BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

AGENDA

IN-PERSON MEETING

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

REMOTE ACCESS

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PUBLIC COMMENT CALL-IN
1 (415) 655-0001/ Meeting ID: 2493 028 5046 # #

Tuesday, December 6, 2022 - 2:00 PM

Regular Meeting

SHAMANN WALTON, PRESIDENT CONNIE CHAN, MATT DORSEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR, AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

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BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Appropriations Committee	Wednesday
Supervisors Ronen, Safai, Chan, Mar, Walton	1:00 PM
Budget and Finance Committee	Wednesday
Supervisors Ronen, Safai, Chan	12:30 PM
Government Audit and Oversight Committee	1st and 3rd Thursday
Supervisors Preston, Chan, Mandelman	10:00 AM
Land Use and Transportation Committee	Monday
Supervisors Melgar, Preston, Peskin	1:30 PM
Public Safety and Neighborhood Services Committee	2nd and 4th Thursday
Supervisors Mar, Stefani, Melgar	10:00 AM
Rules Committee	Monday
Supervisors Peskin, Mandelman, Chan	10:00 AM
Youth, Young Adult, and Families Committee	2nd Friday
Supervisors Ronen, Safai, Dorsey	10:00 AM

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

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents: 1) Legislation

2) Budget and Legislative Analyst report

3) Department or Agency cover letter and/or report

4) Public correspondence

These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk or at <u>https://sfbos.org/legislative-research-center-lrc</u>.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where legislation is the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives; except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document displayed should provide in advance of the meeting to the Clerk of the Board (<u>bos.legislation@sfgov.org</u>), clearly state such during testimony, and subsequently request the document be removed when they want the screen to return to live coverage of the meeting. Hard copy documents may not be shared during in-person meetings.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee and will be shared with the Members.

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LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Wilson Ng or Arthur Khoo at (415) 554-5184.

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espesyal na pagpupulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpupulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA)

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance No. 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications. The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

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Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org. Citizens may obtain a free company of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at https://www.sfbos.org/sunshine.

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site https://www.sfgov.org/ethics.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit https://sfethics.org.

Remote Access to Information and Participation

The Board of Supervisors and its committees will convene hybrid meetings that will allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (<u>www.sfgovtv.org</u>) 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 at the noticed location or remotely via teleconference (detailed instructions available at: <u>https://sfbos.org/remote-meeting-call</u>). Individuals who wish to share documents during a hearing must provide them to the Clerk 48 hours in advance (<u>bos@sfgov.org</u>). Persons attending the meeting in-person who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting. Members of the public may also submit their comments by email to: <u>bos@sfgov.org</u>; all comments received will be made a part of the official record.

Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit <u>https://sfbos.org/in_person_meeting_guidelines</u> for the current guidelines. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <u>https://sfbos.org/meetings/42</u>.

PUBLIC COMMENT CALL-IN

<u>1 (415) 655-0001 / Meeting ID: 2493 028 5046 # #</u> (Press *3 to enter the speaker line)

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

Pursuant to Board Rule 4.7.1 the President shall present the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula.

COMMUNICATIONS

APPROVAL OF MEETING MINUTES

Approval of the <u>November 1, 2022</u>, Board Meeting Minutes.

AGENDA CHANGES

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

Items 1 through 8

Recommendation of the Budget and Finance Committee

Present: Supervisors Ronen, Safai, Chan

1. <u>220947</u> [Contracting Process - Communications Based Train Control System - Waiver of Administrative Code Contract Prohibition and Authorization to Use Negotiated Procurement Procedures]

Sponsors: Mayor; Mandelman, Melgar, Dorsey and Safai

Ordinance authorizing the Municipal Transportation Agency to issue a Request for Proposals for a Communications Based Train Control System to be awarded by a contract with a term exceeding ten years; waiving the Administrative Code prohibition against issuing solicitations for a contract for general or professional services for a term longer than ten years; authorizing use of negotiated procurement procedures, stating that the award of the contract will be subject to the approval of the Board of Supervisors pursuant to Charter, Section 9.118(b); and adopting findings under the California Environmental Quality Act.

11/29/2022; PASSED ON FIRST READING.

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Preston, Chan, Safai

2. <u>220729</u> [Settlement of Lawsuit - Phi Associates (Drisco Hotel) to Make Payments to Benefit the Swords to Plowshares Veterans Academy \$2,500,000]

Ordinance authorizing settlement of the lawsuit filed by Phi Associates L.P., against the City and County of San Francisco for payments by Phi Associates of \$2,500,000 to provide construction loan repayment, and fund capital improvements and operating reserves, and thereby support affordable housing for veterans at the Veterans Academy located at 1030 Girard Road, San Francisco, operated by Swords to Plowshares ("Veterans Academy"), in exchange for the release of 16 Residential Hotel rooms from regulation under the Hotel Conversion Ordinance; the lawsuit was filed on March 17, 2021, in San Francisco Superior Court, Case No. CPF-21-517409, entitled Phi Assoc., L.P. v. City and County of San Francisco; the lawsuit involves petitioner's challenge to the City's enforcement of the Hotel Conversion Ordinance at the Drisco Hotel, located at 2901 Pacific Avenue, San Francisco. (City Attorney)

11/29/2022; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. <u>221048</u> [Settlement of Lawsuit - John LaSalle - \$489,000]

Ordinance authorizing settlement of the lawsuit filed by John LaSalle against the City and County of San Francisco for \$489,000; the lawsuit was filed on January 21, 2021, in San Francisco Superior Court, Case No. CGC-21-589176; entitled John LaSalle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from collision with City vehicle. (City Attorney)

11/29/2022; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. 221049 [Settlement of Lawsuit - Crystal Gomez and Martha Gomez - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Crystal Gomez and Martha Gomez against the City and County of San Francisco for \$60,000; the lawsuit was filed on July 14, 2021, in U.S. District Court for the Northern District of California, Case No. 21-cv-05394 JCS; entitled Crystal Gomez and Martha Gomez v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

11/29/2022; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. <u>221050</u> [Settlement of Lawsuit - Linda Gebroe - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Gebroe against the City and County of San Francisco for \$40,000; the lawsuit was filed on May 7, 2021, in San Francisco Superior Court, Case No. CGC-21-591651; entitled Linda Gebroe v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

11/29/2022; PASSED ON FIRST READING.

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

6. <u>220542</u> [Planning Code - Temporary Safe Overnight Parking and Cannabis Retail Uses]

Sponsor: Safai

Ordinance amending the Planning Code to allow long-term parking of and overnight camping in vehicles and ancillary uses on parcels designated and authorized for use as Vehicle Triage Centers or Safe Parking Program sites, as a temporary use; extending the date for expiration of temporary cannabis retail uses to January 1, 2024; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

11/29/2022; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Peskin, Mandelman, Chan

7. <u>220702</u> [Administrative Code - Definitions of Prohibited Discrimination in Contracting Ordinances and Human Rights Commission Ordinance] Sponsors: Mayor; Mandelman, Dorsey and Mar

Ordinance amending the Administrative Code to revise the definitions of gender identity, sex, and sexual orientation, and add the definition of gender expression, in Chapters 12B and 12C (ordinances prohibiting discrimination in contracting including property contracts); revise the definition of age in Chapters 12A (the Human Rights Commission ordinance) and 12B; and revise the definition of disability in Chapters 12A, 12B, and 12C.

11/29/2022; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. <u>221125</u> [Administrative Code - 706 Mission Fund]

Sponsors: Peskin; Dorsey, Chan and Mandelman

Ordinance amending the Administrative Code to establish the 706 Mission Fund to receive funds provided to the City under the 2013 purchase and sale agreement regarding the property at 706 Mission Street; to authorize the Recreation and Park Department and the Mayor's Office of Housing and Community Development to expend monies from the Fund for specified purposes after receiving recommendations from the SoMa Community Stabilization Fund Community Advisory Committee; and to require the Recreation and Park Department and the Mayor's Office of Housing and Community Evelopment to require the Recreation and Park Department and the Mayor's Office of Housing and Community Stabilization Fund Community Advisory Committee; and to require the Recreation and Park Department and the Mayor's Office of Housing and Community Development to prepare reports regarding expenditures from the Fund.

11/29/2022; PASSED ON FIRST READING.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Rules Committee

Present: Supervisors Peskin, Mandelman, Chan

9. <u>220641</u> [Administrative Code - Funding, Acquisition, and Use of Certain Police Department Equipment] Sponsor: Mayor

Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's use of Equipment Policy.

11/29/2022; NOT AMENDED.

11/29/2022; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/29/2022; DIVIDED.

11/29/2022; AMENDED.

11/29/2022; AMENDED.

11/29/2022; PASSED ON FIRST READING AS AMENDED.

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Ronen, Safai, Chan

10. <u>221028</u> [Accept and Expend Grant - State of California General Fund Grant -Improvements for Japantown Peace Plaza, Buchanan Center Mall -\$5,000,000]

Sponsors: Mayor; Preston and Chan

Resolution approving the acceptance of \$5,000,000 of General Fund grant funds from the State of California for the planning, design, and construction of physical improvements and enhancements to the Japantown Peace Plaza at the Buchanan Center Mall; making certain certifications required to receive the funds; authorizing Public Works and other City departments to expend such funds for this project for the period of October 2022 through March 2026; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

Question: Shall this Resolution be ADOPTED?

11. <u>221109</u> [Accept and Expend Grant - Retroactive - 2018 Repurposed Federal Earmark -Sloat Infrastructure Improvements - \$163,513] Sponsors: Mayor; Melgar

Resolution retroactively authorizing Public Works to accept and expend an earmark grant of \$163,513 from the Federal Highway Administration 2018 Earmark Repurposing Final Approved List to fund the construction of the Sloat Infrastructure Improvements project for a term of September 16, 2021, through December 1, 2023; authorizing Public Works to execute all required documents for the project; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

Question: Shall this Resolution be ADOPTED?

12. <u>221119</u> [Contract Amendment - Richmond Area Multi Services, Inc. - Behavioral Health Peer Services - Not to Exceed \$29,116,181]

Resolution approving Amendment No. 1 to the agreement between Richmond Area Multi Services, Inc. and the Department of Public Health (DPH), to provide behavioral health peer services, to increase the agreement by \$19,253,431 for an amount not to exceed \$29,116,181; to extend the term by three and one-half years from December 30, 2022, for a total agreement term of July 1, 2021, through June 30, 2026; and to authorize DPH 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)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Ronen, Chan

13. <u>221120</u> [Site Use Agreement - VB Nimbus, LLC - Radio Equipment - 32322 S Corral Hollow Road, Tracy - Initial Annual Rent of \$30,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into a Site Use Agreement with VB Nimbus, LLC, a Delaware limited liability company, for the installation, operation, maintenance, repair, and replacement of radio equipment at 32322 S Corral Hollow Road in Tracy, at an initial annual use fee of \$30,000 with annual increases of three percent for an initial five-year term, commencing January 1, 2023, through December 21, 2028, with four five-year extension options for the SFPUC Water Enterprise Radio Replacement Project (Project), pursuant to Charter, Section 9.118; affirming the Planning Department's determination that the project is categorically exempt from environmental review under the California Environmental Quality Act; and to authorize the General Manager of the SFPUC to enter into amendments or modifications to the Agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Agreement or this Resolution. (Public Utilities Commission)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Ronen, Safai, Chan

14. <u>221148</u> [Accept and Expend Grant - Retroactive - California State Water Resources Control Board - Public Beach Safety Program Grant - \$87,675] Sponsors: Mayor; Dorsey, Stefani, Mar and Walton

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$87,675 from the California State Water Resources Control Board, Division of Water Quality Beach Safety Program, to participate in a program, entitled "Public Beach Safety Program Grant," for the period of July 1, 2022, through June 30, 2025. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

15. <u>221168</u> [Accept and Expend Grant; Cooperative Agreement - Retroactive - Caltrans Clean California Enhancement Program - Potrero Gateway Streetscape Improvement Project - \$1,275,000] Sponsors: Mayor; Walton

Resolution retroactively authorizing Public Works to accept and expend \$1,275,000 from the California Department of Transportation's ("Caltrans") Clean California Local Enhancement Program for the construction of improvements and enhancements on the state highway system in support of the Potrero Gateway Streetscape Improvement project to commence August 2022 through March 2026; approving and authorizing Public Works to enter into a Cooperative Agreement with Caltrans regarding project construction and implementation; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

Question: Shall this Resolution be ADOPTED?

16. <u>221172</u> [Loan Amendment - Maceo May Apts, L.P. - 100% Affordable Housing at 55 Cravath Street (formerly 401 Avenue of the Palms) - Not to Exceed \$39,238,000]

Sponsors: Mayor; Dorsey

Resolution approving and authorizing the execution of a First Amendment to the Amended and Restated Loan Agreement with Maceo May Apts, L.P., a California limited partnership, to increase the loan amount by \$14,983,000 for a new total loan amount not to exceed \$39,238,000 to finance additional construction costs and loss of permanent financing related to the 100% affordable, 105 unit multifamily rental housing development (plus one staff unit) for low and moderate income veteran households located at 55 Cravath Street (formerly 401 Avenue of the Palms) on Treasure Island ("Maceo Project"); and adopting findings that the First Amendment to the Amended and Restated Loan Agreement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

17. <u>221065</u> [General Plan - Adopting the 2022 Safety & Resilience Element]

Ordinance amending the San Francisco General Plan by repealing the 2012 Community Safety Element and adopting the 2022 Safety & Resilience Element; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

<u>Referred Without Recommendation from the Land Use and Transportation</u> <u>Committee</u>

Present: Supervisors Melgar, Preston, Peskin

18. <u>220875</u> [Park Code - Upper Great Highway - Pilot Weekend and Holiday Vehicle Restrictions]

Sponsors: Mar; Preston and Dorsey

Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025; making associated findings under the California Vehicle Code; 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.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Peskin, Mandelman, Chan

19. <u>221024</u> [Administrative Code - Special Needs Trusts as Retirement Beneficiaries] Sponsors: Safai; Chan

Ordinance amending the Administrative Code to permit members of the San Francisco Employees' Retirement System (SFERS) to designate Special Needs Trusts as retirement beneficiaries in certain circumstances, and to specify requirements for those trusts.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, December 5, 2022, at 1:30 p.m. The Chair intends to request the Committee to send the following items as Committee Reports on Tuesday, December 6, 2022.

20. <u>220811</u> [Planning Code - Automotive Uses] Sponsor: Mayor

Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, except for Residential-Mixed (RM) and Residential-Commercial (RC) districts and designated historic districts, but which do not currently have any residential use or a legacy business, and to remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; 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 as required by Planning Code, Section 302.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. <u>221103</u> [Fire Code - Repealing 2019 Code, Adopting 2022 Code] Sponsors: Mayor; Peskin and Chan

Ordinance repealing the existing San Francisco Fire Code in its entirety and enacting a new San Francisco Fire Code consisting of the 2022 California Fire Code and portions of the 2018 International Fire Code, together with amendments specific to San Francisco, including provisions for fees for permits, inspections, and various City services, with an operative date of January 1, 2023; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

22. <u>221165</u> [Planning Code - Landmark Designation - St. James Presbyterian Church] Sponsor: Walton

Ordinance amending the Planning Code to designate St. James Presbyterian Church, at 240 Leland Avenue, Assessor's Parcel Block No. 6246, Lot No. 012, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following items will be considered by the Rules Committee at a Regular Meeting on Monday, December 5, 2022, at 10:00 a.m. The Chair intends to request the Committee to send the following items as Committee Reports on Tuesday, December 6, 2022.

23. <u>221126</u> [Administrative Code - Social Impact Commitments in Contracting] Sponsors: Ronen; Safai, Preston, Stefani, Peskin, Chan, Mar, Walton, Melgar and Dorsey

Ordinance amending the Administrative Code to authorize the San Francisco Public Utilities Commission to include Social Impact Commitment criteria as a qualitatively scored element in solicitations for certain contracts at designated thresholds.

Question: Shall this Ordinance be PASSED ON FIRST READING?

24. <u>221159</u> [Memorandums of Understanding - Citywide Amendment - Hospital and Skilled Nursing Facility COVID-19 Worker Retention Pay] Sponsor: Mayor

Ordinance adopting and implementing an Amendment to the current Memorandums of Understanding and Collective Bargaining Agreements between the City and County of San Francisco and each of the Unions identified in Appendix A of the Proposed Amendment, to provide hospital and skilled nursing facility Covid-19 worker retention pay to select classifications of workers, effective January 31, 2023.

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

26. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

PUBLIC COMMENT CALL-IN <u>1 (415) 655-0001 / Meeting ID: 2493 028 5046 # #</u> (Press *3 to enter the speaker line)

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

(PUBLIC COMMENT for Items 27 through 40 will be taken during Item 26 - General Public Comment.)

Items 27 through 40

27. <u>221207</u>

[Josè Sarria Day - December 13, 2022] Sponsors: Mandelman; Dorsey

Resolution declaring December 13, 2022, to be "Josè Sarria Day" in the City and County of San Francisco, in recognition of his significant contributions to San Francisco and LGBTQ+ history, and in celebration of his 100th Birthday.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

28. <u>221208</u> [Urging the Inclusion of Climate Action Plan Funding Priorities in the General Obligation Bond Schedule]

Sponsor: Mar

Resolution urging the Capital Planning Committee to include Climate Action Plan (CAP) funding priorities recommended by the Center for Law, Energy & the Environment (CLEE) Report, entitled "Funding San Francisco Climate Action: Strategies for Revenue, Implementation, and Equity," in the proposed General Obligation (GO) Bond schedule.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

29. 221210 [Resolution of Intent to Not Appropriate Funding for Executive Recruitment Services and Urging Reappointment of Incumbent Director of Elections] Sponsors: Peskin; Chan, Stefani, Mar, Preston, Dorsey, Melgar, Mandelman, Ronen, Walton and Safai

Resolution declaring the Board of Supervisors' intent to not appropriate funding for the services of an executive recruitment firm to engage in a search for a new Director of Elections, and urging the Elections Commission to reappoint the incumbent Director.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. <u>221211</u> [Ethics Commission Audits Backlog]

Sponsors: Peskin; Preston, Chan, Mandelman, Ronen, Safai and Walton Resolution urging the Ethics Commission to timely complete backlog of outstanding campaign finance and lobbyists audits.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. <u>221212</u> [City Policy - Autonomous Vehicles Declaration of Policy] Sponsors: Peskin; Mandelman

Resolution declaring the official policy of the City and County of San Francisco regarding Autonomous Vehicle (AV) services and programs, by urging the National Highway Traffic Safety Administration (NHTSA), state and local agencies to condition the granting of permits and incentives on addressing San Francisco's safety concerns.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. <u>221213</u> [Commemorating World Expo 2025 in Osaka, Kansai, Japan] Sponsor: Stefani

Resolution commemorating the World Expo Event "Expo 2025 Osaka, Kansai Japan" held in Osaka, Japan.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. <u>221214</u> [Committee of the Whole - Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area - Zone One, Block 2 - January 10, 2023, at 3:00 p.m.]

Sponsor: Dorsey

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 10, 2023, at 3:00 p.m., to hold a public hearing to consider an Ordinance for the proposed Amendment to the Redevelopment Plan for the Transbay Redevelopment Project Area to increase bulk limits on Block 2 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 014), located on the north side of Folsom Street between Beale and Main Streets, by increasing certain maximum floor plate sizes.

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

34. 221217 [Board of Supervisors Regular Meeting Schedule - 2023]

Motion establishing the 2023 Board of Supervisors Regular Meeting Schedule, pursuant to Board of Supervisors Rules of Order, Sections 4.2 and 4.2.1, by cancelling the Regular Board meetings of January 17, February 21, May 30, June 20, July 4, October 10, and November 28; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2023, through January 5, 2024; and further suspending portions of Board Rule 4.2 to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

11/29/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

35. <u>221195</u> [Final Map No. 11079 - 3452-3456 Sacramento Street]

Motion approving Final Map No. 11079, a three-lot vertical subdivision, and a three-unit condominium project, located at 3452-3456 Sacramento Street, being a subdivision of Assessor's Parcel Block No. 1009, Lot No. 012; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/22/2022; RECEIVED FROM DEPARTMENT.

11/30/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

36. <u>221196</u> [Final Map No. 9713 - 2918 Mission Street]

Motion approving Final Map No. 9713, a 75 residential unit and four commercial unit condominium project, located at 2918 Mission Street, being a subdivision of Assessor's Parcel Block No. 6529, Lot No. 051; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/28/2022; RECEIVED FROM DEPARTMENT.

11/30/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

37. <u>221197</u> [Final Map No. 10742 - 30 Van Ness Avenue]

Motion approving Final Map No. 10742, a 333 residential unit and five commercial unit mixed-use condominium project, located at 30 Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 0835, Lot No.004; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/28/2022; RECEIVED FROM DEPARTMENT.

11/30/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

38. <u>221198</u> [Final Map No. 11008 - 2525 Van Ness Avenue]

Motion approving Final Map No. 11008, a 28 unit residential and one commercial unit condominium project, located at 2525 Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 0527, Lot No. 004; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/28/2022; RECEIVED FROM DEPARTMENT.

11/30/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

39. <u>221199</u> [Final Map No. 11009 - 923-937 Kansas Street]

Motion approving Final Map No.11009, an eight residential unit condominium project, four lots being two residential condominiums, located at 923-937 Kansas Street, being a subdivision of Assessor's Parcel Block No. 4094, Lot Nos. 045, 046, 047, and 048; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/28/2022; RECEIVED FROM DEPARTMENT.

11/30/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

40. <u>221200</u> [Final Map No. 11026 - 986 South Van Ness Avenue]

Motion approving Final Map No. 11026, a 15-unit residential condominium project, located at 986 South Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 3610, Lot No. 010; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/28/2022; RECEIVED FROM DEPARTMENT.

11/30/2022; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

41. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

(PUBLIC COMMENT WILL BE TAKEN on any Imperative Agenda item introduced.) <u>1 (415) 655-0001 / Meeting ID: 2493 028 5046 # #</u> (Press *3 to enter the speaker line)

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

221187 [Administrative Code - Power to Sell for Nonresidential Commercial Properties]

Ordinance amending the Administrative Code to allow the Tax Collector to sell tax-defaulted nonresidential commercial property after five years of nonpayment of property taxes instead of after three years. (Treasurer-Tax Collector)

11/21/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

221188 [Settlement of Lawsuit - Margarita Herrera - \$650,000]

Ordinance authorizing settlement of the lawsuit filed by Margarita Herrera against the City and County of San Francisco for \$650,000; the lawsuit was filed on July 30, 2019, in San Francisco Superior Court, Case No. CGC-19-578026; entitled Margarita Herrera v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

221189 [Settlement of Lawsuit - Dante King - \$562,500]

Ordinance authorizing settlement of the lawsuit filed by Dante King against the City and County of San Francisco for \$562,500; the lawsuit was filed on September 21, 2022, in San Francisco Superior Court, Case No. CGC-22-601923; entitled Dante King v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

221190 [Settlement of Lawsuit - Michael Oakes - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Oakes against the City and County of San Francisco for \$95,000; the lawsuit was filed on July 10, 2020, in San Francisco Superior Court, Case No. CGC-20-585373; entitled Michael Oakes v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

221191 [Settlement of Lawsuit - Jo-Theresa Elias-Jackson - \$92,000]

Ordinance authorizing settlement of the lawsuit filed by Jo-Theresa Elias-Jackson against the City and County of San Francisco for \$92,000; the lawsuit was filed on April 23, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02937-PJH; entitled Jo-Theresa Elias-Jackson v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

221192 [Settlement of Unlitigated Claim - Cassandra McQuaid - \$75,000]

Resolution approving the settlement of the unlitigated claim filed by Cassandra McQuaid against the City and County of San Francisco for \$75,000; the claim was filed on September 10, 2021; the claim involves an employment dispute. (City Attorney)

11/28/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

221193 [Settlement of Unlitigated Claim - Osterweis Capital Management, LLC -\$106,978.79]

Resolution approving the settlement of the unlitigated claim filed by Osterweis Capital Management, LLC against the City and County of San Francisco for \$106,978.79; the claim was filed on September 26, 2022; the claim involves a refund of gross receipts tax. (City Attorney)

11/28/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

221194 [Contract - San Francisco AIDS Foundation - Health Access Point Services -Not to Exceed \$11,886,595]

Resolution approving an original contract agreement between the San Francisco AIDS Foundation and the Department of Public Health (DPH), to provide Health Access Point services in an amount not to exceed \$11,886,595 for a total initial contract term of January 1, 2023, through June 30, 2026, and to authorize DPH 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)

11/22/2022; RECEIVED FROM DEPARTMENT.

12/06/2022; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

221201 [Petitions and Communications]

Petitions and Communications received from November 22, 2022, through December 1, 2022, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on December 6, 2022.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Department of Elections, submitting certification of the November 8, 2022, Consolidated General Election. Copy: Each Supervisor. (1)

From various departments, pursuant to Administrative Code, Section 12B.5-1.3, submitting Chapter 12B Waiver Request Forms. 2 Contracts. Copy: Each Supervisor. (2)

From various departments, pursuant to Administrative Code, Section 19B.6(a), submitting Annual Surveillance Reports. 2 Reports. Copy: Each Supervisor. (3)

From the San Francisco Public Utilities Commission, pursuant to Administrative Code, Chapter 6, Article IV, Section 6.60(b), submitting a declaration of emergency at Sunol Valley Water Treatment Plant. Copy: Each Supervisor. (4)

From various departments, submitting responses to a Letter of Inquiry submitted by Supervisor Catherine Stefani at the November 1, 2022, Board of Supervisors meeting. 2 Letters. Copy: Each Supervisor. (5)

From the Office of the Public Defender, regarding the proposed Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's use of Equipment Policy. File No. 220641. (6)

From concerned citizens, regarding the proposed Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment consistent with the criteria set forth in state law, and approving the Police Department's use of Equipment Policy. File No. 220641. 72 Letters. (7)

From Taim Mamoe, regarding the Department of Elections. Copy: Each Supervisor. (8)

From concerned citizens, regarding quality of life issues. 3 Letters. Copy: Each Supervisor. (9)

From concerned citizens, regarding algal bloom in the San Francisco Bay. 3 Letters. Copy: Each Supervisor. (10)

From Christina Shih, regarding John F. Kennedy Drive. Copy: Each Supervisor. (11)

From Jenn Zhao, regarding controlled substances and the safety of children. Copy: Each Supervisor. (12)

From Brownie Mary Democratic Club, regarding an appeal of Conditional Use authorization approval for a proposed project at 4835 Mission Street. File No. 221141. Copy: Each Supervisor. (13)

From Aaron Goodman, regarding proposed west side transit projects. Copy: Each Supervisor. (14)

From Denise Louie, regarding native plants. Copy: Each Supervisor. (15)

From Joe A. Kunzler, regarding various subjects. Copy: Each Supervisor. (16)

From Mullane Ahern, regarding amending Chapter 12 of the Administrative Code. Copy: Each Supervisor. (17)

From concerned citizens, regarding the proposed Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025. File No. 220875. 181 Letters. Copy: Each Supervisor. (18)

From concerned citizens, regarding the reopening of Lake Street to through traffic. 508 Letters. Copy: Each Supervisor (19)

From concerned citizens, regarding a permanent Slow Streets program. 385 Letters. Copy: Each Supervisor (20)

ADJOURNMENT