

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, December 7, 2021 - 2:00 PM

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

(remote public access provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

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

Budget and Finance Committee
Supervisors Haney, Safai, Mar

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

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

Rules Committee
Supervisors Peskin, Mandelman, Chan

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

Meeting Days

Wednesday
1:00 PM

Wednesday
10:30 AM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

2nd Friday
10:00 AM

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

Members Present: Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session, and provided public comment through teleconferencing, on Tuesday, December 7, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:01 p.m.

Remote Access to Information and Participation

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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisor Melgar was noted not present.

There was a quorum of the Board present.

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

Supervisor Melgar Excused from Attendance

Supervisor Peskin, seconded by Supervisor Stefani, moved that Supervisor Melgar be excused from attending today's meeting. The motion carried by the following vote:

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

Excused: 1 - Melgar

COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt, dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the October 26, 2021, or November 2, 2021, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Preston, seconded by Supervisor Chan, moved to approve the October 26, 2021, and November 2, 2021, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

Excused: 1 - Melgar

AGENDA CHANGES

There were no agenda changes.

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

211247 [Formal Policy Discussions - December 7, 2021]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topic submitted from the Supervisors representing Districts 10 and 11. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Dream Keeper Initiative Follow-Up (District 10)
2. Self Referrals to Congregate Shelters (District 11)

Mayor London N. Breed addressed the Board of Supervisors regarding the state of San Francisco and the Tenderloin neighborhood, including the increase in violence and burglaries that she committed to work with the Board of Supervisors to address in order to ensure people feel safe. Mayor Breed then discussed the above referenced topics submitted by the District 10 and 11 Supervisors.

President Walton began the discussion by asking the following question: Will you provide an update on the Dream Keeper Initiative? Mayor Breed responded with a listing of significant funding that has been allocated for new sustainable policies and programs that will deliver results to effect real change throughout the community. Mayor Breed then asked the following question: What else can we do to ensure the resources for the Dream Keeper Initiative is truly reaching the community at it's core? President Walton responded that the resources must be pulled together, the City needs to reach out to the community to ensure there is accountability, the various City departments must be more nimble around these programs, and the resources must be dispersed to the non-profits and the community they are intended to serve.

Supervisor Safai began the discussion by asking the following question: Will you prioritize and provide a timeline in which you plan to resolve the current technical difficulties the Department of Homelessness and Supportive Housing is facing as the City migrated away from the HMIS system in order to restore the 311 shelter bed entry system that was in place prior to COVID; especially as it relates to congregate shelters and winter shelters? Mayor Breed responded that necessary decisions were made when the pandemic began, and the current placement system allows for the consideration of testing. She affirmed her openness to continue discussions on what is best for shelters to expand their capacity while still considering the current health situation.

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

HEARD AND FILED

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

211099 [Waiver of Banner Fees - “Shop & Dine in the 49” Campaign]

Sponsors: Stefani; Mandelman

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for the placement of up to 300 banners per year, for three years starting on November 20, 2021, by the Office of Economic and Workforce Development to publicize the City’s “Shop & Dine in the 49” campaign; and affirming the Planning Department’s determination under the California Environmental Quality Act.

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

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

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

FINALLY PASSED

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

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

FINALLY PASSED

211068 [Settlement of Lawsuit - Tamsyn Waterhouse - \$45,000]

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

FINALLY PASSED

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

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

FINALLY PASSED

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

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

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee**210810 [Planning Code - Business Signs on Awnings and Marquees]**

Sponsors: Stefani; Chan, Melgar, Ronen and Mandelman

Ordinance amending the Planning Code to allow business signs on awnings or marquees in addition to projecting signs in various neighborhood commercial and residential-commercial districts, and in certain Chinatown mixed use districts; applying business sign controls to additional Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Melgar

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

210538 [Appropriation - Fiscal Cliff Reserve \$64,150,000 - Mayor's Office of Housing and Community Development - \$64,150,000 for Social Housing - FY2021-2022]

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

Ordinance appropriating \$64,150,000 from the Fiscal Cliff Reserve to the Mayor's Office of Housing and Community Development for the acquisition, creation and operation of affordable, social housing under the Housing Stability Fund in Fiscal Year (FY) 2021-2022.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 8 - Chan, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Walton

Noes: 2 - Safai, Stefani

Excused: 1 - Melgar

Referred Without Recommendation from the Budget and Finance Committee

211150 [Business and Tax Regulations Code - Temporary Suspension of Cannabis Business Tax]

Sponsors: Mandelman; Haney

Ordinance amending the Business and Tax Regulations Code to suspend the imposition of the Cannabis Business Tax through December 31, 2022.

(Fiscal Impact)

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

FINALLY PASSED by the following vote:

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

Excused: 1 - Melgar

Recommendation of the Land Use and Transportation Committee

210452 [Planning Code - Exemption from Neighborhood Notification and Review Requirements for Grandfathered Medical Cannabis Dispensaries Converting to Cannabis Retail]

Sponsor: Mayor

Ordinance amending the Planning Code to exempt Grandfathered Medical Cannabis Dispensaries that convert to Cannabis Retail Uses from neighborhood notification and review requirements; 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 public necessity, convenience, and welfare findings under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee

211030 [Police, Health Codes - Regulation of Cannabis Businesses]

Sponsors: Safai; Mar, Chan and Preston

Ordinance amending the Police Code to clarify that the Office of Economic and Workforce Development ("OEWD") may establish standards governing the certification of cannabis-related pre-apprenticeship programs that relate to social equity training, license incubation processes, underserved community outreach programs, and business plan development training; and amending the Health Code to extend from 120 days to between 150 and 180 days the period for which the Director of the Office of Cannabis ("OOC") may grant temporary authorization to medical cannabis dispensaries ("MCDs") to continue operating while they wait for the OOC to process their applications for cannabis business permits ("Temporary MCD Authorization"), and to add as prerequisites to Temporary MCD Authorization: that the MCD has not been found to have violated health and safety standards developed by the Director to protect the health and safety of employees, neighbors, and customers; that OEWD has not made a determination, or has determined that the MCD ensures that 35% of its new hires shall be registered apprentices enrolled in an approved apprenticeship program if feasible; and for any MCD with ten or more employees, that OEWD has not made a determination, or has determined that the MCD has entered into or made good faith efforts to enter into a Labor Peace Agreement or a collective bargaining agreement with a Bona Fide Labor Organization.

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

211031 [Administrative Code - Request for Sheriff's Services]

Sponsors: Safai; Peskin, Mar and Mandelman

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private individuals and private entities to provide supplemental law enforcement services.

Privilege of the floor was granted unanimously to Sheriff Paul Miyamoto (Sheriff's Department) and Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Safai, seconded by Supervisor Mandelman, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by adding 'to retail and commercial establishments'; on Page 2, Line 3, by adding "'Commercial" establishment means an establishment whose purpose is financial gain', Lines 10-11, by adding "'Retail" establishment means an establishment for the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user', Line 13, by adding 'special', and Lines 24-25, by adding '(b) The Sheriff may provide supplemental law enforcement services under this Chapter 10A only to Retail and Commercial establishments.'; on Page 3, Lines 1-5, by adding '(c) If the Sheriff approves the request for Department services, the Sheriff shall include with the approval a written staffing plan that includes the number of personnel to be detailed in response to the request, the approximate personnel location assignments, the anticipated shifts for all detailed personnel, and the contact information of the Department employee to be assigned to supervise those personnel.'; on Page 4, Line 16, by adding '10A'; on Page 7, Line 6, through Page 8, Line 15, by adding 'Section 10A.6. Administration and Reporting Requirements in Coordination with Chief of Police' and 'Section 10A.7. Requests for Services Limited to Requests Coordinated with Police Department; Expiration.'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 8 - Chan, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani

Noes: 2 - Preston, Walton

Excused: 1 - Melgar

Ordinance amending the Administrative Code to authorize the Sheriff to contract with private individuals and private entities to provide supplemental law enforcement services to retail and commercial establishments.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Chan, Haney, Mandelman, Mar, Peskin, Safai, Stefani

Noes: 3 - Preston, Ronen, Walton

Excused: 1 - Melgar

NEW BUSINESS

Recommendations of the Budget and Finance Committee

211046 [Appropriation - Special Tax Bond Proceeds - \$31,630,000 - Controller's Reserve - Treasure Island Community Facilities District - FY2021-2022]

Sponsor: Mayor

Ordinance appropriating \$31,630,000 from the issuance of one or more series of Special Tax Bonds of the City's Improvement Area No. 2 of the Community Facilities District No. 2016-1 (Treasure Island) for funding of certain public facilities and infrastructure for the Treasure Island Development Project in Fiscal Year (FY) 2021-2022; and placing such amounts on Controller's reserve.

PASSED ON FIRST READING by the following vote:

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

211095 [Park Code - Discounts For Veterans]

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

Ordinance amending the Park Code to reduce or eliminate fees for admission to and use of certain facilities on park property for veterans and active members of the United States Armed Forces. (Fiscal Impact)

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

Supervisor Mar, seconded by Supervisor Ronen, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**, : on Page 1, Lines 5-6, by adding 'who reside in San Francisco; and expanding said discounts to all veterans and active members upon certification of funds by the Controller'; on Page 1, Line 23, through Page 2, Line 4, by adding '(b) The proviso in subsection (a) that excludes non-San Francisco residents from the definition of "Veteran" shall expire by operation of law if and when the Controller certifies, in writing, to the Recreation and Park Department General Manager, that the City has enacted an ordinance appropriating monies necessary to fund discounts for one year for non-San Francisco residents who otherwise meet the definition of "Veteran." Following said certification, the City Attorney shall cause this subsection (b), and the proviso in subsection (a), to be removed from the Code.'; and on Page 9, Lines 9-15, by adding 'Section 5. Funding. This ordinance grants certain discounts to Veterans, but at Park Code Section 2.01, provides that these discounts only apply to Veterans who are residents of the City and County of San Francisco. The Board of Supervisors intends that the discount program should expand to non-resident Veterans once the City has enacted an ordinance appropriating monies necessary to fund these discounts for one full year. Thereafter, it is the intent of this Board of Supervisors that such monies should also be appropriated in future fiscal years.' The motion carried by the following vote:

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

Ordinance amending the Park Code to reduce or eliminate fees for admission to and use of certain facilities on park property for veterans and active members of the United States Armed Forces who reside in San Francisco; and expanding said discounts to all veterans and active members upon certification of funds by the Controller.

(Fiscal Impact)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Excused: 1 - Melgar

211098 [Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During the Holiday Season]

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

Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy permits on City streets on Saturday, December 4, 2021, Sunday, December 5, 2021, Saturday, December 11, 2021, and Sunday, December 12, 2021, to promote sidewalk sales of merchandise during the holiday season.

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

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Melgar

211086 [Lease Modification - United States Government - United States Federal Bureau of Investigation - Annual Rent \$665,489]

Resolution approving Modification No. 2 of Lease No. GS-09P-LCA03395, between the United States (U.S.) of America and the City and County of San Francisco, acting by and through its Airport Commission, to extend the term by three years, for a new term ending January 3, 2025, and increasing the annual rent to \$665,489 totaling \$1,996,467 for the extension term, for offices occupied by the U.S. Federal Bureau of Investigation at the International Terminal, to commence following approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

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

Excused: 1 - Melgar

211089 [Agreement - AT&T Corporation - Telecommunication Services - Not to Exceed \$80,000,000]

Resolution authorizing the Department of Technology to enter into an agreement with AT&T Corporation to purchase wired voice and data network and telecommunication services, with a not to exceed amount of \$80,000,000 for a six and one-half year term of January 1, 2022, through June 30, 2028, and with one five-year option to extend, pursuant to Charter, Section 9.118.

(Department of Technology)

(Fiscal Impact)

ADOPTED by the following vote:

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

Excused: 1 - Melgar

211101 [Accept and Expend Grant - Retroactive - 2019 Active Transportation Program - Alemany Interchange Improvements Phase 2 - \$1,971,000]**Sponsors: Mayor; Ronen**

Resolution retroactively authorizing Public Works to accept and expend \$1,971,000 from the 2019 Active Transportation Program to fund the construction of the Public Works' Alemany Interchange Improvements Phase 2 project, for the project period of October 2021, through June 2026. (Public Works)

(Fiscal Impact)

ADOPTED by the following vote:

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

Excused: 1 - Melgar

211134 [Accept and Expend Grant - California Department of Fish and Wildlife - Heron's Head Park Shoreline Resilience Project - \$1,493,000]**Sponsor: Mayor**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$1,493,000 from the California Department of Fish and Wildlife to fund the Heron's Head Park Shoreline Resilience Project from January 1, 2022, through December 31, 2024. (Port)

ADOPTED by the following vote:

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

Excused: 1 - Melgar

President Walton requested File Nos. 211141 and 211144 be called together.

211141 [Ground Lease Modification - United Airlines, Inc. - Three-Year Term Extension]

Resolution approving Modification No. 3 to Ground Lease No. 00-0464 between the City and County of San Francisco, acting by and through its Airport Commission, and United Airlines, Inc. to extend the term by three years, provide for rent adjustments during the extension term, and update certain legal provisions required by applicable local, state, and federal laws, as defined herein, to take effect only after approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

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

Excused: 1 - Melgar

211144 [Ground Lease Modification - United Airlines, Inc. - Three-Year Term Extension]

Resolution approving Modification No. 1 to Ground Lease No. 96-0268 between the City and County of San Francisco, acting by and through its Airport Commission, and United Airlines, Inc. to extend the term by three years, provide for rent adjustments during the extension term, and update certain legal provisions required by applicable local, state, and federal laws, as defined herein, to take effect only after approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

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

Excused: 1 - Melgar

211185 [Agreement - Harvey M. Rose Associates, LLC - Budget and Legislative Analyst Services - Not to Exceed \$10,500,000]

Resolution approving an agreement between Harvey M. Rose Associates, LLC and the Board of Supervisors for the Budget and Legislative Analyst Services for a total amount not to exceed \$10,500,000 for an initial term of four years from January 1, 2022, through December 31, 2025. (Clerk of the Board)

ADOPTED by the following vote:

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

Recommendation of the Land Use and Transportation Committee**211094 [Priority for Veterans with an Affordable Housing Preference under Administrative Code, Chapter 47 - Disparate Impact Analysis]**

Sponsors: Mar; Stefani, Walton and Preston

Ordinance directing the Mayor's Office of Housing and Community Development to conduct a disparate impact analysis of granting a priority for veterans who qualify for an affordable housing preference under Administrative Code, Chapter 47.

PASSED ON FIRST READING by the following vote:

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

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

Supervisor Mandelman, seconded by Supervisor Ronen, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest(s). The motion carried by the following vote:

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

Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Regina Dick-Endrizzi, Executive Director (Office of Small Business) on the occasion of her retirement after more than 16 years with the City and County of San Francisco, and in recognition of her many accomplishments. Supervisors Ronen, Chan, Safai, Preston, and Haney shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 211187, 211188, 211189, and 211190 be called together.

211187 [Hearing - Appeal of Conditional Use Authorization Approval - 3832-18th Street]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 209.2, 253, 303, and 317, of the Planning Code, for a proposed project at 3832-18th Street, Assessor's Parcel Block No. 3580, Lot No. 018, identified in Planning Case No. 2020-001610CUA, issued by the Planning Commission by Motion No. 21016, dated October 14, 2021, to allow demolition of a single-family residence and approval of an individually requested state density bonus project pursuant to Planning Code, Section 206.6 (using the State Density Bonus Law (California Government Code, Sections 65915-65918)), for the project invoking waivers from the development standards for rear yard (Planning Code, Section 134), dwelling unit exposure (Planning Code, Section 140), and maximum height limit (Planning Code, Section 260) that would construct a new five-story, 50-foot tall, residential building (approximately 10,023 square feet) with 19 group housing units located within the RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. (District 8) (Appellant: Athanassios Diacakis) (Filed November 12, 2021) (Clerk of the Board)

President Walton opened the public hearing and Supervisor Mandelman provided brief remarks, indicating he would be making a motion to continue this Hearing and its associated Motions to a future date. The President then inquired as to whether any individual wished to address the Board on the proposed continuance. Troy Maiken; spoke on various concerns relating to the proposed continuance. There were no other speakers. President Walton closed public comment on the continuance.

Supervisor Mandelman, seconded by Supervisor Stefani, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of January 11, 2022. The motion carried by the following vote:

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

211188 [Approving Conditional Use Authorization - 3832-18th Street]

Motion approving the decision of the Planning Commission by its Motion No. 21016, approving a Conditional Use Authorization, identified as Planning Case No. 2020-001610CUA, for a proposed project located at 3832-18th Street; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Stefani, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 11, 2022. The motion carried by the following vote:

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

211189 [Conditionally Disapproving the Conditional Use Authorization - 3832-18th Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 21016, approving a Conditional Use Authorization, identified as Planning Case No. 2020-001610CUA, for a proposed project at 3832-18th Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

Supervisor Mandelman, seconded by Supervisor Stefani, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 11, 2022. The motion carried by the following vote:

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

211190 [Preparation of Findings Related to Conditional Use Authorization - 3832-18th Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2020-001610CUA, for a proposed project at 3832-18th Street. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Stefani, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 11, 2022. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

211074 [Settlement of Lawsuit - Judy O'Neil - \$2,500,000]

Ordinance authorizing settlement of the lawsuit filed by Judy O'Neil against the City and County of San Francisco for \$2,500,000; the lawsuit was filed on December 19, 2017, in U.S. District Court for the Northern District of California, Case No. 17-cv-07190; entitled Judy O'Neil v. City and County of San Francisco, et al.; the lawsuit involves an officer involved shooting that resulted in the death of Keita O'Neil. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

211125 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]**Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers Stationary Engineers, Local 39, to revise San Francisco Public Utilities Commission Wastewater Enterprise rules regarding work schedules and shift assignments.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Melgar

211088 [Mills Act Historical Property Contract - 714 Steiner Street]

Resolution approving a historical property contract between Leah Culver Revocable Trust, the owner of 714 Steiner Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

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

Recommendation of the Land Use and Transportation Committee**210381 [Planning Code - Massage Establishment Zoning Controls]****Sponsors: Ronen; Mandelman and Preston**

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

Excused: 1 - Melgar

Recommendation of the Rules Committee

201132 [Campaign and Governmental Conduct Code - Behested Payments]

Sponsors: Haney; Peskin, Chan, Walton, Preston and Mar

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of interested party to include City contractors, persons seeking to influence City officers and employees, registered contact lobbyists, permit consultants, and to prohibit elected officials, department heads, commissioners, and designated employees from soliciting behested payments from interested parties.

(Meet and confer obligations met.)

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

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

Supervisor Peskin, seconded by Supervisor Chan, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 4-5, by adding 'except for any person providing a grant to the City or City department', Lines 11-13, by changing 'or (2) if the person does not have a financial interest in the matter that is the subject of the person's speech' to '(2) speaking at a public forum or rally, or (3) communications made via email, petition or social media'; on Page 4, Lines 1-2, by striking 'For the purpose of subsection (c) only, 'interested party" shall not include a person providing a grant to the City or a City department.' The motion carried by the following vote:

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

Excused: 1 - Melgar

(Meet and confer obligations met.)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Excused: 1 - Melgar

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Anonymous; shared a document and expressed concerns regarding text messages between Department staff and the subsequent Sunshine Ordinance Task Force determination regarding their disclosure.

Chris Former; expressed support for safe injection sites and shared concerns regarding the furtherance of this program.

Speaker; shared concerns regarding unhoused individuals and the funding that should be allocated to services and programs.

Speaker; expressed concerns regarding the location of safe injections sites and where they are actually needed.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

211241 [Urging Congress to Pass H.R. 5502 - INFORM Consumers Act]

Sponsors: Mandelman; Safai and Mar

Resolution urging Congress to pass H.R. 5502, the INFORM Consumers Act, requiring online marketplaces to collect, verify, and disclose certain information from high-volume, third-party sellers, with no further amendments.

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

ADOPTED

211242 [TEFRA Approval - Issuance and Sale of Limited Obligation Improvement Bonds - California Statewide Communities Development Authority - Chinese Hospital Association - Not to Exceed \$45,000,000]

Sponsors: Peskin; Haney

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Limited Obligation Improvement Bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$45,000,000 to refinance the acquisition, construction and installation of seismic strengthening improvements and other authorized improvements in certain health care facilities owned and operated by Chinese Hospital Association, a California nonprofit public benefit corporation.

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

ADOPTED

211248 [Rita Semel Day - November 15, 2021]

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

Resolution retroactively declaring November 15, 2021, as Rita Semel Day in the City and County of San Francisco, in recognition of her many years of outstanding service in interfaith and civil rights work and celebrating her 100 years on this planet.

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

ADOPTED

211195 [Appointment, Commission on the Aging Advisory Council - Chris Dillon]

Motion appointing Chris Dillon, term ending March 31, 2023, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Motion No. M21-166

APPROVED

211218 [Appointments, Eastern Neighborhoods Community Advisory Committee - Irma Lewis and Jolene Yee]

Motion appointing Irma Lewis and Jolene Yee, terms ending October 19, 2023, to the Eastern Neighborhoods Community Advisory Committee. (Clerk of the Board)

Motion No. M21-167

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Melgar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Ronen requested that File No. 211244 be severed so that it may be considered separately.

211244 [Board of Supervisors Regular Meeting Schedule - 2022]

Motion establishing the 2022 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 18, February 22, May 31, June 21, July 5, October 11, and November 29; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 28 through April 1, August 1 through September 5, and December 14, 2022 through January 6, 2023; 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 Ronen, seconded by Supervisor Stefani, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by removing the October 4 (Yom Kippur) and November 22 (Thanksgiving), and adding November 29 (week after Thanksgiving). The motion carried by the following vote:

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

Excused: 1 - Melgar

Motion establishing the 2022 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 18, February 22, May 31, June 21, July 5, October 4, October 11, and November 22; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 28 through April 1, August 1 through September 5, and December 14, 2022 through January 6, 2023; 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. M21-168

APPROVED AS AMENDED by the following vote:

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

Excused: 1 - Melgar

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 ORDINANCE

211230 [Summary Street Vacation - Michigan Street in Connection with MUNI Metro East Improvements - Interdepartmental Property Transfer]

Ordinance ordering the summary street vacation of a portion of Michigan Street, generally bounded by Assessor's Parcel Block No. 4298 to the north and west, Assessor's Parcel Block No. 4310 to the east, and Cesar Chavez Street to the south, as part of the improvement of the MUNI Metro East maintenance facility, subject to the approval of the San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors; approving the interdepartmental transfer of the vacation area from Public Works to SFMTA, subject to the approval of the SFMTA Board of Directors; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in furtherance of this Ordinance, as defined herein. (Public Works)

11/23/21; RECEIVED FROM DEPARTMENT.

12/07/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/6/2022.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:31 p.m.