first one held since the pandemic began, which is essential to revitalizing the travel industry. Mayor Breed then discussed the above referenced topic submitted by the District 11 Supervisor.

Supervisor Safai began the discussions by asking the following question: What are you doing or what do you plan to do to avoid this potential avalanche of small business closures and significant job loss that is projected to occur after the commercial lease moratorium expires on the 30th of this month? Mayor Breed responded that the small business industry had been struggling pre-COVID and during the pandemic there have been grant and loan programs that have been provided to these businesses. The City will continue to utilize the Office of Small Business and programs that waive business license fees, make it cheaper and easier to open a business, provide small business relief and assist each individually personally. Supervisor Safai then followed up with the following question: How will we deal with this ever-mounting commercial back rent that is being accumulated, according to the Budget and Legislative Analyst report, and what will be done directly? Mayor Breed responded that a lot has been done and the City will continue to provide the resources available to renegotiate back rent while working with landlords to also address their needs. There are also the layers of bureaucracy that have been present pre-COVID that need to be addressed in order to allow progress of these programs. Mayor Breed did not ask any follow-up questions related to this topic.

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

HEARD AND FILED

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

210742 [Accept and Expend Grant - Retroactive - John D. and Catherine T. MacArthur Foundation - Safety and Justice Challenge - Amendment to the Annual Salary Ordinance for FYs 2020-2021 and 2021-2022 - \$2,000,000]

Sponsor: Ronen

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,000,000 from the John D. and Catherine T. MacArthur Foundation to support San Francisco's participation as an implementation site in the Safety and Justice Challenge, and amending Ordinance No. 166-20 (Annual Salary Ordinance File No. 200568 for Fiscal Years (FYs) 2020-2021 and 2021-2022) to provide for the addition of one grant funded Class 1824 Principal Administrative Analyst position (FTE 1.0) at the Office of the District Attorney for the period of January 1, 2021, through December 31, 2022. (District Attorney)

FINALLY PASSED

210743 [Accept and Expend Grant - Retroactive - U.S. Department of Justice - Justice Reinvestment Initiative - Amendment to Annual Salary Ordinance - FYs 2020-2021 and 2021-2022 - \$1,000,000]

Sponsor: Walton

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$1,000,000 from the U.S. Department of Justice to fund the Justice Reinvestment Initiative; and amending Ordinance No. 166-20 (Annual Salary Ordinance File No. 200568 for Fiscal Years (FYs) 2020-2021 and 2021-2022) to provide for the addition of two grant funded Class 8133 Victim/Witness Investigator III positions (FTE 2.0) in the Office of the District Attorney for the period of October 1, 2020, through September 30, 2023. (District Attorney)

FINALLY PASSED

210828 [Business and Tax Regulations Code - Administrative Provisions]

Ordinance amending the Business and Tax Regulations Code to revise its common administrative provisions and other provisions to implement Proposition F amending the gross receipts tax and repealing the payroll expense tax and Proposition L imposing the overpaid executive gross receipts tax, approved at the November 3, 2020, election, and make clarifying and other nonsubstantive changes. (Treasurer-Tax Collector)

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee

210535 [Planning Code - Conditional Use Authorization Requirements Regarding Residential Care Facilities]

Sponsors: Mandelman; Ronen, Preston, Peskin, Melgar and Mar

Ordinance amending the Planning Code to eliminate the requirement of Conditional Use Authorization for Residential Care Facilities for seven or more people in Residential, House (RH) Districts; require Conditional Use Authorization for a change of use or demolition of a Residential Care Facility, and consideration of certain factors in determining whether to grant Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

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

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

210838 [Contract Modification - Siemens Mobility, Inc. - Option for 30 Light Rail Vehicles - \$130,409,780 Plus Escalation Costs]

Sponsors: Mayor; Mandelman, Melgar and Mar

Resolution approving Modification No. 10 to Municipal Transportation Agency Contract No. 2013-19: Procurement of New Light Rail Vehicles, with Siemens Mobility, Inc., to exercise an option to procure 30 additional light rail vehicles in the amount of \$130,409,780 plus applicable escalation costs, with cancellation provisions through June 2025, with no increase in the total Contract price or in the term of the Contract. (Municipal Transportation Agency)
(Fiscal Impact)

Privilege of the floor was granted unanimously to Julie Kirschbaum, Timothy Manglicmot, Jonathan Rewers, and Jeffrey Tumlin, Director (Municipal Transportation Agency), who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendation of the Land Use and Transportation Committee

210601 [Administrative Code - COVID-19 Tenant Protections]

Sponsors: Preston; Walton, Ronen, Chan, Melgar, Haney, Safai, Peskin and Mandelman
Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that came due between July 1, 2021, and December 31, 2021, that was not paid due to the COVID-19 pandemic, provided the tenant has paid at least 25 percent of the rent owed; to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants; and making findings as required by the California Tenant Protection Act of 2019.

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

Supervisor Preston, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by changing 'July' to 'October', and Lines 7-8, by adding 'providing that such amendments will take effect only to the extent state law is modified accordingly'; on Page 2, Line 7, by changing 'SB 91' to 'AB 832', Lines 9-15, by changing references from 'SB 91' to 'AB 832', Lines 16-18, by changing 'Regardless of whether the Legislature extends SB 91, there is an ongoing emergency in San Francisco' to 'Even with AB 832 in place, there is a compelling need to provide additional protection to tenants in San Francisco', and Lines 19-20, by changing 'of mass evictions starting July 1, 2021' to 'that evictions will resume on October 1, 2021'; on Page 2, Line 25, through Page 3, Line 25, by changing references from SB 91' to 'AB 832' and updating the recent figures on rental relief requests and distribution; on Page 4, Lines 3-4, by changing 'in the event AB 832 is modified to allow the City to do so, this ordinance will apply to' to 'consistent with SB 91, this ordinance applies', Line 5, by changing 'July' to 'October', and Lines 7-8, by changing 'SB 91 with respect to rent payments that originally came due before July 1, 2021' to 'AB as it currently stands'; on Page 5, Line 25, by changing 'July' to 'October'; on Page 6, Lines 11-20, by changing 'or' to '(i) This Section 37.9(a)(1)(E) shall not be operative so long as California Code of Civil Procedure 1179.05 continues to prohibit local governments from enacting or amending local ordinances that apply to rental payments that came due during the time period covered by this Section 37.9(a)(1)(E), and so long as Section 1179.05 continues to prohibit such laws from taking effect before April 1, 2022. If Section 1179.05 is amended or repealed or suspended to allow local jurisdictions to enact such ordinances and for such ordinances to take effect before April 1, 2022, then this Section 37.9(a)(1)(E) shall take effect immediately, to the extent authorized by such amendment or repeal or suspension. The Rent Board shall publish information on its website to inform the public of any such modification to Section 1179.05'; on Page 7, Line 20, by adding 'and Operative Dates'; and on Page 7, Line 23, through Page 8, Line 2, by adding 'This ordinance shall become operative only if the State of California has modified Section 1179.05 of the California Code of Civil Procedure, as and to the extent provided above in the portions of Section 2 of this ordinance that would amend Administrative Code Section 37.9(a)(1)(E)(i).' The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Ordinance amending the Administrative Code to prohibit landlords from evicting residential tenants for non-payment of rent that came due between October 1, 2021, and December 31, 2021, that was not paid due to the COVID-19 pandemic, provided the tenant has paid at least 25 percent of the rent owed; to prohibit landlords from imposing late fees, penalties, or similar charges on such tenants; providing that such amendments will take effect only to the extent state law is modified accordingly; and making findings as required by the California Tenant Protection Act of 2019.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

NEW BUSINESS

Recommendations of the Budget and Finance Committee

210809 [Administrative Code - COVID 19 Commercial Rent Relief Fund]

Sponsors: Safai; Haney, Mar, Mandelman, Chan, Preston, Stefani and Peskin

Ordinance amending the Administrative Code to establish the COVID-19 Commercial Rent Relief Fund to provide financial support to landlords of certain Commercial Tenants where the tenant was unable to pay rent due to the COVID-19 pandemic, and setting a sunset date of 24 months from the effective date of the legislation.

Supervisors Mandelman, Chan, Preston, Stefani, and Peskin requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 210635 and 210735 be called together. During the discussions on these matters, privilege of the floor was granted unanimously to Dyanna Volek (Airport), who responded to questions raised.

210635 [Lease Amendment No. 2 - Stellar Partners, Inc. - Boarding Area F Specialty Store Lease No. 12-0086 - Term Extension]

Resolution approving Amendment No. 2 to the Boarding Area F Specialty Store Lease No. 12-0086, between Stellar Partners, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for an extension of the term for no later than June 30, 2023, with a condition that the Airport Director, at his sole and absolute discretion, may terminate earlier by providing six months' advance written notice, with no change to the current minimum annual guarantee, subject to adjustment in accordance with the terms and conditions of the Lease, effective upon approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210735 [Lease Extension Modification - 2011 Lease and Use Agreement - TACA International Airlines, S.A. - Estimated Rent \$4,301,668]

Resolution approving a Lease Modification to 2011 Lease and Use Agreement No. 10-0096 between the City and County of San Francisco, acting by and through its Airport Commission, and TACA International Airlines, S.A., which extends the term through June 30, 2023, with an estimated rent of \$4,301,668 during the extension term, to commence upon approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210714 [Agreement - MacKay Meters, Inc. - Parking Meter Procurement and Support Services - Not to Exceed \$70,557,894]

Resolution authorizing the Director of Transportation to execute Contract No. SFMTA 2020-46, for Procurement of Single- and Multi-Space Parking Meter Hardware and Support Services with MacKay Meters, Inc., to replace existing hardware in an amount not to exceed \$70,557,894 and for a term of five years, to commence following Board approval, with the option to extend for five additional years. (Municipal Transportation Agency)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 210797 and 210798 be called together.

210797 [Performance Contract Agreement - Retroactive - California Department of Health Care Services - Mental Health Services Act and Various Programs]

Resolution retroactively authorizing the Department of Public Health to enter into Performance Contract No. 21-10108, with the California Department of Health Care Services, incorporating the Mental Health Services Act, Lanterman-Petris-Short Act, Projects for Assistance in Transition from Homelessness, Community Mental Health Services Block Grant, Substance Abuse Treatment and Prevention Block Grant, and Crisis Counseling Assistance and Training Program for the period of July 1, 2021, through June 30, 2024. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210798 [Agreement Amendment - Retroactive - California Department of Health Care Services - Whole Person Care Pilot Program - Not to Exceed \$197,589,948]

Resolution retroactively authorizing the Director of Health to sign an amended agreement with the California Department of Health Care Services for the Whole Person Care Pilot program to fund coordination of health, behavioral health, and social services in a patient-centered manner with the goal of improved beneficiary health and wellbeing through more efficient and effective use of resources, extending the program by one year, from January 1, 2021, through December 31, 2021, for a total agreement term of January 1, 2016, through December 31, 2021; and increasing the agreement amount by \$35,839,948 for a total amount of \$197,589,948. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210831 [Notice of Potential Retroactive Approvals of Contracts for Energy-Related Products in 2021 - Public Utilities Commission]

Resolution acknowledging notice from the General Manager of the Public Utilities Commission pursuant to Resolution No. 580-20 of the potential need to seek retroactive Board of Supervisors approval under Charter, Section 9.118, for contracts with costs of \$10,000,000 or more, revenues of \$1,000,000 or more, or terms in excess of ten years, or contracts requiring binding arbitration for the purchase and sale of energy-related products necessary to meet regulatory compliance obligations in 2021. (Public Utilities Commission)

Privilege of the floor was granted unanimously to Barbara Hale (Public Utilities Commission) who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210833 [Grant Agreement Amendment - 181 Fremont Street, LLC. - SFPUC Onsite Water Reuse System Grant Program - Term Extension]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute Amendment No. 1 to the existing grant agreement with 181 Fremont Street, LLC for an Onsite Water Reuse System at 181 Fremont Street, extending the term of the agreement by seven years to January 5, 2032, for a total duration of seventeen years. (Public Utilities Commission)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210871 [Issuance of Special Tax Bonds - Community Facilities District No. 2014-1 (Transbay Transit Center) - Not to Exceed \$35,000,000]**Sponsors: Mayor; Mandelman**

Resolution authorizing the issuance and sale of one or more series of Special Tax Bonds for City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) in the aggregate principal amount not to exceed \$35,000,000; approving related documents, as defined herein, including an Official Statement, Third Supplement to Fiscal Agent Agreement, Bond Purchase Agreement and Continuing Disclosure Undertaking; and determining other matters in connection therewith, as defined herein.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210872 [Authorizing Issuance of Tax Exempt and/or Taxable Lease Revenue Commercial Paper Notes - Equipment Financing for Vehicles - Not to Exceed \$2,425,000]**Sponsor: Mayor**

Resolution authorizing the execution and delivery from time to time of tax-exempt and/or taxable Commercial Paper Notes in an aggregate principal amount not to exceed \$2,425,000 to provide financing for the costs of the acquisition of vehicles, and authorizing other related actions, as defined herein.
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210878 [Accept and Expend Grant - Retroactive - Centers for Disease Control and Prevention - PS21-2103: Integrated Viral Hepatitis Surveillance and Prevention Funding for Health Depts - \$315,000]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$315,000 from the Centers for Disease Control and Prevention for participation in a program, entitled "PS21-2103: Integrated Viral Hepatitis Surveillance and Prevention Funding for Health Depts," for the period of May 1, 2021, through April 30, 2022.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Land Use and Transportation Committee

Supervisor Melgar Excused from Voting

Supervisor Melgar requested to be excused from voting on File No. 210423, due to a possible conflict of interest.

Supervisor Peskin, seconded by Supervisor Safai, moved that Supervisor Melgar be excused from voting on File No. 210423. The motion carried by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Excused: 1 - Melgar

210423 [Planning Code - Landmark Designation - Ingleside Terraces Sundial and Sundial Park]

Sponsor: Peskin

Ordinance amending the Planning Code to designate Ingleside Terraces Sundial and Sundial Park, Assessor's Parcel Block No. 6917B, Lot No. 001, situated within Entrada Court, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Excused: 1 - Melgar

210805 [Master Major Encroachment Permit - Hunters View HOPE SF Phase 1]

Sponsor: Mayor

Ordinance granting revocable permission to HV Community Association, Inc., to occupy and maintain the irrigation system (other than street trees), sidewalks, curbs and ramps for ADA-compliant passenger loading, and a portion of a retaining wall footing, with all such encroachments located generally along portions of Fairfax Avenue, Acacia Avenue, Ironwood Way, Catalina Street, and Middle Point Road fronting Hunters View Phase 1, 1101 Fairfax Avenue, (Assessor's Parcel Block No. 4624, Lot Nos. 23 through 32); waiving the annual public right-of-way occupancy assessment fee under Public Works Code, Section 786.7, for all phases of the Hunters View project; adopting environmental findings under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Public Safety and Neighborhood Services Committee

210536 [Health, Business and Tax Regulations Codes - Alternate Water Sources for Non-Potable Applications]

Sponsors: Mandelman; Mar, Melgar, Ronen and Haney

Ordinance amending the Health Code to 1) lower the threshold, from 250,000 to 100,000 square feet of gross floor area, for requiring that new buildings be constructed, operated, and maintained using specified alternate water sources for required non-potable uses; 2) exempt certain affordable housing projects and property uses from that requirement; 3) require that certain categories of new buildings use specific sources of nonpotable water for specific purposes; 4) modify certain administrative review fees; 5) require the payment of excess use charges and penalties for failure to properly use and maintain alternate water source systems; and 6) the completion of reports on purified water, recycled water, and Non-potable District Systems; amending the Business and Tax Regulations Code to update certain annual license fee amounts for operating alternate water source systems; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 210826 and 210853 be called together.

210826 [Liquor License - 2519 & 2521 Mission Street - Teatro Tin Tan]

Resolution determining that the issuance of a Type-64 special on-sale general theater liquor license to Bigote de Gato Arts and Music, Inc., doing business as Teatro Tin Tan, located at 2519 & 2521 Mission Street (District 9), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210853 [Liquor License Transfer - 2695 San Bruno Avenue - La Loma Produce #7]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to La Loma #7, Inc., doing business as La Loma Produce #7, located at 2695 San Bruno Avenue (District 9), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose a condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendation of the Rules Committee

210480 [Appointments, Shelter Monitoring Committee - Cris Plunkett, Diana Almanza, Traci Watson, and Gabriela Avalos]

Motion appointing Cris Plunkett, Diana Almanza (residency requirement waived), and Traci Watson, terms ending July 1, 2022, and Gabriela Avalos, term ending July 1, 2023, to the Shelter Monitoring Committee. (Rules Committee)

Motion No. M21-128

APPROVED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Youth, Young Adult, and Families Committee

210494 [Administrative Code - Consultation Regarding Filing of Juvenile Delinquency Cases]

Sponsor: Ronen

Ordinance amending the Administrative Code to require the Police Department to consult with the District Attorney ("DA") on all juvenile delinquency cases under California Welfare and Institutions Code, Section 651, and provide the DA the opportunity to commence proceedings in the juvenile delinquency court in the San Francisco Superior Court.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 1 - Stefani

210586 [Administrative Code - Policies Authorizing Parental Leave and Teleconferencing During Leave by Members of the Board of Supervisors and City Boards and Commissions]

Sponsors: Melgar; Chan, Ronen, Stefani, Walton, Safai, Mar, Preston, Mandelman and Haney

Ordinance amending the Administrative Code to authorize the Board of Supervisors to adopt a parental leave policy for its members, which policy shall, among other things, authorize members to participate in public meetings by teleconferencing to the extent permitted by State law when the member is not able to attend in person due to pregnancy, childbirth, or a related condition, and which may authorize members to participate in public meetings by teleconferencing to the extent permitted by State law when the member is absent to care for the member's child after birth of the child or after placement of the child with the member for adoption or foster care; and adopt a parental leave policy for other City boards and commissions, including authorization to participate in public meetings by teleconferencing under the same conditions.

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

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

On September 14, 2021, President Walton announced that the Recognition of Commendations portion of the regular agendas will be reinstated beginning at the October 5, 2021 Regular Meeting.

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 210801, 210802, 210803, and 210804 be called together.

210801 [Hearing - Appeal of Conditional Use Authorization Approval - 5801 Mission Street]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 202.2, 303, and 720 of the Planning Code, for a proposed project at 5801 Mission Street, Assessor's Parcel Block No. 6472, Lot No. 001, identified in Planning Case No. 2020-007152CUA, issued by the Planning Commission by Motion No. 20933, dated June 10, 2021, to allow cannabis retail use measuring approximately 2,055 square feet, with no on-site smoking or vaporizing of cannabis products, on the first floor of an existing two-story mixed use building within the Excelsior Outer Mission Street Neighborhood Commercial Zoning District, the Fringe Financial Services Restricted Use District, and a 40-X Height and Bulk District. (District 11) (Appellant: Pastor Roderick Gittens, on behalf of the San Francisco Christian Center) (Filed July 12, 2021) (Clerk of the Board)

President Walton opened the public hearing and inquired as to whether any individual wished to address the Board. Delia Fitzpatrick and Pastor Roderick Gittens (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Mike Mick; Del Seymour; Josephine; George Young; Speaker; Steven Currier; Speaker; Speaker; Tina Kan Camaro; Jewell Keneally; Amelia Martez; Monique Guidry; Speaker; Chuck Su; Speaker; Speaker; Speaker; Speaker; Barbara Fugate; Derek Gallagher; Speaker; Raquel Alvarez; David Hooper; Speaker; Speaker; Marlene Tran; spoke in support of the appeal. Aaron Starr and Ryan Balba (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Heidi Hanley and Edward Brown (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. Pastor Greg Leadbetter; Ryan Miller; David Goldman; Michael Cohen; Tony Bowels; Sarah Thurman; Lisa Owen; Speaker; Tahari Howland; Speaker; Speaker; Rachel Michelle; Speaker; Speaker; Kim Ferrari; Gavin; Sarita Marshall; Antoine Brookes; Lisa Bose; Jasmine Hanley; Gregory Mills; John Glenn; Denis Dory; June Bug; Robert Town; Antoine; Sara Schrader; spoke in support of the project and in opposition to the appeal. Delia Fitzpatrick (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Walton closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

210802 [Approving Conditional Use Authorization - 5801 Mission Street]

Motion approving the decision of the Planning Commission by its Motion No. 20933, approving a Conditional Use Authorization, identified as Planning Case No. 2020-007152CUA, for a proposed project located at 5801 Mission Street; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Motion No. M21-127

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

Ayes: 8 - Haney, Mandelman, Melgar, Peskin, Preston, Ronen, Stefani, Walton

Noes: 3 - Chan, Mar, Safai

210803 [Conditionally Disapproving the Conditional Use Authorization - 5801 Mission Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20933, approving a Conditional Use Authorization, identified as Planning Case No. 2020-007152CUA, for a proposed project at 5801 Mission Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

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

Ayes: 8 - Haney, Mandelman, Melgar, Peskin, Preston, Ronen, Stefani, Walton

Noes: 3 - Chan, Mar, Safai

210804 [Preparation of Findings Related to Conditional Use Authorization - 5801 Mission Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2020-007152CUA for a proposed project at 5801 Mission Street. (Clerk of the Board)

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

Ayes: 8 - Haney, Mandelman, Melgar, Peskin, Preston, Ronen, Stefani, Walton

Noes: 3 - Chan, Mar, Safai

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

210899 [Settlement of Unlitigated Claim - San Francisco Bay Regional Water Quality Control Board - Regulatory Enforcement Action]

Resolution approving the settlement of an unlitigated claim of the San Francisco Bay Regional Water Quality Control Board against the City and County of San Francisco regarding alleged violations of the California Water Code related to wet weather-related overflows from the City's combined sewer system; no formal claim has been filed; the settlement involves entry of a stipulated enforcement order requiring the City to implement flood control projects in the Wawona area, Folsom area, and Lower Alemany area and flooding response actions. (City Attorney)

(This item was not sent as a committee report.)

Recommendation of the Land Use and Transportation Committee

210944 [Creation of a "Beach to Bay" Car-Free Connection and Equitable Access to Golden Gate Park]

Sponsors: Chan; Walton, Peskin and Haney

Resolution calling for the creation of a "Beach to Bay" car-free connection and urging the Recreation and Park Department and San Francisco Municipal Transportation Agency to improve park accessibility and create equitable access to Golden Gate Park.

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

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Timothy Alan Simon; expressed opposition to the vehicle triage center placed at the old Candlestick Park.

*Barb Taka; expressed opposition to the vehicle triage center placed at the old Candlestick Park.
Gilbert Crisswell; expressed the need to restore and expand Muni service to all neighborhoods throughout the City.*

Speaker; shared various resources available for those experiencing a mental health crisis.

Speaker; shared concerns regarding the Behavioral Health Commission and unexcused absences that have occurred among the membership.

Speaker; expressed concerns regarding censorship of public comment.

Speaker; expressed opposition to the vehicle triage center placed at the old Candlestick Park.

Bevan Dufty; expressed support of the newly introduced legislation to name the Press Room after Barbara Taylor.

Shirley Moore; expressed opposition to the vehicle triage center placed at the old Candlestick Park.

Eva Crasanti; expressed concerns regarding accusations made against a City Commissioner.

Speaker; expressed opposition to the vehicle triage center placed at the old Candlestick Park.

Jose Ortega; expressed support of the Resolution declaring International Day of the Victims of Enforced Disappearances (File No. 210968).

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

210969 [Supporting the Green New Deal for Public Schools Act]

Sponsors: Ronen; Melgar, Walton, Preston, Mandelman and Haney

Resolution supporting the Green New Deal for Public Schools Act of 2021 (H.R. 4442), to invest \$1.43 trillion to provide green renovations and retrofits to public schools to meet health, accessibility, safety needs, identify and alleviate educational and economic disparities among students, and provide funding for special education services.

Supervisors Preston, Mandelman, and Haney requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Melgar requested that File No. 210968 be severed so that it may be considered separately.

210968 [International Day of the Victims of Enforced Disappearances - August 30, 2021]

Sponsors: Melgar; Walton, Preston, Mandelman, Ronen and Haney

Resolution retroactively declaring August 30 as International Day of the Victims of Enforced Disappearances, and observing this date every year thereafter, and condemning enforced disappearances in El Salvador.

Supervisors Preston, Mandelman, Ronen, and Haney requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Supervisor Stefani requested that File No. 210970 be severed so that it may be considered separately.

210970 [Recognizing Korean Chuseok Day - September 21, 2021]

Sponsors: Stefani, Walton, Preston, Mandelman and Haney

Resolution recognizing September 21, 2021, as Korean Chuseok Day and honoring the Korean Center, Inc. for its contributions to the Korean American community in the City and County of San Francisco.

Supervisors Preston, Mandelman, and Haney requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, 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 RESOLUTIONS

210959 [Agreement Amendment - Blythe Solar IV, LLC - CleanPowerSF Power Purchase - Energy Storage Capability - Not to Exceed \$220,280,744]

Resolution approving amendments to CleanPowerSF's power purchase agreement with Blythe Solar IV, LLC, to add energy storage capability to the existing solar energy facility and increase the contract amount by \$83,096,000 for a total not to exceed cost of \$220,280,744 to commence in October 2022, with no change to the term. (Public Utilities Commission)

09/10/21; RECEIVED FROM DEPARTMENT.

09/21/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

210960 [Grant Agreement Amendment - Retroactive - Japanese Community Youth Council - Mayor's Youth Employment and Education Program - Not to Exceed \$37,705,052]

Resolution retroactively approving the second amendment to the grant agreement for Contract No. 1000009982 for the Mayor's Youth Employment and Education Program between the Japanese Community Youth Council and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, to extend the grant term by one year for a total term of July 1, 2018, through June 30, 2024, and to increase the grant amount by \$6,993,652 for a total not to exceed amount of \$37,705,052 effective July 1, 2021. (Department of Children, Youth & Their Families)

09/10/21; RECEIVED FROM DEPARTMENT.

09/21/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 7:27 p.m.