

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 6, 2024 - 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, Melgar, Walton, Peskin

Budget and Finance Committee

Supervisors Chan, Mandelman, Melgar

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Ronen, Walton, Safai

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

Members Present: Connie Chan, Matt Dorsey, Joel Engardio, Rafael Mandelman, 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 on Tuesday, February 6, 2024, with President Aaron Peskin presiding.

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

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.

President Peskin led the Members of the Board and the audience in the pledge of allegiance to the flag of the United States of America, pursuant to Board Rule 4.9.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, welcomed members of the public to attend Board meetings and provide comment in-person or view the meeting live on SFGovTV's award winning Cable Channel 26 or at www.sfgovtv.org. Those requiring interpretation services should contact the Office of the Clerk of the Board at least two business days in advance of the meeting, pursuant to Administrative Code, Section 91.7.

(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.)

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

231237 [Accept and Expend Grant - Retroactive - Overdose Prevention Initiative - California Department of Public Health - Substance and Addiction Prevention Branch - Amendment to Annual Salary Ordinance - Fiscal Years 2023-2024 and 2024-2025 - \$1,086,740.83]

Sponsors: Mayor; Mandelman

Ordinance retroactively authorizing the Office of the Chief Medical Examiner to accept and expend a grant in the amount of \$1,086,740.83 from the California Department of Public Health, Substance and Addiction Prevention Branch; and amending Ordinance No. 145-23 (Annual Salary Ordinance for Fiscal Years (FYs) 2023-2024 and 2024-2025) to provide for the addition of grant-funded Class 2403 Forensic Laboratory Analyst, Class 2456 Forensic Toxicologist, and Class 2457 Forensic Toxicologist Supervisor positions, as required, for the period beginning December 1, 2023, through June 30, 2028. (Medical Examiner/Coroner)

FINALLY PASSED

231270 [Appropriation Reserve - Various Departments' Budget Appropriations on Reserve - \$48,403,840 - FY2023-2024]

Sponsor: Chan

Ordinance placing a total of \$48,403,840 in various departments' budget appropriations specified in the Mayor's Fiscal Year (FY) 2023-2024 mid-year budget reduction plan on Board of Supervisors Budget and Finance Committee Reserve in Fiscal Year 2023-2024.

FINALLY PASSED

240005 [Amending Authorizing Agreements - Bank Credit Facility for CleanPowerSF - Public Utilities Commission]

Sponsor: Mandelman

Ordinance amending Ordinance No. 8-18, to authorize the General Manager of the San Francisco Public Utilities Commission to enter into amendments and extensions of, or replacements for, the bank credit facility agreement authorized under Ordinance No. 8-18, to provide liquidity support, as needed, for power purchases, regulatory requirements, and other financial obligations of San Francisco's CleanPowerSF community choice aggregation program for an additional term or terms not exceeding 10 years. (Public Utilities Commission)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

231211 [Settlement of Lawsuit - Phaedra Michelle Scott - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Phaedra Michelle Scott against the City and County of San Francisco for \$40,000; the lawsuit was filed on September 27, 2021, in San Francisco Superior Court, Case No. CGC-21-595521; entitled Phaedra Michelle Scott v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from tripping due to a pothole. (City Attorney)

FINALLY PASSED

231212 [Settlement of Lawsuit - Alfred Coutts - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Alfred Coutts against the City and County of San Francisco for \$190,000; the lawsuit was filed on May 14, 2020, in San Francisco Superior Court, Case No. CGC-20-584459; entitled Alfred Coutts, et al. v. City and County of San Francisco, et. al.; the lawsuit involves allegations of negligence, dependent adult neglect/abuse, and violations of the Patient's Bill of Rights concerning Mr. Coutts' care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

FINALLY PASSED

231213 [Settlement of Lawsuit - Peyman Pakdel and Sima Chegini - \$450,000]

Ordinance authorizing settlement of the lawsuit filed by Peyman Pakdel and Sima Chegini against the City and County of San Francisco for \$450,000; the lawsuit was filed on June 26, 2017, in the United States District Court for the Northern District of California, Case No. 3:17-cv-03638; entitled Peyman Pakdel, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged diminution of Plaintiffs' property value as a result of conditions of approval of San Francisco's Expedited Conversion Program; other material terms of the settlement include the Plaintiffs' sale of the property to the current tenant and termination of the lifetime lease under the Expedited Conversion Program. (City Attorney)

FINALLY PASSED

231246 [Settlement of Lawsuit - Pacific Gas & Electric Co. - Power Connections]

Ordinance authorizing settlement of the complaint of the City and County of San Francisco (City) against Pacific Gas & Electric Co. (PG&E) that was filed by the City on January 28, 2019, before the Federal Energy Regulatory Commission, Docket No. EL19-38; entitled City and County of San Francisco v. Pacific Gas & Electric Co.; the complaint concerns PG&E's imposition of unreasonable restrictions on connections of City facilities to PG&E's distribution system; the material terms of the settlement are that, in exchange for the City dismissing its complaint and waiving any claim for monetary relief, PG&E will allow the City to connect 30 megawatts of metered secondary voltage load over the next five years, provided the loads will be used to serve 1) existing points of delivery that undergo changes, 2) City departments or related public entities, or 3) private entities using City-owned property. (City Attorney)

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

230859 [Treasure Island/Yerba Buena Island - Delegation Related to Acceptance of Public Parks]

Sponsors: Mayor; Dorsey and Mandelman

Ordinance delegating to the Treasure Island Development Authority various powers related to acceptance of public parks and open space improvements that are required as part of development of the Treasure Island/Yerba Buena Island Project pursuant to Disposition and Development Agreement, Development Agreement, and a Special Use District in Planning Code, Section 249.52.

FINALLY PASSED

231245 [Treasure Island/Yerba Buena Island - Street and Public Infrastructure Acceptance - Establishing Official Sidewalk Widths and Street Grades]

Sponsors: Mayor; Dorsey and Mandelman

Ordinance accepting irrevocable offers of public infrastructure associated with the Treasure Island/Yerba Buena Island Project, Sub-Phases 1B, 1C, 1E, 1YA, and 1YB, including improvements located within portions of Avenue of the Palms, Bruton Street, Clipper Cove Avenue, Cravath Street, Garden Walk, Johnson Street, Seven Seas Avenue, Trade Winds Avenue, and Treasure Island Road on Treasure Island; Macalla Road, Signal Road, Treasure Island Road, and Yerba Buena Island Road on Yerba Buena Island; potable water storage tanks on Yerba Buena Island and electrical substructures serving a switchyard on Treasure Island; and City utilities in private streets and a service maintenance road on Yerba Buena Island; dedicating this infrastructure to public use; designating this public infrastructure for street and roadway purposes as applicable; accepting the public infrastructure for City maintenance and liability purposes, subject to specified limitations; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to establish official sidewalk widths on the abovementioned streets; delegating limited authority to the Public Works Director to accept specified infrastructure; adopting findings 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; accepting a Public Works Order recommending various actions in regard to the public infrastructure improvements; and authorizing official acts, as defined herein, in connection with this Ordinance.

FINALLY PASSED

231269 [Treasure Island/Yerba Buena Island - Ferry Terminal and Other TIDA Improvements]

Sponsors: Mayor; Dorsey and Mandelman

Ordinance acknowledging the Treasure Island Development Authority's (the "Authority" or "TIDA") acceptance of certain improvements on portions of Yerba Buena Island and Treasure Island, including ferry terminal improvements, and the Authority's acceptance of the improvements for maintenance and liability purposes; dedicating improvements to public use; adopting findings 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 adopting a Public Works Order that recommends acceptance of these improvements and related actions, as defined herein.

FINALLY PASSED

231163 [Fire Code - Filing of Proof of Inspections with Fire Department and Requiring Five Feet of Access to Divided Lot Structures]**Sponsor: Chan**

Ordinance amending the Fire Code to require filing with the Fire Department records of five-year inspection of fire sprinkler systems and annual inspection of fire alarm and detection systems, mandate a filing fee to ensure that the costs of providing for such filings are recovered without producing revenue that is significantly more than such costs, and require a minimum five feet access from the public-right-of-way to residential structures on newly subdivided lots; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

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****Recommendation of the Rules Committee****240017 [Site for New Library Branch for Oceanview, Merced Heights, Ingleside, and Lakeview Neighborhoods]****Sponsors: Safai; Walton, Ronen and Preston**

Ordinance requiring the City to prioritize the City-owned parcel of land at 100 Orizaba Avenue (Block/Lot No. 7136/060) as a potential site for the new Public Library branch serving the Oceanview, Merced Heights, Ingleside, and Lakeview neighborhoods, subject to environmental review, required approvals, and other applicable laws; and requiring departments to prioritize the expenditure of City funds for a new Public Library branch at that location.

(Supervisors Dorsey, Mandelman, and Melgar voted No on First Reading.)

FINALLY PASSED by the following vote:

Ayes: 8 - Chan, Engardio, Peskin, Preston, Ronen, Safai, Stefani, Walton

Noes: 3 - Dorsey, Mandelman, Melgar

NEW BUSINESS

Recommendations of the Budget and Finance Committee

President Peskin requested File Nos. 231038 and 240011 be called together.

231038 [Airline and Airport 2023 Lease and Use Agreement - Various Airlines]

Resolution approving the 2023 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and seven airlines to conduct flight operations at the San Francisco International Airport for a term of ten years, from the first day of the calendar month following the receipt of full approvals of the City, through June 30, 2033; affirming the Planning Department's determination under the California Environmental Quality Act; and authorizing the Airport Director to enter into 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. (Airport Commission)

ADOPTED by the following vote:

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

240011 [Airline and Airport 2023 Lease and Use Agreement - STARLUX Airlines Co., LTD dba STARLUX Airlines North America, Co.]

Resolution approving the 2023 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and STARLUX Airlines Co., LTD dba STARLUX Airlines North America, Co. to conduct flight operations at the San Francisco International Airport, for a term commencing on the first day of the calendar month immediately following the receipt of full City approvals of the Lease through June 30, 2033; affirming the Planning Department's determination under the California Environmental Quality Act; and authorizing the Airport Director to enter into 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. (Airport Commission)

ADOPTED by the following vote:

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

President Peskin requested File Nos. 231249 and 231250 be called together.

231249 [Contract Modification - Alameda Electrical Distributors Inc. - Purchase of Electrical Supplies and Fixtures - Not to Exceed \$10,500,000]

Resolution authorizing the Office of Contract Administration to execute Modification No. 3 to Contract 1000023404 between the City and County of San Francisco and Alameda Electrical Distributors Inc. for the purchase of electrical materials, supplies and fixtures for City departments, increasing the contract amount by \$600,000 for a total contract amount not to exceed \$10,500,000 with no change to the total contract duration of May 1, 2018, through April 30, 2024. (Office of Contract Administration)
(Fiscal Impact)

ADOPTED by the following vote:

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

231250 [Contract Modification - Buckles-Smith Electric Company - Purchase of Electrical Supplies and Fixtures - Not to Exceed \$19,500,000]

Resolution authorizing the Office of Contract Administration to execute Modification No. 8 to Contract 1000005805 between the City and County of San Francisco and Buckles-Smith Electric Company for the purchase of electrical materials, supplies and fixtures for City departments, increasing the contract amount by \$2,053,132 for a total contract amount not to exceed \$19,500,000 with no change to the total contract duration of July 5, 2017, through June 30, 2024. (Office of Contract Administration)
(Fiscal Impact)

ADOPTED by the following vote:

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

Recommendations of the Land Use and Transportation Committee

231144 [Planning, Administrative Codes - Code Corrections Ordinance]

Ordinance amending the Planning and Administrative Codes to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

231165 [Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]**Sponsors: Peskin; Preston, Melgar, Chan and Mandelman**

Ordinance amending the Fire Code to provide fire protection standards for the charging and storage of lithium-ion batteries used in powered mobility devices (such as electric bikes, scooters, skateboards, and hoverboards), prohibit use of damaged lithium-ion batteries in such devices, prohibit use of lithium-ion batteries assembled or reconditioned using cells removed from used batteries in such devices, and require the Fire Department to conduct an informational campaign; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

PASSED ON FIRST READING by the following vote:

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

Supervisor Stefani Excused from Voting

Supervisor Stefani requested to be excused from voting on File No. 231191, due to a possible conflict of interest.

Supervisor Melgar, seconded by Supervisor Mandelman, moved that Supervisor Stefani be excused from voting on File No. 231191. The motion carried by the following vote:

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

231191 [Implementation of Gashouse Cove Project - Marina Yacht Harbor]**Sponsors: Safai; Peskin, Chan and Preston**

Ordinance prohibiting the Recreation and Park Department and Planning Department from performing environmental review of, or otherwise implementing, a project to clean up and reconstruct the Marina Yacht Harbor in a manner that would extend the West Harbor Marina by more than 150 feet from its current boundary.

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee**231289 [Liquor License Transfer - 800 Bay Street - Pink House by the Bay]**

Resolution determining that the person-to-person, premise-to-premise transfer of a Type-20 off-sale beer and wine liquor license to Pink House by the Bay LLC, to do business as Pink House by the Bay, located at 800 Bay Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license (Public Safety and Neighborhood Services Committee)

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 Tiffany Jackson (Hospitality House) in honor of Black History Month and in recognition of her accomplishments.

Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Clecha, accepted by Amelivar LLC, Cristal Carabez, Olga Carabez, and Alma Castellanos, in recognition of their accomplishments and continued community support.

Supervisor Walton introduced, welcomed, and presented a Certificate of Honor to Lynn Westry in honor of Black History Month and in recognition of her accomplishments.

SPECIAL ORDER 3:00 P.M.

President Peskin requested File Nos. 231285, 231286, 231287, and 231288 be called together.

231285 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 2395 Sacramento Street Project]

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a General Plan Evaluation by the Planning Department on October 23, 2023, for the proposed project at 2395 Sacramento Street, to allow the rehabilitation of an existing 24,850 square-foot, 4 ½ -story former medical library building at 2395 Sacramento Street (Assessor's Parcel Block No. 0637, Lot No. 016) and to develop an adjacent 3,497 square foot vacant lot at Assessor's Parcel Block No. 0637, Lot No. 015, in order to construct a 68,531 square-foot, 7-story over basement, 78 foot-10 inch tall, residential building containing 24 residential units (1 one-bedroom, 10 two-bedroom, 9 three-bedroom, and 4 four-bedroom), 26 below-grade vehicle parking spaces and 38 Class 1 bicycle parking spaces, seeking waivers from development standards under the individually requested state density bonus program, including Rear Yard (Section 134), Exposure (Section 140), and Height Limit (Section 260), within the RM-3 (Residential, Mixed Use) Zoning District and a 40-X Height and Bulk District. (District 2) (Appellant: Richard Toshiyuki Drury of Lozeau Drury LLP, on behalf of Jonathan Clark) (Filed December 11, 2023) (Clerk of the Board)

President Peskin opened the public hearing and inquired as to whether any individual wished to address the Board. Richard Drury of Lozeau Drury LLP, Bridget Maley, and Jonathan Clark (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Thierry Fill; Katherine Petrin; Stan Hayes; Courtney Damkroger; Susan Brandt-Hawley; Speaker; Speaker; Richard Brandy; Speaker; Shaina Manee; Speaker; Speaker; Lawrence Bordoff; Lily Algarin; Desi Marino; Mari Kushner; Katherine Howard; Chris Ward Kline; Samian Rani; spoke in support of the appeal and in opposition to the project. Lisa Gibson and Rich Sucre (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Tuija Catalano of Reuben, Junius & Rose LLP (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Ken; Jane Natoli; Jake Price; Jonthan Bunemann; Tracy Friedman; Connie Siegel; Glenn; Christopher Sera; Jonathan; Andrew Hoody; Alyssa Brandt; Mike Chen; spoke in support of the project and in opposition to the appeal. Richard Drury (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Peskin closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

231286 [Affirming the General Plan Evaluation - 2395 Sacramento Street]

Motion affirming the determination by the Planning Department that the proposed project at 2395 Sacramento Street is exempt from further environmental review under a General Plan Evaluation. (Clerk of the Board)

Motion No. M24-009

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

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

231287 [Conditionally Reversing the General Plan Evaluation - 2395 Sacramento Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2395 Sacramento Street is exempt from further environmental review, under a General Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

231288 [Preparation of Findings to Reverse the General Plan Evaluation - 2395 Sacramento Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2395 Sacramento Street is exempt from further environmental review under a General Plan Evaluation. (Clerk of the Board)

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

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

COMMITTEE REPORTS

Recommendation of the Land Use and Transportation Committee

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Walton assumed the chair at 2:26 p.m. so the President could participate in the debate on File No. 240065 from the floor. The President resumed the chair at 2:30 p.m.

240065 [Opposing California State Senate Bill No. 951 (Wiener) Unless Amended and Expressing Support for the California Coastal Act and Recognizing the Authority of the California Coastal Commission]

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

Resolution opposing California State Senate Bill No. 951 (Wiener) and setting forth the City and County of San Francisco's support for the California Coastal Act and the recognition of the value of the California Coastal Commission to enforce the California Coastal Act.

ADOPTED by the following vote:

Ayes: 8 - Chan, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, Walton
Noes: 3 - Dorsey, Engardio, Melgar

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Appointment of President Pro Tempore

At the request of President Peskin, Supervisor Mandelman assumed the chair at 2:56 p.m. The President resumed the chair 3:00 p.m.

At the request of President Peskin, Supervisor Walton assumed the chair at 5:14 p.m. and for the remainder of the meeting.

PUBLIC COMMENT

Thierry Fill; expressed the need to be happy and appreciate beauty, and shared concerns around artificial intelligence.

Mark; shared their personal religious views.

Carlos; expressed concerns regarding public comment and interactions with City officials.

Jordan Davis; shared concerns regarding proposed policies, harassment by a certain constituent, and violent threats received.

Jim; expressed concerns regarding the recertification of Laguna Honda Hospital and the lack of incentives to prosecute certain actions.

Linda Ye; shared various Youth Commission actions and in support of newly introduced legislation recognizing "Teen Dating Violence Awareness and Prevention Month."

Sala-Haquekyah Chandler; shared concerns regarding the School District's handling of a certain situation.

Otto Duffy; expressed concerns regarding raising housing density, affordable housing, and the majority hold in Congress.

Speaker; expressed concerns regarding San Francisco General Hospital, first time offenders, and justice.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

240097 [Urging State of California to Restore Proposed Cuts to Affordable Housing Programs]

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

Resolution urging Governor Gavin Newsom to reinstate, and state legislators to reject, a proposed \$1,200,000,000 in cuts to affordable housing programs and to fulfill Fair Housing mandates for California residents.

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

ADOPTED

240100 [Lunar New Year 2024]

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

Resolution celebrating 2024 as Year of the Dragon and recognizing February 10, 2024, as the start of Lunar New Year 4722.

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

ADOPTED

240072 [Appointment, Park, Recreation, and Open Space Advisory Committee - Sarah Lartigue]

Motion appointing Sarah Lartigue, term ending February 1, 2026, to the Park, Recreation, and Open Space Advisory Committee. (Clerk of the Board)

Motion No. M24-010

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Dorsey requested that File No. 240094 be severed so that it may be considered separately.

240094 [Recognizing the Twentieth Anniversary of the “Winter of Love” in San Francisco]
Sponsors: Dorsey; Mandelman, Engardio, Peskin, Safai, Walton, Preston, Stefani, Chan, Ronen and Melgar

Resolution commemorating the twentieth anniversary of the “Winter of Love” in San Francisco on February 12, 2024; recognizing then-Mayor Gavin Newsom for his bold and history-making decision to issue marriage licenses to same-sex couples; and recognizing the panoply of city officials and their staffs, community-based advocacy and legal organizations and their members, couples and their families, friends and loved ones for courageous and united advocacy that both affirmed San Francisco's enduring commitment to LGBTQ+ equality, and that ultimately made history by invalidating discriminatory marriage laws in California, and setting the stage for the landmark United States (U.S.) Supreme Court decision in 2015 securing marriage equality nationwide.

ADOPTED by the following vote:

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

Supervisor Mandelman requested that File No. 240095 be severed so that it may be considered separately.

240095 [Supporting the UPTE-CWA 9119 Optometrists' Strike]

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

Resolution supporting the University Professional & Technical Employees-Communications Workers of America Local 9119 (UPTE-CWA 9119) optometrists' strike; and urging the University of California administration to reach a fair agreement recognizing their essential labor for San Francisco.

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

ADOPTED by the following vote:

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

Supervisor Walton requested that File No. 240101 be severed so that it may be considered separately.

240101 [Niners Day - February 11, 2024]

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

Resolution declaring February 11, 2024, also known as Super Bowl Sunday, as Niners Day and San Francisco 49ers Day in the City and County of San Francisco.

ADOPTED by the following vote:

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

240070 [Planning Code - Exceptions and Extensions for Existing Uses]

Ordinance amending the Planning Code to modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District; permit large movie theater signage in the Japantown Neighborhood Commercial District; allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024; clarify eligibility for reduction in Inclusionary Housing requirements; and correct an error in the Zoning Control Table for the Urban Mixed Use 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; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302. (Planning Department)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/7/2024.

240073 [Settlement of Lawsuit - Mitzey Davis and Leslie Lankster - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Mitzey Davis and Leslie Lankster against the City and County of San Francisco for \$100,000; the lawsuit was filed on July 14, 2021, in San Francisco Superior Court, Case No. CGC-21-593819; entitled Mitzey Davis, et al. v. City and County of San Francisco, et al.; the lawsuit alleged personal injuries arising from a motor vehicle collision. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240074 [Settlement of Lawsuit - Jocelyn Li - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Jocelyn Li against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 1, 2022, in San Francisco Superior Court, Case No. CGC-22-600516; entitled Jocelyn Li v. City and County of San Francisco; the lawsuit involves alleged personal injury and property damage from a vehicle collision. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240075 [Settlement of Lawsuit - Ibrahim Nimer Shiheiber - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Ibrahim Nimer Shiheiber against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 30, 2021, in United States District Court-Northern District, Case No. 21-cv-00609 JCS; entitled Ibrahim Nimer Shiheiber v. Officer Brent Hernandez #307; the lawsuit involves alleged civil rights violation. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

01/30/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240076 [Settlement of Lawsuit - Charles Heard - \$900,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Heard against the City and County of San Francisco for \$900,000; the lawsuit was filed on December 8, 2021, in United States District Court, Case No. 21-cv-09472-JSC; entitled Charles Heard v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation relating to a wrongful conviction. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

240077 [Settlement of Unlitigated Claim - Mapbox, Inc. - \$102,167.84]

Resolution approving the settlement of the unlitigated claim filed by Mapbox, Inc. against the City and County of San Francisco for \$102,167.84; the claim was filed on September 7, 2023; the claim involves a refund of gross receipts taxes. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240078 [Settlement of Unlitigated Claims - McKesson Corporation - \$444,925.88]

Resolution approving the settlement of the unlitigated claims filed by McKesson Corporation against the City and County of San Francisco for \$444,925.88; the claims were filed on July 20, 2023; the claims involve a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240079 [Settlement of Unlitigated Claim - The Nederlander Company LLC dba Broadway San Francisco, LLC - \$624,325 Plus Statutory Interest]

Resolution approving the settlement of the unlitigated claim filed by The Nederlander Company LLC dba Broadway San Francisco, LLC against the City and County of San Francisco for \$624,325 plus statutory interest; the claim was filed on April 3, 2023; the claim involves a refund of real property transfer taxes. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240080 [Settlement of Unlitigated Claim - Daniel Lopez - \$40,110.10]

Resolution approving the settlement of the unlitigated claim filed by Daniel Lopez against the City and County of San Francisco for \$40,110.10; the claim was filed on April 4, 2023; the claim arises from a car accident involving the claimant and the driver of a City firetruck. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240081 [Settlement of Grievance - Municipal Executives Association - \$146,453.23]

Resolution approving settlement of the grievance by the Municipal Executives Association on behalf of Anna Robert against the City and County of San Francisco for \$146,453.23; the grievance was filed on or around March 5, 2021; the grievance involves an employment dispute under the Memorandum of Understanding. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240082 [Tolling Agreement - Retroactive - Chevron U.S.A. Holdings Inc. and Chevron U.S.A. Inc. - Kern County Real Property Dispute]

Resolution retroactively approving a Tolling Agreement to extend the statute of limitations for the City, Chevron U.S.A. Holdings Inc., and Chevron U.S.A. Inc. to bring potential litigation against one another regarding the condition of the City's property, and which party has responsibility to plug and abandon oil wells and to remediate potential contamination of the City's property located in Kern County, California that was previously leased by Chevron U.S.A. Holdings Inc., and Chevron U.S.A. Inc., to allow for possible resolution of the matter without litigation, to extend the statute of limitations from November 30, 2023, through May 31, 2024; and to authorize the City Attorney to enter into extensions or modifications to the Tolling Agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Tolling Agreement or this Resolution. (City Attorney)

01/29/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

240083 [Increasing Administrative Code, Section 21.43, Power Sales Revenue Limit - Anticipated Revenue in Excess of \$1,000,000 or More - Annual Revenue Limit of \$20,000,000]

Resolution approving an increase to the Administrative Code, Section 21.43 Power Sales Revenue Limit and authorizing the Public Utilities Commission (PUC) General Manager to execute power sales contracts, with anticipated revenue in excess of \$1,000,000 or more subject to an annual revenue limit of \$20,000,000 per fiscal year, through July 1, 2025. (Public Utilities Commission)

01/26/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

240084 [Memorandum of Agreement - United States Department of the Interior, National Park Service - Yosemite National Park Comprehensive Management of Watersheds within Yosemite National Park - Not to Exceed \$40,958,727]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Contract No. CS-1413, a Memorandum of Agreement with the United States Department of the Interior, National Park Service, Yosemite National Park, for the Comprehensive Management of Watersheds within Yosemite National Park that supply the San Francisco Regional Water System, for an amount not to exceed \$40,958,727 with a total term of four years from July 1, 2024, through June 30, 2028, pursuant to Charter, Section 9.118. (Public Utilities Commission)

01/26/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

240085 [Authorization for SFDPH to Continue to Participate in CalMHSA Programs Under a JPA; and Authorizing SFDPH to Execute JPA Participation Agreements Without Further Board Approval]

Resolution authorizing the San Francisco Department of Public Health (“SFDPH”) to continue to participate in California Mental Health Services Authority (“CalMHSA”) programs under the terms of a Joint Exercise of Powers Agreement (“JPA”); authorizing SFDPH to execute JPA participation agreements, approved as to form by the San Francisco City Attorney, without further Board of Supervisor’s approval, unless otherwise directed by the City Attorney; and to authorize the Director of Health to enter into amendments or modifications to the JPA that the Department determines that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the JPA or this Resolution. (Public Health Department)

01/29/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:49 p.m.