

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 6, 2022 - 2:00 PM

IN-PERSON MEETING

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

(remote access provided)

(remote public comment provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT DORSEY, 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 Ronen, Safai, Chan, Mar, Walton

Budget and Finance Committee

Supervisors Ronen, Safai, Chan

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, Melgar

Rules Committee

Supervisors Peskin, Mandelman, Chan

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Dorsey

Meeting Days

Wednesday

1:00 PM

Wednesday

12:30 PM

1st and 3rd Thursday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

2nd Friday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, 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, in-person with remote access and public comment also available via telephone, on Tuesday, December 6, 2022, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:00 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public 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. Committee 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 or bos@sfgov.org.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

All Members of the Board were present.

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

COMMUNICATIONS

*Alisa Somera, Legislative Deputy Director, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the November 1, 2022, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Stefani, seconded by Supervisor Dorsey, moved to approve the November 1, 2022, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

220947 [Contracting Process - Communications Based Train Control System - Waiver of Administrative Code Contract Prohibition and Authorization to Use Negotiated Procurement Procedures]

Sponsors: Mayor; Mandelman, Melgar, Dorsey and Safai

Ordinance authorizing the Municipal Transportation Agency to issue a Request for Proposals for a Communications Based Train Control System to be awarded by a contract with a term exceeding ten years; waiving the Administrative Code prohibition against issuing solicitations for a contract for general or professional services for a term longer than ten years; authorizing use of negotiated procurement procedures, stating that the award of the contract will be subject to the approval of the Board of Supervisors pursuant to Charter, Section 9.118(b); and adopting findings under the California Environmental Quality Act.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee**220729 [Settlement of Lawsuit - Phi Associates (Drisco Hotel) to Make Payments to Benefit the Swords to Plowshares Veterans Academy \$2,500,000]**

Ordinance authorizing settlement of the lawsuit filed by Phi Associates L.P., against the City and County of San Francisco for payments by Phi Associates of \$2,500,000 to provide construction loan repayment, and fund capital improvements and operating reserves, and thereby support affordable housing for veterans at the Veterans Academy located at 1030 Girard Road, San Francisco, operated by Swords to Plowshares ("Veterans Academy"), in exchange for the release of 16 Residential Hotel rooms from regulation under the Hotel Conversion Ordinance; the lawsuit was filed on March 17, 2021, in San Francisco Superior Court, Case No. CPF-21-517409, entitled Phi Assoc., L.P. v. City and County of San Francisco; the lawsuit involves petitioner's challenge to the City's enforcement of the Hotel Conversion Ordinance at the Drisco Hotel, located at 2901 Pacific Avenue, San Francisco. (City Attorney)

FINALLY PASSED

221048 [Settlement of Lawsuit - John LaSalle - \$489,000]

Ordinance authorizing settlement of the lawsuit filed by John LaSalle against the City and County of San Francisco for \$489,000; the lawsuit was filed on January 21, 2021, in San Francisco Superior Court, Case No. CGC-21-589176; entitled John LaSalle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from collision with City vehicle. (City Attorney)

FINALLY PASSED

221049 [Settlement of Lawsuit - Crystal Gomez and Martha Gomez - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Crystal Gomez and Martha Gomez against the City and County of San Francisco for \$60,000; the lawsuit was filed on July 14, 2021, in U.S. District Court for the Northern District of California, Case No. 21-cv-05394 JCS; entitled Crystal Gomez and Martha Gomez v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

FINALLY PASSED

221050 [Settlement of Lawsuit - Linda Gebroe - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Gebroe against the City and County of San Francisco for \$40,000; the lawsuit was filed on May 7, 2021, in San Francisco Superior Court, Case No. CGC-21-591651; entitled Linda Gebroe v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee

220542 [Planning Code - Temporary Safe Overnight Parking and Cannabis Retail Uses]

Sponsor: Safai

Ordinance amending the Planning Code to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; extending the date for expiration of temporary cannabis retail uses to January 1, 2024; 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 welfare findings pursuant to Planning Code, Section 302.

FINALLY PASSED

Recommendations of the Rules Committee

220702 [Administrative Code - Definitions of Prohibited Discrimination in Contracting Ordinances and Human Rights Commission Ordinance]

Sponsors: Mayor; Mandelman, Dorsey and Mar

Ordinance amending the Administrative Code to revise the definitions of gender identity, sex, and sexual orientation, and add the definition of gender expression, in Chapters 12B and 12C (ordinances prohibiting discrimination in contracting including property contracts); revise the definition of age in Chapters 12A (the Human Rights Commission ordinance) and 12B; and revise the definition of disability in Chapters 12A, 12B, and 12C.

FINALLY PASSED

221125 [Administrative Code - 706 Mission Fund]

Sponsors: Peskin; Dorsey, Chan and Mandelman

Ordinance amending the Administrative Code to establish the 706 Mission Fund to receive funds provided to the City under the 2013 purchase and sale agreement regarding the property at 706 Mission Street; to authorize the Recreation and Park Department and the Mayor's Office of Housing and Community Development to expend monies from the Fund for specified purposes after receiving recommendations from the SoMa Community Stabilization Fund Community Advisory Committee; and to require the Recreation and Park Department and the Mayor's Office of Housing and Community Development to prepare reports regarding expenditures from the Fund.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules Committee

220641 [Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]

Sponsor: Mayor

Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's use of Equipment Policy.

Supervisor Peskin requested this Ordinance be DUPLICATED.

See Duplicate File No. 221242.

Privilege of the floor was granted unanimously to Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Chan, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 8, Lines 8-15, by striking 'with the following modification: Section 1.A.5 ("Unmanned, remotely piloted, powered ground vehicle (ground): Authorized Use") is amended to replace the words "outweighs any other force option available to SFPD" with "officers cannot subdue the threat after using alternative force options or de-escalation tactics or conclude that they will not be able to subdue the threat after evaluating alternative force options and de-escalation tactics. Only the Chief, Assistant Chief of Operations, or Deputy Chief of Special Operations may authorize the use of robots as a deadly force option."' The motion carried by the following vote:

Ayes: 6 - Chan, Mar, Melgar, Peskin, Preston, Safai

Noes: 5 - Dorsey, Mandelman, Ronen, Stefani, Walton

Supervisor Ronen, seconded by Supervisor Melgar, moved to rescind the previous vote. The motion carried by the following vote:

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

Supervisor Peskin, seconded by Supervisor Chan, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE in Board, on Page 8, Lines 8-15, by striking 'with the following modification: Section 1.A.5 ("Unmanned, remotely piloted, powered ground vehicle (ground): Authorized Use") is amended to replace the words "outweighs any other force option available to SFPD" with "officers cannot subdue the threat after using alternative force options or de-escalation tactics or conclude that they will not be able to subdue the threat after evaluating alternative force options and de-escalation tactics. Only the Chief, Assistant Chief of Operations, or Deputy Chief of Special Operations may authorize the use of robots as a deadly force option."' , and by adding 'robots will not be used as a deadly force option.'. The motion carried by the following vote:

Ayes: 8 - Chan, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 3 - Dorsey, Mandelman, Stefani

Although it was not required, Supervisor Peskin, seconded by Supervisor Ronen, moved that this Ordinance be **PASSED ON FIRST READING AS AMENDED**. The motion carried by the following vote:

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

221242 [Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment]

Sponsor: Mayor

Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's use of Equipment Policy.

Duplicated from File No. 220641.

Supervisor Peskin, seconded by Supervisor Chan, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 8, Lines 8-15, by only including references to the 'unmanned, remotely piloted, powered ground vehicle policy.' The motion carried by the following vote:

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

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

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Supervisor Safai was noted absent at 3:20 p.m. and present at 3:25 p.m.

221028 [Accept and Expend Grant - State of California General Fund Grant - Improvements for Japantown Peace Plaza, Buchanan Center Mall - \$5,000,000]

Sponsors: Mayor; Preston, Chan, Mar, Peskin, Walton and Safai

Resolution approving the acceptance of \$5,000,000 of General Fund grant funds from the State of California for the planning, design, and construction of physical improvements and enhancements to the Japantown Peace Plaza at the Buchanan Center Mall; making certain certifications required to receive the funds; authorizing Public Works and other City departments to expend such funds for this project for the period of October 2022 through March 2026; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

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

ADOPTED by the following vote:

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

Absent: 1 - Safai

Supervisor Safai, seconded by Supervisor Chan, moved to rescind the previous vote. The motion carried by the following vote:

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

ADOPTED by the following vote:

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

221109 [Accept and Expend Grant - Retroactive - 2018 Repurposed Federal Earmark - Sloat Infrastructure Improvements - \$163,513]**Sponsors: Mayor; Melgar and Mar**

Resolution retroactively authorizing Public Works to accept and expend an earmark grant of \$163,513 from the Federal Highway Administration 2018 Earmark Repurposing Final Approved List to fund the construction of the Sloat Infrastructure Improvements project for a term of September 16, 2021, through December 1, 2023; authorizing Public Works to execute all required documents for the project; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

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

ADOPTED by the following vote:

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

221119 [Contract Amendment - Richmond Area Multi Services, Inc. - Behavioral Health Peer Services - Not to Exceed \$29,116,181]

Resolution approving Amendment No. 1 to the agreement between Richmond Area Multi Services, Inc. and the Department of Public Health (DPH), to provide behavioral health peer services, to increase the agreement by \$19,253,431 for an amount not to exceed \$29,116,181; to extend the term by three and one-half years from December 30, 2022, for a total agreement term of July 1, 2021, through June 30, 2026; and to authorize DPH to enter into amendments or modifications to the contract prior to its final execution by all parties 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. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

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

221120 [Site Use Agreement - VB Nimbus, LLC - Radio Equipment - 32322 S Corral Hollow Road, Tracy - Initial Annual Rent of \$30,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into a Site Use Agreement with VB Nimbus, LLC, a Delaware limited liability company, for the installation, operation, maintenance, repair, and replacement of radio equipment at 32322 S Corral Hollow Road in Tracy, at an initial annual use fee of \$30,000 with annual increases of three percent for an initial five-year term, commencing January 1, 2023, through December 21, 2028, with four five-year extension options for the SFPUC Water Enterprise Radio Replacement Project (Project), pursuant to Charter, Section 9.118; affirming the Planning Department's determination that the project is categorically exempt from environmental review under the California Environmental Quality Act; and to authorize the General Manager of the SFPUC to enter into amendments or modifications to the Agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Agreement or this Resolution. (Public Utilities Commission)

ADOPTED by the following vote:

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

221148 [Accept and Expend Grant - Retroactive - California State Water Resources Control Board - Public Beach Safety Program Grant - \$87,675]

Sponsors: Mayor; Dorsey, Stefani, Mar and Walton

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$87,675 from the California State Water Resources Control Board, Division of Water Quality Beach Safety Program, to participate in a program, entitled "Public Beach Safety Program Grant," for the period of July 1, 2022, through June 30, 2025. (Public Health Department)

ADOPTED by the following vote:

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

221168 [Accept and Expend Grant; Cooperative Agreement - Retroactive - Caltrans Clean California Enhancement Program - Potrero Gateway Streetscape Improvement Project - \$1,275,000]

Sponsors: Mayor; Walton

Resolution retroactively authorizing Public Works to accept and expend \$1,275,000 from the California Department of Transportation's ("Caltrans") Clean California Local Enhancement Program for the construction of improvements and enhancements on the state highway system in support of the Potrero Gateway Streetscape Improvement project to commence August 2022 through March 2026; approving and authorizing Public Works to enter into a Cooperative Agreement with Caltrans regarding project construction and implementation; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

ADOPTED by the following vote:

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

221172 [Loan Amendment - Maceo May Apts, L.P. - 100% Affordable Housing at 55 Cravath Street (formerly 401 Avenue of the Palms) - Not to Exceed \$39,238,000]

Sponsors: Mayor; Dorsey

Resolution approving and authorizing the execution of a First Amendment to the Amended and Restated Loan Agreement with Maceo May Apts, L.P., a California limited partnership, to increase the loan amount by \$14,983,000 for a new total loan amount not to exceed \$39,238,000 to finance additional construction costs and loss of permanent financing related to the 100% affordable, 105 unit multifamily rental housing development (plus one staff unit) for low and moderate income veteran households located at 55 Cravath Street (formerly 401 Avenue of the Palms) on Treasure Island ("Maceo Project"); and adopting findings that the First Amendment to the Amended and Restated Loan Agreement 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, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendation of the Land Use and Transportation Committee

221065 [General Plan - Adopting the 2022 Safety & Resilience Element]

Ordinance amending the San Francisco General Plan by repealing the 2012 Community Safety Element and adopting the 2022 Safety & Resilience Element; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

Referred Without Recommendation from the Land Use and Transportation Committee

220875 [Park Code - Upper Great Highway - Pilot Weekend and Holiday Vehicle Restrictions]

Sponsors: Mar; Preston and Dorsey

Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025; making associated findings under the California Vehicle Code; 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.

Supervisor Melgar, seconded by Supervisor Chan, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 23, and on Page 6, Line 9, to change the time of restriction to Saturday at 6:00 a.m. to Monday at 6:00 a.m. The motion FAILED by the following vote:

Ayes: 3 - Chan, Melgar, Walton

Noes: 8 - Dorsey, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Dorsey, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Noes: 2 - Chan, Melgar

Recommendation of the Rules Committee

221024 [Administrative Code - Special Needs Trusts as Retirement Beneficiaries]

Sponsors: Safai; Mandelman and Chan

Ordinance amending the Administrative Code to permit members of the San Francisco Employees' Retirement System (SFERS) to designate Special Needs Trusts as retirement beneficiaries in certain circumstances, and to specify requirements for those trusts.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, 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 Mar introduced, welcomed, and presented a Certificate of Honor to Brandon Lee in recognition of his activism and bravery after the assassination attempt on his life by the Philippine government.

Supervisor Chan introduced, welcomed, and presented a Certificate of Honor to Matilda "Miss Tilly" Abbe on the occasion of her retirement after 52 years teaching ballet to thousands of San Francisco children.

Supervisor Safai introduced, welcomed, and presented a Certificate of Honor to Ahmed Abozayd on the occasion of his retirement after 25 years of service with SEIU Local 87 and the 23 years he served as Vice President. Supervisors Dorsey, Mandelman, Ronen, Melgar, and Walton shared in this commendation.

COMMITTEE REPORTS

Recommendations of the Land Use and Transportation Committee

220811 [Planning Code - Automotive Uses]

Sponsors: Mayor; Mandelman

Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, except for Residential-Mixed (RM) and Residential-Commercial (RC) districts and designated historic districts, but which do not currently have any residential use or a legacy business, and to remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; 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 as required by Planning Code, Section 302.

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

PASSED ON FIRST READING by the following vote:

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

221103 [Fire Code - Repealing 2019 Code, Adopting 2022 Code]**Sponsors: Mayor; Peskin and Chan**

Ordinance repealing the existing San Francisco Fire Code in its entirety and enacting a new San Francisco Fire Code consisting of the 2022 California Fire Code and portions of the 2018 International Fire Code, together with amendments specific to San Francisco, including provisions for fees for permits, inspections, and various City services, with an operative date of January 1, 2023; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

PASSED ON FIRST READING by the following vote:

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

221165 [Planning Code - Landmark Designation - St. James Presbyterian Church]**Sponsor: Walton**

Ordinance amending the Planning Code to designate St. James Presbyterian Church, at 240 Leland Avenue, Assessor's Parcel Block No. 6246, Lot No. 012, 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)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee**221126 [Administrative Code - Social Impact Commitments in Contracting]****Sponsors: Ronen; Safai, Preston, Stefani, Peskin, Chan, Mar, Walton, Melgar, Dorsey and Mandelman**

Ordinance amending the Administrative Code to authorize the San Francisco Public Utilities Commission to include Social Impact Commitment criteria as a qualitatively scored element in solicitations for certain contracts at designated thresholds.

PASSED ON FIRST READING by the following vote:

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

221159 [Memorandums of Understanding - Citywide Amendment - Hospital and Skilled Nursing Facility COVID-19 Worker Retention Pay]

Sponsor: Mayor

Ordinance adopting and implementing an Amendment to the current Memorandums of Understanding and Collective Bargaining Agreements between the City and County of San Francisco and each of the Unions identified in Appendix A of the Proposed Amendment, to provide hospital and skilled nursing facility Covid-19 worker retention pay to select classifications of workers, effective January 31, 2023.

Privilege of the floor was granted unanimously to Ardis Graham (Department of Human Resources) who responded to questions raised throughout the discussion.

PASSED, ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Hadar Aviram; spoke in support of the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Jordan Davis; expressed concerns regarding housing evictions.

Linda Chapman; expressed concerns regarding organizing in support of housing.

Brent Turner; expressed concerns regarding the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Speaker; expressed concerns regarding the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Dave Schmidt; expressed concerns regarding the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Carla Kincaid Yoshikawa; expressed concerns regarding the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Shane Keely; spoke in support of the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Alec Bash; spoke in support of the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Mark; expressed concerns regarding open streets and the Department of Elections.

Mayank Patel; spoke in support of the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Speaker; expressed concerns on various topics.

Francisco Da Costa; expressed concerns regarding the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

John Anderson; spoke in support of the Resolution urging the inclusion of Climate Action Plan funding priorities in the General Obligation Bond Schedule (File No. 221208).

Elliott Hellman; spoke in support of the Resolution urging the inclusion of Climate Action Plan funding priorities in the General Obligation Bond Schedule (File No. 221208).

Michael Petrelis; expressed concerns regarding the placement of general public comment on the Board agenda and the loss of seats at the Castro Theatre.

Susan Greene; spoke in support of the Resolution urging the inclusion of Climate Action Plan funding priorities in the General Obligation Bond Schedule (File No. 221208).

Carl Carter; expressed concerns regarding the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Leo Samuelson; spoke in support of the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

David Pilpel; spoke in support of File Nos. 221210, 221211, and 221212.

Michael Bleeker; spoke in support of the Resolution of Intent to not appropriate fundings for recruitment services and urging reappointment of the Director of Elections (File No. 221210).

Stephanie Ciancio; spoke in support of the Resolution urging the inclusion of Climate Action Plan funding priorities in the General Obligation Bond Schedule (File No. 221208).

Tom Whitehead; spoke in support of the Resolution urging the inclusion of Climate Action Plan funding priorities in the General Obligation Bond Schedule (File No. 221208).

Citizen 22; expressed concerns regarding law enforcement and women's rights.

Sarah Greenwalk; spoke in support of the Resolution urging the inclusion of Climate Action Plan funding priorities in the General Obligation Bond Schedule (File No. 221208).

Speaker; expressed concerns regarding various matters.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Ronen was noted not present at 5:29 p.m. and attending remotely at 5:31 p.m.

221207 [Josè Sarria Day - December 13, 2022]

Sponsors: Mandelman; Dorsey, Preston and Mar

Resolution declaring December 13, 2022, to be “Josè Sarria Day” in the City and County of San Francisco, in recognition of his significant contributions to San Francisco and LGBTQ+ history, and in celebration of his 100th Birthday.

Supervisors Preston and Mar requested to be added as co-sponsors.

ADOPTED

221208 [Urging the Inclusion of Climate Action Plan Funding Priorities in the General Obligation Bond Schedule]

Sponsors: Mar; Melgar

Resolution urging the Capital Planning Committee to include Climate Action Plan (CAP) funding priorities recommended by the Center for Law, Energy & the Environment (CLEE) Report, entitled “Funding San Francisco Climate Action: Strategies for Revenue, Implementation, and Equity,” in the proposed General Obligation (GO) Bond schedule.

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

ADOPTED

221213 [Commemorating World Expo 2025 in Osaka, Kansai, Japan]

Sponsor: Stefani

Resolution commemorating the World Expo Event "Expo 2025 Osaka, Kansai Japan" held in Osaka, Japan.

ADOPTED

221214 [Committee of the Whole - Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area - Zone One, Block 2 - January 10, 2023, at 3:00 p.m.]

Sponsor: Dorsey

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 10, 2023, at 3:00 p.m., to hold a public hearing to consider an Ordinance for the proposed Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area to increase bulk limits on Block 2 of Zone One of the Transbay Redevelopment Project Area (Assessor’s Parcel Block No. 3739, Lot No. 014), located on the north side of Folsom Street between Beale and Main Streets, by increasing certain maximum floor plate sizes.

Motion No. M22-186

APPROVED

221195 [Final Map No. 11079 - 3452-3456 Sacramento Street]

Motion approving Final Map No. 11079, a three-lot vertical subdivision, and a three-unit condominium project, located at 3452-3456 Sacramento Street, being a subdivision of Assessor's Parcel Block No. 1009, Lot No. 012; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-187

APPROVED

221196 [Final Map No. 9713 - 2918 Mission Street]

Motion approving Final Map No. 9713, a 75 residential unit and four commercial unit condominium project, located at 2918 Mission Street, being a subdivision of Assessor's Parcel Block No. 6529, Lot No. 051; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-188

APPROVED

221197 [Final Map No. 10742 - 30 Van Ness Avenue]

Motion approving Final Map No. 10742, a 333 residential unit and five commercial unit mixed-use condominium project, located at 30 Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 0835, Lot No.004; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-189

APPROVED

221198 [Final Map No. 11008 - 2525 Van Ness Avenue]

Motion approving Final Map No. 11008, a 28 unit residential and one commercial unit condominium project, located at 2525 Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 0527, Lot No. 004; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-190

APPROVED

221199 [Final Map No. 11009 - 923-937 Kansas Street]

Motion approving Final Map No.11009, an eight residential unit condominium project, four lots being two residential condominiums, located at 923-937 Kansas Street, being a subdivision of Assessor's Parcel Block No. 4094, Lot Nos. 045, 046, 047, and 048; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-191

APPROVED

221200 [Final Map No. 11026 - 986 South Van Ness Avenue]

Motion approving Final Map No. 11026, a 15-unit residential condominium project, located at 986 South Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 3610, Lot No. 010; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M22-192

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Peskin requested that File Nos. 221210, 221211, and 221212 be severed so that they may be considered separately.

221210 [Resolution of Intent to Not Appropriate Funding for Executive Recruitment Services and Urging Reappointment of Incumbent Director of Elections]

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

Resolution declaring the Board of Supervisors' intent to not appropriate funding for the services of an executive recruitment firm to engage in a search for a new Director of Elections, and urging the Elections Commission to reappoint the incumbent Director.

Supervisor Peskin, seconded by Supervisor Safai, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of December 13, 2022. The motion carried by the following vote:

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

221211 [Ethics Commission Audits Backlog]

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

Resolution urging the Ethics Commission to timely complete backlog of outstanding campaign finance and lobbyists audits.

Supervisors Mar and Stefani requested to be added as co-sponsors.

ADOPTED by the following vote:

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

221212 [City Policy - Autonomous Vehicles Declaration of Policy]

Sponsors: Peskin; Mandelman, Walton and Chan

Resolution declaring the official policy of the City and County of San Francisco regarding Autonomous Vehicle (AV) services and programs, by urging the National Highway Traffic Safety Administration (NHTSA), state and local agencies to condition the granting of permits and incentives on addressing San Francisco's safety concerns.

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

ADOPTED by the following vote:

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

President Walton requested that File No. 221217 be severed so that it may be considered separately.

221217 [Board of Supervisors Regular Meeting Schedule - 2023]

Motion establishing the 2023 Board of Supervisors Regular Meeting Schedule, pursuant to Board of Supervisors Rules of Order, Sections 4.2 and 4.2.1, by cancelling the Regular Board meetings of January 17, February 21, May 30, June 20, July 4, October 10, and November 28; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2023, through January 5, 2024; and further suspending portions of Board Rule 4.2 to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Melgar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 6, and Page 2, Line 4, by changing 'November 28' to 'November 21'; and on Page 2, Lines 13-17, by adding 'FURTHER MOVED, To suspend the portion of Board Rule 4.2 that requires the Board to meet during the week of Thanksgiving and prohibits the Board from meeting the week after Thanksgiving, cancelling the meeting of November 21 to observe the Thanksgiving holiday during the week of Thanksgiving, and scheduling the Board to meet on November 28; and, be it'. The motion carried by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton
Motion establishing the 2023 Board of Supervisors Regular Meeting Schedule, pursuant to Board of Supervisors Rules of Order, Sections 4.2 and 4.2.1, by cancelling the Regular Board meetings of January 17, February 21, May 30, June 20, July 4, October 10, and November 21; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2023, through January 5, 2024; and further suspending portions of Board Rule 4.2 to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

Motion No. M22-193

APPROVED AS AMENDED by the following vote:

Ayes: 11 - Chan, Dorsey, 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

221187 [Administrative Code - Power to Sell for Nonresidential Commercial Properties]

Ordinance amending the Administrative Code to allow the Tax Collector to sell tax-defaulted nonresidential commercial property after five years of nonpayment of property taxes instead of after three years. (Treasurer-Tax Collector)

11/21/22; RECEIVED FROM DEPARTMENT.

12/06/22; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/5/2023.

221188 [Settlement of Lawsuit - Margarita Herrera - \$650,000]

Ordinance authorizing settlement of the lawsuit filed by Margarita Herrera against the City and County of San Francisco for \$650,000; the lawsuit was filed on July 30, 2019, in San Francisco Superior Court, Case No. CGC-19-578026; entitled Margarita Herrera v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221189 [Settlement of Lawsuit - Dante King - \$562,500]

Ordinance authorizing settlement of the lawsuit filed by Dante King against the City and County of San Francisco for \$562,500; the lawsuit was filed on September 21, 2022, in San Francisco Superior Court, Case No. CGC-22-601923; entitled Dante King v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221190 [Settlement of Lawsuit - Michael Oakes - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Oakes against the City and County of San Francisco for \$95,000; the lawsuit was filed on July 10, 2020, in San Francisco Superior Court, Case No. CGC-20-585373; entitled Michael Oakes v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221191 [Settlement of Lawsuit - Jo-Theresa Elias-Jackson - \$92,000]

Ordinance authorizing settlement of the lawsuit filed by Jo-Theresa Elias-Jackson against the City and County of San Francisco for \$92,000; the lawsuit was filed on April 23, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02937-PJH; entitled Jo-Theresa Elias-Jackson v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

221192 [Settlement of Unlitigated Claim - Cassandra McQuaid - \$75,000]

Resolution approving the settlement of the unlitigated claim filed by Cassandra McQuaid against the City and County of San Francisco for \$75,000; the claim was filed on September 10, 2021; the claim involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221193 [Settlement of Unlitigated Claim - Osterweis Capital Management, LLC - \$106,978.79]

Resolution approving the settlement of the unlitigated claim filed by Osterweis Capital Management, LLC against the City and County of San Francisco for \$106,978.79; the claim was filed on September 26, 2022; the claim involves a refund of gross receipts tax. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221194 [Contract - San Francisco AIDS Foundation - Health Access Point Services - Not to Exceed \$11,886,595]

Resolution approving an original contract agreement between the San Francisco AIDS Foundation and the Department of Public Health (DPH), to provide Health Access Point services in an amount not to exceed \$11,886,595 for a total initial contract term of January 1, 2023, through June 30, 2026, and to authorize DPH to enter into amendments or modifications to the contract prior to its final execution by all parties 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. (Public Health Department)

11/22/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:17 p.m.