

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

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PUBLIC COMMENT CALL-IN

[1 \(415\) 655-0001/ Meeting ID: 2497 265 2335 ##](tel:4156550001)

Tuesday, February 7, 2023 - 2:00 PM

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

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BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Chan, Mandelman, Safai, Ronen, Walton

Budget and Finance Committee

Supervisors Chan, Mandelman, Safai

Government Audit and Oversight Committee

Supervisors Preston, Stefani, Chan

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Stefani, Engardio, Dorsey

Rules Committee

Supervisors Dorsey, Walton, Safai

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Engardio

Meeting Days

Wednesday

1:00 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

2nd Friday

10:00 AM

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 <https://sfbos.org/legislative-research-center-lrc>.

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. 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 providing testimony remotely via telephone who want a document displayed should provide in advance of the meeting to the Clerk of the Board (bos.legislation@sfgov.org), 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.

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 bos@sfgov.org or call (415) 554-5184.

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PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at 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

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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 sof@sfgov.org. Citizens may obtain a free copy 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>.

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Members of the public may provide public comment in-person at the noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>). Individuals who wish to share documents during a hearing must provide them to the Clerk 48 hours in advance (bos@sfgov.org). 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: bos@sfgov.org; 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 https://sfbos.org/in_person_meeting_guidelines 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 <https://sfbos.org/meetings/42>.

PUBLIC COMMENT CALL-IN

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(Press *3 to enter the speaker line)

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

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

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 9

Recommendations of the Budget and Finance Committee

Present: Supervisors Ronen, Safai, Chan

- 1. [220876](#) **[Appropriation and De-Appropriation - District 7 Participatory Budgeting - General City Responsibility - \$292,674; SFMTA - Vision Zero Projects - \$77,500 - FY2022-2023]**

Sponsor: Melgar

Ordinance de-appropriating \$292,674 from District 7 General City Responsibility (GEN) and re-appropriating \$128,000 to the Department of Children, Youth and Their Families (CHF) for creating a community space, a sports hub, and teen workforce development program in District 7; \$50,000 to the Department of Emergency Management (DEM) for neighborhood and community building activities in District 7; \$114,674 to the Department of Public Works (DPW) for a parklet installation in public space, increased refuse bins installations, and cleaning supplies for District 7; and de-appropriating \$77,500 from San Francisco Municipal Transportation Agency (SFMTA) and re-appropriating \$77,500 for improving traffic flow and pedestrian safety, and building a pedestrian island for District 7 Vision Zero projects at SFMTA in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

01/31/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [221266](#) **[Appropriation - GO Bond Proceeds - Health & Recovery Series 2023A - RPD - \$30,000,000 - Embarcadero Seawall Series 2023B - PRT - \$42,000,000 - Affordable Housing Series 2023C - MOHCD - \$172,000,000 - FY2022-2023]**
Sponsors: Mayor; Safai
Ordinance appropriating \$30,000,000 of proceeds from Series 2023A Health and Recovery General Obligation (GO) Bonds to the Recreation and Park Department (RPD) for improvements to parks, recreation facilities, and open spaces; \$42,000,000 of proceeds from Series 2023B Embarcadero Seawall GO Bonds to the Port of San Francisco (PRT) for planning, engagement, program management, pilot projects, Embarcadero project pre-design and detailed design, and a flood study with the United States Army Corps of Engineers; \$172,000,000 from Series 2023C Affordable Housing to the Mayor's Office of Housing and Community Development (MOHCD) for public, low-income, preservation and middle income, and senior housing projects in Fiscal Year (FY) 2022-2023; and placing these funds on Controller's Reserve pending receipt of bond proceeds.
- (Fiscal Impact)
- 01/31/2023; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Preston, Chan, Mandelman

3. [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)
- 01/31/2023; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
4. [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)
- 01/31/2023; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
5. [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)
- 01/31/2023; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

6. [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)

01/31/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [221229](#) **[Settlement of Lawsuit - New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility - \$0]**
Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility against the City and County of San Francisco for \$0; the lawsuit was filed on April 21, 2021, in United States District Court for the Northern District of California, Case No. 4:21-cv-02871-JST; entitled New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. City and County of San Francisco, California; the lawsuit involves the denial of a Conditional Use Authorization to install a wireless telecommunications facility at 590-2nd Avenue; other material terms of the settlement are approval of the Planning Commission's Conditional Use Authorization based on a modification of the proposed facility's design which moves a screened equipment enclosure away from the building edge, rescission of Board of Supervisors Motions Nos. M21-052, M21-053, and M21-75 that disapproved that Conditional Use Authorization, directed the preparation of findings, and made findings pertaining to the same, dismissal of the lawsuit in its entirety with prejudice; and making environmental findings (City Attorney)

01/31/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Peskin, Mandelman, Chan

8. [221025](#) **[Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements]**
Sponsors: Walton; Chan
Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements by adding, deleting, and changing titles of certain designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for certain designated officials and employees.

(Meet and confer obligations met.)

01/31/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. [221269](#) **[Administrative Code - Veterans' Affairs Commission]**
Sponsor: Peskin
Ordinance amending the Administrative Code to decrease from 17 to 13 the number of members of the Veterans' Affairs Commission, and make corresponding revisions to qualifications and appointing authorities for members.

01/31/2023; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chan, Mandelman, Safai

10. [221276](#) **[Apply for Grant - Retroactive - Centers for Disease Control and Prevention - Integrated HIV Surveillance and Prevention Programs for Health Departments - \$7,804,306]**
Sponsors: Mayor; Dorsey and Mandelman
Resolution retroactively authorizing the Department of Public Health to submit a one-year application for Calendar Year 2023 to continue to receive funding for the Integrated HIV Surveillance and Prevention Programs for Health Departments from the Centers of Disease Control and Prevention, and requesting \$7,804,306 in HIV prevention funding for San Francisco from January 1, 2023, through May 31, 2024. (Public Health Department)
Question: Shall this Resolution be ADOPTED?
11. [221277](#) **[Apply for Grant - Retroactive - Health Resources Services Administration - Ryan White Act HIV/AIDS Emergency Relief Grant Program - \$15,962,602]**
Sponsors: Mayor; Dorsey and Mandelman
Resolution retroactively authorizing the Department of Public Health to submit an application to continue to receive funding for the Ryan White Act HIV/AIDS Emergency Relief Grant Program grant from the Health Resources Services Administration; and requesting \$15,962,602 in HIV Emergency Relief Program funding for the San Francisco Eligible Metropolitan Area for the period of March 1, 2023, through February 29, 2024.
Question: Shall this Resolution be ADOPTED?
12. [230027](#) **[Accept and Expend Grant - Retroactive - California Department of Public Health - Sexually Transmitted Disease Program Management and Collaboration - \$1,365,222]**
Sponsors: Mayor; Mandelman and Dorsey
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase in the amount of \$386,274 from the California Department of Public Health for a total amount of \$1,365,222 for participation in a program, entitled "Sexually Transmitted Disease Program Management and Collaboration," for the period of July 1, 2019, through June 30, 2024. (Public Health Department)
Question: Shall this Resolution be ADOPTED?

13. [230028](#) **[Accept and Expend Grant - Retroactive - California Department of Public Health - Monkeypox Response Funding Award Number MPX-012 City & County of San Francisco - \$1,616,252]**
Sponsors: Mayor; Mandelman, Dorsey and Engardio
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$1,616,252 from the California Department of Public Health for participation in a program, entitled "Monkeypox Response Funding Award Number MPX-012 City & County of San Francisco," for the period of July 1, 2022, through June 30, 2023.
- Question: Shall this Resolution be ADOPTED?**
14. [221281](#) **[Water Purchase Agreement - Mission Rock Utilities - Water Purchase for Port-Owned Parks and Open Space at Mission Rock - Maximum Cost \$44,656,545]**
Sponsors: Mayor; Dorsey
Resolution approving a Water Purchase Agreement between the Port Commission and Mission Rock Utilities for purchase of water for Port-owned parks and open space at Mission Rock, with a term of 30 years up to a maximum cost of \$44,656,545 effective upon approval of this Resolution; and to authorize the Executive Director of the Port 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. (Port)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
15. [230009](#) **[Real Property Lease - Retroactive - Autodesk, Inc. - Pier 9, Suite 116, and Bays 1-3 - Monthly Rent \$124,508]**
Resolution retroactively approving Port Commission Lease L-16848 with Autodesk, Inc., a Delaware Corporation, located at Pier 9, Suite 116, and Bays 1-3 for approximately 30,590 square feet of office and shed space and license area for solar panels and public improvements for a term of one year with one option to extend the term for one year, effective upon approval of this Resolution at a monthly rent of \$124,508; and to authorize the Executive Director of the Port to enter into any additions, amendments or other modifications to the Lease that do not materially increase the obligations or liabilities of the City or Port and are necessary or advisable to complete the transactions which this Resolution contemplates and effectuate the purpose and intent of this Resolution. (Port)
- Question: Shall this Resolution be ADOPTED?**

16. [230010](#) **[Airport Professional Services Agreement - PGH Wong & Partners JV - Project Management Support Services for the Courtyard 3 Connector Project - Further Modifications Not to Exceed \$25,000,000]**

Resolution approving Modification No. 9 to Airport Contract No. 10072.41, Project Management Support Services for the San Francisco International Airport, Courtyard 3 Connector Project with PGH Wong & Partners JV, a joint venture consisting of PGH Wong Engineering, Inc., and Avila and Associates Consulting Engineers, Inc., to increase the Contract amount by \$7,750,000 for a new not to exceed amount of \$25,000,000 for services, pursuant to Charter, Section 9.118(b); and making findings under the California Environmental Quality Act. (Airport Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

17. [230016](#) **[Contract Agreement - California Health and Human Services Agency - Data Sharing Agreement - \$0]**

Resolution approving an original agreement between Department of Public Health (DPH) and the California Health and Human Services Agency, to exchange Health and Social Services Information, in the amount of \$0 for a term exceeding ten years, effective January 31, 2023, remaining in full force and effect until terminated by the DPH or the California Health and Human Service Agency; and to authorize the DPH to enter into amendments or modifications to the agreement 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 agreement or this Resolution. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

18. [230029](#) **[Accept and Expend Grant - Retroactive - San Francisco Health Plan - CalAIM Incentive Payment Program (IPP) - \$316,800]**

Sponsors: Mayor; Dorsey

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$316,800 from the San Francisco Health Plan for participation in a program, entitled "CalAIM Incentive Payment Program (IPP)," for the period of September 12, 2022, through February 28, 2023. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

19. [230033](#) **[Agreement - Treasure Island Series 1, LLC - Completion of Foundation for Sculpture - \$274,076]**
Sponsor: Dorsey
Resolution authorizing the Arts Commission to enter into an agreement with Treasure Island Series 1, LLC, the developer of a hilltop park at Yerba Buena Island, to construct a foundation for a 69-foot tall sculpture by Hiroshi Sugimoto, as part of the Treasure Island Arts Program, for an amount of \$274,076 for a term starting upon approval of this Resolution and ending upon the completion of the foundation; and to authorize the Director of Cultural Affairs to enter into any additions, amendments or other modifications to the Foundation Contract do not materially increase the obligations or liabilities of the City, or reduce the benefits to the City, and are necessary or advisable to complete the transaction contemplated by this Resolution. (Arts Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

20. [221104](#) **[Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District]**
Sponsors: Dorsey; Mandelman and Engardio
Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District, the Regional Commercial District, and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; clarifying the buffer restrictions for Nighttime Entertainment uses in the Service/Arts/Light Industrial District and the Western SoMa Mixed Use-Office District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. [221271](#) **[Administrative Code - Treatment of Shared Spaces on Valencia Street Sidewalk Bulb-Out as Curbside Shared Spaces]**
Sponsor: Ronen
Ordinance waiving specified requirements in the Administrative Code to allow two food service shared spaces on a sidewalk bulb-out on the 500 Block of Valencia Street to be defined as curbside shared spaces, subject to certain requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Public Safety and Neighborhood Services Committee

Present: Supervisors Dorsey, Engardio

22. [221221](#) **[Liquor License - 312 Harriet Street - SinombreSF]**
Resolution determining that the issuance of a Type-48 on-sale general public premises liquor license to SinombreSF LLC, doing business as SinombreSF, located at 312 Harriet Street (District 6), 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)

Question: Shall this Resolution be ADOPTED?

23. [221222](#) **[Liquor License Transfers - 1750 Harrison Street - Total Wine & More]**
Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits license; the transfer of a Type-42 on-sale beer and wine public premises license; and the transfer of a Type-86 educational tasting license to California Wine and Spirits LLC, doing business as Total Wine & More located at 1750 Harrison Street (District 9), 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 a condition on the issuance of the license. (Public Safety and Neighborhood Services Committee)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Peskin, Mandelman, Chan

24. [221062](#) **[Administrative Code - Funding, Acquisition, and Use of Certain Sheriff's Department Equipment]**
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 of the Sheriff's Department consistent with the criteria set forth in state law; and approving the Sheriff's Department's Use of Equipment Policy. (Sheriff)

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. [221270](#) **[Administrative Code - Resignations from City Boards and Commissions]**
Sponsors: Preston; Walton, Ronen, Mar, Peskin and Safai
Ordinance amending the Administrative Code to establish a City policy against seeking preemptive resignation letters from persons seeking or being considered for appointment or reappointment to City boards and commissions and other City bodies.

(Supervisor Mandelman dissented in committee.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Scheduled pursuant to Motion No. M23-021 (File No. 230077), approved on January 31, 2023.

(PUBLIC COMMENT WILL BE TAKEN)

[1 \(415\) 655-0001 / Meeting ID: 2497 265 2335 # #](#)

*(Press *3 to enter the speaker line)*

- 26. [230078](#) **[Hearing - Committee of the Whole - Draft San Francisco Reparations Plan and Dream Keeper Initiative Updates - February 7, 2023, at 3:00 p.m.]**
 Hearing of the Board of Supervisors sitting as a Committee of the Whole on Tuesday, February 7, 2023, at 3:00 p.m., to hold a public hearing on the Draft San Francisco Reparations Plan and Dream Keeper Initiative updates; and requesting the Human Rights Commission, the African American Reparations Advisory Committee, and the Dream Keeper Initiative to present; scheduled pursuant to Motion No. M23-021 (File No. 230077), approved on January 31, 2023. (Clerk of the Board)

Question: Shall this Hearing be HEARD AND FILED?

Committee of the Whole Adjourn and Report

COMMITTEE REPORTS

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

The following item will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, February 6, 2023, at 1:30 p.m. The Chair intends to request the Committee to send the following item as a Committee Report on Tuesday, February 7, 2023.

- 27. [230025](#) **[Administrative Code - Shared Spaces Program]**
Sponsors: Mayor; Dorsey and Engardio
 Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Question: Shall this Ordinance be PASSED ON FIRST READING?

The following item will be considered by the Rules Committee at a Regular Meeting on Monday, February 6, 2023, at 10:00 a.m. The Chair intends to request the Committee to send the following item as a Committee Report on Tuesday, February 7, 2023.

28. [221246](#) **[Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]**

Sponsor: Safai

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

Question: Shall this Ordinance be PASSED ON FIRST READING?

29. **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.

30. **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

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*(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 31 through 40 will be taken during Item 30 - General Public Comment.)

Items 31 through 40

31. [230106](#) **[Declaring the Intent to Waive Fee for Major Encroachment Permit - Burnside Mosaic Steps]**
Sponsor: Mandelman
Resolution of intent to waive the Major Encroachment Permit fee and ongoing fees, including the annual assessment and street improvement annual assessment fees, for the Burnside Mosaic Steps.

01/31/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
32. [230107](#) **[Condemning Azerbaijan's Blockade Of Artsakh]**
Sponsors: Peskin; Melgar, Dorsey, Safai, Mandelman and Stefani
Resolution condemning Azerbaijan's Blockade of the Armenians of Nagorno-Karabakh (Artsakh) and ongoing human rights violations.

01/31/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
33. [230108](#) **[Black History Month - February 2023]**
Sponsors: Walton; Chan
Resolution recognizing and celebrating Black History Month in the City and County of San Francisco during the month of February 2023.

01/31/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [230109](#) **[Accepting the Draft San Francisco Reparations Plan of the African American Reparations Advisory Committee]**

Sponsor: Walton

Resolution accepting the Draft San Francisco Reparations Plan of the African American Reparations Advisory Committee.

01/31/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. [230114](#) **[Committee of the Whole - Place for All Report - March 21, 2023, at 3:00 p.m.]**

Sponsors: Mandelman; Stefani, Safai and Dorsey

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on March 21, 2023, at 3:00 p.m., to hold a public hearing to consider the Place for All Report; and requesting the Department of Homelessness and Supportive Housing to report.

02/01/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

36. [230110](#) **[Findings to Allow Teleconferenced Meetings During Declared Emergency]**

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e). (Clerk of the Board)

01/31/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

37. [230083](#) **[Reappointment, Bicycle Advisory Committee - Whitney Ericson]**

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

02/01/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

38. [230116](#) **[Reappointment, Bicycle Advisory Committee - Brandon Powell]**

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

02/01/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

39. [230117](#) [Appointment, Park, Recreation, and Open Space Advisory Committee - Sophie Constantinou]

Motion appointing Sophie Constantinou, term ending February 1, 2025, to the Park, Recreation and Open Space Advisory Committee. (Clerk of the Board)

02/01/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

40. [230118](#) [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Anne Cervantes]

Motion appointing Anne Cervantes, term ending October 19, 2023, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

02/01/2023; 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.)

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*(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 RESOLUTIONS

[230090](#) [Real Property Lease Amendment - 101 South Van Ness, LLC - 110-12th Street - Not to Exceed \$454,668.67 in the Initial Year]

Resolution approving and authorizing the Director of Property, on behalf of the City's Department of Administration's ReproMail Services, to execute a lease amendment extending the term for five years for continued use of approximately 10,469 square feet of office space of real property located at 110-12th Street, with 101 South Van Ness, LLC for continued use of approximately 10,469 square feet of office space at a base rent of \$454,668.67 per year with 3% annual rent increases beginning February 1, 2024, for an extended term commencing February 1, 2023, and expiring on January 31, 2028; and authorizing the Director of Property to execute any amendments to the Lease, make certain modifications and take certain actions that do not materially increase the obligations or liabilities to the City, do not materially decrease the benefits to the City and are necessary or advisable to effectuate the purposes of the Lease or this Resolution. (Real Estate Department)

01/25/2023; RECEIVED FROM DEPARTMENT.

02/07/2023; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

230091 [Professional Services Agreement - APX Inc. - Power Scheduling Coordination Services and Related Support Services - Not to Exceed \$895,742,800]

Resolution approving Amendment No. 2 to Contract No. PRO.0152, Power Scheduling Coordination and Related Support Services, with APX Inc., to allow for the processing of the California Independent System Operator power transmission service charges, to increase the contract by \$636,000,000 for a total not to exceed contract amount of \$895,742,800 subject to the Board of Supervisors approval pursuant to Charter, Section 9.118, with no change to the five year of term from March 2022, through April 2027. (Public Utilities Commission)

01/27/2023; RECEIVED FROM DEPARTMENT.

01/30/2023; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

230092 [Settlement of Unlitigated Claims - U.S. Department of Health and Human Services - City to Receive \$277,894.52]

Resolution approving the settlement of unlitigated claims in favor of the City and County of San Francisco against the U.S. Department of Health and Human Services by payment of \$277,894.52 to the City; the claims were filed on February 8, 2007, January 16, 2013, and August 18, 2017; the claims involve underpayment of Medicare costs by the U.S. Department of Health and Human Services for direct graduate medical education and indirect medical education. (City Attorney)

01/30/2023; RECEIVED FROM DEPARTMENT.

02/07/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

230093 [Petitions and Communications]

Petitions and Communications received from January 26, 2023, through February 2, 2023, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 7, 2023.

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 Office of the Mayor, making the following (re)appointments to the following bodies. Copy: Each Supervisor. (1)

Pursuant to Charter, Section 3.100(18):

Human Rights Commission

§ Leah Pimentel - term ending January 15, 2027

§ Michelle Li - term ending January 17, 2025

The War Memorial and Performing Arts Center Board of Trustees

§ Thomas Horn - term ending January 2, 2027

§ Brenda Wright - term ending January 2, 2027

§ Lt. General Michael A. Rocco - term ending January 2, 2027

§ Stanlee Gatti - term ending January 2, 2027

Juvenile Probation Commission

§ Allison Magee - term ending January 15, 2026

Human Services Commission

· Sally Coghlan McDonald - term ending January 15, 2027

Pursuant to California Health & Safety Code Section 34173(g) and Ordinance No. 215-12

The Successor Agency Commission (Commission on Community Investment)

§ Tamsen Drew - term ending November 3, 2026

From Autodesk, Inc., submitting a California WARN Act Notice in accordance with California Labor code, Section 1401-1408. Copy: Each Supervisor. (2)

From the Capital Planning Committee, submitting a memo regarding remote meetings. Copy: Each Supervisor. (3)

From the Controller's Office, submitting the monthly Status of the San Francisco Economy report for the month of January 2023. Copy: Each Supervisor. (4)

From the California Fish and Game Commission, submitting Notice of Proposed Changes in Regulations to amend Section 362, Title 14, California Code of Regulations, relating to Nelson bighorn sheep hunting. Copy: Each Supervisor. (5)

From the Commission on the Status of Women, submitting the Commissions updated bylaws adopted at the meeting of January 25, 2023. Copy: Each Supervisor. (6)

From the Department of Public Works, submitting a response to Supervisor Myrna Melgar's Letter of Inquiry from the Board of Supervisors meeting of November 29, 2022. Copy: Each Supervisor. (7)

From the Department of Public Health, submitting the 2023 Mental Health San Francisco Annual Implementation Plan. Copy: Each Supervisor. (8)

From various departments, pursuant to Administrative Code, Section 12B.5-1.3, submitting Chapter 12B Waiver Request Forms. 3 Contracts, Copy: Each Supervisor. (9)

From members of the public, regarding autonomous vehicles. 15 letters. Copy: Each Supervisor. (10)

From members of the public, regarding the Castro Theatre. 134 Letters. Copy: Each Supervisor. (11)

From Steve Ward, regarding a project at 2550 Irvine Street. Copy: Each Supervisor. (12)

From Selena Chu, regarding noticing for a proposed cannabis dispensary at 800 Taraval Street. Copy: Each Supervisor. (13)

From members of the public, regarding the Safe Sleeping Site at 1515 South Van Ness Avenue. 6 letters. Copy: Each Supervisor. (14)

From The Transgender District, regarding a Hearing on the Draft San Francisco Reparations Plan and Dream Keeper Initiative updates; and requesting the Human Rights Commission, the African American Reparations Advisory Committee, and the Dream Keeper Initiative to present. File No. 230077. Copy: Each Supervisor. (15)

From Edward Sullivan, regarding an Ordinance amending the San Francisco General Plan by adopting the Housing Element 2022 Update as the Housing Element of the General Plan. File No. 230001. Copy: Each Supervisor. (16)

From members of the public, regarding Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan. File No. 230035. 5 letters. Copy: Each Supervisor. (17)

From members of the public, regarding a funding request for the Department of the Environment. 2 letters. Copy: Each Supervisor. (18)

From Matt Matasci, regarding the Draft San Francisco Reparations Plan of the African American Reparations Advisory Committee. File Nos. 230078 and 230109. Copy: Each Supervisor. (19)

From Jason Gailles, regarding John F. Kennedy Drive. Copy: Each Supervisor. (20)

From members of the public, regarding algal bloom in the San Francisco Bay. 2 letters. Copy: Each Supervisor. (21)

From Craig Collier, regarding traffic safety at the intersection of Valencia Street and 16th Street, Copy: Each Supervisor. (22)

From the San Francisco Chapter of Brady United Against Gun Violence, regarding law enforcement firearms and ammunition procurement. Copy: Each Supervisor. (23)

From Matt Matasci, regarding the Draft San Francisco Reparations Plan of the African American Reparations Advisory Committee. File Nos. 230078 and 230109 Copy: Each Supervisor. (24)

ADJOURNMENT