

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 23, 2023 - 2:00 PM

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

Regular Meeting

AARON PESKIN, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Homelessness and Behavioral Health Select Committee

Supervisors Ronen, Mandelman, Walton

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

2nd and 4th Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, Joel Engardio, Rafael Mandelman, 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 for the Special Off-Site Meeting and Regular Meeting, in-person with remote access and public comment also available via telephone, on Tuesday, May 23, 2023, with President Aaron Peskin presiding.

President Peskin called the meeting to order at 2:03 p.m. in United Nations (U.N.) Plaza at 355 McAllister Street, San Francisco CA 94102.

Remote Access to Information and Participation

The Board of Supervisors (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: www.sfgovtv.org), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>).

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisor Melgar was noted not present.

A quorum of the Board was present.

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

Supervisor Melgar Excused from Attendance

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

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board there were no communications.

*(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 Peskin inquired whether any Member of the Board had any corrections to the April 18, 2023, Regular Board Meeting Minutes or the April 19, 2023, Special Meeting Minutes at the Budget and Appropriations Committee, which constituted a quorum of the Board of Supervisors, as presented. There were no corrections requested from any Member of the Board.

Supervisor Walton, seconded by Supervisor Mandelman, moved to approve the April 18, 2023, Regular Board Meeting Minutes and the April 19, 2023, Special Meeting Minutes at the Budget and Appropriations Committee, which constituted a quorum of the Board of Supervisors, as presented. The motion carried by the following vote, following general public comment:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, 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

230584 [Formal Policy Discussions - May 23, 2023]

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

The following topic was noticed on the agenda representing District 3:

1. Public Safety Coordination

The Board of Supervisors held the Mayoral Appearance during a noticed Special Off-Site Meeting at the United Nations (U.N.) Plaza at 355 McAllister Street, San Francisco, CA 94102.

While at U.N. Plaza, Mayor London N. Breed addressed the Board of Supervisors regarding the significant problems in our City, including poverty and criminal activity, which is not new but has been exasperated. She wants change and to hold those responsible accountable, not continue to allow them to get away with murder. Support and services are needed and this is our opportunity to find real solutions. The City cannot allow this to continue to happen and everything must be put on the line to make the necessary changes.

Mayor Breed then discussed the above referenced topic submitted by the District 3 Supervisor.

President Peskin began the discussions by asking the following question: Will you now, as we do in any major emergency, stand up a sustained Emergency Operations Center that will coordinate daily all of the many agencies and departments that can address this crisis - including the San Francisco Police Department, the District Attorney's Office, the San Francisco County Sheriff's Office, the California Highway Patrol, the administrative staff of the National Guard, San Francisco Park Rangers, BART Police, UC Police, Federal Protectives Services, Adult Probation, the San Francisco Health Department, the Department of Public Works, Child Protective Services, the Superior Courts, and all other appropriate agencies - and direct them to shut down all public drug dealing in open air sites such as in and around this Plaza in the next 90 days?

While still convened at the U.N. Plaza, Mayor Breed stated that this would not be the right forum to answer the question thoroughly. President Peskin then announced that the remainder of the Mayoral Appearance would be held at City Hall, Legislative Chamber, Room 250.

President Peskin recessed the off-site meeting at 2:14 p.m. and reconvened the meeting in the Legislative Chamber at 2:36 p.m. Upon reconvening, Supervisors Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present. Supervisor Melgar was excused earlier in the meeting.

After returning to the Legislative Chamber, Mayor Breed then responded by saying she welcomed the opportunity to work with the Board to shut down open air drug dealing. She does not have control over the City's state and federal partners, but headway is being made and conversations are being held. The Mayor expressed her gratitude for President Peskin's attention to this matter and encouraged the other Members of the Board to work with her on solutions and not openly oppose the efforts being made. There are new tools being utilized, including the ability to access live footage that was recently approved via legislation by the Board of Supervisors. The City is committed to holding people accountable and the District Attorney has stated her commitment to following through on

prosecuting offenders. There is a significant struggle around Police staffing and more needs to be done. Individuals who refuse help with their addiction or mental health issues must be addressed since they cannot be allowed to terrorize communities or disrupt families and businesses. The Mayor indicated there will be local programs enacted to put a stop to this disruptive behavior. She encouraged the Board to pass the public safety budget without the traditional reductions during the annual budget process this year and support the arrests for those struggling with addiction to get them the help they desperately need. This matter requires City leadership to come together and put aside personal differences to get to a better place and put an end to open air drug dealing.

President Peskin then followed up with the following question: Coordination between the administrative and legislative branches is key. Can we put something together to address open air drug dealing, with all departments, in one place, and in real time within the next 90 days?

Mayor Breed responded that the Board should be discouraged from micromanaging department processes that make it impossible for them to complete their duties. The Department of Emergency Management is tasked with the oversight and coordination of emergencies and should be allowed to do that. She is willing to do whatever is necessary and is happy to work with the Board to allocate resources. Police Department staffing needs to be addressed and the Board must change their attitude towards those who go out and put their lives on the line to the job. Compassion is killing people in this instance and we need to put forth some tough love because it's currently too easy for them to continue living in these conditions and perpetuating this behavior.

Mayor Breed did not ask any follow-up questions related to this topic.

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

HEARD AND FILED

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

230307 [Business and Tax Regulations Code - Extending Sunset Date of Credit from Early Care and Education Commercial Rents Tax for Qualifying Child Care Facilities]

Sponsors: Melgar; Chan, Mandelman, Preston and Safai

Ordinance amending the Business and Tax Regulations Code to extend for five years, until December 31, 2028, the credit against the Early Care and Education Commercial Rents Tax for qualifying child care facilities.

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

Ordinance No. 099-23

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

President Peskin requested File Nos. 230368, 230369, and 230370 be called together.

230368 [Appropriation - \$275,000,000 Total Including Appropriation of \$260,878,172 in Certificates of Participation Refunding Proceeds and Deappropriation and Reappropriation of \$14,121,828 in Series 2023-R1 Refunding - FY2022-2023]

Sponsors: Mayor; Preston

Ordinance appropriating \$275,000,000 consisting of: appropriation of (1) \$260,878,172 of one or more series of Refunding Certificates of Participation Series 2023-R1 proceeds, (2) de-appropriation of \$14,121,828 of Series 2012A, 2015-R1, and 2015A Certificates of Participation prior reserve funds, and (3) re-appropriation of the same amount to Refunding Certificates of Participation Series 2023-R1; and placing these funds on Controller's Reserve pending the sale of the Certificates of Participation in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

Ordinance No. 100-23

FINALLY PASSED by the following vote:

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

230369 [Authorizing Refunding Certificates of Participation, Series 2023-R1 - Multiple Capital Improvement Projects - Not to Exceed \$275,000,000]

Sponsors: Mayor; Preston

Ordinance authorizing the execution and delivery of refunding Certificates of Participation, in one or more series from time to time ("Certificates"), in an aggregate amount not to exceed \$275,000,000 to prepay certain certificates of participation that financed and refinanced various capital improvement projects within the City and County of San Francisco ("City"); approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease and lease back of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City, at 1 Moreland Drive, San Bruno, California, and/or any other property as shall be determined by the City's Director of Public Finance; approving the form of Escrow Agreement (including certain indemnities contained therein), between the City and U.S. Bank Trust Company, National Association, as escrow agent ("Escrow Agent"); approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

Ordinance No. 101-23

FINALLY PASSED by the following vote:

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

230370 [Authorizing Tax-Exempt and/or Taxable Certificates of Participation - Multiple Affordable Housing and Community Facilities Projects - Not to Exceed \$146,800,000]

Sponsors: Mayor; Preston

Ordinance authorizing the execution and delivery of Certificates of Participation, in one or more series on a tax-exempt and/or taxable basis and from time to time, evidencing and representing an aggregate principal amount of not to exceed \$146,800,000 ("Certificates"), to finance and refinance certain capital improvement, affordable housing and community facilities development projects within the City and County of San Francisco's ("City"), including site acquisition, demolition and site preparation, design work, construction, repairs, renovations, improvements and the equipment of such facilities, including through the retirement of certain commercial paper notes of the City issued for such purposes; approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease and lease back of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City, at 1 Moreland Drive, San Bruno, California, and/or any other property as determined by the City's Director of Public Finance; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate, as defined herein; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith, as defined herein.
(Fiscal Impact)

Ordinance No. 102-23

FINALLY PASSED by the following vote:

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

230450 [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]

Sponsor: Mayor

Ordinance amending the Transportation Code, Division I, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the \$1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2023, through May 31, 2033.

(Pursuant to California Vehicle Code, Section 9250.7(g), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve the collection of this service fee on all registered vehicles.)

Ordinance No. 098-23

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use and Transportation Committee

230212 [Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation]

Sponsors: Engardio; Mandelman and Safai

Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

Ordinance No. 103-23

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Recommendation of the Rules Committee

230375 [Administrative Code - Including Military Service in Definition of "Public Service" for Retirement Service Credit Purchases]

Sponsors: Stefani; Safai

Ordinance amending the Administrative Code to expand the definition of "public service" to allow members of the San Francisco Employees' Retirement System to purchase service credit for time served in the military before City employment.

Ordinance No. 104-23

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

NEW BUSINESS

Recommendations of the Budget and Finance Committee

230506 [Apply for Grant - California Department of Housing and Community Development - Homekey Grant Program - 1174-1178 Folsom Street and 663 Clementina Street - Not to Exceed \$14,720,000]

Sponsors: Mayor; Dorsey, Chan, Mandelman and Safai

Resolution approving and authorizing the Department of Homelessness and Supportive Housing to apply to the California Department of Housing and Community Development for a Homekey Grant for the property located at 1174-1178 Folsom Street and 663 Clementina Street in an amount not to exceed \$14,720,000 on behalf of the City and County of San Francisco. (Department of Homelessness and Supportive Housing)

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

Resolution No. 266-23

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

230508 [Loan Agreement - SFCLT TNFF Holdings LLC - 2840-2848 Folsom Street, 4042-4048 Fulton Street, 568-570 Natoma Street, and 308 Turk Street - Not to Exceed \$18,700,481]

Sponsors: Mayor; Mandelman and Safai

Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development ("MOHCD") to execute documents relating to a loan agreement with SFCLT TNFF Holdings LLC in an aggregate total amount not to exceed \$18,700,481 to finance the acquisition, rehabilitation, and permanent refinancing of four existing affordable multifamily rental housing projects for low- to moderate-income households, known as "SFCLT Scattered Sites," consisting of a total of 36 rental units in four buildings located at 2840-2848 Folsom Street, 4042-4048 Fulton Street, 568-570 Natoma Street, and 308 Turk Street, and to construct one accessory dwelling unit at 4042-4048 Fulton Street, pursuant to the Small Sites Program (collectively, the "Project"); affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the Project and the proposed transactions are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of MOHCD or his or her designee to execute the loan documents for the Project and make certain modifications to such loan documents, as defined herein, and take certain actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

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

Resolution No. 267-23

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

President Peskin requested File Nos. 230509 and 230524 be called together.

230509 [Multifamily Housing Revenue Notes - 730 Stanyan Associates, L.P. - Not to Exceed \$90,000,000]

Sponsors: Mayor; Preston and Safai

Resolution authorizing the execution and delivery of multifamily housing revenue notes in one or more series in an aggregate principal amount not to exceed \$90,000,000 for the purpose of providing financing for the construction of a 160-unit multifamily rental housing project known as 730 Stanyan; approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the construction loan from the construction funding lender to the City, and the execution and delivery of the construction notes; approving the form of and authorizing the execution of a project loan agreement providing the terms and conditions of the construction loan from the City to the borrower; approving the form of and authorizing the execution of an amended and restated funding loan agreement providing the terms and conditions of the permanent loan from the permanent funding lender to the City, and the execution and delivery of the permanent notes; approving the form of and authorizing the execution of an amended and restated project loan agreement providing the terms and conditions of the permanent loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants for the subject project; authorizing the collection of certain fees; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue notes by the City in an aggregate principal amount not to exceed \$90,000,000; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the notes and the project; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.

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

Resolution No. 268-23

ADOPTED by the following vote:

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

230524 [Ground Lease and Amended and Restated Loan Agreement - 730 Stanyan Street - 100% Affordable Housing - Base Rent of \$15,000 - Loan Not to Exceed \$69,528,927]**Sponsors: Mayor; Preston**

Resolution 1) approving and authorizing the Director of Property and Director of the Mayor's Office of Housing and Community Development ("MOHCD") to enter into a Ground Lease for real property owned by the City located at 730 Stanyan Street ("Property") with 730 Stanyan Associates, L.P. for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$15,000 ("Ground Lease") in order to construct a 160 unit multifamily rental housing development affordable to very low- and low-income households (the "Project"); 2) approving and authorizing an Amended and Restated Loan Agreement in an amount not to exceed \$69,528,927 for a minimum loan term of 57 years ("Loan Agreement") to finance the development and construction of the Project; 3) adopting findings that the Project and proposed transactions are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; 4) adopting findings declaring that the Property is "exempt surplus land" pursuant to the California Surplus Lands Act; 5) determining that the less than market rent payable under the Ground Lease will serve a public purpose by providing affordable housing for low-income households in need, in accordance with Administrative Code, Section 23.3; and 6) authorizing the Director of Property and/or the Director of MOHCD to execute the Ground Lease and the Amended and Restated Loan Agreement, and make certain modifications to such agreements, as defined herein, and take certain actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

Resolution No. 269-23**ADOPTED by the following vote:**

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Recommendation of the Budget and Appropriations Committee**230282 [Sheriff's Department Oversight Board - 2022 Annual Report]**

Resolution accepting the Sheriff's Department Oversight Board's annual report for the calendar year 2022. (Sheriff's Department Oversight Board)

Resolution No. 276-23**ADOPTED by the following vote:**

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Recommendation of the Homelessness and Behavioral Health Select Committee

230416 [Grant Agreement Amendment - Third Street Youth Center and Clinic - Transitional Age Youth Navigation Center - Not to Exceed \$20,703,760]

Sponsors: Mayor; Peskin, Walton and Mandelman

Resolution approving the first amendment to the grant agreement between Third Street Youth Center and Clinic and the Department of Homelessness and Supportive Housing (“HSH”) for services at the Transitional Age Youth (TAY) Navigation Center; extending the grant term by 36 months for a total term of December 1, 2020, through June 30, 2026; increasing the agreement amount by \$10,772,423 for a total amount not to exceed \$20,703,760; and authorizing HSH to enter into any additions, amendments, or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City.

(Fiscal Impact)

Resolution No. 277-23

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Recommendations of the Public Safety and Neighborhood Services Committee

221160 [Health Code - Massage Permit Requirements]

Sponsors: Mandelman; Ronen

Ordinance amending the Health Code to exempt applicants for Massage Establishment, Sole Practitioner Massage Establishment, and Outcall Massage Service permits from fingerprinting requirements if the applicant holds a valid license issued by the California Massage Therapy Council; remove certain departments (Building Inspection, Police, Fire) from the list of departments that the Department of Public Health (DPH) must notify regarding new Massage Establishment permit applications, and remove all notification requirements to departments in cases of change in ownership of Massage Establishments or Sole Practitioner Massage Establishments; remove the requirement that departments receiving notice of new Massage Establishment permit applications conduct inspections with written findings of the applying massage establishment; allow Massage Establishments to install an exterior door keyless lock system upon prior DPH approval and upon providing DPH with a valid and up-to-date access code; remove from the Health Code the inoperative local application process for new Massage Practitioner permits; include solicitation of lewd conduct or prostitution by Massage Practitioners as conduct subject to penalty under this Article; and clarify that violations of certain sections of the Health Code regulating Massage Practitioners are also subject to enforcement as public nuisances.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

President Peskin requested File Nos. 230303 and 230333 be called together.

230303 [Liquor License Transfer - 1336 Grant Avenue - The Nature Stop]

Resolution determining that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Tony's Nature Food, Inc., doing business as The Nature Stop, located at 1336 Grant Avenue (District 3), will not serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control deny the issuance of the license, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

Resolution No. 278-23

ADOPTED by the following vote:

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

230333 [Liquor License Transfer - 4555 Mission Street - Casa Lucaz #3]

Resolution determining that the person-to-person, premises-to-premises transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Narayana Corp, doing business as Casa Lucaz #3, located at 4555 Mission Street (District 11), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose a condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

Resolution No. 279-23

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

230417 [Reappointment, Director of the San Francisco Bay Area Regional Water System Financing Authority - Dennis J. Herrera]

Sponsor: Mayor

Resolution reappointing Dennis J. Herrera as a Director of the San Francisco Bay Area Regional Water System Financing Authority for a four-year term commencing July 1, 2023, through June 30, 2027.

Resolution No. 280-23

ADOPTED by the following vote:

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

230504 [Mayoral Appointment, Historic Preservation Commission - Robert Vergara]

Motion approving the Mayor's nomination for the appointment of Robert Vergara, term ending December 31, 2026, to the Historic Preservation Commission. (Clerk of the Board)
(Charter, Section 4.135, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: April 27, 2023.)

Motion No. M23-078

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

230529 [Appointment, Sheriff's Department Oversight Board - Ovava Etere Afuhaamango]

Motion appointing Ovava Etere Afuhaamango, term ending March 1, 2027, to the Sheriff's Department Oversight Board. (Clerk of the Board)

Motion No. M23-079

APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

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

There were no commendations recognized.

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 230366 and 230367 be called together.

Board of Supervisors Sitting as a Committee of the Whole

230366 [Hearing - Committee of the Whole - Report of Assessment Costs - Building Code Enforcement Violations - May 23, 2023, at 3:00 p.m.]

Hearing to consider objections to a report of delinquent charges for code enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Building Code, Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above; scheduled pursuant to Motion No. M23-057 (File No. 230365), approved on April 12, 2023. (Clerk of the Board)

President Peskin opened the public hearings and inquired as to whether any member of the public wished to address the Board relating to assessments as referenced in File Nos. 230366 and 230367. Matt Luton (Department of Building Inspection) provided an overview of the assessments and responded to questions raised throughout the discussion. Patricia Yuen; Speaker; Saul Madea; Speaker; Raffi Dehmar; Speaker; Theresa Hue; Sanjay Dani; Antoinette Salisbury; Richard Siegman; Trent Zhu; Mark Hamilton; Jude Hill; Speaker; spoke in opposition to certain assessments in the report. There were no other speakers. The President closed public comment, declared the matter heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

From the Board**230367 [Report of Assessment Costs - Building Code Enforcement Violations]**

Resolution approving Report of Delinquent Charges for Assessment Costs submitted by the Director of the Department of Building Inspection for delinquent charges for code enforcement violations and associated fees pursuant to Building Code, Sections 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, Administrative Code, Sections 41.10(f), 41.10(g), and 41.11(f), the costs thereof having accrued pursuant to code enforcement violations. (Building Inspection Department)

Matt Luton (Department of Building Inspection) indicated that the following addresses be removed from the accompanying report due to recent resolution or receipt of payment: 2843 2847-24th Street (Line 27); 3889-25th Street (Line 36); 442 446 Ashbury Street (Line 56); 455 457 Ellis Street (Line 105); 455 457 Ellis Street (Line 106); 100 Garfield Street (Line 126); 429 Laidley Street (Line 161); 518 Noe Street (Line 202); 1945 Ocean Avenue (Line 213); 1945 Ocean Avenue (Line 214); 6 Pope Street (Line 227); 6 Pope Street (Line 228); 1351 Revere Avenue (Line 240); 1351 Revere Avenue (Line 241); 3672 3676 Sacramento Street (Line 246); 1255 Sloat Boulevard (Line 254); and 16 Virginia Avenue (Line 269).

Supervisor Walton, seconded by Supervisor Dorsey, moved to accept the amendments to the accompanying report, as provided by the Department of Building Inspection, included in File No. 230367. The motion carried without objection.

Resolution No. 281-23

ADOPTED, after accepting the amendments to the accompanying report, by the following vote:

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

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 230435, 230436, 230437, and 230438 be called together.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Walton assumed the chair at 4:25 p.m. The President resumed the chair 4:29 p.m.

230435 [Hearing - Appeal of Conditional Use Authorization Approval - 301 Toland Street]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 210.3, and 303 of the Planning Code, for a proposed project at 301 Toland Street, Assessor's Parcel Block No. 5264, Lot No. 049, identified in Planning Case No. 2022-011241CUA, issued by the Planning Commission by Motion No. 21278 dated March 16, 2023, to convert a portion, approximately 21,200 square feet, of the existing 108,000 square-foot building from wholesale sales/storage use to Private Parking Garage use; the garage would provide 44 parking spaces to be used as employee parking for Waymo's existing automotive maintenance site at 201 Toland Street; the proposal includes interior modifications to create an employee break room, security office, meeting room, and restrooms; exterior alterations are limited to the replacement of one roll-up door with a larger roll-up door that extends to grade to an industrial building within the PDR-2 (Production, Distribution and Repair) Zoning District and 80-E Height and Bulk District. (District 10) (Appellant: Peter Ziblatt of Pelosi Ziblatt Law Group, on behalf of Mark Gleason) (Filed April 17, 2023) (Clerk of the Board)

President Peskin opened the public hearing and inquired as to whether any individual wished to address the Board relating to the appeal of the Conditional Use authorization for 301 Toland Street. Peter Ziblatt and Mark Gleason (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Tony Delorio; John Bouchard; Trish Suzuki Blinstrub; Steve Beck; Paul Wallace; Floyd Rollins; Speaker; Speaker; spoke in support of the appeal and in opposition to the project. Nick Foster (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Tara Sullivan (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Brandon O'Diah and Ellie Casson (Waymo) presented additional information and answered questions raised throughout the discussion. There were no speakers spoke in support of the project and in opposition to the appeal. Peter Ziblatt (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Peskin closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

230436 [Approving Conditional Use Authorization - 301 Toland Street]

Motion approving the decision of the Planning Commission by its Motion No. 21278 approving a Conditional Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed project located at 301 Toland Street; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Supervisor Walton, seconded by Supervisor Preston, moved that this Motion be TABLED. The motion carried by the following vote:

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

230437 [Disapproving the Conditional Use Authorization - 301 Toland Street]

Motion disapproving the decision of the Planning Commission by its Motion No. 21278 approving a Conditional Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed project at 301 Toland Street. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

Motion No. M23-074

Supervisor Walton, seconded by Supervisor Preston, moved that this Motion be APPROVED. The motion carried by the following vote:

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

230438 [Preparation of Findings Related to Conditional Use Authorization - 301 Toland 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. 2022-011241CUA for a proposed project at 301 Toland Street. (Clerk of the Board)

Motion No. M23-075

Supervisor Walton, seconded by Supervisor Preston, moved that this Motion be APPROVED. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.

230439 [Hearing - Appeal of Conditional Use Authorization Approval - 1160 Mission Street]

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 202.2, 303, and 745 of the Planning Code, for a proposed project at 1160 Mission Street, Assessor's Parcel Block No. 3702, Lot No. 061, identified in Planning Case No. 2022-003331CUA, issued by the Planning Commission by Motion No. 21301, dated March 30, 2023, involving a change of use from Public Parking Garage (a Retail Automotive use) to Fleet Charging (a Non-Retail Automotive Use), for portions of the ground, second, and third floors of an existing four-story Public and Private Parking Garage; including converting 61 of the 189 public parking spaces to fleet charging spaces, with 128 spaces remaining as public parking spaces; the Project would not reduce the 175 private parking spaces reserved for residents of the adjoining residential building that are also located within the same parking garage. (District 6) (Appellant: Peter Ziblatt of Pelosi Ziblatt Law Group, on behalf of Mark Gleason) (Filed April 17, 2023) (Clerk of the Board)

President Peskin opened the public hearing and Supervisor Dorsey reported that the Appellant and Project Sponsor have reached an agreement on this matter. Peter Ziblatt and Mark Gleason (Appellant) and Chloe Angelis (Project Sponsor) confirmed for the record that they have reached an agreement. Alex Lantsberg; John Doherty; spoke on various concerns regarding the project and appeal. There were no other speakers. President Peskin closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

230440 [Approving Conditional Use Authorization - 1160 Mission Street]

Motion approving the decision of the Planning Commission by its Motion No. 21301 approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project located at 1160 Mission 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 Dorsey, seconded by Supervisor Mandelman, moved that this Motion be TABLED. The motion carried by the following vote:

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

230441 [Disapproving the Conditional Use Authorization - 1160 Mission Street]

Motion disapproving the decision of the Planning Commission by its Motion No. 21301 approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street. (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 Dorsey, seconded by Supervisor Mandelman, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 5-7, by adding ‘, and approving a Conditional Use Authorization for the same Planning Case and property with an additional condition’; and Page 1, Line 20, through Page 2, Line 9, by adding ‘FURTHER MOVED, That the Board approves the Conditional Use Authorization identified as Planning Case No. 2022-003331CUA for the same property subject to the conditions set forth by the Planning Commission by its Motion 21301, and the following additional condition: “Authorized Use. This authorization is for a conditional use to operate Fleet Charging on portions of the ground, second, and third floors of the existing parking garage. This authorization does not permit the operation of a Parcel Delivery Service use at 1160 Mission Street. Violation of this condition shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176. For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org”; and, be it FURTHER MOVED, That the Board directs the Clerk to submit a copy of this Motion to the Planning Department.’ The motion carried by the following vote:

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

Motion disapproving the decision of the Planning Commission by its Motion No. 21301 approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street, and approving a Conditional Use Authorization for the same Planning Case and property with an additional condition. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

Motion No. M23-076

APPROVED AS AMENDED by the following vote:

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

230442 [Preparation of Findings Related to Conditional Use Authorization - 1160 Mission 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. 2022-003331CUA for a proposed project at 1160 Mission Street. (Clerk of the Board)

Motion No. M23-077

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

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Thierry Fill; shared the need for happiness and beauty, and expressed concerns regarding responsibility and technology.

Joshua Bell; expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Meghan Robinette; expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Zach Lipton; expressed opposition to the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Yvette Corcoran; expressed concerns regarding the prevalence of teen violence, open air drug dealing, and violent crimes.

Zachary; expressed the need to ensure the funding collected through Baby Proposition C 2018 be spent on childcare and early education.

Speaker; expressed the need to ensure the funding collected through Baby Proposition C 2018 be spent on childcare and early education.

Jacqueline Reyes; expressed the need to ensure the funding collected through Baby Proposition C 2018 be spent on childcare and early education.

Elia Fernandez; expressed the need to ensure the funding collected through Baby Proposition C 2018 be spent on childcare and early education.

Maria Listoria; expressed the need to ensure the funding collected through Baby Proposition C 2018 be spent on childcare and early education.

Jordan Davis; expressed concerns regarding today's Mayoral Appearance, in support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585), and in opposition to the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Speaker; expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Chris Workline; expressed concerns regarding today's Mayoral Appearance and comments made by the Mayor.

Citizen 22; shared a song regarding poverty and vaccines.

Speaker; shared a letter received regarding Banko Brown and expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Kevin Ortiz; expressed opposition to the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Ken; expressed various concerns regarding fentanyl, store policies, shop lifting, and rent moratoriums.

Christopher Gleason; expressed opposition to the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Charles Chan; spoke in support of the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Peter Warfield; expressed concerns regarding the absence of in-person staffing for City departments and accessibility of programs at the Public Library.

Speaker; expressed support of a newly introduced hearing regarding housing shelters.

Dillon Favrost; expressed opposition to the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Laurie Thomas; spoke in support of the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Marnie Regan; expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Speaker; expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Speaker; expressed opposition to the Resolution urging the implementation of the meter hour

extension be delayed (File No. 230587).

Cheryl Thornton; expressed concerns regarding the mismanagement of certain public housing.

Joe Kunzler; expressed concerns regarding the aggression toward certain Members of the Board and newly introduced legislation.

Francisco Da Costa; expressed concerns regarding the Mayoral Appearance and the United Nations Plaza.

Eric Arguello; expressed support of the Resolution urging the examination of evidence in the killing of Banko Brown (File No. 230585).

Moon; expressed the need to provide housing and services for those with drug addiction.

Victoria Brown; spoke in support of the Resolution urging the implementation of the meter hour extension be delayed (File No. 230587).

Michael Petrelis; expressed concerns regarding the placement of public comment on the agenda and the removal of remote comment at other policy bodies.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Chan assumed the chair at 5:25 p.m. The President resumed the chair 5:27 p.m.

At the request of President Peskin, Supervisor Mandelman assumed the chair at 5:44 p.m. The President resumed the chair 5:51 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

230574 [Approval of a 90-Day Extension for Historic Preservation Commission to Respond to Landmark Designation Initiation of Alexandria Theater (File No. 230266)]

Sponsor: Chan

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission to respond to a landmark designation initiation from the Board of Supervisors (File No. 230266).

Resolution No. 282-23

ADOPTED

230577 [Use of City Corporate Seal - Retroactive - Office of Civic Engagement and Immigrant Affairs]

Sponsor: Dorsey

Resolution retroactively approving the use of the City's Corporate Seal for the purpose of staff jackets for Community Ambassadors with the Office of Civic Engagement and Immigrant Affairs.

Resolution No. 283-23

ADOPTED

230581 [Supporting California State Assembly Bill No. 938 (Muratsuchi) - Education Finance: Local Control Funding Formula: Base Grants: Classified and Certificated Staff Salaries]

Sponsors: Ronen; Engardio, Walton, Peskin and Mandelman

Resolution supporting California State Assembly Bill No. 938, introduced by Assembly Member Al Muratsuchi (D-66) and co-authored by Assembly Members Juan Carrillo (D-39) and Alex Lee (D-24), to raise educator and classified professional pay in all public schools in California by 50% over the next seven years.

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

Resolution No. 284-23

ADOPTED

230582 [Approval of a 90-Day Extension for Historic Preservation Commission to Respond to Landmark Designation Initiation of Carnaval Mural (File No. 230299)]

Sponsor: Ronen

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may respond to a landmark designation initiation from the Board of Supervisors for the Carnaval Mural (File No. 230299).

Resolution No. 285-23

ADOPTED

230583 [Approval of a 90-Day Extension for the Historic Preservation Commission to Respond to a Landmark Designation Initiation of the Chata Gutierrez Mural (File No. 230300)]

Sponsor: Ronen

Resolution extending by 90 days the prescribed time within which the Historic Preservation Commission may respond to a landmark designation initiation from the Board of Supervisors for the Chata Gutierrez Mural (File No. 230300).

Resolution No. 286-23

ADOPTED

230586 [Public Works Week - May 22 through May 26, 2023]

Sponsors: Peskin; Chan and Mandelman

Resolution commending the dedicated workforce of San Francisco Public Works and declaring May 22 through May 26, 2023, as Public Works Week in the City and County of San Francisco.

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

Resolution No. 287-23

ADOPTED

230552 [Reappointment, Bicycle Advisory Committee - Bert Hill]

Motion reappointing Bert Hill, term ending November 19, 2024, to the Bicycle Advisory Committee (District 7). (Clerk of the Board)

Motion No. M23-080

APPROVED

230589 [Adoption of Findings Related to Conditional Use Authorization - 800 Taraval Street]

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21246, approving a Conditional Use Authorization, identified as Planning Case No. 2022-001838CUA, for a proposed project at 800 Taraval Street; and approving a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M23-081

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Dorsey requested that File No. 230575 be severed so that it may be considered separately.

230575 [Urging the U.S. Department of Justice and the Drug Enforcement Agency to Designate San Francisco for Operation Overdrive to Reduce Fatal Drug Overdoses and Deter Fentanyl Trafficking]

Sponsors: Dorsey; Stefani, Engardio, Mandelman and Safai

Resolution joining Speaker Emerita Nancy Pelosi in urging the United States (U.S.) Department of Justice and U.S. Drug Enforcement Administration to designate the City and County of San Francisco for Operation Overdrive to decrease fatal overdose rates, to reduce drug-related violence, to increase community engagement, and to disrupt, dismantle and deter fentanyl- trafficking networks currently inflicting myriad harms on San Francisco's public health, neighborhoods, and economic well-being.

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

Supervisor Dorsey requested this Resolution be REFERRED to the Public Safety and Neighborhood Services Committee.

President Peskin requested that File Nos. 230585 and 230587 be severed so that they may be considered separately.

230585 [Urging the California Attorney General and the U.S. Department of Justice to Examine Evidence in the Killing of Banko Brown]

Sponsors: Peskin; Walton, Ronen, Preston and Chan

Resolution urging the California Attorney General and the United States (U.S.) Department of Justice to examine evidence in the killing of Banko Brown, and make a determination as to whether the evidence warrants the pursuit of criminal charges or other legal action.

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

Supervisor Engardio, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 21-22, by striking ‘and the District Attorney’s predetermination early on before the investigation had been completed,’ and Lines 23-24, by striking ‘that have compromised the public’s trust in the District Attorney’s ability to fairly and equally apply the law’. The motion carried by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Resolution No. 288-23

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

230587 [Urging SFMTA to Delay Implementation of Meter Hour Extension]

Sponsors: Peskin; Walton, Chan and Safai

Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to delay implementing meter hour extension until the completion of an independent economic impact report that specifically analyzes the projected impact to San Francisco small businesses, City revenues, and the City’s overall economic recovery and said report is reviewed by the Board of Supervisors and the SFMTA Board.

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

Supervisor Preston, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 8-11, by adding ‘WHEREAS, Parking revenue is a source of funding for public transit, which disproportionately serves low-income and moderate-income residents, and such revenue can help offset inadequate transit funding, especially as the MTA seeks increased assistance from the state to fund operations; and’; and on Page 3, Lines 1-3, by adding ‘FURTHER RESOLVED, The Board of Supervisors urges the completion of the referenced study and outreach and engagement as soon as possible to minimize any delay in the implementation of parking meter policy changes.’ The motion carried by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Melgar

Resolution No. 289-23

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, 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.

ORDINANCE

230596 [Planning Code - Conditional Use for Residential Projects in RM, RC, and RTO Districts]

Sponsors: Peskin; Chan

Ordinance amending the Planning Code to require conditional use authorization for residential housing developments that do not maximize residential density, as defined, in Residential-Mixed (RM), Residential Commercial (RC), and Residential Transit Oriented (RTO) Districts except for Residential-Transit Oriented - Mixed (RTO-M) 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.

05/23/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/22/2023.

RESOLUTIONS

230597 [Contract Amendment - Regents of the University of California - Behavioral Health Services for Children, Youth and Families - Not to Exceed \$19,820,764]

Sponsors: Mayor; Mandelman and Safai

Resolution approving Amendment No. 2 to the agreement between The Regents of the University of California and the Department of Public Health, for behavioral health services for children, youth and families, to increase the agreement by \$10,233,499 for an amount not to exceed \$20,098,073; to extend the term by four years, from June 30, 2023, for a total agreement term of July 1, 2018, through June 30, 2027; and to authorize the Department of Public Health 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)

05/23/23; RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select Committee.

230598 [Contract Amendment - Retroactive - The Regents of the University of California - Mental Health Services for Infant Parent Program - Not to Exceed \$14,647,481]**Sponsors: Mayor; Mandelman and Safai**

Resolution retroactively approving Amendment No. 2 to the agreement between The Regents of the University of California, A Constitutional Corporation, on behalf of its San Francisco Campus University of California (UC) San Francisco General Hospital (SFGH) Clinical Practice Group SFGH/Comm Focus PGM and the Department of Public Health, for mental health services for the Infant Parent Program, to increase the agreement by \$5,208,598 for an amount not to exceed \$14,647,481; to extend the term by five years and six months, from December 31, 2022, for a total agreement term of July 1, 2018, through June 30, 2028; and to authorize the Department of Public Health 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)

05/23/23; RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select Committee.

230599 [Accept and Expend Grant - Retroactive - Centers for Disease Control and Prevention - San Francisco Project INVEST - \$9,818,147]**Sponsors: Mayor; Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$9,818,147 from the Centers for Disease Control and Prevention for participation in a program, entitled "San Francisco Project INVEST (INnovations that Value Equity and Strengthen Teams)," for the period of December 1, 2022, through November 30, 2027. (Public Health Department)

05/23/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230600 [Accept and Expend Grant - Retroactive - California Department of Public Health - Physicians for a Healthy California - COVID-19 Test to Treat Equity Grant - \$500,000]**Sponsors: Mayor; Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$500,000 from the California Department of Public Health through the Physicians for a Healthy California for participation in a program, entitled "COVID-19 Test to Treat Equity Grant," for the period of December 1, 2022, through June 30, 2023. (Public Health Department)

05/23/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230601 [Accept and Expend Grant - Retroactive - California Department of Public Health - Syphilis Outbreak Strategy (SOS) Grant - \$2,668,251]**Sponsors: Mayor; Mandelman and Safai**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$2,668,251 from the California Department of Public Health for participation in a program, entitled "Syphilis Outbreak Strategy (SOS) Grant," for the period of July 1, 2022, through June 30, 2027. (Public Health Department)

05/23/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230602 [Interagency Cooperation Agreement - Transbay Joint Powers Authority - Phase 2 of the Transbay Program - Anticipated Revenue of Over \$1,000,000]**Sponsors: Dorsey; Mandelman and Safai**

Resolution approving an Interagency Cooperation Agreement between the Transbay Joint Powers Authority (TJPA) and the City and County of San Francisco relating to Phase 2 of the Transbay Program to provide for the City's consultation, services, and cooperation with TJPA to facilitate the planning, design, and construction of the Project with an anticipated revenue of over \$1,000,000 over a 10-year term, effective upon approval by the Board of Supervisors and the Mayor.

05/23/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230615 [Urging the Governor and State Legislature to Provide Operations Funding to Help San Francisco's Transit Systems Survive as They Recover From the Pandemic]**Sponsors: Dorsey; Ronen, Preston, Engardio, Mandelman, Stefani, Peskin, Melgar, Safai and Walton**

Resolution urging Governor Gavin Newsom and the California State Legislature to provide operations funding to help San Francisco transit systems survive as they recover from the pandemic, including urging the Governor and State Legislature to distribute additional transit operations in a way that would both not disadvantage San Francisco's transit agencies and be based on a formula that would avoid service cuts that most impact transit dependent riders, and urging the Governor and State Legislature to allow one-time investments of excess Federal Highway funds into transit operations as suggested by President Joe Biden.

230603 [Approval of a 60-Day Extension for Planning Commission Review of Nighttime Entertainment Castro Street Neighborhood Commercial District (File No. 220709)]**Sponsor: Mandelman**

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 220709) amending the San Francisco Planning Code to change the zoning controls in the Castro Street Neighborhood Commercial District to allow Nighttime Entertainment with a Conditional Use authorization on the second floor, and affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

05/23/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230604 [Recognizing Queer and Transgender Asian and Pacific Islander Week]**Sponsors: Mandelman; Stefani, Peskin, Chan, Melgar, Ronen, Walton, Dorsey, Engardio, Preston and Safai**

Resolution recognizing the week of May 28 through June 3, 2023, as Queer and Transgender Asian and Pacific Islander Week in the City and County of San Francisco.

05/23/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230605 [Fisherman's Wharf Community Benefit District - Annual Report - FY2021-2022]**Sponsor: Peskin**

Resolution receiving and approving an Annual Report for the Fisherman's Wharf Community Benefit District for Fiscal Year (FY) 2021-2022, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600 et seq.), Section 36650, and the District's management agreements with the City, Section 3.4.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230606 [Union Square Business Improvement District - Annual Report - FY2021-2022]**Sponsors: Peskin; Dorsey**

Resolution receiving and approving an annual report for the Union Square Business Improvement District for Fiscal Year (FY) 2021-2022, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230607 [Tourism Improvement District and Moscone Expansion District - Annual Report - FY2021-2022]**Sponsors: Peskin; Dorsey**

Resolution receiving and approving an annual report for the Tourism Improvement District and Moscone Expansion District for Fiscal Year (FY) 2021-2022, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230608 [Downtown Community Benefit District - Annual Report - FY2021-2022]**Sponsors: Peskin; Dorsey**

Resolution receiving and approving an Annual Report for the Downtown Community Benefit District for Fiscal Year (FY) 2021-2022, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230609 [Supporting California State Senate Bill No. 525 (Durazo) - Minimum Wage: Health Care Workers]**Sponsors: Safai; Walton, Ronen, Preston, Dorsey, Mandelman and Chan**

Resolution supporting California State Senate Bill No. 525, introduced by Senate Member Maria Elena Durazo (SD- 26), which would require a health care worker minimum wage of \$25 per hour for hours worked in covered health care employment, as defined, subject to adjustment, as prescribed.

05/23/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230610 [Supporting California Senate Bill Nos. 36 (Skinner), 345 (Skinner), and 729 (Menjivar), and California State Assembly Bill Nos. 571 (Petrie-Norris) and 576 (Weber) - Reproductive and Gender-Affirming Health Care]

Sponsors: Stefani; Walton and Chan

Resolution urging the passage of California State Senate Bill No. 36, introduced by Senator Nancy Skinner to expand California's reproductive freedom state protections, Senate Bill No. 345, introduced by Senator Nancy Skinner to provide additional protections to medical providers who provide reproductive healthcare or gender-affirming services, Senate Bill No. 729, introduced by Senator Caroline Menjivar to require that health plans cover fertility care, Assembly Bill No. 571, introduced by Assembly Member Cottie Petrie-Norris to increase the number of licensed healthcare providers who are able to provide abortion and gender-affirming care, and Assembly Bill No. 576, introduced by Assembly Member Akilah Weber to require the California Department of Healthcare Services to fully reimburse providers to the provision of medication abortion.

05/23/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

MOTIONS

230611 [Requesting the Office of the Controller and the Chief Economist to Conduct an Economic Impact Analysis on SFMTA's Meter Hour Extension]

Sponsors: Peskin; Chan and Walton

Motion requesting the Office of the Controller and the Chief Economist to conduct an economic impact analysis on how the San Francisco Municipal Transportation Agency's (SFMTA) meter hour extension proposal affects residents and neighborhood commercial corridors with an emphasis on late night and weekend entertainment and hospitality services.

(5/26/2023 - Economic Impact; No Report)

05/23/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

230590 [Mayoral Appointment, Sanitation and Streets Commission - Vincent Yuen]

Motion approving/rejecting the Mayor's nomination for the appointment of Vincent Yuen to the Sanitation and Streets Commission, term ending July 1, 2026. (Clerk of the Board)

(Charter, Section 4.139(b), provides that this nomination is subject to confirmation by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: May 18, 2023.)

05/18/23; RECEIVED AND ASSIGNED to Rules Committee.

REQUESTS FOR HEARING

230612 [Hearing - Shelter in Place Hotels and Housing First]

Sponsors: Dorsey; Mandelman

Hearing to discuss what lessons the City needs to learn from the shelter in place hotel program to better inform the City's own approach to "Housing First," and to better inform the City's permanent supportive housing programs; and requesting the Department of Homelessness and Supportive Housing, Human Services Agency and Department of Public Health to report.

05/23/23; RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select Committee.

230613 [Hearing - Impact of Downtown Business Closures]

Sponsor: Engardio

Hearing to review the economic impact, potential tax revenue loss, and City budget consequence of downtown business closures; and requesting the Controller to report.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230614 [Hearing - SFHA's Report of Quality of Services Provided by Eugene Burger Management Corp]

Sponsor: Walton

Hearing on the San Francisco Housing Authority's (SFHA) report of Eugene Burger Management Corp regarding the quality of services provided at the Sunnydale and Potrero Hill HOPE SF Sites; and requesting the SFHA and Eugene Burger Management Corp to report.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

230555 [Settlement of Lawsuit - David Cordero - \$69,999]

Ordinance authorizing settlement of the lawsuit filed by David Cordero against the City and County of San Francisco for \$69,999; the lawsuit was filed on April 9, 2019, in U.S. District Court for the Northern District of California, Case No. 19-cv-01834; entitled David Cordero v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations arising out of a traffic stop on August 12, 2018. (City Attorney)

05/09/23; RECEIVED FROM DEPARTMENT.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230556 [Settlement of Lawsuit - Xavier Pittman - \$195,000]

Ordinance authorizing settlement of the lawsuit filed by Xavier Pittman against the City and County of San Francisco for \$195,000; the lawsuit was filed on April 19, 2022, in United States District Court for the Northern District of California, Case No. 22-cv-02412-LB; entitled Xavier Pittman v. City and County of San Francisco, et al.; the lawsuit involves an officer involved shooting. (City Attorney)

05/09/23; RECEIVED FROM DEPARTMENT.

05/23/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230557 [Contract Amendments - Western Area Power Administration - Power and Scheduling Coordinator Services - Term Extension and Increasing Maximum Contract Amount to \$41,500,000; Waiver of Certain Municipal Code Requirements]

Ordinance approving the fourth amendments to two contracts between the San Francisco Public Utilities Commission (SFPUC) and the United States Department of Energy Western Area Power Administration for delivery of low-cost power and scheduling coordinator services to Treasure Island and Yerba Buena Island to extend the term by five years and three months from October 1, 2024, for a total term of September 1, 2005, through December 31, 2029, and increasing the maximum amount of the agreements to \$41,500,000; approving the City indemnifying and holding harmless the United States against claims arising from the City's activities under the contract; waiving Administrative Code requirements that a City contract contain a statement of guaranteed maximum costs and a statement regarding liability of claimants for submitting false claims; and waiving certain other Administrative Code and Environment Code requirements upon findings made by the SFPUC General Manager. (Public Utilities Commission)

(Fiscal Impact)

05/12/23; RECEIVED FROM DEPARTMENT.

05/23/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 6/22/2023.

Requests Granted

From: Supervisor Shamann Walton

To: United States Department of Justice

Requests: Requesting the United States Department of Justice perform a full review of the San Francisco District Attorney's handling and decision on the murder of Banko Brown.

From: Supervisor Ahsha Safai

To: Office of the City Attorney

Requests: Requesting the Office of the City Attorney to draft resolution to reject the water and sewer rate increases adopted on May 23, 2023.

From: Supervisor Dean Preston

To: San Francisco Police Department (SFPD), Office of the District Attorney, Department of Homelessness and Supportive Housing (DHS)

Requests: Requesting a response to the following questions from the aforementioned departments.

- 1. How do you track complaints regarding violence against people experiencing homelessness?*
- 2. How many reported attacks have there been against unhoused individuals in the last year?*
 - a. For each such attack, please provide the location, case number, synopsis, and case status.*
- 3. What patterns or trends have there been in violence against people experiencing homelessness?*
- 4. Are you aware of any efforts to encourage, incite, or organize violence against people who are experiencing homelessness?*
 - a. Does your department monitor for vigilante organizing?*
 - b. What steps have you taken to prevent the encouragement, incitement, or organizing of violence against people experiencing homelessness?*
- 5. What, if any, outreach was done by your department to warn unhoused people about ongoing or potential threats of violence or vigilantism, including but not limited to the bear mace attacks?*

From: Supervisor Rafael Mandelman

To: San Francisco Police Department (SFPD)

Requests: Requesting the SFPD to describe the barriers and challenges to restoring traffic enforcement to 2014 levels, including but not limited to overall staffing challenges and policy and legal changes at the State and local level that may have contributed to the decline in enforcement, and present a plan to restore overall traffic enforcement to 2014 levels, with an emphasis on "Focus on the Five" violations.

In Memoriam

Joan Seiwald - Supervisor Rafael Mandelman

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:45 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on June 27, 2023.

Angela Calvillo, Clerk of the Board