

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 28, 2023 - 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

CONNIE CHAN, MATT DORSEY, JOEL ENGARDIO, RAFAEL MANDELMAN,
MYRNA MELGAR, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI,
CATHERINE STEFANI, SHAMANN WALTON

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Homelessness and Behavioral Health Select Committee

Supervisors Ronen, Mandelman, Walton

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd and 4th Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, Joel Engardio, Rafael Mandelman, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, November 28, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:02 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members were present.

President Peskin presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, welcomed members of the public to attend Board meetings and provide comment in-person or view the meeting live on SFGovTV's award winning Cable Channel 26 or at www.sfgovtv.org. Those requiring interpretation services should contact the Office of the Clerk of the Board at least 48 hours in advance of the meeting, pursuant to Administrative Code, Section 91.7.

(Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)

APPROVAL OF MEETING MINUTES

President Peskin inquired whether a Member of the Board had any corrections to the October 17, 2023, or October 24, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Walton, seconded by Supervisor Mandelman, moved to approve the October 17, 2023, and October 24, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

231078 [De-Appropriation and Appropriation - District 7 General City Responsibility - Municipal Transportation Agency - District 7 Vision Zero Project - District 7 Projects and Services - Various Departments - \$527,000 - FY2023-2024]

Sponsor: Melgar

Ordinance de-appropriating \$377,000 from General City Responsibility and \$150,000 from Municipal Transportation Agency (MTA); and re-appropriating \$100,000 to the Arts Commission (ART) for mural artwork, \$98,000 to Children, Youth and Their Families (CHF) for playground upgrades, youth nutrition education, and food security; \$25,000 to the Department of Emergency Services (DEM) for emergency preparedness training and capacity building; \$49,000 to the Department of Public Works (DPW) for irrigation system, outdoor seating area, and trees and plants in three locations; \$50,000 to the Department of Economic and Community Development (ECN) for small business rainy day funds; \$25,000 to the Recreation and Park Department (REC) for removal of storm damage and hazardous trees from Mount Sutro; \$30,000 to the Police Department (POL) for cameras in the Inner Sunset; and \$150,000 to the Municipal Transportation Agency (MTA) for community space design, traffic calming, and traffic safety at three locations in Fiscal Year (FY) FY2023-24.
(Fiscal Impact)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

231046 [Settlement of Lawsuit - Yvonne Detert, et al. - \$137,785.78, Plus Statutory Interest]

Ordinance authorizing settlement of the lawsuit filed by Yvonne Detert, et al. against the City and County of San Francisco, et al. for \$137,785.78, plus statutory interest; the lawsuit was filed on September 21, 2018, in San Francisco Superior Court, Case No. CGC-18-570011; entitled Yvonne Detert, et al. v. City and County of San Francisco, et al.; the lawsuit involves a claim of refund of penalties related to hotel taxes and fees for tax periods October 1, 2013, through and including December 31, 2013. (City Attorney)

PASSED ON FIRST READING

231105 [Settlement of Lawsuit - International Business Machines Corporation - \$1,361,454.60]

Ordinance authorizing settlement of the lawsuit filed by International Business Machines Corporation against the City and County of San Francisco for \$1,361,454.60; the lawsuit was filed on February 25, 2022, in San Francisco Superior Court, Case No. CGC-22-598342; entitled International Business Machines Corporation v. City and County of San Francisco; the lawsuit involves a claim for refund of payroll expense and gross receipts taxes, and related penalties and interest, for the tax year ended December 31, 2018; other material terms of the settlement are that International Business Machines Corporation and its related entities shall take certain filing positions with respect to their gross receipts, homelessness gross receipts, and overpaid executive gross receipts taxes, as applicable, for tax year 2019 and subsequent tax years, and the City will not impose penalties arising from those filing positions for tax years 2019 through 2022. (City Attorney)

PASSED ON FIRST READING

231106 [Settlement of Lawsuit - Mohammad Habib - \$455,000]

Ordinance authorizing settlement of the lawsuit filed by Mohammad Habib against the City and County of San Francisco for \$455,000; the lawsuit was filed on August 29, 2018, in San Francisco Superior Court, Case No. CGC-18-569287; entitled Mohammad Habib v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

231107 [Settlement of Lawsuit - Frederick Schiff et al. - \$380,000]

Ordinance authorizing settlement of the lawsuit filed by Frederick Schiff et al. against the City and County of San Francisco et al. for \$380,000; the lawsuit was filed on June 11, 2019, in the United States District Court for the Northern District of California, Case No. 4:19-cv-03260-YGR; entitled Frederick Schiff et al v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

231108 [Settlement of Lawsuit - Madison Cullinane - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Madison Cullinane against the City and County of San Francisco for \$40,000; the lawsuit was filed on January 27, 2022, in San Francisco Superior Court, Case No. CGC-22-597860; entitled Madison Cullinane v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a motor vehicle accident. (City Attorney)

PASSED ON FIRST READING

231047 [Settlement of Unlitigated Claim - Tim Wong - \$50,000]

Resolution approving the settlement of the unlitigated claim filed by Tim Wong against the City and County of San Francisco for \$50,000; the claim was filed on April 27, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231048 [Settlement of Unlitigated Claim - 99 Ocean Ave., LLC - \$36,000]

Resolution approving the settlement of the unlitigated claim filed by 99 Ocean Ave., LLC against the City and County of San Francisco for \$36,000; the claim was filed on June 16, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231049 [Settlement of Unlitigated Claim - Joseph Hohenrieder - \$35,000]

Resolution approving the settlement of the unlitigated claim filed by Joseph Hohenrieder against the City and County of San Francisco for \$35,000; the claim was filed on November 28, 2022; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231050 [Settlement of Unlitigated Claim - Trung Lam - \$39,000]

Resolution approving the settlement of the unlitigated claim filed by Trung Lam against the City and County of San Francisco for \$39,000; the claim was filed on April 26, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231051 [Settlement of Unlitigated Claim - Gil Orozco - \$65,000]

Resolution approving the settlement of the unlitigated claim filed by Gil Orozco against the City and County of San Francisco for \$65,000; the claim was filed on December 8, 2022; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231052 [Settlement of Unlitigated Claim - Rigoberto Herrera - \$46,867]

Resolution approving the settlement of the unlitigated claim filed by Rigoberto Herrera against the City and County of San Francisco for \$46,867; the claim was filed on February 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231053 [Settlement of Unlitigated Claim - Dolores Street Community Services - \$37,197.48]

Resolution approving the settlement of the unlitigated claim filed by Dolores Street Community Services against the City and County of San Francisco for \$37,197.48; the claim was filed on April 20, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

231055 [Settlement of Unlitigated Claim - Linden Research, Inc. - \$162,466]

Resolution approving the settlement of the unlitigated claim filed by Linden Research, Inc. against the City and County of San Francisco for \$162,466; the claim was filed on June 6, 2023; the claim involves a refund of gross receipts taxes and business registration fees. (City Attorney)

ADOPTED

231110 [Settlement of Unlitigated Claim - Sentinel Insurance Company, Ltd. - \$100,000]

Resolution approving the settlement of the unlitigated claim filed by Sentinel Insurance Company, Ltd. against the City and County of San Francisco for \$100,000; the claim was filed on March 23, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

ADOPTED

Recommendation of the Land Use and Transportation Committee**230924 [Planning Code, Zoning Map - Non-Profit Arts Education Special Use District]**

Sponsor: Peskin

Ordinance amending the Planning Code to create the Non-Profit Arts Education Special Use District (Assessor's Parcel Block No. 49, Lot No. 1, generally bounded by Francisco Street, Jones Street, Chestnut Street, and Leavenworth Street, and numbered as 800 Chestnut Street); amending the Zoning Map to show the Non-Profit Arts Education Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

FINALLY PASSED

Recommendation of the Rules Committee**230895 [Administrative Code - Approval of Airport Surveillance Technology Policies]**

Ordinance approving Airport Surveillance Technology Policies governing the use of 1) application-based commercial transport technology, 2) electronic toll readers, and 3) detection systems for gunshots and other noises. (Airport Commission)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Referred Without Recommendation From the Rules Committee

230985 [Charter Amendment - Minimum Police Department Staffing and Five-Year Annual Funding Requirement]

Sponsor: Safai

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to define "Full-Duty Sworn Officers" for purposes of establishing minimum staffing levels for sworn officers of the Police Department; and, contingent upon the Controller's certification that a future tax measure passed by the voters will generate sufficient additional revenue to fund the cost of employing Full-Duty Sworn Officers at specified minimum staffing levels and the minimum amount necessary to implement a police staffing fund: 1) set the Minimum Staffing Number for five fiscal years beginning with 1,700 full-duty sworn officers in year one, with increases each year such that by the fifth fiscal year, the Minimum Staffing Number shall be 2,074; 2) require for a period of five years that the Mayor and Board of Supervisors appropriate funds to pay for at least the number of sworn officers as of February 1 of the prior fiscal year; 3) establish a Police Full Staffing Fund ("Fund") for a period of five fiscal years to facilitate minimum police staffing; 4) require that \$16.8 million be appropriated into the Fund in the first year, and varying amounts in years two through five, calculated based on staffing shortages, but allowing for a temporary freeze of appropriations to the Fund after the first year in a budgetary or economic emergency; at an election to be held on March 5, 2024.
(Supervisor Dorsey dissented in Committee.)

Privilege of the floor was granted unanimously to Anne Pearson, Deputy City Attorney (Office of the City Attorney), and Ben Rosenfield, Controller (Office of the City Controller), who responded to questions raised throughout the discussion.

ORDERED SUBMITTED by the following vote:

Ayes: 6 - Chan, Melgar, Peskin, Safai, Stefani, Walton

Noes: 5 - Dorsey, Engardio, Mandelman, Preston, Ronen

NEW BUSINESS

Recommendations of the Budget and Finance Committee

231007 [Business and Tax Regulations Code - Transfer Tax Exemption for Affordable Housing]

Sponsors: Preston; Chan, Mandelman, Safai and Ronen

Ordinance amending the Business and Tax Regulations Code to broaden the exemption from the increased transfer tax rates when the consideration or value of the interest or property conveyed equals or exceeds \$5,000,000 for transfers of certain rent-restricted affordable housing; applying the exemption retroactively to transfers occurring on or after January 1, 2017; extending the exemption through December 31, 2030; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

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

PASSED ON FIRST READING by the following vote:

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

231009 [Accept and Expend Grant - California Department of Parks and Recreation - Buchanan Mall Project - \$3,900,000]

Sponsors: Mayor; Preston, Mandelman and Safai

Resolution authorizing the Recreation and Park Department (RPD) to accept and expend up to \$3,900,000 in grant funding from the California Department of Parks and Recreation for the Buchanan Mall Project; to enter into a grant contract with the California Department of Parks and Recreation that require, among other things, that RPD maintain the park as public open space in perpetuity; to record a Declaration of Restrictions on the Buchanan Mall property designated as Assessor's Parcel Block No. 0748, Lot No. 033, Assessor's Parcel Block No. 0757, Lot No. 026, Assessor's Parcel Block No. 0772, Lot No. 023, Assessor's Parcel Block No. 0781, Lot No. 035, and Assessor's Parcel Block No. 0795, Lot No. 028, providing notice of these restrictions; and to authorize the General Manager of RPD to enter into modifications or amendments to the Grant Contract that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Recreation and Park Department)

(Fiscal Impact)

ADOPTED by the following vote:

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

President Peskin requested File Nos. 231111, 231112, and 231116 be called together.

231111 [Real Property Lease - Recology San Francisco - Pier 96 - Approximately \$369,500 Per Month]

Resolution approving Port Commission Lease L-17035 with Recology San Francisco, a California corporation, located at Pier 96 for approximately 196,369 square feet of shed, outbuilding and loading dock space, and approximately 252,319 square feet of paved land and yard space which will initially generate revenue to the Port of approximately \$369,500 per month, for a term of approximately 74 months, effective upon approval of this Resolution; adopting findings under the California Environmental Quality Act; and to authorize the Executive Director of the Port to enter into amendments or modifications to the lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Port)

ADOPTED by the following vote:

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

231112 [Real Property Lease - Anderson Enterprises, Inc. - Portion of Pier 68/70 Shipyard - Initial Monthly Rent of \$66,702.15]

Resolution approving Port Commission Lease No. L-17093 with Anderson Enterprises, Inc., a California corporation, located at the Pier 68/70 Shipyard for approximately 116,343 square feet of paved land and 2,010 square feet of shed space for an initial monthly rent of \$66,702.15 and a term of three years with three mutually agreeable one-year extension options, effective upon approval of this Resolution; and to authorize the Executive Director of the Port of San Francisco to enter into amendments or modifications to the Port Commission License No. L-17093 that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of this Resolution. (Port)

ADOPTED by the following vote:

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

231116 [Real Property Lease Amendments - Seawall Lot 337 Associates, LLC - Mission Rock Parcels A, B, F, and G and Form Lease]

Sponsors: Mayor; Dorsey

Resolution approving certain amendments to the form of the Parcel Lease between the Port and Seawall Lot 337 Associates, LLC, a subsidiary agreement under the Disposition and Development Agreement for the Mission Rock Project; approving certain amendments to the Leases for Parcel A, Parcel B, Parcel F, and Parcel G with affiliates of Developer; adopting findings under the California Environmental Quality Act; and to authorize the Executive Director of the Port to enter into amendments or modifications to the First Amendment to Parcel Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Resolution. (Port)

ADOPTED by the following vote:

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

231131 [Supplementing Resolution No. 7-17 to Authorize Issuance of Bonds by City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) - Not to Exceed \$10,000,000]

Sponsors: Mayor; Dorsey

Resolution supplementing Resolution No. 7-17 of the Board of Supervisors to authorize the issuance and sale by the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) of one or more series of bonds in an aggregate principal amount not to exceed \$10,000,000 approving related documents, including an Official Statement, one or more supplements to Indentures of Trust, Bond Purchase Agreements and Continuing Disclosure Certificates; and determining other matters in connection therewith, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

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

231133 [Loan Amendment - Sunnydale Infrastructure 1A3 LLC - Sunnydale HOPE SF Development - Not to Exceed \$26,567,405]

Sponsors: Mayor; Walton, Safai and Mandelman

Resolution approving and authorizing the execution of a Second Amendment to the Loan Agreement with Sunnydale Infrastructure Phase 1A3 LLC, a California limited liability company, to increase the loan amount by \$1,495,294 for a new total loan amount not to exceed \$26,567,405 to finance additional construction costs for the second phase of infrastructure improvements and housing development related to the revitalization and master development of up to 1770 units of replacement public housing, affordable housing and market rate housing, commonly known as the Sunnydale HOPE SF Development ("Sunnydale Project"); adopting findings that the loan agreement is consistent with the adopted Mitigation Monitoring and Reporting Program under the California Environmental Quality Act, the City's General Plan, and the priority policies of Planning Code, Section 101.1; and to authorize the Director of Mayor's Office of Housing and Community Development to enter into any amendments or modifications to the Agreement that do not materially increase the obligations or liabilities for the City and are necessary to effectuate the purposes of the agreement or this Resolution. (Mayor's Office of Housing and Community Development)

(Fiscal Impact)

ADOPTED by the following vote:

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

231166 [Authorizing the Issuance of Special Tax Bonds - Improvement Area No. 2 of the City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island) - Not to Exceed Aggregate Principal Amount of \$17,000,000]

Sponsors: Mayor; Dorsey

Resolution authorizing the issuance and sale of one or more series of Special Tax Bonds for City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island) with respect to its Improvement Area No. 2 in the aggregate principal amount not to exceed \$17,000,000 approving related documents, including an Official Statement, First Supplement to Fiscal Agent Agreement, Bond Purchase Agreement, and Continuing Disclosure Undertaking; and determining other matters in connection therewith, as defined herein.

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

231095 [Amending the Budget and Legislative Analyst Services Audit Plan - Management of Street Cleaning by Public Works and Interdepartmental Agreements - FY2023-2024]

Sponsor: Preston

Motion directing the Budget and Legislative Analyst to conduct two additional performance audits in Fiscal Year (FY) 2023-2024 on the management of street cleaning by Public Works and of interdepartmental agreements citywide.

Motion No. M23-140

APPROVED by the following vote:

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

Recommendations of the Land Use and Transportation Committee

President Peskin requested File No. 231028 and 231115 be called together.

231028 [Cultural District Street Name Designations - "LEATHER & LGBTQ Cultural District" - Various Locations in the South of Market]

Sponsors: Dorsey; Mandelman

Resolution adding placemaking street signs reading "LEATHER & LGBTQ Cultural District" to 26 existing street signs in the South of Market neighborhood in the vicinity of LEATHER & LGBTQ Cultural District generally bounded by Brannan Street, Third Street, Mission Street, 12th Street, and Division Street in recognition and honor of the extensive history and contributions of the leather and LGBTQ community pursuant to the Commemorative Street Plaque Ordinance in Public Works Code, Sections 789 et seq.

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

ADOPTED by the following vote:

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

231115 [Commemorative Street Name Designation - "MTT Way" - 200 Block of Grove Street]

Sponsors: Mayor; Peskin, Preston, Mandelman, Stefani, Engardio and Ronen

Resolution adding the commemorative street name "MTT Way" to the 200 block of Grove Street in recognition of San Francisco Symphony Music Director Laureate Michael Tilson Thomas's tremendous impact on San Francisco and local arts and culture in the City throughout his 25 years as the Symphony's Music Director, and in celebration of his 79th birthday, in accordance with Public Works Code, Section 789 et seq.

ADOPTED by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

231077 [Police Code - Cannabis Events]

Sponsor: Mandelman

Ordinance amending the Police Code to extend the end date of the Cannabis Event Pilot Program from December 31, 2023, to December 31, 2026.

PASSED ON FIRST READING by the following vote:

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

231104 [Liquor License - 1123 Folsom Street - The Stud]

Resolution determining that the issuance of a Type-48 on-sale general public premises liquor license to Universal Life Corral, LLC, to do business as the Stud, located at 1123 Folsom Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

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

Without objection, Rule 5.36 of the Rules of the Board of Supervisors was suspended to grant privilege of the floor to the following guest(s).

Supervisor Chan introduced, welcomed, and presented a Certificate of Honor to In-Home Supportive Services, accepted by Po Sum Poon, in recognition of their commitment to fostering a compassionate and inclusive community and the services they provide to the most vulnerable.

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Martha Ryan in recognition of her countless accomplishments supporting and providing prenatal services to women in need and founding the Homeless Prenatal Program. Supervisors Walton, Stefani, and Preston shared in this commendation.

Supervisor Safai introduced, welcomed, and presented a Certificate of Honor to Joseph Martinez, Founder and former Executive Director of the Mission Child Care Consortium Inc., in recognition of his accomplishments providing career building services for teenagers and educational experiences that support children and families.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Mandelman assumed the chair at 3:12 p.m. The President resumed the chair 3:13 p.m.

Referred Without Recommendation from the Land Use and Transportation Committee**COMMITTEE REPORTS****230446 [Planning and Subdivision Codes, Zoning Map - Housing Production]****Sponsors: Mayor; Engardio and Dorsey**

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; 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.

Supervisor Mandelman, seconded by Supervisor Melgar, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of December 5, 2023. The motion carried by the following vote:

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

230701 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]**Sponsors: Mayor; Engardio, Dorsey, Melgar, Stefani and Mandelman**

Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 7) expand business types that qualify for the Planning Department priority review program; 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; and 12) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; and affirming the Planning Department's determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.
(Economic Impact)

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

230768 [Public Works Code - Authorizing and Permitting Neighborhood Amenities]**Sponsors: Melgar; Stefani, Mandelman, Ronen, Engardio and Chan**

Ordinance amending the Public Works Code to streamline and authorize the approval of certain neighborhood amenities, also known as Love Our Neighborhoods Projects, in sidewalks and other public right-of-ways within the Department of Public Works' jurisdiction, to reduce fees for certain minor encroachment permits, to waive certain annual encroachment assessments, to clarify the approval process for commemorative plaques, and to clarify the permitting, revocation, and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

231175 [Urging the City Attorney and the Mayor to Respond to HCD's "Policy and Practice Review" by Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and Corrections; and Setting City Policy for Implementation of the Housing Element]**Sponsors: Peskin; Chan and Mandelman**

Resolution directing the City Attorney and the City Lobbyist, on behalf of the City, to request that the State Department of Housing and Community Development (HCD) extend the Housing Element Implementation Action Plan deadline to ensure all of San Francisco's extensive, collaborative work to further housing development does not 1) lead to de-certification of San Francisco's thorough and adopted Housing Element; 2) to revise and correct HCD's "Policy and Practice Review" letter to be responsive to San Francisco's adopted Housing Element, including its actions on affordable housing and equity; and 3) to be responsive to the City's legal obligations to affirmatively further Fair Housing, San Francisco's Chartered legislative process, and San Francisco's status as a Charter City imbued with the power of local action over municipal affairs.

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Mandelman assumed the chair at 4:06 p.m. The President resumed the chair 4:08 p.m.

PUBLIC COMMENT

Thierry Fill; shared concerns regarding technology, how it is being weaponized, and how it prohibits beauty.

Christopher Kline; expressed concerns regarding digital surveillance and how it is used by large corporations.

Brenda Barros; expressed concerns regarding staffing issues at the Department of Public Health. Speaker; shared personal religious views.

Lea McGeever; expressed opposition to an individual's personal viewpoints and social media activity. Speaker; shared concerns regarding rent control.

JConr B. Ortega; expressed concerns regarding safety for businesses and the lack of funding to address these issues.

Sala-Haquekyah Chandler; shared concerns regarding the need to be involved in government and requested two homes be considered for non-profit services.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

231203 [Cancelling Committee of the Whole - Report of Delinquent Real Property Transfer Taxes - January 9, 2024, at 3:00 p.m.]

Motion rescinding the Board of Supervisors approval (Motion No. M23-133; File No. 231063) to sit as a Committee of the Whole on January 9, 2024, at 3:00 p.m., to hold a public hearing on a Resolution confirming report of delinquent real property transfer tax under Business and Tax Regulations Code, Section 1115.1(c), for Assessor's Parcel Block No. 0340, Lot No. 004 (2-16 Turk Street), and cancelling the subject Committee of the Whole. (Clerk of the Board)

Motion No. M23-141

APPROVED

231206 [Amending Board Rules of Order - Amending Board Rule 3.25 and Striking Board Rule 3.32 to Remove the Homelessness and Behavioral Health Select Committee]**Sponsor: Peskin**

Motion amending the Board Rules of Order of the Board of Supervisors by striking Board Rule 3.32 to remove the Homelessness and Behavioral Health Select Committee; and amending Board Rule 3.25 to remove the subject Committee as a fiscal committee.

(Pursuant to Board Rule 3.26.1, an amendment to the Board of Supervisors' Rules of Order shall be adopted by the affirmative vote of two-thirds (8 votes) of the Board of Supervisors.)

Motion No. M23-142

APPROVED

The foregoing items were acted upon by the following vote:

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

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

Supervisor Chan, seconded by Supervisor Mandelman, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

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

[Brown Act Finding]

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

Supervisor Chan, seconded by Supervisor Mandelman, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

231220 [In-Home Supportive Services Provider Day - November 28, 2023]**Sponsor: Chan**

Resolution declaring November 28, 2023, as In-Home Supportive Services (IHSS) Provider Day in the City and County of San Francisco; recognizing the compassionate services of IHSS providers to our most vulnerable; and urging our state and federal governments to advance quality care and good jobs.

President Peskin inquired whether any individual wished to address the Board on the Imperative Agenda item regarding In-Home Supportive Services Provider Day (File No. 231220). There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

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

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

231211 [Settlement of Lawsuit - Phaedra Michelle Scott - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Phaedra Michelle Scott against the City and County of San Francisco for \$40,000; the lawsuit was filed on September 27, 2021, in San Francisco Superior Court, Case No. CGC-21-595521; entitled Phaedra Michelle Scott v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from tripping due to a pothole. (City Attorney)

11/09/23; RECEIVED FROM DEPARTMENT.

11/28/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

231212 [Settlement of Lawsuit - Alfred Coutts - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Alfred Coutts against the City and County of San Francisco for \$190,000; the lawsuit was filed on May 14, 2020, in San Francisco Superior Court, Case No. CGC-20-584459; entitled Alfred Coutts, et al. v. City and County of San Francisco, et. al.; the lawsuit involves allegations of negligence, dependent adult neglect/abuse, and violations of the Patient's Bill of Rights concerning Mr. Coutts' care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

11/13/23; RECEIVED FROM DEPARTMENT.

11/28/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

231213 [Settlement of Lawsuit - Peyman Pakdel and Sima Chegini - \$450,000]

Ordinance authorizing settlement of the lawsuit filed by Peyman Pakdel and Sima Chegini against the City and County of San Francisco for \$450,000; the lawsuit was filed on June 26, 2017, in the United States District Court for the Northern District of California, Case No. 3:17-cv-03638; entitled Peyman Pakdel, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged diminution of Plaintiffs' property value as a result of conditions of approval of San Francisco's Expedited Conversion Program; other material terms of the settlement include the Plaintiffs' sale of the property to the current tenant and termination of the lifetime lease under the Expedited Conversion Program. (City Attorney)

11/14/23; RECEIVED FROM DEPARTMENT.

11/28/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

231214 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures - Term Extension]

Resolution approving Amendment No. 48 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, 2023, for a total term of November 19, 1998, through November 30, 2024; and to authorize the Treasure Island Director to execute and enter into amendments to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes and intent of this Resolution. (Treasure Island Development Authority)

11/16/23; RECEIVED FROM DEPARTMENT.

11/28/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:35 p.m.