

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, February 14, 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

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

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Engardio

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

2nd Friday

10:00 AM

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

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

The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, February 14, 2023, with President Aaron Peskin presiding.

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

Remote Access to Information and Participation

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

Members of the public may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Committee agendas and their associated documents are available at <https://sfbos.org/meetings/42>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184 or bos@sfgov.org.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Dorsey, 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 for up to two minutes 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) 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 January 9, 2023, Inaugural Board Meeting Minutes or January 10, 2023, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Dorsey, seconded by Supervisor Preston, moved to approve the January 9, 2023, Inaugural Board Meeting Minutes and January 10, 2023, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

230152 [Formal Policy Discussions - February 14, 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 1:

1. Neighborhood Blight

Mayor London N. Breed addressed the Board of Supervisors regarding various initiatives she recently announced to meet the goals for businesses and workers in the City, including legislation on tax reforms to assist current businesses and recruit new ones, and a ballot measure to fund police overtime.

Mayor Breed then discussed the above referenced topic submitted by the District 1 Supervisor. Supervisor Chan began the discussions by asking the following question: How will rescinding the COVID Emergency Order impact the enforcement of laws concerning encampments, graffiti, garbage dumping, etc.? Mayor Breed responded with the various programs already launched to remove graffiti and other innovative programs being created to shorten the time it takes to address this issue. She encouraged residents to use the 311 system to report blight in their neighborhoods.

President Peskin invoked his privilege to remind the Board that their previous suspension of the Graffiti Abatement Ordinance has been rescinded to allow the City to start addressing graffiti blight once again.

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

HEARD AND FILED

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Transportation Committee

221104 [Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District]

Sponsors: Dorsey; Mandelman, Engardio and Safai

Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District, the Regional Commercial District, and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; clarifying the buffer restrictions for Nighttime Entertainment uses in the Service/Arts/Light Industrial District and the Western SoMa Mixed Use-Office District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; 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. 022-23

FINALLY PASSED by the following vote:

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

221271 [Administrative Code - Treatment of Shared Spaces on Valencia Street Sidewalk Bulb-Out as Curbside Shared Spaces]

Sponsors: Ronen; Safai

Ordinance waiving specified requirements in the Administrative Code to allow two food service shared spaces on a sidewalk bulb-out on the 500 Block of Valencia Street to be defined as curbside shared spaces, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

Ordinance No. 025-23

FINALLY PASSED by the following vote:

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

230025 [Administrative Code - Shared Spaces Program]**Sponsors: Mayor; Dorsey and Engardio**

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department's determination under the California Environmental Quality Act.

Ordinance No. 026-23

FINALLY PASSED by the following vote:

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

Recommendations of the Rules Committee**221246 [Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]****Sponsors: Safai; Mandelman**

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022, election, to provide that the Homelessness Oversight Commission ("Commission") appoint all members of the Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating Board's sole duties are to serve as the governing body required to participate in the federal Continuum of Care Program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee ("Oversight Committee") advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing's strategic planning process.

Ordinance No. 023-23

FINALLY PASSED by the following vote:

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

221270 [Administrative Code - Resignations from City Boards and Commissions]**Sponsors: Preston; Walton, Ronen, Mar, Peskin and Safai**

Ordinance amending the Administrative Code to establish a City policy against seeking preemptive resignation letters from persons seeking or being considered for appointment or reappointment to City boards and commissions and other City bodies.
(Supervisors Mandelman and Stefani dissented on First Reading.)

Ordinance No. 024-23

FINALLY PASSED by the following vote:

Ayes: 9 - Chan, Dorsey, Engardio, Melgar, Peskin, Preston, Ronen, Safai, Walton
Noes: 2 - Mandelman, Stefani

NEW BUSINESS

Recommendations of the Budget and Finance Committee

221247 [Lease and Operating Agreement - Golden Gate Park Golf Development Foundation - Golden Gate Park Golf Management and Operation - Annual Base Rent \$275,000]

Sponsors: Mayor; Chan and Safai

Resolution approving and authorizing a Lease and Operating Agreement between the City and County of San Francisco, acting by and through its Recreation and Park Department (RPD), and Golden Gate Park Golf Development Foundation for the management and operation of the clubhouse and golfing operations at Golden Gate Park Golf, located at 970-47th Avenue, for an initial term of six years, with one option to extend the term for an additional nine years, with an annual base rent of \$275,000 plus a share of revenues, effective upon approval of this Resolution; determining that the rental rate under the Agreement is appropriate and that the Agreement will serve a public purpose in accordance with Administrative Code, Sections 23.30 and 23.33; adopting findings declaring that the Property is "exempt surplus land" under the California Surplus Lands Act; and to authorize the RPD General Manager 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. (Recreation and Park Department)
(Fiscal Impact)

Resolution No. 053-23

ADOPTED by the following vote:

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

230039 [Contract Amendment - Granite Rock Company - Purchase of Petroleum, Emulsions, Sealants, and Concrete Base - Not to Exceed \$23,889,728]

Resolution authorizing the Office of Contract Administration to execute a second amendment to Contract 1000016483 with Granite Rock Company for the purchase of petroleum, emulsions, sealants, and concrete base by City departments, increasing the contract amount by \$13,989,728 for a total not to exceed amount of \$23,889,728 and extending the term by two years for a total contract duration of seven years from November 1, 2019, through to October 31, 2026. (Office of Contract Administration)
(Fiscal Impact)

Resolution No. 055-23

ADOPTED by the following vote:

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

President Peskin requested File Nos. 230059, 230061, and 230062 be called together.

230059 [Standard Agreement - California Department of Housing and Community Development California Housing Accelerator Program - Sunnydale Block 3B - \$47,814,455]

Sponsors: Mayor; Walton, Safai and Mandelman

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a Standard Agreement and other related documents with the State of California Department of Housing and Community Development ("HCD") under the California Housing Accelerator Program which Standard Agreement includes an award of \$47,814,455 as a loan to Sunnydale Block 3B Housing Partners, L.P. ("Developer"), as sole borrower, for construction of a development affordable to low- and moderate-income families at Sunnydale Block 3B, located at 1555 Sunnydale Avenue, for a term of five years to commence upon execution of the Standard Agreement by HCD. (Mayor's Office of Housing and Community Development)

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

Resolution No. 056-23

ADOPTED by the following vote:

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

230061 [Execute Standard Agreement and Accept and Expend Grant - California Department of Housing and Community Development - Infill Infrastructure Grant Program - Sunnydale Block 3B - \$6,500,000]

Sponsors: Mayor; Walton, Safai and Mandelman

Resolution authorizing the Mayor's Office of Housing and Community Development ("MOHCD") to execute a Standard Agreement with the California Department of Housing and Community Development ("HCD" or "Department") under the Infill Infrastructure Grant Program, for a total award of \$6,500,000 disbursed by HCD as a grant to the City for the second phase of infrastructure improvements for housing development related to the revitalization and master development of up to 1,770 units of replacement public housing, affordable housing, and market rate housing, commonly known as the Sunnydale HOPE SF Development ("Sunnydale Project"), for the period starting on the execution date of the Standard Agreement to June 30, 2029, and as amended; and authorizing MOHCD to accept and expend the grant of \$6,500,000 for infrastructure improvements for Sunnydale Block 3B as approved by HCD. (Mayor's Office of Housing and Community Development)

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

Resolution No. 058-23

ADOPTED by the following vote:

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

230062 [Loan Agreement - Sunnydale Block 3B Housing Partners, L.P. - Sunnydale HOPE SF Block 3B - 100% Affordable Housing - Not To Exceed \$31,506,016]**Sponsors: Mayor; Walton, Safai and Mandelman**

Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development (MOHCD) to execute an Amended and Restated Loan Agreement with Sunnydale Block 3B Housing Partners, L.P., a California limited partnership, for a total loan amount not to exceed \$31,506,016 to finance the construction of a 90-unit multifamily rental housing development for low-income households, which will be known as Sunnydale HOPE SF Block 3B (the "Project"); adopting findings that the loan agreement is consistent with the adopted Mitigation Monitoring and Reporting Program under the California Environmental Quality Act, 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 enter into any amendments or modifications to the Agreement and any other documents or instruments necessary in connection therewith that the Director determines are in the best interest of the City, do not materially increase the obligations or liabilities for the City or materially diminish the benefits of the City, and are necessary or advisable to effectuate the purposes and intent of this Resolution. (Mayor's Office of Housing and Community Development)
(Fiscal Impact)

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

Resolution No. 059-23**ADOPTED by the following vote:**

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

President Peskin requested File Nos. 230060, 230063, and 230064 be called together.

230060 [Standard Agreement - California Department of Housing and Community Development - California Housing Accelerator Program - The Kelsey Civic Center - \$37,334,401]**Sponsors: Mayor; Preston, Safai and Mandelman**

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a Standard Agreement and other related documents with the State of California Department of Housing and Community Development ("HCD") under the California Housing Accelerator Program which Standard Agreement includes an award of \$37,334,401 as a loan to The Kelsey Civic Center, L.P. ("Developer"), as sole borrower, for construction of a development affordable to low- and moderate-income households at The Kelsey Civic Center, located at 240 Van Ness Avenue, for a term of five years to commence upon execution of the Standard Agreement by HCD.

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

Resolution No. 057-23**ADOPTED by the following vote:**

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

230063 [Ground Lease and Loan Agreement - The Kelsey Civic Center, L.P. - 100% Affordable Housing - 240 Van Ness Avenue - Ground Lease with Base Rent of \$15,000 - Loan Not to Exceed \$24,684,459]

Sponsors: Mayor; Preston, Safai and Mandelman

Resolution 1) approving and authorizing the Director of Property and 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 240 Van Ness Avenue ("Property") with The Kelsey Civic Center, 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 100% affordable, 112-unit multifamily rental housing development affordable to low-income households, including 28 units for people with disabilities who are eligible to receive home and community-based services, and two resident manager units (the "Project"); 2) approving and authorizing a Loan Agreement in an amount not to exceed \$24,684,459 for a minimum loan term of 57 years ("Loan Agreement") to finance the development and construction of the Project; 3) adopting findings declaring that the Property is "exempt surplus land" pursuant to the California Surplus Lands Act; 4) 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; 5) 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; 6) authorizing the Director of Property to execute the Ground Lease and the Director of MOHCD to execute the Loan Agreement, and make certain modifications to such agreements, as defined herein, and take certain actions in furtherance of this Resolution, as defined herein; and 7) to authorize the Director of Property and/or Director of MOHCD to enter into any additions, amendments, or other modifications to the Ground Lease and the Loan Agreement respectively, that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Ground Lease and the Loan Agreement or this Resolution. (Mayor's Office of Housing and Community Development)
(Fiscal Impact)

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

Resolution No. 060-23

ADOPTED by the following vote:

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

230064 [Execute Standard Agreement and Accept and Expend Grant - California Department of Housing and Community Development Affordable Housing and Sustainable Communities Program - The Kelsey Civic Center - \$29,269,952]

Sponsors: Mayor; Preston, Safai and Mandelman

Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute the Standard Agreements and other related documents with the State of California Department of Housing and Community Development ("HCD" or "Department") under the Affordable Housing and Sustainable Communities Program for a total award of \$29,269,952 including \$20,000,000 disbursed by HCD as a loan to The Kelsey Civic Center, L.P. ("Developer") for a 100% affordable housing project at 240 Van Ness Avenue and \$9,269,952 to be disbursed as a grant to the City for public transit improvements near 240 Van Ness Avenue, for the period starting on the execution date of the Standard Agreements to April 30, 2028; authorizing MOHCD to accept and expend the grant of up to \$9,269,952 for transit, bicycle and pedestrian improvements, and other transit oriented programming as approved by HCD.

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

Resolution No. 061-23

ADOPTED by the following vote:

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

230065 [Authorizing Expenditures - SoMa Community Stabilization Fund - \$2,000,000]

Sponsors: Mayor; Dorsey, Safai, Mandelman and Peskin

Resolution authorizing the Mayor's Office of Housing and Community Development to expend SoMa Community Stabilization Fund dollars in the amount of \$2,000,000 to address various impacts of destabilization on residents and businesses in SoMa for a term to commence effective upon approval this Resolution through June 30, 2024. (Mayor's Office of Housing and Community Development) (Fiscal Impact)

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

Resolution No. 062-23

ADOPTED by the following vote:

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

230069 [Accept and Expend Grant - Retroactive - California Department of Parks and Recreation - India Basin Shoreline Park - \$25,000,000]

Sponsors: Mayor; Walton

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant from the California Department of Parks and Recreation in the amount of \$25,000,000 for the India Basin Shoreline Park Project; approving the associated grant agreement for a term of July 1, 2022, through June 30, 2027; and authorizing the Recreation and Park Department to enter into amendments or modifications to the agreement that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purposes of the Project or this Resolution. (Recreation and Park Department)

Resolution No. 063-23

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

220864 [Greater Union Square Business Improvement District - Annual Report - FY2020-2021]

Sponsor: Peskin

Resolution receiving and approving an annual report for the Greater Union Square Business Improvement District for Fiscal Year (FY) 2020-2021, 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.

Resolution No. 054-23

ADOPTED by the following vote:

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

Recommendations of the Rules Committee

Supervisor Melgar Excused from Voting

Supervisor Preston, seconded by Supervisor Walton, moved that Supervisor Melgar be excused from voting on File No. 230086. The motion carried by the following vote:

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

230086 [Appointment, Association of Bay Area Governments, Executive Board - Supervisor Myrna Melgar]

Motion appointing Supervisor Myrna Melgar, term ending June 30, 2023, as a member to the Association of Bay Area Governments, Executive Board. (Clerk of the Board)

Motion No. M23-028

APPROVED by the following vote:

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

Supervisor Dorsey Excused from Voting

Supervisor Stefani, seconded by Supervisor Preston, moved that Supervisor Dorsey be excused from voting on File No. 230095. The motion carried by the following vote:

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

230095 [Reappointment, Golden Gate Bridge, Highway and Transportation District, Board of Directors - Supervisor Matt Dorsey]

Motion reappointing Supervisor Matt Dorsey, term ending January 31, 2025, to the Golden Gate Bridge, Highway and Transportation District, Board of Directors. (Clerk of the Board)

Motion No. M23-029

APPROVED by the following vote:

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

Supervisor Stefani Excused from Voting

Supervisor Safai, seconded by Supervisor Walton, moved that Supervisor Stefani be excused from voting on File No. 230096. The motion carried by the following vote:

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

230096 [Reappointment, Golden Gate Bridge, Highway and Transportation District, Board of Directors - Supervisor Catherine Stefani]

Motion reappointing Supervisor Catherine Stefani, term ending January 31, 2025, to the Golden Gate Bridge, Highway and Transportation District, Board of Directors. (Clerk of the Board)

Motion No. M23-030

APPROVED by the following vote:

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

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).

President Peskin introduced and welcomed Speaker Emerita Nancy Pelosi and Supervisor Stefani presented a Certificate of Honor in recognition of her eight years as Speaker of the United States House of Representatives, serving nearly 20 years as Leader of the House Democratic Caucus, and 35 years of dedicated service to the City and County of San Francisco and to the United States of America. Supervisors Ronen, Melgar, Chan, Dorsey, Mandelman, Preston, Walton, Engardio, and Safai shared in this commendation.

Supervisor Walton introduced, welcomed, and presented a Certificate of Honor to Oscar James in recognition of his many accomplishments as an organizer for the Hunters Point neighborhood.

Supervisor Dorsey introduced, welcomed, and presented a Certificate of Honor to Paula Fraser, a longtime BART employee and well-known member of the Bay Area's LGBTQ+ community, on the occasion of her retirement and dedication to the City over the past two-plus decades.

Supervisor Safai introduced, welcomed, and presented a Certificate of Honor to Captain Shon Buford, a native San Franciscan who serves as Assistant Deputy Chief of the Fire Department for Diversity, Equity and Inclusion, in recognition of his many accomplishments during his 30+ years of public service and continued community support. Supervisor Walton and Chief Jeanine Nicholson (Fire Department) shared in this commendation.

SPECIAL ORDER 3:00 P.M.

Supervisor Safai was noted absent at 4:05 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 indicated, pursuant to a request by Supervisor Walton with the concurrence of the Police Department, that he would be entertaining a motion to continue this Hearing to a later date. The President then inquired whether any individual wished to address the Board regarding the proposed continuance. There were no speakers. The President closed public comment on the continuance, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Walton, seconded by Supervisor Stefani, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of March 14, 2023. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

Supervisor Safai was noted present at 4:07 p.m.

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 221293, 221294, 221295, and 221296 be called together.

221293 [Hearing - Appeal of Adjustment, Reduction, or Waiver of Development Project Requirements - Community Infrastructure Fee - Annunciation Cathedral - Religious Worship Building Project - 245-275 Valencia Street]

Hearing of persons interested in or objecting to the application of the Community Infrastructure Fee per Planning Code, Sections 421 and 428, for the Religious Worship Building Project at the Annunciation Cathedral located at 245-275 Valencia Street, Assessor's Parcel Block No. 3532, Lot No. 091. (District 9) (Appellant: Paul P. Sogotis, on behalf of the United Greek Orthodox Community of San Francisco, The Annunciation Greek Orthodox Cathedral) (Filed December 19, 2022) (Clerk of the Board)

President Peskin opened the public hearing and inquired as to whether any individual wished to address the Board. Paul Sogotis (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Anastasia Yovanopolous; spoke in support of the appeal and the project. Andrew Perry and Dan Sider, Director (Planning Department), provided an overview of the decision to deny and responded to questions raised throughout the discussion. Paul Sogotis (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

221294 [Denying Appeal for Waiver, Adjustment, or Reduction of Community Infrastructure Fee - Annunciation Cathedral - Religious Worship Building Project - 245-275 Valencia Street]

Motion denying the appeal seeking a waiver, adjustment, or reduction of the Market & Octavia Community Infrastructure Fee imposed under Planning Code, Section 421, for the Religious Worship Building Project at the Annunciation Cathedral located at 245-275 Valencia Street, Assessor's Parcel Block No. 3532, Lot No. 091. (Clerk of the Board)

Motion No. M23-031

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

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

221295 [Conditionally Approving Waiver, Adjustment, or Reduction of Market & Octavia Community Infrastructure Fee - Annunciation Cathedral - Religious Worship Building Project - 245-275 Valencia Street]

Motion conditionally approving a waiver, adjustment, or reduction of the Market & Octavia Community Infrastructure Fee imposed under Planning Code, Section 421, for the Religious Worship Building Project at the Annunciation Cathedral located at 245-275 Valencia Street, Assessor's Parcel Block No. 3532, Lot No. 091, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)

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

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

221296 [Preparation of Findings Related to Waiver, Adjustment, or Reduction of Community Infrastructure Fee - Annunciation Cathedral - Religious Worship Building Project - 245-275 Valencia Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' decision to approve a waiver, adjustment, or reduction of the Market & Octavia Community Infrastructure Fee imposed under Planning Code, Section 421, for the Religious Worship Building Project at the Annunciation Cathedral located at 245-275 Valencia Street, Assessor's Parcel Block No. 3532, Lot No. 091. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Walton, moved that this Motion be TABLED. The motion carried 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.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Walton assumed the chair at 4:37 p.m. The President resumed the chair 4:43 p.m.

PUBLIC COMMENT

Speaker; shared their experience losing their spot for housing.

Kerrington Osborne; expressed concerns regarding a certain non-profit rehab center.

Jeff Weiner; expressed support of the Resolution supporting Senate Bill No. 287 regarding social media features that harm child users (File No. 230142).

Ande Stone; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Otto Duffy; expressed support for the democratic generation of individuals making a difference.

Thierry Fill; shared the need to appreciate beauty in order to be happy and the need for a new education system.

Chris Mittelstaedt; expressed support of the Resolution commending TheFruitGuys on their 25th Anniversary (File No. 230151).

Erin Mittelstaedt; expressed support of the Resolution commending TheFruitGuys on their 25th Anniversary (File No. 230151).

Sarah Matlin; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Angela Chan; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Sara Lee; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Maria Rinaldi; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

David Osgood; expressed concerns regarding the various risks in the event of an earthquake.

Kathy Baird; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Dani Zacky; expressed support of the Resolution urging nutrient pollution reduction from wastewater in response to the algal bloom (File No. 230150).

Conor Voncraw; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Jan Maisel; expressed support of the Resolution supporting Senate Bill No. 287 regarding social media features that harm child users (File No. 230142).

Dr. Garry Rayant; expressed support of the Resolution supporting Senate Bill No. 287 regarding social media features that harm child users (File No. 230142).

Bruno Wanstadt; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Wesley Saver; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Ian Ren; expressed support of the Resolution urging nutrient pollution reduction from wastewater in response to the algal bloom (File No. 230150).

Maddy Armstrong; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Akaash Singh; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Francisco Herrera; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Nicky; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Joanna Hernandez; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Francisco Ugarte; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Alejandro Garcia; expressed support of the newly introduced legislation upholding San Francisco

values to protect our sanctuary city.

Jordan Davis; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city and in opposition to funding for police overtime.

Mr. Barrera; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Gabriela Wells; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Lariza Dugan-Cuadra; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Speaker; expressed opposition to the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Francisco Da Costa; expressed the need to protect immigrants who have contributed to San Francisco.

Valerie Tulier-Laiwa; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Speaker; expressed support of the newly introduced legislation upholding San Francisco values to protect our sanctuary city.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Walton assumed the chair at 5:10 p.m. The President resumed the chair 5:17 p.m.

President Peskin recessed the meeting at 5:41 p.m. and reconvened at 5:43 p.m.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

230144 [Closed Session - Labor Negotiations - February 14, 2023]

Closed Session for the Board of Supervisors to convene in closed session on February 14, 2023, to confer with the Mayor's Office and the Department of Human Resources, pursuant to California Government Code, Section 54957.6, and San Francisco Administrative Code, Section 67.10(e), regarding negotiations with labor unions and bargaining units representing City employees; scheduled pursuant to the Motion contained in File No. 230143, to be considered on February 14, 2023. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 6:32 p.m. to convene in closed session pursuant to the Motion contained in File No. 230143, approved on February 14, 2023.

The following Supervisors were noted present: Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

Persons in attendance: Sean Elsbernd, Chief of Staff, Anna Duning, and Tom Paulino (Mayor's Office); Carol Isen, Director, Ardis Graham, Steve Ponder and Mawuli Tugbenyoh (Department of Human Resources); Anne Pearson and Jennifer Stouhton, Deputy City Attorneys (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

The matter was heard in closed session, no action was taken, and the hearing was filed.

HEARD IN CLOSED SESSION

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 7:36 p.m.

The following Supervisors were noted present: Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mandelman, seconded by Supervisor Dorsey, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**221251 [Commending Nancy Pelosi, Speaker of the United States House of Representatives]****Sponsors: Stefani; Walton, Chan, Mandelman, Ronen, Peskin, Safai, Dorsey, Melgar, Preston and Engardio**

Resolution commending Nancy Patricia Pelosi for her eight years as Speaker of the United States House of Representatives, serving nearly 20 years as Leader of the House Democratic Caucus, and 35 years of dedicated service to the City and County of San Francisco and to the United States of America.

Resolution No. 040-23**ADOPTED****230140 [Approval of a 60-Day Extension for Planning Commission Review of Planning Code, Zoning Map - Van Ness & Market Residential Special Use District - Height Increase for 98 Franklin Street (File No. 221164)]****Sponsor: Preston**

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 221164) amending the Planning Code to revise the Van Ness & Market Residential Special Use District to update the Option for Dedication of Land for development projects to fulfill their inclusionary housing obligations; to revise the Zoning Map to increase the maximum height for Assessor's Parcel Block No. 0836, Lot Nos. 008, 009, and 013, at 98 Franklin Street, from 85-X // 120/365-R-2 to 85-X // 120/400-R-2; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Resolution No. 065-23**ADOPTED****230142 [Supporting California Senate Bill No. 287 (Skinner) - Features that Harm Child Users: Civil Penalty]****Sponsors: Safai; Walton, Chan, Mandelman and Stefani**

Resolution supporting California State Senate Bill No. 287, introduced by Senator Nancy Skinner, that would prohibit a social media platform, as defined, from using a design, algorithm, or feature that the platform knows, or which by the exercise of reasonable care should have known, causes child users to harmful practices and/or behaviors, including experience addiction to the social media platform.

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

Resolution No. 067-23**ADOPTED**

230146 [Approval of Retroactive 90-Day Extension for Planning Commission Review of Planning Code - HOME-SF (File No. 221105)]**Sponsors: Peskin; Chan**

Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may review and render its recommendation on an Ordinance (File No. 221105) amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity - San Francisco (HOME-SF) program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

Resolution No. 068-23**ADOPTED****230150 [Urging Nutrient Pollution Reduction from Wastewater in Response to the San Francisco Bay Harmful Algal Bloom of 2022]****Sponsors: Peskin; Chan and Melgar**

Resolution urging the San Francisco Public Utilities Commission to reduce nutrient loading to San Francisco Bay and the outer coast through appropriate technologies, including wastewater recycling and advanced treatment.

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

Resolution No. 069-23**ADOPTED****230143 [Closed Session - Labor Negotiations - February 14, 2023]****Sponsor: Peskin**

Motion that the Board of Supervisors convene in closed session on February 14, 2023, to confer with the Mayor's Office and the Department of Human Resources, pursuant to California Government Code, Section 54957.6, and San Francisco Administrative Code, Section 67.10(e), regarding negotiations with labor unions and bargaining units representing City employees.

Motion No. M23-032**APPROVED****230130 [Reappointment, Bicycle Advisory Committee - Kristin Tieche]**

Motion reappointing Kristin Tieche, term ending November 19, 2024, to the Bicycle Advisory Committee. (Clerk of the Board)

Motion No. M23-033**APPROVED**

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Walton requested that File No. 230108 be severed so that it may be considered separately.

230108 [Black History Month - February 2023]

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

Resolution recognizing and celebrating Black History Month in the City and County of San Francisco during the month of February 2023.

Supervisors Dorsey, Stefani, Ronen, Mandelman, Melgar, Safai, and Engardio requested to be added as co-sponsors.

Resolution No. 064-23

ADOPTED by the following vote:

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

Supervisor Preston requested that File No. 230141 be severed so that it may be considered separately.

230141 [Annual Day of Remembrance in Commemoration of the Signing of Executive Order 9066 - February 19th]

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

Resolution declaring February 19th to be an Annual Day of Remembrance to commemorate the signing of Executive Order 9066 in the City and County of San Francisco, which resulted in the wrongful incarceration of Americans of Japanese ancestry during World War II.

Supervisors Walton, Stefani, Mandelman, Dorsey, Safai, Melgar, Engardio, and Ronen requested to be added as co-sponsors.

Resolution No. 066-23

ADOPTED by the following vote:

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

President Peskin requested that File Nos. 230151, 230153, and 230145 be severed so that they may be considered separately.

230151 [Commending The FruitGuys on Their 25th Year in Business]

Sponsor: Peskin

Resolution commending The FruitGuys, which started the fruit-at-work global industry in San Francisco's North Beach neighborhood in 1998, on the occasion of their 25th year in business.

Resolution No. 070-23

ADOPTED by the following vote:

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

230153 [Urging City Departments to Develop Comprehensive Adaptive Reuse Strategy for Downtown]**Sponsors: Peskin; Mandelman, Dorsey, Chan, Safai and Stefani**

Resolution urging the Planning Department to report on potential candidates for adaptive reuse in the Downtown core; urging the Planning Department and Department of Building Inspection to issue public facing criteria for members of the public and stakeholder property owners on potential office conversion to residential eligibility; and urging the Planning Department, City Controller and Treasurer Tax Collector to investigate private market restraints on adaptive reuse, including shareholder and REIT agreements that restrict conversion or the offering of commercial space for competitive rates, and local, state and federal tax policies that disincentivize the productive or adaptive reuse of properties that would otherwise be ripe for conversion.

Supervisors Mandelman, Dorsey, Chan, Safai, and Stefani requested to be added as co-sponsors.

Resolution No. 071-23**ADOPTED by the following vote:**

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

230145 [Amending Board Rules of Order - Amending Board Rule 3.25 and Adding Board Rule 3.32 to Establish a Homelessness and Behavioral Health Select Committee]**Sponsors: Peskin; Ronen**

Motion amending the Board Rules of Order of the Board of Supervisors by adding Board Rule 3.32 to establish a Homelessness and Behavioral Health Select Committee.

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

Supervisor Stefani, seconded by Supervisor Safai, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by adding 'Amending Board Rule 3.25 and', Line 5, by adding 'and amending Board Rule 3.25 to include the new Committee as a fiscal committee', Line 15, by adding 'to amend existing Rule 3.25', Line 19, by striking 'and', and Line 20, by adding 'and the Homelessness and Behavioral Health Select Committee'; and on Page 2, Lines 9-10, by adding 'FURTHER MOVED, After the termination of the Select Committee, the Board directs the Clerk of the Board to remove reference to the Select Committee from Rule 3.25 and remove Rule 3.32 in its entirety from the Rules of Order.' The motion carried by the following vote:

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

Motion amending the Board Rules of Order of the Board of Supervisors by adding Board Rule 3.32 to establish a Homelessness and Behavioral Health Select Committee; and amending Board Rule 3.25 to include the new Committee as a fiscal committee.

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

Motion No. M23-034**APPROVED AS AMENDED 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

230155 [Business and Tax Regulations Code - Gross Receipts Tax Rate Increase Postponement and Credits for Opening City Location]

Sponsors: Mayor; Engardio and Dorsey

Ordinance amending the Business and Tax Regulations Code to extend through December 31, 2024, the Gross Receipts Tax rates in effect on January 1, 2022, for the business activities of retail trade, certain services, manufacturing, food services, accommodations, and arts, entertainment and recreation, and postpone to January 1, 2025, the imposition of the Gross Receipts Tax rates otherwise set to go into effect beginning January 1, 2023, for those business activities; and to provide for businesses that open a physical location in the City on or after January 1, 2023, through December 31, 2027, and that did not have a physical location in the City for at least three years prior to that opening, an annual Gross Receipts Tax credit equal to 0.45% of the business's San Francisco taxable gross receipts from one or more of the business activities of information, administrative and support services, financial services, insurance, and professional, scientific and technical services, for businesses not engaged in business in the City as an administrative office, or 0.7% of the taxable payroll expense of a business that engages in business in the City as an administrative office, for up to three tax years, no later than the 2028 tax year, beginning with the first tax year following the tax year in which the business opened a physical location in the City and not to exceed \$1,000,000 per tax year.

(Economic Impact; No Economic Impact Analysis Report)

02/14/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/16/2023.

230156 [Environment Code - Safe Drug Disposal]**Sponsors: Mayor; Mandelman and Dorsey**

Ordinance amending the Environment Code to eliminate the requirement that certain drugs ("covered drugs") be disposed of at either a permitted hazardous waste disposal facility or permitted large municipal waste combustor, as those terms are defined by Environmental Protection Agency regulations, or at a facility that provides equivalent or superior environment and human health protection to such facilities, and to instead require that covered drugs be disposed of at a waste disposal facility operating in compliance with all local, state, and federal requirements applicable to that waste disposal facility; to require regular reporting of the compliance status of disposal facilities used; to change drug wholesalers' obligation to update the City's list of covered drug producers from an annual update to an update on request of the Environment Department's Director; to remove the requirement that operators of a drug stewardship plan receive prior approval of a change in manufacturers, and instead add a requirement that such operators receive prior approval of a change in disposal facilities used; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/16/2023.

230157 [Appropriation - General Reserve - District Attorney - Open-Air Drug Dealing - \$199,286 - FY2022-2023]**Sponsors: Mayor; Engardio, Mandelman, Safai and Dorsey**

Ordinance appropriating \$199,286 of General Fund General Reserves for three new positions in the Office of the District Attorney to address open-air drug dealing in Fiscal Year (FY) 2022-2023; this Ordinance requires a two-thirds approval vote of all members of the Board of Supervisors, pursuant to Charter, Section 9.113(c).

(Pursuant to Charter, Section 9.113(c), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve such appropriation ordinance for passage.)

02/14/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/16/2023.

230158 [Appropriation - General Reserve - \$25,371,063 - Other Revenue - \$587,029 - Fund Balance - \$834,204 - Police Department - Overtime - De-Appropriation and Re-Appropriation - \$31,999,402 - Releasing \$7,430,008 from Reserve - FY2022-2023]**Sponsors: Mayor; Stefani, Dorsey, Engardio, Mandelman and Safai**

Ordinance appropriating \$27,640,247 of General Fund General Reserves to the Police Department; de-appropriating \$31,151,450 from permanent salaries, mandatory fringe benefits, and overtime for increased overtime budget in the Police Department in Fiscal Year (FY) 2022-2023 as required per Administrative Code, Section 3.17, and releasing \$7,430,008 from expenditure reserve; this Ordinance requires a two-thirds approval vote of all members of the Board of Supervisors pursuant to Charter, Section 9.113(c).

(Pursuant to Charter, Section 9.113(c), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve such appropriation ordinance for passage.)

(Fiscal Impact)

02/14/23; ASSIGNED to Budget and Finance Committee.

230159 [Public Employment - Amendment to the Salary Ordinance for the Office of the District Attorney - FY2022-2023]**Sponsors: Mayor; Engardio, Mandelman, Safai and Dorsey**

Ordinance amending Ordinance No. 162-22 (Salary Ordinance Fiscal Years 2022-2023 and 2023-2024) to reflect the addition of three new positions (0.64 FTEs) in Fiscal Year (FY) 2022-2023 in the Office of the District Attorney to address open-air drug dealing.
(Fiscal Impact; No Budget and Legislative Analyst Report)

02/14/23; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/16/2023.

230160 [Administrative Code - Establishing the Enhanced Infrastructure Financing District Public Financing Authority No. 1]**Sponsors: Mayor; Walton**

Ordinance amending the Administrative Code to establish and define the membership and duties of the Enhanced Infrastructure Financing District Public Financing Authority No. 1 (Power Station).

02/14/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/16/2023.

230161 [Administrative Code - Fentanyl Sales and Immigration and Customs Enforcement (ICE) Notification Requests]**Sponsor: Dorsey**

Ordinance amending the Administrative Code to permit law enforcement officials to respond to a federal immigration officer's request for voluntary notification that a person will be released from local custody, for adults who have been convicted of a felony for the sale, possession for sale, or transport for sale, of Fentanyl, and been held to answer for a felony for the sale, possession for sale, or transport for sale, of Fentanyl.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/16/2023.

230162 [Police Code - Cannabis Regulation]**Sponsor: Mandelman**

Ordinance amending the Police Code to allow holders of temporary cannabis business permits to transfer an aggregate ownership interest of 50% or more in the business to persons that were not owners at the time the temporary permit was issued so long as five years or more have passed since the Office of Cannabis Director first acknowledged receipt of the business's application for a temporary cannabis business permit, regardless of whether the business has received a permanent cannabis business permit.

02/14/23; ASSIGNED to Public Safety and Neighborhood Services Committee.

230163 [De-Appropriation and Appropriation - Recreation and Park and General Services Agency-City Administrator - Mayor's Office of Housing and Community Development and Recreation and Park Department - \$1,724,908 - FY2022-2023]**Sponsors: Peskin; Dorsey and Chan**

Ordinance de-appropriating \$1,724,908 from the Recreation and Park Department and the General Services Agency-City Administrator and appropriating \$1,724,908 to the Mayor's Office of Housing and Community Development for uses permitted in the 706 Mission Street Fund in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

02/14/23; ASSIGNED to Budget and Finance Committee.

230164 [Planning Code - Non-Conforming Public Parking Lots in the Mission Street NCT District]**Sponsors: Ronen; Mandelman**

Ordinance amending the Planning Code to allow continued use of existing shared spaces in specified public parking lots in the Mission Street Neighborhood Commercial Transit (NCT) District without triggering abandonment of the underlying vehicular parking use; 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.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/16/2023.

230165 [Administrative Code - Reporting Requirements for City-Funded Nonprofit Organizations]**Sponsor: Safai**

Ordinance amending the Administrative Code to limit the application of nonprofit reporting requirements to organizations receiving more than \$100,000 annually, require tax and governance documents to confirm nonprofit status, centralize reporting by restoring the City Administrator as the sole collector of information, and require posting of received information on a public City website.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/16/2023.

230166 [Police Code - Displaced Worker Protections Under Certain Service Contracts]**Sponsors: Safai; Chan, Preston and Stefani**

Ordinance amending the Police Code to require an awarding authority, following the termination or end of a contract for janitorial, security, or building maintenance services in San Francisco, to provide information to facilitate the successor contractor's retention of the terminated or ending contractor's employees; to strengthen enforcement by permitting the City Attorney or an aggrieved employee to bring a civil action against the awarding authority for injunctive relief; to further strengthen enforcement by authorizing the Office of Labor Standards Enforcement (OLSE) to, among other things, promulgate rules, investigate possible violations, and order interim or final relief, including backpay, administrative penalties, costs of investigation, and interest; and to establish procedures for a person subject to an OLSE investigation to appeal the OLSE's determination of violation.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 3/16/2023.

230167 [Campaign and Governmental Conduct Code - Permit Prioritization]**Sponsor: Safai**

Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department's permit prioritization guidelines; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/16/2023.

RESOLUTIONS

230168 [Resolution of Intention to Establish San Francisco Enhanced Infrastructure Financing District No. 1 (Power Station)]

Sponsors: Mayor; Walton, Safai and Mandelman

Resolution of intention to establish San Francisco Enhanced Infrastructure Financing District No. 1 (Power Station) to finance public capital facilities and projects of communitywide significance related to the Potrero Power Station project and other authorized costs, and determining other matters in connection therewith, as defined herein.

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230169 [Accept and Expend Grant - Bay Area Young Survivors - Golden Gate Park - \$500,000]

Sponsors: Mayor; Chan, Mandelman and Safai

Resolution authorizing the Recreation and Park Department to accept and expend cash and/or in-kind grants from the Bay Area Young Survivors valued at up to \$500,000 for the design and construction of the renovated seating area with memorial elements in Golden Gate Park for the project term of upon approval of this Resolution until notice of substantial completion; and authorizes the Recreation and Park General Manager to enter into amendments or 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 grant or this Resolution. (Recreation and Park Department)

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230170 [Accept and Expend Grant - Retroactive - California State Parks Department Specified Grant - Portsmouth Square Renovation Project - \$6,000,000]

Sponsors: Mayor; Peskin, Chan, Mandelman and Safai

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant from the California Department of Parks and Recreation in the amount of \$6,000,000 for the Portsmouth Square Renovation Project; approving the associated grant agreement for a term from July 1, 2022, through June 30, 2026; and authorizing the Recreation and Park Department to enter into amendments or modifications to the agreement that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purposes of the project or this Resolution.

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230171 [Accept and Expend Grant - Retroactive - South Sunset Clubhouse and Playground Renovation Project - \$2,300,000]

Sponsors: Mayor; Engardio, Chan, Mandelman and Safai

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant from the California Department of Parks and Recreation in the amount of \$2,300,000 for the South Sunset Clubhouse and Playground Renovation Project; approving the associated grant agreement for a term from July 1, 2022, through June 30, 2026; and authorizing the Recreation and Park Department to enter into amendments or modifications to the grant agreement that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purposes of the project or this Resolution. (Recreation and Park Department)

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230172 [Accept and Expend Grant - California State Library - Building Forward, Library Infrastructure Grant Award - Total Amount \$13,210,129]**Sponsors: Mayor; Peskin, Chan, Mandelman and Safai**

Resolution authorizing the San Francisco Public Library to accept and expend a grant in the amount of \$13,210,129 from the California State Library Building Forward, Library Infrastructure Program with \$5,280,042 for the Mission Branch Renovation Project and \$7,930,087 for the Chinatown Branch Renovation Project, for the period starting the date of execution of the Agreement by both parties through March 31, 2026. (Public Library)
(Fiscal Impact)

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230173 [Loan Documents - 629 Post Street - Small Sites Program, Academy of Art University Settlement Fund - Not to Exceed \$30,385,225]**Sponsors: Mayor; Safai and Mandelman**

Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development to execute documents relating to a loan for the acquisition and rehabilitation of 629 Post Street, pursuant to the Small Sites Program, utilizing the Academy of Art University Settlement Fund for a total loan amount not to exceed \$30,385,225; confirming the Planning Department's determination under the California Environmental Quality Act; and finding that the Project loan is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.
(Fiscal Impact)

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230174 [Declaring the Intent to Waive Fee for Major Encroachment Permit - Seal Rock Inn Restaurant]**Sponsor: Chan**

Resolution of intent to waive the Major Encroachment Permit fees and related ongoing fees, including the annual occupancy assessment fee, for the Seal Rock Inn Restaurant.

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230175 [Declaring the Intent to Waive Fees - Detroit Steps Project]**Sponsor: Melgar**

Resolution of intent to waive the Major Encroachment Permit fee, General Plan Referral fee, Annual Assessment to Maintain Major Encroachment, and Street Improvement fee associated with the Detroit Steps Project.

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230176 [Richard Alfred Galli Day - February 28, 2023]**Sponsor: Peskin**

Resolution commending Richard Alfred Galli for his service to the United States of America as a war veteran and his contributions to the City and County of San Francisco as a 30-year member of the San Francisco Fire Department; and declaring February 28, 2023, to be "Richard Alfred Galli Day" in the City and County of San Francisco.

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230185 [Supporting California State Senate Bill No. 252 (Gonzalez) - Public Retirement Systems: Fossil Fuels: Divestment]**Sponsors: Peskin; Walton, Engardio, Melgar, Chan and Mandelman**

Resolution supporting California State Senate Bill No. 252, introduced by Senator Lena Gonzalez, requiring the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) to divest from fossil fuel companies.

230177 [Condemning House Concurrent Resolution 9]**Sponsors: Preston; Dorsey**

Resolution condemning the passage of "Red-Baiting" House Concurrent Resolution 9, and urging Congress not to engage in, vote for, or otherwise support fearmongering and red-baiting by the federal government.

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230178 [Upholding San Francisco Values to Protect our Sanctuary City]**Sponsors: Ronen; Walton, Preston, Melgar, Chan, Safai and Peskin**

Resolution urging the Department of Homeland Security (DHS) and the Biden Administration to reject the recent attack on San Francisco's long-standing Sanctuary Ordinance and urging DHS to extradite the accused individuals without further delay.

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230179 [Urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to Legalize Sex Work in California]**Sponsor: Ronen**

Resolution urging Governor Gavin Newsom, Senator Scott Wiener, Assembly Member Matt Haney, and Assembly Member Phil Ting to legalize consensual adult prostitution in the State of California; legalization is a proven effective method to protect the health and safety of sex workers while reducing crime and violence.

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTIONS

230186 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - Timothy Reyff]

Motion approving/rejecting the Mayor's nomination for the appointment of Timothy Reyff to the Treasure Island Development Authority Board of Directors, for a term ending February 26, 2026. (Clerk of the Board)

(Pursuant to the Treasure Island Conversion Act of 1997, appointments of Directors who are not City officers are only effective upon approval by a majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action.

Transmittal Date: February 15, 2023.)

02/14/23; RECEIVED AND ASSIGNED to Rules Committee.

230187 [Appointment, Bicycle Advisory Committee - Joshua Kelly]

Motion appointing Joshua Kelly, term ending November 19, 2024, to the Bicycle Advisory Committee. (Clerk of the Board)

02/14/23; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUESTS FOR HEARING**230180 [Hearing - Six Month Budget Status Report - FY2022-2023]**

Sponsor: Chan

Hearing to receive updates on the Six Month Budget Status Report for Fiscal Year (FY) 2022-2023; and requesting the Controller's Office to report.

02/14/23; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

230181 [Hearing - Nine Month Budget Status Report - FY2022-2023]

Sponsor: Chan

Hearing to receive updates on the Nine Month Budget Status Report for Fiscal Year (FY) 2022-2023; and requesting the Controller's Office to report.

02/14/23; RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

230182 [Hearing - Economic and Tax Revenue Trends in Downtown San Francisco]

Sponsor: Chan

Hearing on the Budget and Legislative Analyst's (BLA) report, entitled "Economic and Tax Revenue Trends in Downtown San Francisco;" and requesting the BLA to report.

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230183 [Hearing - Update on Neighborhood-Serving Grocery Store - 555 Fulton Street]

Sponsor: Preston

Hearing on the status of opening a neighborhood-serving grocery store at 555 Fulton Street and to get updates from site developer Z&L Properties and Trader Joe's; and requesting the Planning Department and Office of Economic and Workforce Development to report.

02/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230184 [Hearing - City Services Auditor Report - The City Must Determine Whether United Council of Human Services Should Continue Providing Services to San Francisco Residents Despite Continuing Noncompliance With City Agreements]

Sponsor: Stefani

Hearing on findings and recommendations made in a November 17, 2022, City Services Auditor Report, entitled "The City Must Determine Whether United Council of Human Services (UCHS) Should Continue Providing Services to San Francisco Residents Despite Continuing Noncompliance With City Agreements," and updates on the 14 recommendations made to the Department of Homeless and Supportive Housing to improve oversight of UCHS' program administration and compliance with grant agreement requirements; and requesting the Office of the Controller and City Services Auditor to report.

02/14/23; 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**230119 [Settlement of Lawsuit - William Bailey - \$52,500]**

Ordinance authorizing settlement of the lawsuit filed by William Bailey against the City and County of San Francisco for \$52,500; the lawsuit was filed on October 27, 2020, in San Francisco Superior Court, Case No. CGC-20-587323; entitled William Bailey v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/01/23; RECEIVED FROM DEPARTMENT.

02/14/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS**230120 [Public Auction - Tax-Defaulted Real Property]**

Resolution authorizing the Tax Collector to sell, at public auction, certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

01/30/23; RECEIVED FROM DEPARTMENT.

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230121 [California Constitution Appropriations Limit for FY2022-2023]

Resolution establishing the appropriations limit established at \$10,609,128,182 for Fiscal Year (FY) 2022-2023 pursuant to California Constitution, Article XIII B; due to the addition of local non-residential new construction and the percent change in population within the San Francisco Metropolitan Area from the previous year for the purpose of computation of its Appropriations Limit. (Controller)

02/01/23; RECEIVED FROM DEPARTMENT.

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

230122 [Agreement Amendment - San Francisco AIDS Foundation - HIV Rental Subsidies - Not to Exceed \$51,075,213]

Sponsors: Mandelman; Chan, Safai and Dorsey

Resolution approving Amendment No. 1 to the Agreement between the San Francisco AIDS Foundation and the Department of Public Health, to provide HIV rental subsidies; to increase the agreement by \$41,667,580 for an amount not to exceed \$51,075,213; to extend the term by eight years from June 30, 2023, for a total agreement term of July 1, 2021, through June 30, 2031; 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)

02/01/23; RECEIVED FROM DEPARTMENT.

02/14/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 7:37 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 March 21, 2023.

Angela Calvillo, Clerk of the Board