

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, October 3, 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.

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, October 3, 2023, with President Aaron Peskin presiding.*

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

## Remote Access to Information and Participation

*The Board of Supervisors ([www.sfbos.org](http://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](http://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, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.*

*All Members were present.*

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

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. In-person public comment will be taken before remote public comment is called.*

*(Those who are providing public comment remotely must dial \*3 to be added to the remote queue to speak. Written comments may be submitted through email ([bos@sfgov.org](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.)*

## AGENDA CHANGES

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

#### **230788 [Settlement of Lawsuit - Akashni Bhan - \$175,000]**

Ordinance authorizing settlement of the lawsuit filed by Akashni Bhan against the City and County of San Francisco, Sergeant Jennifer Streegan, Sergeant Steven Pomatto, Officer Anthony Oerlemans, and Officer Jennifer O'Keffee for \$175,000; the lawsuit was filed on October 4, 2019, in San Francisco Superior Court, Case No. CGC-19-579798; entitled Akashni Bhan v. City and County of San Francisco, et. al.; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

#### **230791 [Settlement of Lawsuit - Cheri Pierce - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Cheri Pierce against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 26, 2022, in San Francisco Superior Court, Case No. CGC-22-599362; entitled Cheri Pierce v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of fall on uneven sidewalk. (City Attorney)

**PASSED ON FIRST READING**

#### **230792 [Settlement of Lawsuit - Bi Jun Zhang - \$35,000]**

Ordinance authorizing settlement of the lawsuit filed by Bi Jun Zhang against the City and County of San Francisco for \$35,000; the lawsuit was filed on May 17, 2022, in San Francisco Superior Court, Case No. CGC-22-599662; entitled Bi Jun Zhang v. City and County of San Francisco, et al.; the lawsuit involves a personal injury to Plaintiff from uneven pavement. (City Attorney)

**PASSED ON FIRST READING**

#### **230793 [Settlement of Lawsuit - Wayne Kha - \$465,000]**

Ordinance authorizing settlement of the lawsuit filed by Wayne Kha against the City and County of San Francisco for \$465,000; the lawsuit was filed on September 7, 2021, in San Francisco Superior Court, Case No. CGC-21-595136; entitled Wayne Kha v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)

**PASSED ON FIRST READING**

#### **230794 [Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]**

Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc. against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of Early Care and Education Commercial Rents Tax and Homelessness Gross Receipts Tax; an additional material term of the settlement is that Digital Realty Trust, Inc. and its related entities shall take certain filing positions with respect to their Early Care and Education Commercial Rents Taxes for tax year 2021 and subsequent tax years. (City Attorney)

**PASSED ON FIRST READING**

**230795 [Settlement of Lawsuit - Build Group, Inc. - \$211,129.46]**

Ordinance authorizing settlement of the cross-complaint filed by Build Group, Inc. against the City and County of San Francisco for a payment to Build Group, Inc. of \$211,129.46; the cross-complaint was filed on November 22, 2022, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-22-598717; entitled CPM Environmental, Inc. v. Build Group, Inc. and DOES 1-100, et al.; the lawsuit involves allegations of breach of contract relating to the renovation of the Maxine Hall Health Center; other material terms of the settlement are that Build Group, Inc. waives all other claims it has or may have relating to the project. (City Attorney)

**PASSED ON FIRST READING**

**230806 [Settlement of Lawsuit - Debra Crismani - \$90,000]**

Ordinance authorizing settlement of the lawsuit filed by Debra Crismani against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 21, 2022, in San Francisco Superior Court, Case No. CGC-22-598779; entitled Debra Crismani v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

**PASSED ON FIRST READING**

**230830 [Settlement of Lawsuit - Ike Ohannesyan - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Ike Ohannesyan against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 17, 2021, in San Francisco Superior Court, Case No. CGC-21-591955; entitled Ike Ohannesyan v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)

**PASSED ON FIRST READING**

**230893 [Settlement of Lawsuit - Duk Soon Lee - \$225,000]**

Ordinance authorizing settlement of the lawsuit filed by Duk Soon Lee against the City and County of San Francisco for \$225,000; the lawsuit was filed on October 12, 2021, in San Francisco Superior Court, Case No. CGC-21-595854; entitled Duk Soon Lee v. Jamie Austin Miller, et al.; the lawsuit involves alleged personal injury arising out of City vehicle collision. (City Attorney)

**PASSED ON FIRST READING**

**230894 [Settlement of Lawsuit - Breon Johnson - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Breon Johnson against the City and County of San Francisco for \$100,000; the lawsuit was filed on September 26, 2022, in San Francisco Superior Court, Case No. CGC-22-601937; entitled Breon Johnson v. The Regents of The University of California, et al.; the lawsuit involves alleged medical negligence. (City Attorney)

**PASSED ON FIRST READING**

**230896 [Settlement of Lawsuit - Tatiana Umnov and Anatoly Umnov - \$450,000]**

Ordinance authorizing settlement of the lawsuit filed by Tatiana Umnov and Anatoly Umnov against the City and County of San Francisco for \$450,000; the lawsuit was filed on September 20, 2021, in San Francisco Superior Court, Case No. CGC-21-595303; entitled Tatiana Umnov, Anatoly Umnov v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

**PASSED ON FIRST READING**

**230796 [Settlement of Unlitigated Claim - Cincinnati Insurance Company - \$37,636.23]**

Resolution approving the settlement of the unlitigated claim filed by Cincinnati Insurance Company against the City and County of San Francisco for \$37,636.23; the claim was filed on January 30, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

**Resolution No. 464-23**

**ADOPTED**

**230797 [Settlement of Unlitigated Claim - Arthur Villegas - \$50,000]**

Resolution approving the settlement of the unlitigated claim filed by Arthur Villegas against the City and County of San Francisco for \$50,000; the claim was filed on May 8, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

**Resolution No. 465-23**

**ADOPTED**

**230798 [Settlement of Unlitigated Claim - Ronghan Guan - \$50,450]**

Resolution approving the settlement of the unlitigated claim filed by Ronghan Guan against the City and County of San Francisco for \$50,450; the claim was filed on October 19, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

**Resolution No. 466-23**

**ADOPTED**

**230799 [Settlement of Unlitigated Claims - Glencore Ltd. - \$197,203.64]**

Resolution approving the settlement of the unlitigated claims filed by Glencore Ltd. against the City and County of San Francisco for \$197,203.64; the claims were filed on March 27, 2023; the claims involve a refund of gross receipts taxes and payroll expense taxes. (City Attorney)

**Resolution No. 467-23**

**ADOPTED**

**230899 [Settlement of Unlitigated Claims - Niantic, Inc. - \$599,398.66]**

Resolution approving the settlement of the unlitigated claims filed by Niantic, Inc. against the City and County of San Francisco for \$599,398.66; the claims were filed on February 28, 2023; the claims involve a refund of Payroll Expense Tax, Gross Receipts Tax, and Homelessness Gross Receipts Tax. (City Attorney)

**Resolution No. 468-23**

**ADOPTED**

**230900 [Settlement of Unlitigated Claim - Bing Situ - \$64,483.41]**

Resolution approving the settlement of the unlitigated claim filed by Bing Situ against the City and County of San Francisco for \$64,483.41; the claim was filed on April 27, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

**Resolution No. 469-23**

**ADOPTED**

**230901 [Settlement of Unlitigated Claim - Yaol Oenn Wong - \$50,000]**

Resolution approving the settlement of the unlitigated claim filed by Yaol Oenn Wong against the City and County of San Francisco for \$50,000; the claim was filed on April 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

**Resolution No. 470-23**

**ADOPTED**

**230902 [Settlement of Unlitigated Claim - Jessica Middleton - \$32,439.60]**

Resolution approving the settlement of the unlitigated claim filed by Jessica Middleton against the City and County of San Francisco for \$32,439.60; the claim was filed on March 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

**Resolution No. 471-23**

**ADOPTED**

**Recommendation of the Land Use and Transportation Committee****230922 [Planning Code - Landmark Designation - Colombo Market Arch]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to designate Colombo Market Arch, situated within Sydney Walton Square, 600 Front Street, a portion of Assessor's Parcel Block No. 0172, Lot No. 010, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

**Ordinance No. 202-23**

**FINALLY PASSED**

## **Recommendation of the Rules Committee**

### **230810 [Administrative Code - Tenant Organizing]**

**Sponsors: Chan; Peskin, Preston, Ronen and Walton**

Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith.

**Ordinance No. 203-23**

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Referred Without Recommendation from the Land Use and Transportation Committee

#### **230855 [Planning, Administrative Codes - Development Impact Fee Reductions]**

##### **Sponsors: Peskin; Safai, Mandelman and Dorsey**

Ordinance amending the Planning Code to: 1) reduce Inclusionary Housing Program requirements, including requirements for projects approved under the Housing Opportunities Means Equity - San Francisco (HOME-SF) program, for projects that have been approved prior to November 1, 2023 and that receive a first construction document within a specified period; 2) adopt a process for those projects to request a modification to conditions of approval related to development impact fees, subject to delegation by the Planning Commission; 3) reduce Article 4 development impact fees, including Inclusionary Affordable Housing fees for projects exceeding a stated unit size, for projects approved before November 1, 2026 that receive a first construction document within 30 months of entitlement; and, 4) modify the Inclusionary Housing Program Ordinance effective November 1, 2026 to reduce applicable fees, and on-site or off-site unit requirements, for projects that exceed a stated unit size; amending the Administrative Code to update the Inclusionary Housing Technical Advisory Committee member requirements; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.  
(Supervisor Preston voted No on First Reading.)

**Ordinance No.** 201-23

**FINALLY PASSED** by the following vote:

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



## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

President Peskin requested File Nos. 230836 and 230837 be called together.

#### **230836 [Accept and Expend Grant - Retroactive - Board of State and Community Corrections - Mobile Probation Service Centers Grant Program - \$507,470]**

**Sponsors: Mayor; Safai**

Resolution retroactively authorizing the Adult Probation Department to accept and expend a grant in the amount of \$507,470 from the Board of State and Community Corrections (BSCC) for the Mobile Probation Service Centers Grant Program funded through The Budget Act of 2022 (Assembly Bill No. 178), for the period of May 1, 2023, through September 30, 2027. (Adult Probation)

**Resolution No. 463-23**

**ADOPTED by the following vote:**

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

#### **230837 [Accept and Expend Grant - Retroactive - California Emergency Management Agency - Probation Specialized Supervision Program - \$100,000]**

**Sponsors: Mayor; Safai**

Resolution retroactively authorizing the Department of Adult Probation to accept and expend a grant in the amount of \$100,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act, for the period of October 1, 2022, through September 30, 2023. (Adult Probation)

**Resolution No. 462-23**

**ADOPTED by the following vote:**

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

#### **230904 [Reauthorizing Participation Costs for CleanPowerSF Membership in a Joint Powers Authority - Not to Exceed \$4,772,710]**

**Sponsor: Mandelman**

Resolution reauthorizing the Public Utilities Commission's cost for CleanPowerSF's participation in a Joint Powers Authority consisting of Community Choice Aggregators with a not to exceed amount of \$4,772,710 for a duration of twenty-five years from January 1, 2024, through December 31, 2048.

(Public Utilities Commission)

(Fiscal Impact)

**Resolution No. 472-23**

**ADOPTED by the following vote:**

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

**230909 [Maintenance Agreement - State of California, Department of Transportation, Caltrans - Southern Skyline Boulevard Ridge Trail Extension Project]**

Resolution approving the terms and conditions and authorizing the execution of the no-cost Project Specific Maintenance Agreement with the State of California, Department of Transportation, for San Francisco Public Utilities Commission's ongoing maintenance of its proposed improvements at 18 locations within Caltrans' right-of-way along a six-mile section of State Route 35, south of State Route 92, in San Mateo County, California, for the Southern Skyline Boulevard Ridge Trail Extension Project, subject to Board of Supervisors' approval under Charter, Section 9.118. (Public Utilities Commission)

**Resolution No. 473-23**

**ADOPTED by the following vote:**

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

*President Peskin requested File Nos. 230930, 230932, and 230933 be called together.*

**230930 [Accept and Expend Grant - Retroactive - California Department of Insurance - Workers' Compensation Insurance Fraud Program - \$1,066,724]**

**Sponsors: Mayor; Mandelman**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$1,066,724 from the California Department of Insurance for the Workers' Compensation Insurance Fraud Program, for the grant period of July 1, 2023, through June 30, 2024. (District Attorney)

**Resolution No. 474-23**

**ADOPTED by the following vote:**

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

**230932 [Revolving Fund Agreement - Retroactive - California Victim Compensation Board - Emergency Expense of Crime Victims - \$75,000]**

**Sponsors: Mayor; Mandelman**

Resolution retroactively authorizing the Office of the District Attorney of the City and County of San Francisco to renew its current agreement with the California Victim Compensation Board, an agent of the State of California, for a revolving fund in the amount of \$75,000 to establish a process to pay expenses on an emergency basis when the claimant would suffer substantial hardship if the payment was not made, and when the payment would help the claimant with an immediate need for the period of July 1, 2023, through June 30, 2026. (District Attorney)

**Resolution No. 476-23**

**ADOPTED by the following vote:**

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

**230933 [Accept and Expend Grant - Retroactive - California Victim Compensation Board - Criminal Restitution Compact - Not to Exceed \$275,391]****Sponsors: Mayor; Mandelman**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$91,797 for the period of July 1, 2023, through June 30, 2024; \$91,797 for the period of July 1, 2024, through June 30, 2025; and \$91,797 for the period of July 1, 2025, through June 30, 2026, for a total not to exceed amount of \$275,391 from the California Victim Compensation Board for the grant period July 1, 2023, through June 30, 2026, to continue the Criminal Restitution Compact should the parties agree to an amendment as allowed under the provisions of the grant agreement. (District Attorney)

**Resolution No. 477-23****ADOPTED by the following vote:**

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

**230931 [Accept and Expend Grant - Retroactive - National Institutes of Health - Oregon Health & Science University - Western States Node of the National Drug Abuse Treatment Clinical Trials Network - \$109,937]****Sponsors: Mayor; Dorsey and Mandelman**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase from the National Institutes of Health through Oregon Health & Science University for participation in a program, entitled "Western States Node of the National Drug Abuse Treatment Clinical Trials Network," in the amount of \$28,327 for the period of March 1, 2023, through February 29, 2024, for a total grant award amount of \$109,937 for the total period of June 1, 2020, through February 29, 2024. (Public Health Department)

**Resolution No. 475-23****ADOPTED by the following vote:**

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

**230938 [Accept and Expend Grant - California Emergency Management Agency - Probation Specialized Supervision Program - \$100,000]****Sponsors: Mayor; Safai**

Resolution authorizing the Department of Adult Probation to accept and expend a grant in the amount of \$100,000 from the California Emergency Management Agency for Probation Specialized Supervision Program federally funded through the Violence Against Women Act, for the period of October 1, 2023, through September 30, 2024. (Adult Probation)

**Resolution No. 461-23****ADOPTED by the following vote:**

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

## **Recommendation of the Government Audit and Oversight Committee**

### **230951 [Urging the Recreation and Park Department to Publicly Share Information Regarding Pilot Activation of UN Plaza and Take Steps to Mitigate Any Impact on the Farmers' Market]**

**Sponsors: Preston; Peskin and Chan**

Resolution expressing the Board of Supervisors' concern regarding the development of the United Nations (UN) Activation Plan and displacement of the Heart of the City Farmers' Market from the UN Plaza, urging the Recreation and Park Department to adopt mitigations requested by the Farmers' Market, and urging the Recreation and Park Department to provide information to the public and the Board of Supervisors regarding the pilot activation plan.

**Resolution No. 482-23**

**ADOPTED by the following vote:**

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

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

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

*Supervisor Preston introduced, welcomed, and presented a Certificate of Honor to the Japanese Cultural and Community Center of Northern California on the occasion of their 50th Anniversary and in recognition of their accomplishments sharing their heritage and customs through recreational, social and educational enrichment.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Bill Hirsh, Executive Director of the AIDS Legal Referral Panel, on the occasion of his retirement after almost 24 years and in recognition of his many accomplishments and advocacy for those with HIV/AIDS. Supervisors Peskin and Dorsey shared in this commendation.*

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

#### **200777 [Hearing - Committee of the Whole - Update on Findings and Recommendations Regarding Law Enforcement Practices - May 21, 2024, at 3:00 p.m.]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on May 21, 2024, at 3:00 p.m., for the Members of the Board of Supervisors to hear and receive updates on the progress and implementation status of the United States Department of Justice recommendations regarding reforms within the Police Department; scheduled pursuant to Motion No. M20-125, approved on September 15, 2020. (Clerk of the Board)

*President Peskin opened the public hearing and Supervisor Walton provided opening remarks regarding the update on findings and recommendations regarding law enforcement practices (File No. 200777). The President then inquired as to whether any individual wished to address the Committee of the Whole on the hearing matter. Diana Aroche, Chief William Scott, and Catherine McGuire (Police Department); and Debra Kirby (Jensen Hughes); provided an overview of the hearing matter and responded to questions raised throughout the discussion. Thierry Fill; Jordan Davis; Speaker; Mark; Otto Duffy; Speaker; spoke on various concerns relating to the hearing matter. 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.*

*President Peskin declared the matter HEARD AND FILED.*

*Supervisor Walton, seconded by Supervisor Ronen, moved to rescind the previous declaration and place the question back before the Board for reconsideration. The motion carried by the following vote:*

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

**Supervisor Walton, seconded by Supervisor Ronen, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of May 21, 2024. The motion carried by the following vote:**

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

### Committee of the Whole Adjourn and Report

## COMMITTEE REPORTS

### Homelessness and Behavioral Health Select Committee

#### **230974 [Sublease Agreement - California State Lands Commission - Candlestick Point State Recreation Area - Vehicle Triage Center - Base Rent of \$312,000]**

**Sponsor: Mayor**

Resolution authorizing and approving the Director of Property, on behalf of the Department of Homelessness and Supportive Housing, to negotiate and enter into a sublease agreement for 312,000 square feet of property owned by the California State Lands Commission and leased to the California Department of Parks and Recreation, for the City's continued use as the Bayview Vehicle Triage Center at Candlestick Point State Recreation Area, for a term of two years commencing on or about January 13, 2024, through January 12, 2026, for a base rent of \$312,000 per year; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the sublease; affirming findings under the California Environmental Quality Act; and finding the proposed sublease is in conformance with the General Plan, and the eight priorities of Planning Code, Section 101.1. (Department of Homelessness and Supportive Housing)  
(Fiscal Impact)

**Resolution No. 458-23**

**ADOPTED by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Thierry Fill; expressed concerns regarding technology, the effect of emotional disorders, and the need to own yourself as an individual to achieve happiness.*

*Speaker; shared personal religious views.*

*Christopher Kline; shared concerns regarding stingray surveillance technology.*

*Speaker; shared concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Speaker; shared concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Lea McGeever; expressed concerns regarding the protection of transgender individuals.*

*Jordan Davis; expressed concerns regarding oppressive language and the Motion to remove remote public comment.*

*JConr B. Ortega; thanked the Police Department for everything they do and expressed concerns regarding violent robberies of businesses.*

*Speaker; expressed condolences for the late Senator Dianne Feinstein and shared his personal encounters with the Senator.*

*Ace Washington; expressed condolences for the late Senator Dianne Feinstein and concerns regarding the City's Reparation Plan.*

*Otto Duffy; expressed condolences for the late Senator Dianne Feinstein and shared his personal encounters with the Senator.*

*Charles Pitts; shared videos of City staff knocking over a food vendor's cart and cleaning up street vendors' illegal goods.*

*San Francisco; expressed concerns regarding the need for leadership to address the closures of businesses and the increase of violent incidents.*

*Timothy Allen Simon; expressed concerns regarding the Vehicle Triage Center.*

*Joe Kunzler; expressed concerns regarding gun violence and upcoming legislation to address those issues.*

*Luke Bornheimer; expressed support of the Resolution urging the Municipal Transportation Agency to prohibit right turns on red (File No. 231016) and new legislation regarding daylighting.*

## **Appointment of President Pro Tempore**

*At the request of President Peskin, Supervisor Walton assumed the chair at 4:23 p.m. The President resumed the chair 4:26 p.m.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **231013 [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 landmark designation initiation from the Board of Supervisors (File No. 230266).

**Resolution No. 478-23**

**ADOPTED**

**231014 [Filipino American History Month - October 2023]**

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

Resolution recognizing October 2023 as "Filipino American History Month" and celebrating the history and culture of Filipino Americans and their immense contributions to the City and County of San Francisco.

*Supervisors Ronen, Walton, and Melgar requested to be added as co-sponsors.*

**Resolution No. 479-23**

**ADOPTED**

**231015 [Supporting Mayor's Letters of Support to Coalitions Applying for the Greenhouse Gas Reduction Fund and Urging City Departments to Prepare for the Creation of a Green Bank]**

**Sponsor: Preston**

Resolution supporting Mayor London N. Breed's letters of support to coalitions applying for the Environmental Protection Agency's Greenhouse Gas Reduction Fund and urging City departments to prepare for the creation and implementation of a green bank to finance local projects using Greenhouse Gas Reduction funds.

**Resolution No. 480-23**

**ADOPTED**

**231016 [Urging the MTA to Prohibit Right Turns on Red]**

**Sponsor: Preston**

Resolution urging the Municipal Transportation Agency (MTA) to develop and implement a plan for No Turn On Red (NTOR) at every signalized intersection in San Francisco and approve a citywide NTOR policy.

**Resolution No. 481-23**

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

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

**IMPERATIVE AGENDA**

*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.*

## ORDINANCES

### **230704 [Planning Code - Fleet Charging Locations and Parcel Delivery Service]**

**Sponsors: Chan; Melgar**

Ordinance amending the Planning Code to prohibit Parcel Delivery Service activities at Fleet Charging locations; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

06/06/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/6/2023.

06/13/23; REFERRED TO DEPARTMENT.

06/30/23; RESPONSE RECEIVED.

09/21/23; REMAIN ACTIVE.

10/03/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

### **230863 [Planning Code - Exceptions from Limits on Conversion of Production, Distribution and Repair, Institutional Community, and Arts Activities Uses in Eastern Neighborhood Plans Areas]**

**Sponsor: Dorsey**

Ordinance amending the Planning Code to exempt from the limitations on conversion of certain Production, Distribution and Repair ("PDR"), Institutional Community, and Arts Activities uses in the Eastern Neighborhoods Plans Areas (Mission, Eastern SoMa, Western SoMa, and Central SoMa), changes of use from one of those uses to another of those uses or to Institutional uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Proposition X, November 2016, requires a two-thirds vote (eight votes) of the membership to amend the requirements imposed by Planning Code, Section 202.8.)

07/25/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/24/2023.

08/08/23; REFERRED TO DEPARTMENT.

10/03/23; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

## RESOLUTIONS

**231022 [Issuance of Special Tax Bonds - Special Tax District No. 2020-1 (Mission Rock Facilities and Services) - Development Special Tax Bonds, Office Special Tax Bonds, Shoreline (Tax Zone 1) Special Tax Bonds - Not to Exceed \$58,335,000]**

**Sponsors: Mayor; Dorsey**

Resolution supplementing Resolution No. 196-20 authorizing the issuance and sale of one or more series of Special Tax Bonds for City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services) in the aggregate principal amount not to exceed \$58,335,000 to be repaid from Development Special Taxes, Office Special Taxes and Shoreline Special Taxes levied in Tax Zone 1 of the Special Tax District, as applicable; approving related documents, as defined herein, including an Official Statement, a Second Supplement to Development Special Tax Fiscal Agent Agreement, Office Special Tax Fiscal Agent Agreement, Shoreline (Tax Zone 1) Special Tax Fiscal Agent Agreement, Bond Purchase Agreement, and Continuing Disclosure Certificate; interpreting the Rate and Method of Apportionment of Special Tax; and determining other matters in connection therewith, as defined herein.

(Fiscal Impact)

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231023 [Pledge Agreement Related Documents - CCSF Infrastructure Financing District No. 2 (Port of San Francisco), Sub-Project Areas I-1 through I-13 - Special Tax Bonds - CCSF Special Tax District No. 2020-1 (Mission Rock Facilities and Services)]**

**Sponsors: Mayor; Dorsey**

Resolution approving certain documents and actions related to a Pledge Agreement by City and County of San Francisco (CCSF) Infrastructure Financing District No. 2 (Port of San Francisco) and Development Special Tax Bonds for CCSF Special Tax District No. 2020-1 (Mission Rock Facilities and Services); and determining other matters in connection therewith, as defined herein.

(Fiscal Impact)

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231024 [Emergency Declaration - Trocadero Clubhouse Repairs - Estimated Cost of Repairs Not to Exceed \$1,850,000]**

**Sponsors: Mayor; Engardio**

Resolution approving the Recreation and Park Department General Manager's declaration of emergency under Administrative Code, Section 6.60, for the repairs to the Trocadero Clubhouse, with an estimated not to exceed amount of \$1,850,000. (Recreation and Park Department)

(Fiscal Impact)

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231025 [Emergency Declaration - Winter Storm Debris Removal - Estimated Cost of Repairs Not to Exceed \$2,100,000]****Sponsors: Mayor; Engardio**

Resolution approving the Recreation and Park Department General Manager's declaration of emergency under Administrative Code, Section 6.60, for winter storm clean-up at Sigmund Stern Grove and other Recreation and Park facilities, estimated to cost in excess of \$250,000. (Recreation and Park Department)  
(Fiscal Impact)

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231026 [Contract Amendment - Five Keys Schools and Programs - 685 Ellis Semi-Congregate Shelter - Not to Exceed \$27,296,994]****Sponsors: Mayor; Preston**

Resolution approving the first amendment to the contract between Five Keys Schools and Programs and the Department of Homelessness and Supportive Housing ("HSH") for supportive services and property management at the 685 Ellis semi-congregate shelter; extending the contract term by 31 months from November 30, 2023, for a total term of December 15, 2022, through June 30, 2026; increasing the contract amount by \$19,365,652 for a total amount not to exceed \$27,296,994; and authorizing HSH to enter into any additions, amendments, or other modifications to the contract that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Department of Homelessness and Supportive Housing)  
(Fiscal Impact)

10/03/23; RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select Committee.

**231027 [Accept and Expend Grant - Friends of Jackson Park - Renovation of Jackson Playground - \$12,440,735]****Sponsors: Mayor; Walton and Safai**

Resolution authorizing the Recreation and Park Department (RPD) to accept and expend cash and in-kind grants from the Friends of Jackson Park valued at \$12,440,735 for the renovation of Jackson Playground for the project term of upon approval of Board of Supervisors until Notice of Substantial Completion; and to authorize the General Manager of RPD to enter into modifications to the Grant that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Recreation and Park Department)

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231028 [Cultural District Street Name Designations - "LEATHER & LGBTQ Cultural District" - Various Locations in the South of Market]****Sponsors: Dorsey; Mandelman**

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

10/03/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

## REQUESTS FOR HEARING

### **231029 [Hearing - Treatment on Demand]**

**Sponsors: Mandelman; Stefani**

Hearing on the state of Treatment on Demand in San Francisco; and requesting the Department of Public Health, Fire Department, Police Department, District Attorney, Public Defender, Sheriff's Department, Pretrial Diversion Project, SF Superior Court - Collaborative Courts, Human Services Agency, Treatment on Demand Coalition, and Recovery Coalition to report.

10/03/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

### **231030 [Hearing - Working Conditions for Women in the SFPD]**

**Sponsors: Melgar; Stefani**

Hearing on the working conditions and accommodations for working women with children in the San Francisco Police Department (SFPD), including access to clean and adequate lactation resources and childcare; and requesting the SFPD, Department of Human Resources, Department of Early Childhood, and Department on the Status of Women to report.

10/03/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

### **231031 [Hearing - Daylighting Policy]**

**Sponsor: Melgar**

Hearing requesting San Francisco Municipal Transportation Agency (SFMTA) to report on the daylighting policy for intersections across the City; data on the number of intersections that have been daylighted since 2019; data on the number of intersections remaining in need of daylighting; the timeline for complying with the daylighting policy passed by the Board of Supervisors in 2019 (Resolution No. 248-19, File No. 190507); and requesting SFMTA to report.

10/03/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

### **231032 [Hearing - UN Plaza Activation Project and Heart of the City Farmers' Market]**

**Sponsors: Preston; Chan**

Hearing on the UN Plaza Activation Project and relocation of the Heart of the City Farmers' Market; and requesting the Recreation and Parks Department and Civic Center Community Benefit District to report.

10/03/23; 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 ORDINANCE**

### **230996 [Settlement of Lawsuit - Adam Smith, et al. - \$130,401.66]**

Ordinance authorizing settlement of the lawsuit filed by Adam Smith, et al., against the City and County of San Francisco for return of the Expedited Conversion Program fee in the amount of \$130,401.66; the lawsuit was filed on September 28, 2021, in San Francisco Superior Court, Case No. CPF-21-517578; entitled Adam Smith, et al. v. City and County of San Francisco; the lawsuit challenges the Board of Supervisors' denial of Petitioners' application to convert their six-unit building at 424-434 Francisco Street to condominiums under the City's Expedited Conversion Program (Subd. Code, Section 1396.4); the settlement includes return of Petitioners' Expedited Conversion Program fee and waiver of the City's litigation costs; other material terms of the settlement are the parties' agreement to withdraw their respective appeals. (City Attorney)

09/25/23; RECEIVED FROM DEPARTMENT.

10/03/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTIONS**

### **230997 [Settlement of Unlitigated Claims - PFP Holdings, Inc. - \$1,039,237.26]**

Resolution approving the settlement of the unlitigated claims filed by PFP Holdings, Inc. against the City and County of San Francisco for \$1,039,237.26; the claims were filed on May 4, 2023; the claims involve a refund of payroll expense, gross receipts, and homelessness gross receipts taxes. (City Attorney)

09/25/23; RECEIVED FROM DEPARTMENT.

10/03/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**230998 [Real Property Lease - Bayview Plaza, LLC - 3801-3rd Street, Suite 400 - \$554,347 Initial Base Year Rent]**

Resolution approving and authorizing the Director of Property, on behalf of the Department of Public Health, to execute a Lease Agreement for the term of five years with two five-year options to extend the term for continued use of office space with the Bayview Plaza, LLC, located at 3801-3rd Street, Suite 400, at a base rent of \$554,347 per year (approximately \$37.39 per square foot) with 3% annual rent increases effective upon approval of the Resolution and upon execution of the Lease by the Director of Property; and authorizing the Director of Property to execute any amendments, options to extend the agreement term, make certain modifications and take certain actions that do not materially increase the obligations or liabilities to the City, do not materially decrease the benefits to the City and are necessary or advisable to effectuate the purposes of the Lease Agreement or this Resolution. (Real Estate Department)  
(Fiscal Impact)

09/21/23; RECEIVED FROM DEPARTMENT.

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**230999 [Real Property Lease Amendment - Retroactive - 716 Sacramento LLC and DLS Sacramento LLC - 716-720 Sacramento Street - \$370,000 Annual Base Rent]**

Resolution approving and authorizing the Director of Property, on behalf of the Department of Public Health, to execute a Fourth Amendment to a Lease of real property located at 716-720 Sacramento Street, with 716 Sacramento LLC (73.4%) and DLS Sacramento LLC (26.6%), at a base rent of \$370,000 per year with 3% annual increases, for an initial term commencing upon execution of the Lease and after approval of this Resolution by the Board of Supervisors and Mayor, in their respective sole and absolute discretion, with a total term of December 1, 1996, through June 30, 2026, with two one-year options to extend; and to authorize the Director or Property to enter into any extensions, amendments, or modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Lease or this Resolution. (Public Health Department)  
(Fiscal Impact)

09/22/23; RECEIVED FROM DEPARTMENT.

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231000 [Lease of Property - J.D. Harney, Inc., et al. - 2205 Jennings Street - Annual Base Rent of \$264,000]**

Resolution authorizing and approving the lease of a portion of the real property located at 2205 Jennings Street with J.D. Harney, Inc., a California corporation, John Daniel Harney and Bernadette Patricia Harney, Co-Trustees or Successor Trustee of the John Daniel Harney and Bernadette Patricia Harney Revocable Living Trust Under Agreement dated August 13, 1987, as Community Property, and MM1495Wall LP, a California Limited partnership, for an initial three-year term at an annual base rent of \$264,000 (or the monthly amount of \$22,000); plus 3% annual increases to base rent; plus one five-year extension option to further extend the term of the Lease; the Lease will be effective upon approval of this Resolution; and to authorize the Director of Property to enter into amendments or modifications to the Lease that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Lease or this Resolution. (Real Estate Department)  
(Fiscal Impact)

09/22/23; RECEIVED FROM DEPARTMENT.

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**231001 [Emergency Declaration - Repair of Fillmore and Green 16" Water Main Break - Total Estimated Cost Not to Exceed \$5,000,000]**

Resolution approving an emergency declaration of the San Francisco Public Utilities Commission pursuant to Administrative Code, Section 6.60, to contract resources to perform sewer main, water main, and street repairs on Fillmore Street between Green Street and Union Street, which were damaged by a water main failure, with a total estimated cost not to exceed \$5,000,000. (Public Utilities Commission)  
(Fiscal Impact)

09/22/23; RECEIVED FROM DEPARTMENT.

10/03/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Request Granted**

*From: Supervisor Ahsha Safai*

*To: The Office of the City Attorney*

*Requests: Requesting draft legislation to make Homeward Bound a permanent program, require that any City-funded agency dealing with homelessness make clients aware of the program, and specify the agency in charge of determining eligibility and delivering services.*

**In Memoriams**

*The Honorable Senator Dianne Feinstein – President Aaron Peskin and the entire Board of Supervisors*

*Tim Figueras – President Aaron Peskin*

*Ardist Cooper Jr. – Supervisor Ahsha Safai*

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 4:41 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 November 7, 2023.*

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Angela Calvillo, Clerk of the Board