

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 19, 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, AHSHA 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

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, October 19, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:11 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, Stefani, and Walton were noted present.

Supervisor Safai 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 Safai was noted present at 2:13 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) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

Anne Pearson, Deputy City Attorney (Office of the City Attorney), provided a brief explanation on why the Members of the Board continue to wear masks during Board meetings.

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the September 7, 2021, Board Regular Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Ronen, seconded by Supervisor Stefani, moved to approve the September 7, 2021, Board Regular Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

There were no questions submitted from the eligible Supervisors representing Districts 1, 2, 3, or 4. Mayor London N. Breed addressed the Board of Supervisors regarding the November 1, 2021 mandated deadline for City staff to return to work and be fully vaccinated. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

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)

FINALLY PASSED

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)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

210982 [Settlement of Attorney's Fee Claim - Contest Promotions, LLC - City to Receive \$580,000]

Ordinance authorizing settlement by payment of \$580,000 to the City and County of San Francisco, of the City's claim for attorney's fees and costs arising from the lawsuit that Contest Promotions, LLC filed against the City; the lawsuit was filed on August 26, 2015, in San Francisco Superior Court, Case No. CGC-15-547630; entitled Contest Promotions, LLC vs. City and County of San Francisco; San Francisco Superior Court Case No. CPF-16-514771 was filed on February 9, 2016, and the actions were consolidated; the lawsuit involves a dispute about the City's compliance with a prior settlement agreement between the parties, and the constitutionality of sections of the Planning Code regulating on-site and off-site commercial signs. (City Attorney)

PASSED ON FIRST READING

210983 [Settlement of Lawsuit - 2170 Folsom LLC - \$525,000]

Ordinance authorizing partial settlement of the lawsuit filed by 2170 Folsom LLC against the City and County of San Francisco for \$525,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff 2170 Folsom LLC, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210984 [Settlement of Lawsuit - Baikonur 1701 LLC - \$410,000]

Ordinance authorizing partial settlement of the lawsuit filed by Baikonur 1701 LLC against the City and County of San Francisco for \$410,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff Baikonur 1701 LLC, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210985 [Settlement of Lawsuit - Malcolm Davis - \$215,000]

Ordinance authorizing partial settlement of the lawsuit filed by Malcolm Davis against the City and County of San Francisco for \$215,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff Malcolm Davis, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210986 [Settlement of Lawsuit - Malcolm Davis - \$470,000]

Ordinance authorizing partial settlement of the lawsuit filed by Malcolm Davis against the City and County of San Francisco for \$470,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff Malcolm Davis, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210987 [Settlement of Lawsuit - John and Janice Gumas - \$225,000]

Ordinance authorizing partial settlement of the lawsuit filed by John and Janice Gumas against the City and County of San Francisco for \$225,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiffs John and Janice Gumas, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210988 [Settlement of Lawsuit - Hans Art dba Hans Art Automotive - \$500,000]

Ordinance authorizing partial settlement of the lawsuit filed by Hans Art dba Hans Art Automotive against the City and County of San Francisco for \$500,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff Hans Art dba Hans Art Automotive, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210989 [Settlement of Lawsuit - Chris Hickey - \$1,150,000]

Ordinance authorizing partial settlement of the lawsuit filed by Chris Hickey against the City and County of San Francisco for \$1,150,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiffs Chris Hickey, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210990 [Settlement of Lawsuit - Kwok Shing Import Export, Inc. - \$440,000]

Ordinance authorizing partial settlement of the lawsuit filed by Kwok Shing Import Export, Inc. against the City and County of San Francisco for \$440,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff Kwok Shing Import Export, Inc., and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210991 [Settlement of Lawsuit - Francis and Julio Osorio - \$225,000]

Ordinance authorizing partial settlement of the lawsuit filed by Francis and Julio Osorio against the City and County of San Francisco for \$225,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiffs Francis and Julio Osorio, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210992 [Settlement of Lawsuit - San Francisco Motorcycle Club - \$310,000]

Ordinance authorizing partial settlement of the lawsuit filed by San Francisco Motorcycle Club against the City and County of San Francisco for \$310,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff San Francisco Motorcycle Club, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210993 [Settlement of Lawsuit - Angela Sinicropi and Marin Takigawa - \$288,180]

Ordinance authorizing partial settlement of the lawsuit filed by Angela Sinicropi and Marin Takigawa against the City and County of San Francisco for \$288,180; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiffs Angela Sinicropi and Marin Takigawa, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210994 [Settlement of Lawsuit - Monte Stott - \$188,300]

Ordinance authorizing partial settlement of the lawsuit filed by Monte Stott against the City and County of San Francisco for \$188,300; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms in December of 2014; this settlement relates only to the diminution of real property value claims of plaintiff Monte Stott, and does not include claims for property loss or for attorney's fees, costs and interest. (City Attorney)

PASSED ON FIRST READING

210995 [Settlement of Lawsuit - John Williams and Aimee Williams - \$340,000]

Ordinance authorizing settlement of the lawsuit filed by John Williams and Aimee Williams against the City and County of San Francisco for \$340,000; the lawsuit was filed on April 18, 2018, in San Francisco Superior Court, Case No. CGC-18-565870; entitled John Williams and Aimee Williams v. First California Investments, et al.; the lawsuit alleges that a building was in a dangerous condition. (City Attorney)

PASSED ON FIRST READING

210996 [Settlement of Lawsuit - Taryn Saldivar - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Taryn Saldivar against the City and County of San Francisco for \$190,000; the lawsuit was filed on August 6, 2020, in United States District Court - Northern District of California, Case No. 20-cv-05474; entitled Taryn Saldivar v. City and County of San Francisco, et al.; the lawsuit involves unlawful detention and arrest. (City Attorney)

PASSED ON FIRST READING

210997 [Settlement of Lawsuit - Stephanie Brunton - \$165,000]

Ordinance authorizing settlement of the lawsuit filed by Stephanie Brunton against the City and County of San Francisco for \$165,000; 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 lawsuit involves alleged personal injury on a City crosswalk. (City Attorney)

PASSED ON FIRST READING

210998 [Settlement of Lawsuit - Valerie A. Stevenson - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Valerie A. Stevenson against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 1, 2020, in San Francisco Superior Court, Case No. CGC-20-585157; entitled Valerie A. Stevenson v. City and County of San Francisco; the lawsuit involves an alleged trip and fall on uneven pavement. (City Attorney)

PASSED ON FIRST READING

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.

FINALLY PASSED

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)

FINALLY PASSED

Recommendation 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.

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

211009 [Appropriation - Special Tax Bond Proceeds - \$35,000,000; Special Tax Revenues - \$11,620,000 - Controller's Reserve - Transbay Transit Center Project - FY2021-2022]

Sponsor: Mayor

Ordinance appropriating \$35,000,000 from the issuance of one or more series of Special Tax Bonds of the City's Community Facilities District 2014-1 (Transbay Transit Center) and placing such amounts on Controller's reserve; and appropriating \$11,620,000 of special tax revenues for funding related to the Transbay Transit Center Project in Fiscal Year (FY) 2021-2022.

PASSED ON FIRST READING by the following vote:

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

211010 [Appropriation and De-Appropriation - Office of Economic and Workforce Development - Legacy Businesses - \$400,000 - FY2021-2022]

Sponsors: Chan; Peskin, Ronen, Mar, Haney, Safai and Mandelman

Ordinance de-appropriating \$400,000 previously appropriated to the Office of Economic and Workforce Development (ECN) for the Office of Small Business' Legacy Business Historic Preservation Fund and re-appropriating \$400,000 to ECN to provide a new grant program for Legacy Businesses in Fiscal Year (FY) 2021-2022.

(Fiscal Impact)

Supervisor Mandelman 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

210873 [Grant Contract - Retroactive - California Department of Parks and Recreation - Outdoor Recreation Legacy Partnership Grant - Bay View Playground - \$375,225]

Sponsor: Mayor

Resolution retroactively authorizing the Recreation and Park Department (RPD) to enter into and amend a grant contract with the California Department of Parks and Recreation in the amount of \$375,225 that requires RPD to construct improvements at Bay View Playground on the condition that RPD then maintain the Playground as public open space in perpetuity pursuant to Charter, Section 9.118(a); and authorizing the RPD General Manager to record a Declaration of Restriction against Assessor's Parcel Block No. 5420, Lot No. 001, providing notice of these restrictions. (Recreation and Park Department)

ADOPTED by the following vote:

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

210913 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]

Resolution approving Amendment No. 46 to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year to commence December 1, 2021, for a total term of November 19, 1998, through November 30, 2022. (Treasure Island Development Authority)

ADOPTED by the following vote:

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

210915 [Updated Emergency Declaration - Replacement and Repair of Fences - Increase the Total Not to Exceed Cost to \$10,900,000]

Resolution approving an updated emergency declaration of the San Francisco Public Utilities Commission (SFPUC), pursuant to San Francisco Administrative Code, Section 6.60, to replace and repair fences on SFPUC watershed land in Alameda damaged by the SCU Lightning Complex Fire, increasing the total not to exceed cost from \$4,250,000 to \$10,900,000. (Public Utilities Commission)
(Fiscal Impact)

ADOPTED by the following vote:

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

210931 [Accept and Expend Grant - Retroactive - California Victim Compensation Board - Compensation for Crime Victims - \$2,530,990.23]

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,530,990.23 from the California Victim Compensation Board for a project, entitled "Joint Powers Agreement," to assist victims and witnesses with compensation claims for the period July 1, 2021, through June 30, 2024. (District Attorney)

ADOPTED by the following vote:

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

President Walton requested File Nos. 210940 and 210967 be called together.

210940 [Purchase of Real Property - Mahadeva, LLC - 3055-3061 16th Street - Homelessness and Supportive Housing - \$5,715,000]

Sponsors: Mayor; Ronen and 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 3055-3061 16th 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 \$5,600,000 plus an estimated \$115,000 for typical closing costs for a total amount of \$5,715,000 from Mahadeva, 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

210967 [Purchase of Real Property - Mission Smartspace Senior LLC - 1321 Mission Street - Homelessness and Supportive Housing - \$86,673,000]

Sponsors: Mayor; Haney and 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 1321 Mission Street ("Property") for \$86,500,000 plus an estimated \$173,000 for typical closing costs, for a total anticipated amount of \$86,673,000 ("Acquisition Cost"); 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 from Mission Smartspace Senior LLC ("Purchase Agreement"), which includes a liquidated damages clause of up to \$5,000,000 in case of default by the City; 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

210966 [Sublease Agreement - California State Lands Commission - Candlestick Point State Recreation Area - Vehicle Triage Center - In-Kind Rent of \$1,796,090]**Sponsors: Mayor; Walton, Safai, Mar, Haney and Mandelman**

Resolution authorizing and approving the Director of Property, on behalf of the Department of Homelessness and Supportive Housing, to negotiate and enter into a sublease agreement for 312,000 square feet of property owned by the California State Lands Commission and leased to the California Department of Parks and Recreation, for the City's use as a Vehicle Triage Center at Candlestick Point State Recreation Area, for an initial term of two years, with rent to be paid through in-kind, public services with an estimated value at \$1,796,090; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the sublease, as defined herein; adopting findings under the California Environmental Quality Act; and finding the proposed sublease is in conformance with the General Plan, and the eight priorities of Planning Code, Section 101.1.

(Fiscal Impact)

Supervisor Mandelman 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

Recommendations of the Government Audit and Oversight Committee**210864 [Memorandum of Understanding - Committee of Interns and Residents, Service Employees International Union]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2017-2021 Memorandum of Understanding between the City and County of San Francisco and the Committee of Interns and Residents, Service Employees International Union, to extend the term by one year, update the Patient Care Fund provision, and eliminate obsolete language.

PASSED ON FIRST READING 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. (Government Audit and Oversight Committee)

ADOPTED by the following vote:

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

210776 [Sale of Transferable Development Rights - City Hall - 1 Dr. Carlton B. Goodlett Place]**Sponsor: Mayor**

Resolution authorizing the Director of Property to sell up to 1,200,000 gross square feet of transferable development rights ("TDR") from City Hall, located at 1 Dr. Carlton B. Goodlett Place, at or above fair market value; to execute and record Certificates of Transfer; and to take such additional actions as may be necessary to effectuate one or more TDR transfers in accordance with Planning Code, Section 128.

ADOPTED by the following vote:

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

210964 [Resolution of Intention to Add Territory to and Amend City and County of San Francisco Infrastructure and Revitalization Financing District No.1 (Treasure Island)]**Sponsor: Mayor**

Resolution of intention to add territory to and amend the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on January 11, 2022, at 3:00 p.m., and to provide public notice thereof; 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

210965 [Authorizing Preparation of an Amended Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No.1 (Treasure Island)]**Sponsor: Mayor**

Resolution authorizing and directing the Director of the Office of Public Finance, or designee thereof, to prepare an amended infrastructure financing plan for the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein, and determining other matters in connection therewith, as defined herein.

Supervisor Haney, seconded by Supervisor Chan, moved that this Resolution 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

Recommendations of the Land Use and Transportation Committee

210600 [Planning Code - Small Business Zoning Controls in Chinatown and North Beach and on Polk Street]

Sponsor: Peskin

Ordinance amending the Planning Code to 1) allow neighborhood-serving Social Service and Philanthropic Facility uses in Chinatown Mixed Use Districts with conditional use authorization; 2) change the provision for abandonment of a use that exceeds a use size maximum in Chinatown Mixed Use Districts; 3) allow re-establishment of a nonconforming use size in Chinatown Mixed Use Districts under certain circumstances; 4) change the use size limit and use size maximum in the Chinatown Community Business District; 5) exempt Institutional Community uses and Legacy Business Restaurants in Chinatown Mixed Use Districts from use size limits; 6) allow lot mergers under certain conditions in the Polk Street Neighborhood Commercial District; and 7) exclude the portion of Powell Street south of Union Street from the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and public necessity, convenience, and general welfare findings pursuant to 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

210865 [Health, Planning, Police Codes - Various Cannabis Sunset Dates]

Sponsor: Mandelman

Ordinance amending the Health Code, Planning Code, and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2021, to December 31, 2022; to extend the sunset date for allowing the conversion of Medical Cannabis Dispensaries with Planning Commission approval to a Cannabis Retail Use from January 1, 2022, to January 1, 2023; to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2022, rather than December 31, 2021; and to allow the extension of the Cannabis Event Permit pilot program through December 31, 2023, rather than December 31, 2021; 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.

PASSED ON FIRST READING by the following vote:

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

210885 [Resolution of Intention - Street Name Change - Sonora Lane to Vicha Ratanapakdee Way]

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

Resolution declaring the intention of the Board of Supervisors to rename the stairwell at Sonora Lane between O'Farrell Street and Terra Anza Avenue, which runs parallel to Anza Vista and St. Joseph's Avenues and is perpendicular to O'Farrell Street and Terra Anza Avenue to "Vicha Ratanapakdee Way."

Supervisors Mar, Haney, Safai, Melgar, Preston, Mandelman, Peskin, Ronen, Walton and Chan 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

Recommendations of the Rules Committee

210811 [Administrative Code - Ban on City-Funded Travel to and City Contracts Involving States with Voter Suppression Laws]

Sponsors: Walton; Safai, Haney, Melgar, Stefani, Preston, Peskin and Mar

Ordinance amending the Administrative Code to prohibit City-funded travel to states that have adopted laws on or after January 1, 2021, suppressing voting rights, and to prohibit City contracting with companies headquartered in states that have enacted such laws, or where work on the contract would be performed in such states, and setting an operative date of December 1, 2021.

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

Supervisor Walton, seconded by Supervisor Preston, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6-7, by striking ‘, and setting an operative date of December 1, 2021’; on Page 3, Lines 9-10, by striking “Operative Date” means December 1, 2021, or the effective date of the ordinance in Board File No. 210811 establishing this article III, Chapter 12X, whichever is later’; and on Page 8, Line 19, by changing ‘Operative Date’ to ‘operative date’; and on Page 10, Line 7, by changing ‘As state in Section 12X.22 of the Administrative Code, this’ to ‘This’, and Lines 8-0, by changing ‘on December 1, 2021, or on the effective date of this ordinance, whichever is later’ to ‘90 days after the effective date’. 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 City-funded travel to states that have adopted laws on or after January 1, 2021, suppressing voting rights, and to prohibit City contracting with companies headquartered in states that have enacted such laws, or where work on the contract would be performed in such states.

PASSED ON FIRST READING AS AMENDED by the following vote:

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

210857 [Appointments, Market and Octavia Community Advisory Committee - Madeline Howie, Autumn Adamme, Jason Henderson, and Tracy Jacks]

Motion appointing Howie Madeline, Autumn Adamme, Jason Henderson, and Tracy Jacks, terms ending December 16, 2022, to the Market and Octavia Community Advisory Committee. (Rules Committee)

Supervisor Preston, seconded by Supervisor Safai, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 1 and 2, by correcting ‘Howie Madeline’ to ‘Madeline Howie.’ The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Motion appointing Madeline Howie, Autumn Adamme, Jason Henderson, and Tracy Jacks, terms ending December 16, 2022, to the Market and Octavia Community Advisory Committee. (Rules Committee)

Motion No. M21-142

APPROVED AS AMENDED by the following vote:

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

Recommendation of the Youth, Young Adult, and Families Committee

200682 [Urging the Department of Children, Youth and Their Families to Require All Funded Organizations to Have a Youth on Their Board of Directors By 2023]

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

Resolution urging the Department of Children, Youth and Their Families (DCYF) to require all organizations receiving funding from DCYF have a youth age 14 to 24 years old on their Board of Directors by 2023.

Supervisors Preston, Mar, 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

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

Supervisor Walton, seconded by Supervisor Peskin, 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 Peskin introduced, welcomed, and presented a Certificate of Honor to Byron Cobb on the occasion of his retirement after 40 years as a cable car operator and in recognition of his many accomplishments, including an eight-time winner of the Muni Cable Car Ringing Contest, and his continued community support. President Walton shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 210709, 210710, 210711, and 210712 be called together.

210709 [Hearing - Appeal of Conditional Use Authorization Approval - 575 Vermont Street]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 209.1, 303, and 307 of the Planning Code, for a proposed project at 575 Vermont Street, Assessor's Parcel Block No. 4010, Lot No. 006, identified in Planning Case No. 2020-000886CUA, issued by the Planning Commission by Motion No. 20921, dated May 13, 2021, to allow demolition of an existing single family home and construction of a new, four-story, 40-foot tall residential building containing two dwelling units, one accessory dwelling unit, one off-street automobile parking space, and three class one bicycle parking spaces within the RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. (District 10) (Appellants: Marion Parr, Scott Carr, Ron Altoonian, Victoria Carradero, and Chris Stephens) (Filed June 11, 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 Walton, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of November 2, 2021. The motion carried by the following vote:

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

210710 [Approving Conditional Use Authorization - 575 Vermont Street]

Motion approving the decision of the Planning Commission by its Motion No. 20921, approving a Conditional Use Authorization, identified as Planning Case No. 2020-000886CUA, for a proposed project located at 575 Vermont 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 Walton, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of November 2, 2021. The motion carried by the following vote:

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

210711 [Conditionally Disapproving Conditional Use Authorization - 575 Vermont Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20921, approving a Conditional Use Authorization, identified as Planning Case No. 2020-000886CUA, for a proposed project at 575 Vermont 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 Walton, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of November 2, 2021. The motion carried by the following vote:

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

210712 [Preparation of Findings Related to Conditional Use Authorization - 575 Vermont 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. 2020-000886CUA, for a proposed project at 575 Vermont Street. (Clerk of the Board)

Supervisor Walton, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of November 2, 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. 210791, 210792, 210793, and 210794 be called together.

210791 [Hearing - Appeal of Conditional Use Authorization Approval - 249 Texas Street]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 303 and 317 of the Planning Code, for a proposed project at 249 Texas Street, Assessor's Parcel Block No. 4001, Lot No. 017A, identified in Planning Case No. 2020-003223CUA, issued by the Planning Commission by Motion No. 20930, dated June 3, 2021, to demolish the existing 3,908 square-foot three-story single-family dwelling with an unauthorized dwelling unit and construct a new three-story 4,864 square-foot residential building containing two dwelling units above a garage with two off-street parking spaces, within the RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District. (District 10) (Appellants: Kathleen Roberts-Block and Sasha Gala) (Filed July 6, 2021) (Clerk of the Board)

President Walton opened the public hearing and provided opening remarks regarding the project and appeal. The President then inquired as to whether any individual wished to address the Board. Sasha Gala (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Mary Knockster; Leyla Stanley; Victor Tenessian; Jerry Drattler; Tara Reyes; Bruce Bowen; Rene Curren; John DeCastro; Speaker; Leyla Isa; Allison Heath; Speaker; Emily Block; Jose Velasco; Elliott; Carolyn Kennedy; Marshin Morales; Kim LaBelle; Zachary Weisenberger; John Lazar; Kyle Poppins; Ozzie Realm; Gavin Murphy; Brianne Norden; Evan Drake; June Murphy; Anastasia Yoganopolous; Stephanie Peak; Henry Karnilowitz; spoke in support of the appeal. Aaron Starr, Alex Westhoff, and Kate Conner (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Scott Emblidge (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. Frank Ma; Amadey Vector; Debbie Lew; Stacy Cory; Savela; Cassandra Alter; Mike Holland; Marcus Woo; Tim Wyn; Robert Psaro; Kim Labelle; Ali Shabahangy; Dave Heslon; spoke in support of the project and in opposition to the appeal. Sasha Gala (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 hearing heard and filed.

HEARD AND FILED

210792 [Approving Conditional Use Authorization - 249 Texas Street]

Motion approving the decision of the Planning Commission by its Motion No. 20930, approving a Conditional Use Authorization, identified as Planning Case No. 2020-003223CUA, for a proposed project located at 249 Texas 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 Walton, 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

210793 [Conditionally Disapproving the Conditional Use Authorization - 249 Texas Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20930, approving a Conditional Use Authorization, identified as Planning Case No. 2020-003223CUA, for a proposed project at 249 Texas 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. M21-143

Supervisor Walton, 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

210794 [Preparation of Findings Related to Conditional Use Authorization - 249 Texas 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. 2020-003223CUA for a proposed project at 249 Texas Street. (Clerk of the Board)

Motion No. M21-144

Supervisor Walton, 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

SPECIAL ORDER 3:00 P.M.

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

Due to technical difficulties, President Walton recessed the meeting at 6:08 p.m. and reconvened the meeting at 6:20 p.m.

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 inquired as to whether any individual wished to address the Board. David Cincotta and Theresa Calderon (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Gara; Speaker; Speaker; Speaker; Rick; Linda Chapman; Michael Nulty; spoke in support of the appeal. Rachel Schuett and Allison Vanderslice (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alexis Pelosi, Adam Phillips, and Jim Consos (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. Shoshana Dobrey; Mark Saprenski; Speaker; Danny Terrio; David Kim; Jonathon Fremont; Gary; Speaker; Scott; Speaker; Jessica; Mike Chen; Donna Chasse; Janet; Speaker; Gary Virginia; Anastasia; spoke in support of the project and in opposition to the appeal. David Cincotta (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 hearing heard and filed.

HEARD AND FILED

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)

Motion No. M21-145

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

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 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

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 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.

Board of Supervisors Sitting as a Committee of the Whole

211064 [Hearing - Committee of the Whole - CleanPowerSF Community Aggregation Program Electric Generation Rates and Charges - San Francisco Public Utilities Commission - October 19, 2021, at 3:00 p.m.]

Hearing of the Board of Supervisors convening as a Committee of the Whole on October 19, 2021, at 3:00 p.m., to consider the CleanPowerSF Community Aggregation Program electric generation rates and charges from the San Francisco Public Utilities Commission, and the Board may reject these rates by resolution, pursuant to Charter, Section 8B.125; scheduled pursuant to Charter, Section 8B.125. (Clerk of the Board)

(Pursuant to Charter, Section 8B.125, the Public Utilities Commission shall set rates, fees and other charges in connection with providing utility services, which are subject to rejection by resolution of the Board of Supervisors within 30 days of submission. If the Board fails to act within 30 days, the rates shall become effective. Transmittal Date: September 30, 2021.)

President Walton opened the public hearing and Supervisor Chan provided opening remarks and indicating she would be making a motion to continue this Hearing to a later date. The President then inquired as to whether any individual wished to address the Board regarding the proposed continuance. There were no speakers. President Walton closed public comment on the continuance, adjourned as a Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Chan, seconded by Supervisor Melgar, 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

Committee of the Whole Adjourn and Report

COMMITTEE REPORTS

Recommendations of the Rules Committee

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

Sponsors: Mayor; Mandelman and Mar

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 Mar 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

210935 [Administrative Code - Cannabis Oversight Committee Sunset Date]

Sponsor: Chan

Ordinance amending the Administrative Code to extend the sunset date for the Cannabis Oversight Committee from December 3, 2021, to January 1, 2025.

PASSED ON FIRST READING 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

Bill Barnickel; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Jason Chittavong; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Speaker; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Hanley Chan; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Edwardo Ramirez; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Jay Wilson; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Nicholas Rusanoff; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Joseph Abba; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Peter Warfield; expressed concerns regarding social media platforms and the harm it causes to children and mental health, and the Public Library's use of these platforms.

Jenny Perez; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Beverly Upton; expressed support of the Resolution recognizing October as Domestic Violence Awareness Month (File No. 211061).

Speaker; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Christopher McDonald; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Speaker; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Jason Baker; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Courtney Ellington; expressed support of newly introduced legislation giving veterans affordable housing priority and another discounting park fees for veterans and active members.

Speaker; spoke on concerns.

Shirley Mole; expressed concerns regarding not being able to speak on an item that was already heard in committee.

Speaker; spoke on concerns regarding providing public comment.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

211055 [Supporting the Low-Income First-Time Homebuyers Act and Establishing a Municipal Bank]

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

Resolution supporting the Low-Income First-Time Homebuyers (LIFT) Act; urging the Mayor's Office of Housing and Community Development to work with the Treasurer and Tax Collector's Office to identify ways to help low-income residents obtain low-interest loans to purchase their first home; and urging the Treasurer and Tax Collector's Office to continue working with the Reinvest in San Francisco Working Group, the Board of Supervisors, and the Local Agency Formation Commission to establish a Municipal Bank in San Francisco.

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

ADOPTED

211056 [Supporting the Members of the International Alliance of Theatrical Stage Employees]

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

Resolution standing in solidarity with the members of the International Alliance of Theatrical Stage Employees working in the motion picture and television production industry who are fighting against dangerous work practices in California.

Supervisors Mar, Haney, and Safai requested to be added as co-sponsors.

ADOPTED

211059 [Approval of a 12-Month Extension for Planning Commission Review of an Ordinance Amending the Planning Code to Provide a Density Limit Exception to Permit Up to Four Dwelling Units Per Lot in RH (Residential, House) Zoning Districts (File No. 210866)]

Sponsor: Mandelman

Resolution extending by 12-months the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 210866) amending the Planning Code to provide a density limit exception to permit up to four dwelling units per lot in RH (Residential, House) zoning districts; 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

211060 [Urging the Secretary of the Interior to Recognize the Crash Site of Roberto Clemente's Airplane as a Historic Landmark]

Sponsors: Safai; Melgar

Resolution urging the Secretary of the Interior to recognize the crash site of Roberto Clemente's airplane and adjacent land in the National Register of Historic Places.

ADOPTED

211061 [Domestic Violence Awareness Month - October]**Sponsors: Stefani; Walton, Safai, Mandelman, Chan, Melgar, Peskin, Ronen, Preston, Mar and Haney**

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

*Supervisors Preston, Mar, and Haney requested to be added as co-sponsors.***ADOPTED****211065 [Certification of Election Results - September 14, 2021 - Gubernatorial Recall Election]****Sponsor: Walton**

Resolution certifying the results of the September 14, 2021, Gubernatorial Recall Election.

ADOPTED**The foregoing items were acted upon 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 ORDINANCES**211068 [Settlement of Lawsuit - Tamsyn Waterhouse - \$45,000]**

Ordinance authorizing settlement of the lawsuit filed by Tamsyn Waterhouse against the City and County of San Francisco for \$45,000; the lawsuit was filed on March 6, 2020, in San Francisco Superior Court, Case No. CGC-20-583543; entitled Tamsyn Waterhouse v. City and County of San Francisco; the lawsuit involves a flooding event inside the plaintiff's home. (City Attorney)

10/04/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

211069 [Settlement of Lawsuit - Christina Yiu and Jeremy Yiu - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Christina Yiu and Jeremy Yiu against the City and County of San Francisco for \$135,000; the lawsuit was filed on December 4, 2019, in San Francisco Superior Court, Case No. CGC-19-581298; entitled Christina Yiu, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising from a motor vehicle accident. (City Attorney)

10/04/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

211070 [Settlement of Lawsuit - Victor Picazo - \$46,000]

Ordinance authorizing settlement of the lawsuit filed by Victor Picazo against the City and County of San Francisco for \$46,000; the lawsuit was filed on April 3, 2019, in San Francisco Superior Court, Case No. CGC-19-575009; entitled Victor Picazo v. George Gascon, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

10/04/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

211071 [Settlement of Lawsuit - AmerisourceBergen Corp., Cardinal Health, Inc., and McKesson Corp. - City to Receive \$27 Million to \$50 Million Over 18 Years]

Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against three large distributors of prescription opioids (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) for abatement funds in the range of \$27 million to \$50 million to be paid over 18 years; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation created a public nuisance and violated the Unfair Competition Law and the False Advertising Laws by distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

10/08/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

211072 [Settlement of Lawsuit - Johnson & Johnson - City to Receive \$6 Million to \$11 Million Over 9 Years]

Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals, Inc., for abatement funds in the range of \$6 million to \$11 million to be paid over 9 years; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that Johnson and Johnson's subsidiary, Janssen Pharmaceuticals, Inc., created a public nuisance and violated the Unfair Competition Law and the False Advertising Laws through deceptive marketing of opioids, manufacturing and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and to report suspicious opioid orders as required by state and federal law. (City Attorney)

10/08/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTION

211066 [Settlement of Unlitigated Claim - Shimmick Construction Company, Inc. and F.D. Thomas, Inc. - City to Receive \$750,000]

Resolution approving settlement of the unlitigated claim filed by the City and County of San Francisco against Shimmick Construction Company, Inc. ("Shimmick") and F.D. Thomas, Inc. ("F.D. Thomas") for \$750,000; the claim involves compensation for construction defects allegedly caused by Shimmick Construction Company and F.D. Thomas, Inc. (City Attorney)

09/30/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 9:02 p.m.