

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, October 5, 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)*

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### Regular Meeting

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SHAMANN WALTON, PRESIDENT

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

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

|   |                                  |
|---|----------------------------------|
| <b>Budget and Appropriations Committee</b><br>Supervisors Haney, Safai, Mar, Ronen, Walton  | Wednesday<br>1:00 PM             |
| <b>Budget and Finance Committee</b><br>Supervisors Haney, Safai, Mar                        | Wednesday<br>10:30 AM            |
| <b>Government Audit and Oversight Committee</b><br>Supervisors Preston, Chan, Mandelman     | 1st and 3rd Thursday<br>10:00 AM |
| <b>Land Use and Transportation Committee</b><br>Supervisors Melgar, Preston, Peskin         | Monday<br>1:30 PM                |
| <b>Public Safety and Neighborhood Services Committee</b><br>Supervisors Mar, Stefani, Haney | 2nd and 4th Thursday<br>10:00 AM |
| <b>Rules Committee</b><br>Supervisors Peskin, Mandelman, Chan                               | Monday<br>10:00 AM               |
| <b>Youth, Young Adult, and Families Committee</b><br>Supervisors Ronen, Safai, Melgar       | 2nd Friday<br>10:00 AM           |

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

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**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

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*The Board of Supervisors of the City and County of San Francisco met in regular session, and provided public comment through teleconferencing, on Tuesday, October 5, 2021, with President Shamann Walton presiding.*

*President Walton called the meeting to order at 2:00 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](http://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](mailto: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](http://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, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.*

*Supervisor Mandelman was noted not present.*

*There was a quorum of the Board 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.*

*Supervisor Mandelman was noted present at 2:02 p.m.*

## 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](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

President Walton requested File No. 211045 be severed from the "For Adoption Without Committee Reference" calendar so that it may be considered separately and before the business of the Board begins (see File No. 211045 under the "For Adoption Without Committee Reference" calendar).

## AGENDA CHANGES

There were no agenda changes.

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

**210867 [Accept and Expend Grant - Retroactive - The Board of State and Community Corrections - Proposition 64 Public Health and Safety Grant Program - Amendment to the Annual Salary Ordinance for FYs 2020-2021 and 2021-2022 - \$1,000,000]**

**Sponsor: Melgar**

Ordinance retroactively authorizing the Office of Cannabis to accept and expend a grant award in the amount of \$1,000,000 from the Board of State and Community Correction for the Proposition 64 Public Health and Safety Grant Program for a term of May 1, 2021, through October 31, 2024; 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 1823 Senior Administrative Analyst position (FTE 1.0) at the Office of Cannabis for the period of July 1, 2021, through June 30, 2022.

**FINALLY PASSED**

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**Recommendations of the Government Audit and Oversight Committee****210783** [Settlement of Lawsuit - Juanita Stockwell, et al. - \$480,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Amigo, E.R. Balinton, Mike Bolte, Nikolaus Borthne, Edward Browne, Peter Busalacchi, Gary Castel, Philip Fleck, Severo Flores, George S. Fogarty, Malcolm Fong, Mary Godfrey, Jason Hui, Terrye Ivy, Jacklyn Jehl, Bartholomew Johnson, James Jones, Richard Jue, Robert Leung, Michael Lewis, Paul Lozada, D.H. Bud Massey, Bruce Meadors, Vince Neeson, Thomas O'Connor, Susan Rolovich, Juanita Stockwell, Jessie A. Washington, and Michael Wells against the City and County of San Francisco for \$480,000; the lawsuit was filed on December 17, 2015, in San Francisco Superior Court, Case No. CGC 15-549482; entitled Juanita Stockwell, et al. v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**FINALLY PASSED**

**210784** [Settlement of Lawsuit - Michael Devin - \$400,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Devin against the City and County of San Francisco for \$400,000; the lawsuit was filed on October 25, 2019, in San Francisco Superior Court, Case No. CGC-19-580276; entitled Michael Devin v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

**FINALLY PASSED**

**210785** [Settlement of Lawsuit - Nadezhda Oshmansky - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Nadezhda Oshmansky against the City and County of San Francisco for \$100,000; the lawsuit was filed on June 25, 2020, in San Francisco County Superior Court, Case No. CGC-20-585036; entitled Nadezhda Oshmansky v. City and County of San Francisco et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

**FINALLY PASSED**

**210786** [Settlement of Lawsuit - Mike Buckley and Mary Buckley - \$57,900]

Ordinance authorizing settlement of the lawsuit filed by Mike Buckley and Mary Buckley against the City and County of San Francisco for \$57,900; the lawsuit was filed on November 16, 2017, in San Francisco Superior Court, Case No. CGC-17-562543; entitled Mike Buckley, an individual; and Mary Buckley, an individual v. City and County of San Francisco; the lawsuit involves property damaged by erosion. (City Attorney)

**FINALLY PASSED**

**210787** [Settlement of Lawsuit - Stephanie Brunton - City to Receive \$40,000 from Walsh Construction Company]

Ordinance authorizing settlement of the lawsuit filed by Stephanie Brunton against the City and County of San Francisco by payment of \$40,000 to the City by Walsh Construction Company; the lawsuit was filed on April 29, 2019, in San Francisco Superior Court, Case No. CGC-19-575558; entitled Stephanie Brunton v. City and County of San Francisco, et al; the underlying lawsuit involves alleged personal injury suffered as a result of an alleged dangerous condition on public property; other material terms of the settlement are that the City and County of San Francisco will dismiss its Cross-Complaint for indemnity and contribution against Walsh Construction Company. (City Attorney)

**FINALLY PASSED**

**210788 [Settlement of Lawsuit - Cynthia Spears - \$137,500]**

Ordinance authorizing settlement of the lawsuit filed by Cynthia Spears against the City and County of San Francisco for \$137,500; the lawsuit was filed on May 5, 2020, in San Francisco Superior Court, Case No. CGC-20-584349; entitled Cynthia Spears v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury on a City sidewalk tree basin. (City Attorney)

**FINALLY PASSED**

**210897 [Settlement of Lawsuit - Christina McGovern - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Christina McGovern against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 10, 2020, in San Francisco Superior Court, Case No. CGC-20-583596; entitled Christina McGovern v. City and County of San Francisco; the lawsuit involves an alleged personal injury on a City sidewalk. (City Attorney)

**FINALLY PASSED**

**Recommendation of the Land Use and Transportation Committee****210565 [Planning Code - Landmark Designation - "The Making of a Fresco Showing the Building of a City" - San Francisco Art Institute - 800 Chestnut Street]**

**Sponsors: Peskin; Chan and Safai**

Ordinance amending the Planning Code to designate the fresco titled "The Making of a Fresco Showing the Building of a City" in the Diego Rivera Gallery of the San Francisco Art Institute, located at 800 Chestnut Street, Assessor's Parcel Block No. 0049, Lot No. 001, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

**FINALLY PASSED**

**Recommendation of the Rules Committee****210938 [Administrative Code - Due Date for Weights and Measurements Fees and Temporarily Waiving Fees for Taximeter Devices]**

**Sponsors: Peskin; Chan and Mandelman**

Ordinance amending the Administrative Code by setting March 31 as the annual due date to pay registration fees for weighing and measuring devices and automated point of sale stations used for commercial purposes; retroactively eliminating fees billed by the Tax Collector on or after January 1, 2019, through fees otherwise due prior to March 31, 2025, for each business with a taximeter device; refunding eliminated fees paid to the City, and any penalties paid on such fees; and updating administrative fees to conform with the State of California's annual device administrative fee schedule.

**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

*Due to technical issues, President Walton recessed the meeting at 2:16 p.m. and reconvened the meeting at 2:26 p.m.*

## UNFINISHED BUSINESS

*President Walton requested File Nos. 210859, 210860, and 210861 be called together.*

### **210859 [Approving Conditional Use Authorization - 450-474 O'Farrell Street and 532 Jones Street]**

Motion approving the decision of the Planning Commission by its Motion No. 20935, approving a Conditional Use Authorization, identified as Planning Case No. 2013.1535CUA-02, for a proposed project located at 450-474 O'Farrell Street and 532 Jones 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)

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:**

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

### **210860 [Conditionally Disapproving the Conditional Use Authorization - 450-474 O'Farrell Street and 532 Jones Street]**

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20935, approving a Conditional Use Authorization, identified as Planning Case No. 2013.1535CUA-02, for a proposed project at 450-474 O'Farrell Street and 532 Jones 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.)

**Motion No. M21-138**

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

### **210861 [Preparation of Findings Related to Conditional Use Authorization - 450-474 O'Farrell Street and 532 Jones 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. 2013.1535CUA-02 for a proposed project at 450-474 O'Farrell Street and 532 Jones Street. (Clerk of the Board)

**Motion No. M21-139**

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

## **Recommendation of the Budget and Finance Committee**

### **210654 [Park Code - Parking Fees]**

**Sponsor: Mayor**

Ordinance authorizing the Municipal Transportation Agency (SFMTA) to set parking rates at the Kezar Stadium Parking Lot and Golden Gate Park Underground Parking Facility in accordance with Park Code provisions that authorize SFMTA rate-setting on park property; making conforming edits to the Park Code; increasing parking rates for berth-holders at the Marina Small Craft Harbor; and affirming the Planning Department's determination under the California Environmental Quality Act.

**Supervisor Peskin, seconded by Supervisor Chan, moved that this Ordinance be TABLED. The motion carried by the following vote:**

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

## **Recommendation of the Government Audit and Oversight Committee**

### **210827 [Settlement of Lawsuit - Maurice Caldwell - \$8,000,000]**

Ordinance authorizing settlement of the lawsuit filed by Maurice Caldwell against the City and County of San Francisco for \$8,000,000; the lawsuit was filed on April 16, 2012, in United States District Court, Case No. 12-cv-1892 DMR; entitled Maurice Caldwell v. City and County of San Francisco, et al.; the lawsuit alleges fabrication of evidence in violation of the Fourteenth Amendment. (City Attorney)

**FINALLY PASSED 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**

### **210870 [Appropriation and De-Appropriation - District 10 General City Responsibility - District 10 Projects and Services - Various Departments - \$850,000 - FY2021-2022]**

**Sponsor: Walton**

Ordinance de-appropriating \$850,000 from General City Responsibility and re-appropriating \$250,000 to the Department of Children, Youth and Their Families for safety plan implementation in District 10; \$100,000 to the Department of Children, Youth and Their Families for trauma informed services for youth in District 10; \$200,000 to the Office of Economic and Workforce Development for an essential services Bayview Hub in District 10; \$250,000 to the Office of Economic and Workforce Development for cameras in Visitation Valley; and \$50,000 to the Human Services Agency for services for seniors in Visitation Valley in Fiscal Year (FY) 2021-2022. (Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

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

**210936 [Appropriation and De-Appropriation - District 7 General City - District 7 Community Grants Initiative Under Participatory Budgeting - \$229,630; \$39,250 - Arts Commission; \$45,000 - DPW; \$43,380 - REC; \$32,000 - GSA-ADM; \$70,000 - DCYF - FY2021-2022]**

**Sponsor: Melgar**

Ordinance de-appropriating \$229,630 from District 7 General City Responsibility (GEN) and appropriating \$39,250 to the Arts Commission; \$45,000 to the Department of Public Works (DPW); \$43,380 to the Recreation and Park Department (REC); \$32,000 to the General Services Agency-City Administrator (GSA-ADM); \$70,000 to the Department of Children, Youth and Their Families (DCYF) to support the District 7 Community Grants Initiative under Participatory Budgeting projects in Fiscal Year (FY) 2021-2022.

(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

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

**210829 [Renewal Lease - California State University - 1600 Holloway Avenue - Thornton Hall - \$91,800 Annual Base Rent]**

Resolution authorizing and approving a renewal of a telecommunication lease of space for existing emergency radio telecommunications tower and associated equipment with the California State University, acting by and through the San Francisco State University, a State of California political subdivision, as landlord, for the Department of Emergency Management and the Department of Technology, at 1600 Holloway Avenue, Thornton Hall, at a yearly initial base rent of \$91,800, with annual adjustments of three percent for a term of 20 years to commence on October 1, 2021, or upon approval by the Board of Supervisors and Mayor; adopting findings under the California Environmental Quality Act; and finding the proposed Lease is in conformance with the General Plan, and the eight priorities of Planning Code, Section 101.1. (Real Estate Department)

**ADOPTED by the following vote:**

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

**210910 [Permit To Enter City Property - San Mateo Resource Conservation District - 500 Log Cabin Ranch Road - Mindego Creek Fish Passage Project - 25-Year Term]**

Resolution authorizing and approving a no fee permit to enter and use a portion of Log Cabin Ranch by the San Mateo Resource Conservation District for the Mindego Creek Fish Passage Project in order to help protect federally threatened steelhead trout and federally endangered coho salmon for a term of 25 years, to commence upon approval by the Board of Supervisors and Mayor; finding of public purpose and determining that competitive bidding procedures are not required; and adopting findings under the California Environmental Quality Act. (Real Estate Department)

**ADOPTED by the following vote:**

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



**210912 [Real Property Lease - New Cingular Wireless PCS, LLC - 375 Laguna Honda Boulevard - \$120,000 Initial Annual Base Rent]**

Resolution authorizing and approving the lease of a telecommunications facilities on a portion of the roof at 375 Laguna Honda Boulevard with New Cingular Wireless PCS, LLC, for a ten-year term at an initial annual rent of \$120,000 or the monthly base rent of \$10,000 with a 3% annual adjustment thereafter, and two five-year options to extend, with tenant responsible for all services and utilities, to commence upon execution after approval by the Board of Supervisors and Mayor, in their respective sole and absolute discretion. (Real Estate Department)

**ADOPTED by the following vote:**

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

**210908 [Contract Amendment - Retroactive - Northpointe Software, Inc. - Correctional Offender Management Profiling for Alternative Sanctions - Term Extension - Not to Exceed \$300,000]**

Resolution retroactively approving a fifth amendment to the agreement between the Adult Probation Department and Northpointe Software, Inc., for maintenance and support of the Correctional Offender Management Profiling for Alternative Sanctions system (COMPAS), to extend the performance period by 12 months for a total term of 11 years from March 7, 2011, through March 7, 2022, and to reduce the total not to exceed amount from \$768,950 to \$300,000. (Adult Probation)  
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 9 - Chan, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton

Noes: 2 - Melgar, Preston

**210939 [Multifamily Housing Revenue Bonds and Notes - Amendments - Volume Cap Recycling]**

**Sponsor: Mayor**

Resolution authorizing participation in the California Housing Finance Agency private activity bond volume cap recycling program; authorizing a memorandum of understanding with the California Housing Finance Agency regarding such participation; authorizing certain amendments to legal documents relating to the City's multifamily housing revenue bonds and notes in order to facilitate such recycling, as defined herein; authorizing the collection of certain fees, as defined herein; ratifying and approving any action heretofore taken in connection with such recycling, as defined herein; granting authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.

**ADOPTED by the following vote:**

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

**210941 [Purchase of Real Property - Jamna Investments, LLC - 5630-5638 Mission Street - Homelessness and Supportive Housing - \$17,340,000]****Sponsors: Mayor; Safai**

Resolution 1) approving and authorizing the Director of Property, on behalf of the Department of Homelessness and Supportive Housing ("HSH"), to acquire certain property located at 5630-5638 Mission Street ("Property"); 2) approving and authorizing HSH, on behalf of the City, to apply to the California Department of Housing and Community Development ("HCD") for its 2021 Homekey Grant Program ("Project Homekey") to purchase the Property; 3) approving and authorizing an Agreement of Purchase and Sale for Real Estate for the acquisition of the Property, for \$17,000,000 plus an estimated \$340,000 for typical closing costs for a total amount of \$17,340,000 from Jamna Investments, LLC ("Purchase Agreement"); 4) authorizing the Director of Property to execute the Purchase Agreement, make certain modifications, and take certain actions in furtherance of this Resolution and the Purchase Agreement, as defined herein; 5) affirming the Planning Department's determination under the California Environmental Quality Act; and 6) adopting the Planning Department's findings that the Purchase Agreement, and the transaction contemplated therein, is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

**ADOPTED by the following vote:**

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

**210942 [Accept and Expend Grant - Hellman Foundation - Hellman Foundation Grant - \$405,000]****Sponsor: Mayor**

Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$405,000 from the Hellman Foundation for participation in a program, entitled "Hellman Foundation Grant," to help bridge the divide between healthcare systems and the food community through the innovation of providing "food as medicine" through clinic-based food "pharmacies" for the period of May 1, 2022, through May 1, 2025. (Public Health Department)

**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****200519 [Planning Code - Geary-Masonic Special Use District]****Sponsor: Stefani**

Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District to require use of the inclusionary housing fee for a project within one and one-half miles of the boundaries of the district, or anywhere in San Francisco if not allocated within five years of payment; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

**PASSED ON FIRST READING by the following vote:**

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

**210734 [Planning Code - Landmark Designation - 396-398 12th Street (San Francisco Eagle Bar)]****Sponsors: Haney; Mandelman, Ronen and Preston**

Ordinance amending the Planning Code to designate 396-398 12th Street (aka San Francisco Eagle Bar), Assessor's Parcel Block No. 3522, Lot No. 014, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

*Supervisor Preston requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

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

**210888 [Resolution of Intention - Street Name Change - Donner Avenue to Charlie Way]****Sponsors: Walton; Safai**

Resolution declaring the intention of the Board of Supervisors to rename Donner Avenue between Arelious Walker Drive and West Harney Way, which is a street located in Alice Griffith Public Housing, to Charlie Way.

**ADOPTED 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**

### **210421 [Police Code - Cannabis Regulation]**

#### **Sponsor: Mayor**

Ordinance amending the Police Code to 1) allow Cannabis Business Permit applicants to qualify as Equity Incubators by supporting Equity Applicants prior to Cannabis Business Permit issuance and not only after permit issuance; 2) specify that Equity Incubators must provide support to Equity Applicants with which the Equity Incubators and their Owners have no ownership or profit-sharing arrangement in order to qualify as Equity Incubators; 3) give first priority for permit application processing to Equity Applicants that are sole proprietors or whose business is 100% owned by a combination of Owners that are verified Equity Applicants, give second processing priority to holders of Temporary Cannabis Business Permits that commit to sharing use of their facilities with one or more Equity Applicants, and add to the sixth (formerly fourth) processing priority Applicants that previously held Temporary Cannabis Permits, in addition to those that currently hold such permits; 4) prohibit transfers of more than a 50% ownership interest in a Cannabis Business for five years after the Office of Cannabis acknowledges receipt of an application for a Cannabis Business Permit for that Cannabis Business, instead of ten years from the date of permit issuance; 5) exempt transfers of ownership in a Cannabis Business triggered by an Owner's death from transfer limits that would otherwise apply; 6) require that a Cannabis Business seeking a permit amendment tied to reduction in the combined ownership interest of all verified Equity Applicants in that Cannabis Business below 20% meet substantial equity commitments as a condition of amending the permit; 7) establish that an Applicant's withdrawal of a Cannabis Business Permit application, unlike the abandonment of an application, will not bar a subsequent application from that Applicant from qualifying for priority processing; and 8) authorize the Director of the Office of Cannabis, at any point after an Applicant has submitted a Cannabis Business Permit application, to require an Applicant to submit needed information or documentation within 45 days, and declare an application abandoned if the Applicant fails to comply with the deadline without showing good cause for the failure; 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

*Supervisor Safai was noted absent at 6:10 p.m.*

### **210343 [Designating Various Departments as Health Care Components of the City and County of San Francisco - Hybrid Entity Under HIPAA]**

Resolution accepting the report of the City Administrator and designating the Department of Public Health, Fire Department, Health Service System, City Attorney, Treasurer-Tax Collector and Department of Technology as Health Care Components under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), pursuant to Administrative Code, Chapter 22H. (City Administrator)

#### **ADOPTED by the following vote:**

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

Absent: 1 - Safai

**210854 [Liquor License Transfer - 907 Post Street - Presidio Cocktail Corp.]**

Resolution determining that the transfer of a Type-48 on-sale general public premises liquor license to Presidio Cocktail Corporation, doing business as Presidio Cocktail Corp. at 907 Post Street (District 6), 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: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Stefani, Walton  
Absent: 1 - Safai

**Recommendations of the Rules Committee**

*Supervisor Safai was noted present at 6:15 p.m.*

**210739 [Administrative Code - Repealing Employee Sexual Privacy Ordinance; Requiring Data Collection Requests]**

**Sponsors: Mayor; Mandelman**

Ordinance amending the Administrative Code to repeal the City Employee's Sexual Privacy Ordinance; direct the Department of Human Resources (DHR) to request that applicants for City employment voluntarily provide anonymous sexual orientation and gender identity information; direct City departments to request that employees voluntarily provide anonymous sexual orientation and gender identity information when responding to surveys that also seek other demographic information; and direct DHR to develop systems to anonymously collect and retain sexual orientation and gender identity information.

**Supervisor Mandelman, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by striking 'anonymous', Line 9, by changing 'to anonymously collect' to 'for voluntary collection', and Lines 9-10, by changing 'retain' to 'confidential retention of'; on Page 2, Line 23, by changing 'anonymous' to 'confidential'; and on Page 5, Lines 9-10, by striking 'that the applicant or employee provides the information anonymously', Line 15, by striking 'inadvertently', Line 18, by striking 'inadvertently', and Line 20, by changing 'protect such information' to 'treat such information as confidential and protect it'. The motion carried by the following vote:**

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

Ordinance amending the Administrative Code to repeal the City Employee's Sexual Privacy Ordinance; direct the Department of Human Resources (DHR) to request that applicants for City employment voluntarily provide sexual orientation and gender identity information; direct City departments to request that employees voluntarily provide anonymous sexual orientation and gender identity information when responding to surveys that also seek other demographic information; and direct DHR to develop systems for voluntary collection and confidential retention of sexual orientation and gender identity information.

**Supervisor Mandelman, seconded by Supervisor Peskin, moved that this Ordinance be RE-REFERRED AS AMENDED to the Rules Committee. The motion carried by the following vote:**

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

**210368 [Appointments, Assessment Appeals Board No. 2 - Louisa Mendoza and Marc Wilson]**

Motion appointing Louisa Mendoza and Marc Wilson, terms expiring September 2, 2024, to the Assessment Appeals Board No. 2. (Clerk of the Board)

**Motion No.** M21-134

**APPROVED by the following vote:**

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

**210592 [Appointments, Assessment Appeals Board No. 1 - Kristine Nelson, John Kaeuper, Elizabeth Zareh, and Paul Bellar]**

Motion appointing Kristine Nelson, term ending September 5, 2022, and John Kaeuper, Paul Bellar, Elizabeth Zareh, and Scott Spertzel, terms ending September 2, 2024, to the Assessment Appeals Board No. 1. (Rules Committee)

**Supervisor Peskin, seconded by Supervisor Chan, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1-2, by changing 'Scott Spertzel' to 'Paul Bellar', Line 4, by changing 'Scott Spertzel' to 'Paul Bellar', and Line 24, by changing 'Paul Bellar' to 'Elizabeth Zareh' for Seat 5, on Page 2, Lines 5-10, by striking all references to Seat 6, and Line 11, by changing 'Scott Spertzel' to 'Paul Bellar' for Seat 8. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton  
Motion appointing Kristine Nelson, term ending September 5, 2022, and John Kaeuper, Elizabeth Zareh, and Paul Bellar, terms ending September 2, 2024, to the Assessment Appeals Board No. 1. (Rules Committee)

**Motion No.** M21-135

**APPROVED AS AMENDED by the following vote:**

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

**211007 [Appointments, Ballot Simplification Committee - Scott Patterson, Betty Packard, and Ann Merrill]**

Motion appointing Scott Patterson, Betty Packard, and Ann Merrill, terms ending November 30, 2022, to the Ballot Simplification Committee. (Clerk of the Board)

**Motion No.** M21-136

**APPROVED 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

Supervisor Preston, seconded by Supervisor Ronen, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.. The motion carried by the following vote:

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

*Supervisor Preston introduced, welcomed, and presented a Certificate of Honor to Captain Sherman Tillman of the Fire Department on the occasion of his retirement as the President of the Black Firefighters Association and in recognition of his accomplishments and continued community support.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Melba Maldonado in recognition of her accomplishments and continued community support. Supervisors Melgar, Safai, and Walton shared in this commendation.*

## SPECIAL ORDER 3:00 P.M.

*President Walton requested File Nos. 210901, 210902, 210903, and 210904 be called together.*

### **210901 [Hearing - Appeal of Final Mitigated Negative Declaration - Proposed 1525 Pine Street Project]**

Hearing of persons interested in or objecting to the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the 1525 Pine Street Project, identified in Planning Case No. 2015-009955ENV, and affirmed on appeal by the Planning Commission and issued on May 6, 2021. (District 3) (Appellant: David P. Cincotta of Law Offices of David P. Cincotta, on behalf of Patricia Rose and Claire Rose and other neighbors of 1545 Pine Street) (Filed August 20, 2021) (Clerk of the Board)

*President Walton opened the public hearing and Supervisor Peskin indicated he would be making a motion to continue this Hearing and the associated Motions to a future date. The President then inquired as to whether any individual wished to address the Board on the proposed continuance. There were no speakers. President Walton closed public comment on the continuance.*

**Supervisor Peskin, seconded by Supervisor Preston, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of October 19, 2021. The motion carried by the following vote:**

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

### **210902 [Affirming the Final Mitigated Negative Declaration - Proposed 1525 Pine Street Project]**

Motion affirming the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act, for the proposed 1525 Pine Street project. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Preston, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 19, 2021. The motion carried by the following vote:**

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

**210903 [Conditionally Reversing the Final Mitigated Negative Declaration - Proposed 1525 Pine Street Project]**

Motion conditionally reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed 1525 Pine Street project, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Preston, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 19, 2021. The motion carried by the following vote:**

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

**210904 [Preparation of Findings to Reverse the Revised Mitigated Negative Declaration - Proposed 1525 Pine Street Project]**

Motion directing the Clerk of the Board to prepare findings reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed 1525 Pine Street project. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Preston, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 19, 2021. The motion carried by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.**

*President Walton requested File Nos. 210919, 210920, 210921, and 210922 be called together.*

**210919 [Hearing - Appeal of Final Environmental Impact Report Certification - Proposed 469 Stevenson Street Project]**

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed 469 Stevenson Street Project, identified in Planning Case No. 2017-014833ENV, issued by the Planning Commission through Motion No. 20960, dated July 29, 2021, for a proposed mixed-use project to demolish the existing surface parking lot at the project site and construct a new 27-story mixed-use residential building that is 274 feet tall (with an additional ten feet for rooftop mechanical equipment); the project would total 535,000 square feet and include 495 dwelling units, 4,000 square feet of commercial retail use on the ground floor, and 25,000 square feet of private and common open space, three below grade parking levels with 166 vehicular parking spaces, two service delivery loading spaces, and one on-site freight loading space on the group floor, and bicycle, on-street passenger and commercial loading and streetscape improvements; the proposed project would use the individually requested state density bonus program and provide affordable housing units onsite. (District 6) (Appellant: Susan Brandt-Hawley of Brandt-Hawley Law Group, on behalf of the Yerba Buena Neighborhood Consortium) (Filed: August 30, 2021) (Clerk of the Board)

*President Walton opened the public hearing and Supervisor Haney indicated he would be making a motion to continue this Hearing and the associated Motions to a future date. The President then inquired as to whether any individual wished to address the Board on the proposed continuance. There were no speakers. President Walton closed public comment on the continuance.*

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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



**210920 [Affirming the Final Environmental Impact Report Certification - 469 Stevenson Street Project]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed 469 Stevenson Street project. (Clerk of the Board)

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

**210921 [Conditionally Reversing the Final Environmental Impact Report Certification - 469 Stevenson Street Project]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed 469 Stevenson Street project, subject to the adoption of written findings of the Board of Supervisors in support of this determination. (Clerk of the Board)

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

**210922 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - 469 Stevenson Street Project]**

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed 469 Stevenson Street project. (Clerk of the Board)

**Supervisor Haney, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

*President Walton requested File Nos. 210923, 210924, 210925, and 210926 be called together.*

### **210923 [Hearing - Appeal of Final Mitigated Negative Declaration - Proposed 530 Sansome Street Project]**

Hearing of persons interested in or objecting to the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed project at 530 Sansome Street, identified in Planning Case No. 2019-017481ENV, and affirmed on appeal by the Planning Commission and issued on July 29, 2021. (District 3) (Appellant: Ryan Patterson of Zacks, Freedman, and Patterson PC, on behalf of 447 Partners, LLC) (Filed August 30, 2021) (Clerk of the Board)

*President Walton opened the public hearing and inquired as to whether any individual wished to address the Board. Rob Canepa, Ryan Patterson, and Brian O'Neill (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Alana Callagy (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. James Abrams (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. Alec Bash; Cynthia Gomez; spoke in support of the project and in opposition to the appeal. Brian O'Neill, Ryan Patterson, and Eddy Lau (Appellants) 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**

### **210924 [Affirming the Approval of a Final Mitigated Negative Declaration - Proposed 530 Sansome Street Project]**

Motion affirming the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act, for the proposed 530 Sansome Street project. (Clerk of the Board)

**Motion No. M21-133**

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

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

### **210925 [Conditionally Reversing the Approval of a Final Mitigated Negative Declaration - Proposed 530 Sansome Street Project]**

Motion conditionally reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed 530 Sansome Street project, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

**210926 [Preparation of Findings to Reverse the Final Mitigated Negative Declaration - Proposed 530 Sansome Street Project]**

Motion directing the Clerk of the Board to prepare findings reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed 530 Sansome Street project. (Clerk of the Board)

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

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

**SPECIAL ORDER 3:00 P.M.**

*President Walton requested File Nos. 210927, 210928, 210929, and 210930 be called together.*

**210927 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 35 Ventura Avenue 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 November 18, 2018, for the proposed project at 35 Ventura Avenue, Assessor's Parcel Block No. 2816, Lot No. 008, to include the second floor addition of 15 feet in height for the proposed property that would consist of an approximately 30 foot tall, 3,000 square foot, single family home. (District 7) (Appellant: Ryan Patterson of Zacks, Freedman & Patterson PC, on behalf of Tom and Kari Rocca) (Filed August 30, 2021) (Clerk of the Board)

*President Walton opened the public hearing and indicated Supervisor Melgar indicated she would be making a motion to continue this Hearing and the associated Motions to a future date. The President then inquired as to whether any individual wished to address the Board on the proposed continuance. There were no speakers. President Walton closed public comment on the continuance.*

**Supervisor Melgar, seconded by Supervisor Stefani, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

**210928 [Affirming the Categorical Exemption Determination - 35 Ventura Avenue]**

Motion affirming the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Melgar, seconded by Supervisor Stefani, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

**210929 [Conditionally Reversing the Exemption Determination - 35 Ventura Avenue]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically 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 Melgar, seconded by Supervisor Stefani, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

**210930 [Preparation of Findings to Reverse the Exemption Determination - 35 Ventura Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Melgar, seconded by Supervisor Stefani, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 26, 2021. The motion carried by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****210892 [Hearing - Committee of the Whole - Independent Equal Employment Opportunity Report - October 5, 2021, at 3:00 p.m.]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on Tuesday, October 5, 2021, at 3:00 p.m., to hold a public hearing on the findings and recommendations from the independent review by William B. Gould IV, a Charles A. Beardsley Professor of Law at Stanford Law School, on the City's equal employment opportunity policies of the Department of Human Resources Equal Employment Opportunity Division; scheduled pursuant to Motion No. M21-125 (File No. 210891), approved on September 7, 2021. (Clerk of the Board)

*President Walton opened the public hearing and provided opening remarks. The President then inquired as to whether any individual wished to address the Board regarding the Independent Equal Employment Opportunity Report. Professor William B Gould IV; Nicolas Menard (Office of the Budget and Legislative Analyst); Carol Isen, Director, Amalia Martinez, Ardis Graham, and Mawuli Tugbenyoh (Department of Human Resources); Anne Pearson (Office of the City Attorney); presented information regarding the hearing matter and answered questions raised throughout the discussion. Brenda Vera; Francisco Da Costa; Gus Vallejo; Jamie Lee; Cheryl Thornton; Erica Dixon; spoke on various concerns related to the hearing matter. There were no other speakers. President Walton closed public comment, adjourned as a Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

**Committee of the Whole Adjourn and Report**

## COMMITTEE REPORTS

### Recommendations of the Government Audit and Oversight Committee

*President Walton requested File Nos. 210701, 210705, and 210707 be called together.*

#### **210701 [Board Response - Civil Grand Jury Report - Continuity Report]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2020-2021 Civil Grand Jury Report, entitled "Continuity Report;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

**ADOPTED by the following vote:**

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

#### **210703 [Board Response - Civil Grand Jury Report - Van Ness Avenue: What Lies Beneath]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2020-2021 Civil Grand Jury Report, entitled "Van Ness Avenue: What Lies Beneath;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

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

#### **210705 [Board Response - Civil Grand Jury Report - A Fluid Concern: San Francisco Must Improve Fuel Resilience]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2020-2021 Civil Grand Jury Report, entitled "A Fluid Concern: San Francisco Must Improve Fuel Resilience;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

**ADOPTED by the following vote:**

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

#### **210707 [Board Response - Civil Grand Jury Report - Strategic Alignment: Breaking Through to a Living Wage]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2020-2021 Civil Grand Jury Report, entitled "Strategic Alignment: Breaking Through to a Living Wage;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

**ADOPTED by the following vote:**

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

## **Recommendation of the Rules Committee**

### **211042 [Appointment, Cannabis Oversight Committee - Ryan McGilley]**

Motion appointing one member, term ending December 3, 2022, to the Cannabis Oversight Committee. (Rules Committee)

**Motion No.** M21-137

**APPROVED** 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**

*Peter Warfield; shared concerns regarding the lack of privacy with social media and the Public Library's use of certain platforms.*

*David Elliott Lewis; shared information on an event celebrating a certain community leader.*

*Mary Kate Bakala; expressed support of the Resolution urging extending funding assistance to maintain non-congregate shelter in place hotels (File No. 211032).*

*Wesley Saber; expressed support of the Resolution urging extending funding assistance to maintain non-congregate shelter in place hotels (File No. 211032).*

*Carlos Watkins; expressed support of the Resolution urging extending funding assistance to maintain non-congregate shelter in place hotels (File No. 211032).*

*Anastasia Yoganopolous; expressed gratitude for the staff who have worked hard to maintain*

*Michael Nulty; expressed concerns regarding certain development in neighborhood communities.*

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

### **211032 [Urging President Biden to Extend Funding Assistance from FEMA to Maintain Non-Congregate Shelter In Place Hotels Through the Year of 2022]**

**Sponsors:** Haney; Preston

Resolution urging President Joseph R. Biden, in coordination with the Department of Homeland Security, to direct the Federal Emergency Management Agency (FEMA) to sustain public assistance funding to the City and County of San Francisco through 2022 for the purpose of advancing and maintaining the Shelter-In-Place Hotel alternative housing program to mitigate the spread of COVID-19 among vulnerable homeless populations.

*Supervisor Preston requested to be added as a co-sponsor.*

**ADOPTED**

**211034 [Approval of a 90-Day Extension for Planning Commission Review of an Ordinance amending the Planning Code - Dwelling Unit Density Exception for Corner Lots in Residential Districts (File No. 210564)]**

**Sponsor: Mandelman**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 210564) amending the Planning Code to provide a density limit exception for Corner Lots in RH (Residential, House) zoning districts, to permit up to four dwelling units per lot; 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**

**211035 [Urging the San Francisco Superior Court to Implement a Transparent Criminal Records Request System Online and Condemning the Unprofessional Behavior of the Public Information Officer]**

**Sponsors: Peskin; Ronen**

Resolution urging the San Francisco Superior Court to expedite implementation of a transparent criminal records request system by ensuring that requester access, method of payment and all files are available online like other jurisdictions, responding to press requests for information in a timely and professional manner; and condemning the unprofessional behavior of the Public Information Officer.

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

**ADOPTED**

**211044 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Thirty-Seventh Supplement]**

**Sponsor: Walton**

Motion concurring in actions taken by the Mayor in the Thirty-Seventh Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by 1) authorizing the waiver of civil service rules to hire employees to ensure the continuity of City services due to the reassignment, suspension, termination, resignation, retirement, or leaves of City employees that may result from vaccination policies or requirements, or return to in-person work requirements; 2) extending the existing COVID-19 sick leave program for City employees to October 31, 2021, and authorizing a possible further extension to December 31, 2021; and 3) allowing City employees to continue to carry vacation hours over the applicable cap until June 30, 2022.

**Motion No. M21-140**

**APPROVED**

**211037 [Adoption of Findings Related to Conditional Use Authorization - 5 Leland Avenue and 2400 Bayshore Boulevard]**

Motion adopting findings in support of the Board of Supervisors' decision to approve the proposed Conditional Use Authorization, identified as Planning Case No. 2021-000603CUA, for a proposed retail cannabis use located at 5 Leland Avenue and 2400 Bayshore Boulevard. (Clerk of the Board)

**Motion No. M21-141**

**APPROVED**

**The foregoing items were acted upon 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**

*As noted under "Communications" above, President Walton requested File No. 211045 be severed from the "For Adoption Without Committee Reference" calendar so that it may be considered separately and before the business of the Board begins.*

### **211045 [Findings to Allow Teleconferenced Meetings During Declared Emergency]**

**Sponsor: Walton**

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e).

*Since this Motion was severed and considered before the "For Adoption Without Committee Reference" calendar was called, President Walton inquired as to whether any member of the public wished to provide public comment on the Motion. There were no speakers. The President closed public comment.*

*APPROVED by the following vote:*

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

*Supervisor Walton, seconded by Supervisor Chan, moved to rescind the previous vote, to allow additional public comment. The motion carried by the following vote:*

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

*President Walton reopened public comment and inquired as to whether any member of the public wished to provide public comment. David Pilpel; shared his thoughts on the verbiage of the Motion and suggested edits. There were no other speakers. The President closed public comment.*

**Motion No. M21-132**

**APPROVED by the following vote:**

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

*Supervisor Safai requested that File No. 211036 be severed so that it may be considered separately.*

### **211036 [Dyslexia Awareness Month - October]**

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

Resolution recognizing every October as "Dyslexia Awareness Month" in the City and County of San Francisco.

*Supervisors Ronen, Mandelman, Preston, Stefani, Haney, Melgar, and Peskin 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](http://www.sfbos.org/legislation_introduced).

### Introduced at the Request of a Department

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

## PROPOSED ORDINANCES

### **211021 [Planning Code - Landmark Designation - 447 Battery Street (aka Jones-Thierbach Coffee Company Building)]**

Ordinance amending the Planning Code to designate 447 Battery Street (aka Jones-Thierbach Coffee Company Building), Assessor's Parcel Block No. 0206, Lot No. 002, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

09/21/21; RECEIVED FROM DEPARTMENT.

10/05/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/4/2021.

### **211023 [Settlement of Lawsuit - David Joslyn - \$3,250,000]**

Ordinance authorizing settlement of the lawsuit filed by David Joslyn against the City and County of San Francisco for \$3,250,000; the lawsuit was filed on October 2, 2019, in San Francisco Superior Court, Case No. CGC-19-579230; entitled David Joslyn, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from medical negligence; other material terms of the settlement are that Iris Solano, Frederick Stewart Joslyn and Iris Lorraine Solano waive any potential future claims for wrongful death. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**211024 [Settlement of Lawsuit - Huan Zheng Fang and Zhouong Fang - \$2,000,000]**

Ordinance authorizing settlement of the lawsuit filed by Huan Zheng Fang and Zhouong Fang against the City and County of San Francisco for \$2,000,000; the lawsuit was filed on May 18, 2020, in San Francisco Superior Court, Case No. CGC-20-584474; entitled Huan Zheng Fang, et al. v. City and County of San Francisco, et al.; the lawsuit involves the wrongful death of plaintiffs' husband and son. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

**211025 [Settlement of Unlitigated Claim - Sandeep Lal - \$59,000]**

Resolution approving the settlement of the unlitigated claim filed by Sandeep Lal against the City and County of San Francisco for \$59,000; the claim was filed December 6, 2019, and November 17, 2020; the claim involves an employment dispute. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**211026 [Settlement of Unlitigated Claim - Covidien Sales LLC - Medtronic to Pay City \$800,000]**

Resolution approving the settlement of the unlitigated claim filed by the City against Covidien Sales LLC, a Medtronic Company (Medtronic) for \$800,000 including the return of a ventilator fleet at Medtronic's expense. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 7:26 p.m.*