



# BOARD OF SUPERVISORS

## CITY AND COUNTY OF SAN FRANCISCO

### AGENDA

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

Tuesday, May 16, 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

**Homelessness and Behavioral Health Select Committee**  
Supervisors Ronen, Mandelman, Walton

**Land Use and Transportation Committee**  
Supervisors Melgar, Preston, Peskin

**Public Safety and Neighborhood Services Committee**  
Supervisors Stefani, Engardio, Dorsey

**Rules Committee**  
Supervisors Dorsey, Walton, Safai

##### Meeting Days

Wednesday  
1:30 PM

Wednesday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

2nd and 4th Friday  
10:00 AM

Monday  
1:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
10:00 AM

### **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**

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

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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 [soft@sfgov.org](mailto:soft@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 <http://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 <http://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 <http://www.sfethics.org>.

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### **PUBLIC COMMENT CALL-IN**

[1 \(415\) 655-0001](tel:14156550001) / Meeting ID: 2606 161 5586 ##

(Press \*3 to enter the speaker line)

## **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 April 11, 2023, Regular Board Meeting Minutes and April 12, 2023, Recessed Board Meeting Minutes.

## **AGENDA CHANGES**

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### Recommendation of the Budget and Finance Committee

*Present: Supervisors Chan, Mandelman, Safai*

1. [230281](#) **[Administrative Code - Purchase and Sale of Electricity and Related Products - Public Utilities Commission]**

Ordinance amending the Administrative Code to modify the waivers of specified contract-related requirements in the Administrative and Environment Codes for electricity and related product transactions, authorize binding arbitration for contracts with Investor Owned Utilities, and increase the annual expenditure limit for energy procurements from \$150,000,000 to \$200,000,000. (Public Utilities Commission)

(Fiscal Impact)

05/09/2023; PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

#### Recommendations of the Land Use and Transportation Committee

*Present: Supervisors Melgar, Preston, Peskin*

2. [221021](#) **[Planning, Administrative Codes - HOME-SF]**  
**Sponsors: Dorsey; Peskin**

Ordinance amending the Planning Code to allow projects to qualify for a density bonus under the Housing Opportunities Mean Equity (HOME-SF) Program by agreeing to subject new dwelling units to the rent increase limitations of the Rent Ordinance; modifying the zoning changes available to HOME-SF projects; making conforming amendments in the Administrative 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

05/09/2023; PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

3. [221105](#) **[Planning Code - HOME-SF]**  
**Sponsor: Peskin**  
Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity-San Francisco (HOME-SF) Program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.  
  
05/09/2023; PASSED ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
4. [230216](#) **[Administrative Code - Displaced Tenant Preference in City Affordable Housing]**  
**Sponsors: Ronen; Walton, Chan and Dorsey**  
Ordinance amending the Administrative Code to expand the Displaced Tenant Preference in City Affordable Housing Programs to cover tenants where the tenant's unlawful unit has been removed as a residential unit by a written approval by the Planning Commission of the demolition, conversion, or merger of the residential unit, or denial by the Planning Commission of an application to legalize the unlawful unit.  
  
05/09/2023; PASSED ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
5. [230373](#) **[Existing Building Code - Façade Inspections for Tall Buildings]**  
**Sponsor: Peskin**  
Ordinance amending the Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct and submit façade inspection reports; and affirming the Planning Department's determination under the California Environmental Quality Act.  
  
05/09/2023; PASSED ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendation of the Public Safety and Neighborhood Services Committee**

*Present: Supervisors Stefani, Dorsey*

6. [230309](#) **[Police Code - Limited Live Performance Permit in Polk Street Neighborhood Commercial District]**  
**Sponsor: Peskin**  
Ordinance amending the Police Code to change from 10:00 p.m. to 11:00 p.m., the time at which a Live Performance in the Polk Street Neighborhood Commercial District under a Limited Live Performance Permit must conclude; and affirming the Planning Department's determination under the California Environmental Quality Act.  
  
05/09/2023; PASSED ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendation of the Rules Committee**

*Present: Supervisors Dorsey, Walton, Safai*

7. [230167](#) **[Campaign and Governmental Conduct Code - Permit Prioritization]**  
**Sponsor: Safai**  
Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for developing a recommended Citywide list of prioritized permits and project types and recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department's permit prioritization guidelines; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Supervisors Chan, Melgar, and Peskin voted No on First Reading.)

05/09/2023; PASSED ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**NEW BUSINESS**

**Recommendations of the Budget and Finance Committee**

*Present: Supervisors Chan, Mandelman*

8. [230307](#) **[Business and Tax Regulations Code - Extending Sunset Date of Credit from Early Care and Education Commercial Rents Tax for Qualifying Child Care Facilities]**  
**Sponsors: Melgar; Chan and Mandelman**  
Ordinance amending the Business and Tax Regulations Code to extend for five years, until December 31, 2028, the credit against the Early Care and Education Commercial Rents Tax for qualifying child care facilities.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

Present: Supervisors Chan, Mandelman, Safai

9. [230368](#) **[Appropriation - \$275,000,000 Total Including Appropriation of \$260,878,172 in Certificates of Participation Refunding Proceeds and Deappropriation and Reappropriation of \$14,121,828 in Series 2023-R1 Refunding - FY2022-2023]  
Sponsors: Mayor; Preston**

Ordinance appropriating \$275,000,000 consisting of: appropriation of (1) \$260,878,172 of one or more series of Refunding Certificates of Participation Series 2023-R1 proceeds, (2) de-appropriation of \$14,121,828 of Series 2012A, 2015-R1, and 2015A Certificates of Participation prior reserve funds, and (3) re-appropriation of the same amount to Refunding Certificates of Participation Series 2023-R1; and placing these funds on Controller's Reserve pending the sale of the Certificates of Participation in Fiscal Year (FY) 2022-2023.

(Fiscal Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

10. [230369](#) **[Authorizing Refunding Certificates of Participation, Series 2023-R1 - Multiple Capital Improvement Projects - Not to Exceed \$275,000,000]  
Sponsors: Mayor; Preston**

Ordinance authorizing the execution and delivery of refunding Certificates of Participation, in one or more series from time to time ("Certificates"), in an aggregate amount not to exceed \$275,000,000 to prepay certain certificates of participation that financed and refinanced various capital improvement projects within the City and County of San Francisco ("City"); approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease and lease back of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City, at 1 Moreland Drive, San Bruno, California, and/or any other property as shall be determined by the City's Director of Public Finance; approving the form of Escrow Agreement (including certain indemnities contained therein), between the City and U.S. Bank Trust Company, National Association, as escrow agent ("Escrow Agent"); approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**



11. [230370](#) [Authorizing Tax-Exempt and/or Taxable Certificates of Participation - Multiple Affordable Housing and Community Facilities Projects - Not to Exceed \$146,800,000]

Sponsors: Mayor; Preston

Ordinance authorizing the execution and delivery of Certificates of Participation, in one or more series on a tax-exempt and/or taxable basis and from time to time, evidencing and representing an aggregate principal amount of not to exceed \$146,800,000 ("Certificates"), to finance and refinance certain capital improvement, affordable housing and community facilities development projects within the City and County of San Francisco's ("City"), including site acquisition, demolition and site preparation, design work, construction, repairs, renovations, improvements and the equipment of such facilities, including through the retirement of certain commercial paper notes of the City issued for such purposes; approving the form of a Supplement to Trust Agreement between the City and U.S. Bank Trust Company, National Association (as successor-in-interest to U.S. Bank National Association), as trustee ("Trustee") (including certain indemnities contained therein); approving respective forms of a Supplement to Property Lease and a Supplement to Project Lease, each between the City and the Trustee, for the lease and lease back of all or a portion of certain real property and improvements owned by the City and located at 375 Laguna Honda Boulevard within the City, at 1 Moreland Drive, San Bruno, California, and/or any other property as determined by the City's Director of Public Finance; approving the form of an Official Notice of Sale and a Notice of Intention to Sell the Certificates; approving the form of an Official Statement in preliminary and final form; approving the form of a purchase contract between the City and one or more initial purchasers of the Certificates; approving the form of a Continuing Disclosure Certificate, as defined herein; granting general authority to City officials to take necessary actions in connection with the authorization, sale, execution and delivery of the Certificates; approving modifications to documents; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Chan, Mandelman

12. [230450](#) [Transportation Code - Extension of Abandoned Vehicle Abatement Fee]

Sponsor: Mayor

Ordinance amending the Transportation Code, Division I, to authorize the Service Authority for the Abatement of Abandoned Vehicles (the San Francisco Municipal Transportation Agency Board) to extend the \$1 abandoned vehicle abatement fee on all vehicles registered to City residents for ten years, from June 1, 2023, through May 31, 2033.

(Pursuant to California Vehicle Code, Section 9250.7(g), this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve the collection of this service fee on all registered vehicles.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. [230402](#) **[Lease Extension Option Exercise - Michael C. Mitchell - 837 Malcolm Road, Burlingame - Annual Base Rent \$150,450]**  
Resolution approving the exercise of the second of two one-year extension options under Lease No. 09-0023, between Michael C. Mitchell and the City and County of San Francisco, acting by and through its Airport Commission, to extend the Lease for one year, for a period of May 1, 2024, through April 30, 2025, for a total term of April 21, 2009, through April 30, 2025, and increasing the annual rent to \$150,450 for office and industrial space occupied by the San Francisco International Airport Reprographics Department at 837 Malcolm Road, Burlingame. (Airport Commission)  
**Question: Shall this Resolution be ADOPTED?**
14. [230434](#) **[Lease Amendment - Smarte Carte, Inc - Airport Luggage Cart Lease and Operating Agreement - Provision of Free Luggage in the Federal Inspection Service Area of the Airport]**  
Resolution approving Amendment No. 3 to the Airport Luggage Cart Lease and Operating Agreement No. 19-0069 between Smarte Carte, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, to modify the methodology used for escalating the flat service fee associated with the provision of free luggage cart service in the Federal Inspection Service (FIS) Area. (Airport Commission)  
**Question: Shall this Resolution be ADOPTED?**
15. [230486](#) **[Apply for Grant Application - California Department of Housing and Community Development - Local Housing Trust Fund Program Grant - Not to Exceed \$5,000,000]**  
**Sponsors: Mayor; Mandelman**  
Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a grant application for a grant to fund affordable housing development under the California Department of Housing and Community Development's Local Housing Trust Fund Program, for an amount not to exceed \$5,000,000. (Mayor's Office of Housing and Community Development)  
**Question: Shall this Resolution be ADOPTED?**

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

*Present: Supervisors Preston, Stefani, Chan*

16. [230448](#) **[Memorandum of Understanding - San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 1]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 1, to be effective July 1, 2023, through June 30, 2026.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

17. [230449](#) **[Memorandum of Understanding - San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 2]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 2, to be effective July 1, 2023, through June 30, 2026.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

18. [230404](#) **[Selection of Independent Auditors - Macias Gini & O'Connell LLP - Not to Exceed \$6,806,424]**

**Sponsor: Peskin**

Resolution selecting Macias Gini & O'Connell LLP as independent auditors for the Controller's Office and the separately audited departments of the City, for an amount not to exceed \$6,806,424 for a four-year contract term to commence July 1, 2023, through June 30, 2027. (Controller)

(Fiscal Impact)

**Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Land Use and Transportation Committee**

*Present: Supervisors Melgar, Preston, Peskin*

19. [230192](#) **[Planning Code - Landmark Designation Amendment - 429-431 Castro Street (the Castro Theatre)]**

**Sponsor: Mandelman**

Ordinance amending the Landmark Designation for Landmark No. 100, 429-431 Castro Street (the Castro Theatre), Assessor's Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code, to list the exterior features that should be preserved or replaced in kind, to add interior features to the designation, and to capture the property's full historical significance; 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)

(Supervisor Melgar dissented in Committee)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

20. [230401](#) **[Acceptance and Recording of Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]**

Resolution authorizing acceptance and recording of 124 Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; affirming the Planning Department's determination of "not a project" under the California Environmental Quality Act; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Airport Commission)

**Question: Shall this Resolution be ADOPTED?**

## **Recommendations of the Rules Committee**

*Present: Supervisors Dorsey, Walton, Safai*

21. **230375** **[Administrative Code - Including Military Service in Definition of “Public Service” for Retirement Service Credit Purchases]**  
**Sponsors: Stefani; Safai**  
Ordinance amending the Administrative Code to expand the definition of “public service” to allow members of the San Francisco Employees’ Retirement System to purchase service credit for time served in the military before City employment.  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
22. **230053** **[Appointment, Ethics Commission - Yaman Salah]**  
Motion appointing Yaman Salah, term ending February 1, 2029, to the Ethics Commission. (Rules Committee)  
**Question: Shall this Motion be APPROVED?**

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

**\*\* SPECIAL ORDER 4:00 P.M.**

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

*Scheduled pursuant to Motion No. M23-066 (File No. 230362), approved on April 25, 2023.*

### ***PUBLIC COMMENT WILL BE TAKEN***

[1 \(415\) 655-0001 / Meeting ID: 2606 161 5586 # #](#)

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

23. **230363** **[Hearing - Committee of the Whole - Report of Assessment Costs - Blighted Properties - May 16, 2023, at 4:00 p.m.]**  
Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or abatement of blighted conditions ordered to be performed by said Director pursuant to Chapter 80 of the San Francisco Administrative Code, the costs thereof having been paid for out of a blight abatement fund; scheduled pursuant to Motion No. M23-066, approved on April 25, 2023. (Clerk of the Board)  
**Question: Shall this Hearing be HEARD AND FILED?**

## **Committee of the Whole Adjourn and Report**

## **From the Board**

24. [230364](#) **[Report of Assessment Costs for Blighted Properties]**  
Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works)
- Question: Shall this Resolution be ADOPTED?**

## **COMMITTEE REPORTS**

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

*The following items will be considered by the Homelessness and Behavioral Health Select Committee at a Regular Meeting on Friday, May 12, 2023, at 10:00 a.m. The Chair intends to request the Committee to send the following items as Committee Reports on Tuesday, May 16, 2023.*

25. [230406](#) **[Contract Amendment - Mount St. Joseph-St. Elizabeth - Behavioral Health Services - Not to Exceed \$20,541,061]**  
Resolution approving Amendment No. 2 to the agreement between Mount St. Joseph-St. Elizabeth and the Department of Public Health (DPH), for behavioral health services to women, children, and families; to increase the agreement by \$11,169,510 for a total amount not to exceed \$20,541,061; to extend the term by four years from June 30, 2023, for a total agreement term of January 1, 2018, through June 30, 2027; 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?**
26. [230433](#) **[Agreement - Retroactive - San Francisco Unified School District - Special Education Services - Anticipated Revenue to the City of \$1,000,000 or More]**  
Resolution retroactively approving an agreement between the San Francisco Department of Public Health and the San Francisco Unified School District having anticipated revenue to the City of \$1,000,000 or more for students with disabilities to receive special education and educationally related mental health services; and to authorize the Department of Public Health 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?**

The following items will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, May 15, 2023, at 1:30 p.m. The Chair intends to request the Committee to send the following items as Committee Reports on Tuesday, May 16, 2023.

27. [230212](#) **[Planning, Building, Fire Codes - Small Business Month Fee Waivers Including for Awning Installation]**  
**Sponsor: Engardio**  
Ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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?**
28. [230269](#) **[Commemorative Street Plaque - Judith Heumann - United Nations Plaza]**  
**Sponsors: Melgar; Safai**  
Resolution authorizing the placement of a commemorative plaque or statuary in United Nations Plaza in memory of Judith Heumann; directing the Department of Public Works to carry out the installation of the aforementioned plaque or statuary.  
**Question: Shall this Resolution be ADOPTED?**
29. [230297](#) **[Initiating Landmark Designation - Westwood Park Entrance Gates and Pillars]**  
**Sponsor: Melgar**  
Resolution initiating a landmark designation under Article 10 of the Planning Code for the Westwood Park Entrance Gates, located at the intersection of Miramar Avenue and Monterey Boulevard, and the Westwood Park Entrance Pillars located at the intersection of Miramar Avenue and Ocean Avenue.  
**Question: Shall this Resolution be ADOPTED?**
- The following item will be considered by the Public Safety and Neighborhood Services Committee at a Regular Meeting on Thursday, May 11, 2023, at 10:00 a.m. The Chair intends to request the Committee to send the following item as a Committee Report on Tuesday, May 16, 2023.
30. [221088](#) **[Urging the Recreation and Park Commission to Remove the Name Stow from the Lake in Golden Gate Park, the Boathouse Located at the Lake, and the Drive Circling Strawberry Hill]**  
**Sponsors: Melgar; Chan, Peskin, Stefani, Dorsey and Engardio**  
Resolution urging the Recreation and Park Commission to remove the name Stow from the Lake at John F. Kennedy Drive and Martin Luther King Jr. Drive, the Boathouse located in Golden Gate Park surrounding Strawberry Hill, and the Drive circling Strawberry Hill; and to rename the Lake, Boathouse, and Drive to a name that reflects San Francisco's expressed values of celebrating diversity.  
**Question: Shall this Resolution be ADOPTED?**

### 31. 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.*

### 32. 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**

[1 \(415\) 655-0001 / Meeting ID: 2606 161 5586 ##](tel:14156550001)

*(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 33 through 39 will be taken during Item 32 - General Public Comment.)*

### Items 33 through 39

#### 33. [230542](#) [Asian American and Pacific Islander Against Bullying and Hate Day - May 18, 2023]

**Sponsors: Chan; Peskin and Safai**

Resolution declaring May 18, 2023, as Asian American and Pacific Islander Against Bullying and Hate Day in the City and County of San Francisco.

05/09/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

- 34.    [230543](#)    **[Jewish American Heritage Month - May 2023]**  
**Sponsors: Dorsey; Peskin, Mandelman, Melgar, Preston, Stefani, Engardio and Ronen**  
Resolution recognizing the month of May 2023 as Jewish American Heritage Month in the City and County of San Francisco, in appreciation of the achievements and contributions made by members of the Jewish community.  
  
05/09/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?****
  
- 35.    [230544](#)    **[Supporting California State Senate Bill No. 272 (Laird) - Sea Level Rise: Planning and Adaptation]**  
**Sponsors: Peskin; Walton and Ronen**  
Resolution supporting California State Senate Bill No. 272, introduced by Senator John (Laird) on Sea Level Rise: Planning and Adaptation, which addresses the impacts of sea level rise in California by adding Division 20.6.9 to the Public Resources Code, establishing a comprehensive approach to adapt to and mitigate the impacts of sea level rise.  
  
05/09/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?****
  
- 36.    [230545](#)    **[Supporting the Writers' Guild of America West in Their Campaign for Fair Compensation and Reasonable Working Conditions]**  
**Sponsors: Safai; Engardio, Melgar, Peskin, Walton, Ronen, Preston and Stefani**  
Resolution supporting the Writers' Guild of America West in their campaign for fair compensation and reasonable working conditions, urging the employers to negotiate in good faith to swiftly reach an agreement that recognizes the writers' important work, and urging the Film Office to report on the strike impact on a regular basis.  
  
05/09/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?****
  
- 37.    [230549](#)    **[Supporting San Francisco's Inflation Reduction Act Grant Request for Urban and Community Forestry]**  
**Sponsor: Peskin**  
Resolution supporting San Francisco's grant application to the U.S. Department of Agriculture in response to its Forest Service Urban and Community Forestry Inflation Reduction Act Notice of Funding Opportunity (NOFO), which would provide once-in-a-generation funding to restore San Francisco's urban canopy damaged by recent storms, as well as make long-term tree canopy investments in high-need environmental justice communities in San Francisco, and create urban forestry and green workforce opportunities.  
  
05/10/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?****



- 38. [230550](#) [Urging the Administration of Equitable and Just Victim Services]**  
**Sponsor: Chan**  
Resolution urging San Francisco law enforcement agencies to administer victim services and justice equitably.  
  
05/10/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**
- 39. [230526](#) [Appointment, Park, Recreation, and Open Space Advisory Committee - Hillary Brown]**  
Motion appointing Hillary Brown, term ending February 1, 2025, to the Park, Recreation, and Open Space Advisory Committee. (Clerk of the Board)  
  
05/09/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Motion be APPROVED?**

**40. 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.)*  
[1 \(415\) 655-0001 / Meeting ID: 2606 161 5586 # #](tel:14156550001)  
*(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](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

### 230530

#### **[Settlement of Lawsuit - Jane Doe 1, Jane Doe 4, Jane Doe 5, Jane Doe 6, Jane Doe 9, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 6, John Doe 7 - \$2,223,500]**

Ordinance authorizing settlement of the lawsuit, subject to the approval of the Probate Court, filed by Jane Doe 1, Jane Doe 4, Jane Doe 5, Jane Doe 6, Jane Doe 9, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 6, John Doe 7 against the City and County of San Francisco for \$2,223,500; the lawsuit was filed on May 28, 2021, in San Francisco Superior Court, Case No. CGC-21-592296; entitled Jane Doe 1, et al. v. City and County of San Francisco, et al.; the lawsuit involves allegations of abuse and privacy violations brought by current and former residents of Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

05/03/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

### 230531

#### **[Settlement of Lawsuit - Jonathan Valladares - \$45,000]**

Ordinance authorizing settlement of the lawsuit filed by Jonathan Valladares against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 3, 2019, in San Francisco Superior Court, Case No. CGC-19-579765; entitled Jonathan Valladares v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

05/05/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**230532****[Settlement of Lawsuit - Ricky Williams - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Ricky Williams against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 1, 2020, in San Francisco Superior Court, Case No. CGC-20-587073; entitled Ricky Williams v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/05/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**230533****[Settlement of Lawsuit - Patrick Jackson - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Patrick Jackson against the City and County of San Francisco et al. for \$50,000; the lawsuit was filed on February 23, 2022, in San Francisco Superior Court, Case No. CGC-22-598303; entitled Patrick Jackson v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

05/05/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**230534****[Settlement of Lawsuit - Abdul Nevarez and Priscilla Nevarez - \$227,500]**

Ordinance authorizing settlement of the lawsuit filed by Abdul Nevarez and Priscilla Nevarez against the City and County of San Francisco for \$227,500; the lawsuit was filed on September 27, 2019, in United States District Court, Northern District of California, Case No. 19-CV-06155-SK; entitled Abdul Nevarez and Priscilla Nevarez v. City of San Francisco, et al.; the lawsuit involves disability access violations in the City's golf courses; other material terms of the settlement are making certain disability access improvements at the Harding Park and Fleming Park golf courses. (City Attorney)

05/05/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

**230535****[Tolling Agreement - The Mexican Museum - Lawsuit Statute of Limitations]**

Resolution approving a tolling agreement to toll the statute of limitations on The Mexican Museum's lawsuit against the City in exchange for a dismissal without prejudice in The Mexican Museum v. City and County of San Francisco, et al., San Francisco Superior Case No. CGC-14-542509. (City Attorney)

05/05/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**230536**    **[Settlement of Unlitigated Claim - 1231 Market Street Owner L.P. - \$19,500,000]**

Resolution approving the settlement of the unlitigated claim filed by 1231 Market Street Owner L.P. against the City and County of San Francisco for \$19,500,000; the claim was filed on April 13, 2023; the claim involves allegations of property damage to the Hotel Whitcomb caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

05/08/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**230537**    **[Contract Amendment - HealthRIGHT 360 - Check-Writing Services - Not to Exceed \$107,416,172]**

Resolution approving Amendment No. 2 to the agreement between HealthRIGHT 360 and the Department of Public Health (DPH), for check-writing services; to increase the agreement by \$60,650,012 for an amount not to exceed \$107,416,172; to extend the term by two years and six months from June 30, 2023, for a total agreement term of January 1, 2021, through December 31, 2025; 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)

05/05/2023; RECEIVED FROM DEPARTMENT.

05/16/2023; RECEIVED AND ASSIGNED to the Homelessness and Behavioral Health Select Committee.

**230553 [Petitions and Communications]**

Petitions and Communications received from May 4, 2023, through May 11, 2023, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 16, 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 appointments to the following bodies. Copy: Each Supervisor. (1)

Appointments pursuant to Charter Section 3.100(18):

Refuse Rate Board

- Britney Doyle - term ending May 3, 2027

Juvenile Probation Commission

- Julia Cervantes - term ending January 15, 2024

From the Capital Planning Committee, pursuant to Administrative Code, Section 3.21, submitting Fiscal Years (FYs) 2024-2025 Capital Budget Amendments. Copy: Each Supervisor. (2)

From the Office of the District Attorney, submitting a response to a Letter of Inquiry issued by Supervisor Shamann Walton at the May 2, 2023, Board of Supervisors meeting. Copy: Each Supervisor. (3)

From the Office of the Mayor, submitting a response to a Letter of Inquiry issued by Supervisor Dean Preston at the April 25, 2023, Board of Supervisors meeting. Copy: Each Supervisor. (4)

From the Department of Homelessness and Supportive Housing, regarding a Resolution urging the Port of San Francisco, San Francisco Port Commission, the Department of Homelessness and Supportive Housing, and the Homelessness Oversight Commission to keep the Pier 94 Backlands Temporary Shelter Site open to prevent the eviction of over 100 residents. File No. 230516. Copy: Each Supervisor. (5)

From the Public Library, pursuant to Administrative Code, Section 12B.5-1.3, submitting Chapter 12B Waiver Request Forms. 6 Contracts. Copy: Each Supervisor. (6)

From the Department of Homelessness and Supportive Housing, pursuant to Administrative Code, Section 21B.3, submitting 2022 Emergency Ordinance 61-19 Annual Report. Copy: Each Supervisor. (7)

From members of the public, regarding the closure of two Nordstroms stores. 397 Letters. Copy: Each Supervisor. (8)

From members of the public, regarding a Hearing on Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan. File No. 230035. 2 Letters. Copy: Each Supervisor. (9)

From Wynship Hillier, regarding the Site Visit Committee, the Implementation Committee, and the Executive Committee of the Behavioral Health Commission. Copy: Each Supervisor. (10)

From members of the public, regarding the Geary Boulevard Improvement Project. 2 Letters. Copy: Each Supervisor. (11)

From members of the public, regarding their proposed funding of solutions in the upcoming City Budget to end the drug crisis. 253 Letters. Copy: Each Supervisor. (12)

From Mira Martin-Parker, regarding various subjects. Copy: Each Supervisor. (13)

From Ronald D. Carter, regarding handling of a document by Board staff and concerns on the Draft San Francisco Reparations Plan and Dream Keeper Initiative. File No. 230078. Copy: Each Supervisor. (14)

From Michael Nichols, regarding the Draft San Francisco Reparations Plan and Dream Keeper Initiative. File No. 230078. Copy: Each Supervisor. (15)

From members of the public, regarding a Resolution urging the District Attorney and the San Francisco Police Department (SFPD) to release police reports, witness accounts and video information from the April 27, 2023, killing of Banko Brown, that form the factual basis in the case presented by the SFPD for filing charges by the District Attorney. 6 Letters. Copy: Each Supervisor. (16)

From members of the public, regarding public safety and quality of life issues. 2 Letters. Copy: Each Supervisor. (17)

From members of the public, regarding a proposed Ordinance amending the Landmark Designation for Landmark No. 100, 429-431 Castro Street (the Castro Theatre). File No. 230192. Letters. Copy: Each Supervisor. (18)

From Greg Test, regarding coordination of recovery programs by City departments. Copy: Each Supervisor. (19)

From Karen Wong, regarding a proposed Ordinance to amend the Administrative Code to permit law enforcement officials to respond to a federal immigration officer's request for voluntary notification that a person will be released from local custody, for adults who have been convicted of a felony for the sale, possession for sale, or transport for sale, of Fentanyl, and been held to answer for a felony for the sale, possession for sale, or transport for sale, of Fentanyl. File No. 230161. Copy: Each Supervisor. (20)

## **ADJOURNMENT**