# **BOARD OF SUPERVISORS**

# CITY AND COUNTY OF SAN FRANCISCO

30 COUNT

# **AGENDA**

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

**Tuesday, September 3, 2024 - 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	<b>Meeting Days</b>
Budget and Appropriations Committee	Wednesday
Supervisors Chan, Mandelman, Melgar, Walton, Peskin	1:30 PM
Budget and Finance Committee	Wednesday
Supervisors Chan, Mandelman, Melgar	10:00 AM
Government Audit and Oversight Committee	1st and 3rd Thursday
Supervisors Preston, Stefani, Chan	10:00 AM
Land Use and Transportation Committee	Monday
Supervisors Melgar, Preston, Peskin	1:30 PM
Public Safety and Neighborhood Services Committee	2nd and 4th Thursday
Supervisors Stefani, Engardio, Dorsey	10:00 AM
Rules Committee	Monday
Supervisors Safai, Walton	10:00 AM

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#### **Agenda Item Information**

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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 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. 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.

Meetings are real-time captioned and cablecast open-captioned on SFGovTV (<a href="www.sfgovtv.org">www.sfgovtv.org</a>) or Cable Channels 26, 28, 78 or 99 (depending on your provider). Board and Committee meeting agendas and minutes are available on the Board's website <a href="www.sfbos.org">www.sfbos.org</a> and adhere to web development Federal Access Board's Section 508 Guidelines. For reasonable accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Board of Supervisors' Rules of Order 1.3.3 does not permit remote public comment by members of the public at meetings of the Board and its committees, except as legally required to enable people with disabilities to participate in such meetings. If you require remote access as a means of reasonable accommodation under ADA, please contact the Clerk's Office to request remote access, including a description of the functional limitation(s) that precludes your ability to attend in person. Requests made at least two (2) business days in advance of the meeting will help to ensure availability. For further assistance, please call (415) 554-5184.

#### **Know Your Rights Under The Sunshine Ordinance**

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 <a href="mailto:sotf@sfgov.org">sotf@sfgov.org</a>. Citizens may obtain a free company of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <a href="www.sfbos.org/sunshine">www.sfbos.org/sunshine</a>.

#### **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 (Campaign & Governmental Conduct Code, Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; (415) 252-3100; fax (415) 252-3112; website <a href="https://www.sfgov.org/ethics">www.sfgov.org/ethics</a>.

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 www.sfethics.org.

## 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 July 2, 2024, July 9, 2024, July 16, 2024, July 23, 2024, Regular Board Meeting Minutes, and the July 23, 2024 (9:00 a.m.), and July 23, 2024 (9:05 a.m.), Special Board Meeting Minutes.

#### **AGENDA CHANGES**

#### CONSENT AGENDA

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

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

#### Items 1 through 4

# Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Preston, Chan, Engardio

# 1. <u>240670</u> [Settlement of Lawsuit - Dora Barnes - \$27,500]

Ordinance authorizing settlement of the lawsuit filed by Dora Barnes against the City and County of San Francisco for \$27,500; the lawsuit was filed on February 2, 2021, in San Francisco Superior Court, Case No. CGC-21-589587; entitled Dora Barnes v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

07/30/2024; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

## 2. <u>240714</u> [Settlement of Lawsuit - Sarah Perata - \$575,000]

Ordinance authorizing settlement of the lawsuit filed by Sarah Perata against the City and County of San Francisco for \$575,000; the lawsuit was filed on April 19, 2021, in the U.S. District Court, Northern District of California, Case No. 4:21-cv-02819; entitled Sarah Perata v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

07/30/2024; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 3. 240715 [Settlement of Lawsuit - Robert Lasky - City to Receive \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Robert Lasky against City and County of San Francisco for a payment to the City of \$100,000; the lawsuit was filed on August 13, 2021, in San Francisco County Superior Court Case No. CGC-21-594463; entitled Robert Lasky v. City and County of San Francisco, et al.; the lawsuit involves personal injuries sustained on a utility vault owned by Defendant/Cross-Defendant Pacific Bell Telephone Company and embedded in a City sidewalk; other material terms of the settlement are a payment to Plaintiff by Defendant/Cross-Defendant Pacific Bell Telephone Company. (City Attorney)

07/30/2024; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 4. <u>240716</u> [Settlement of Lawsuit - RES System 3, LLC - \$2,600,000]

Ordinance authorizing settlement of the lawsuit filed by RES System 3, LLC against the City and County of San Francisco for \$2,600,000; the lawsuit was filed on September 26, 2022, in San Francisco Superior Court, case number CGC-22-601949, and later transferred to Alameda County Superior Court, case number 23-CV-037877; entitled RES System 3, LLC v. City and County of San Francisco Public Utilities Commission; the lawsuit involves alleged breach of contract and related cost impacts arising from the design and construction of the Warnerville electrical substation in Oakdale, California; other material terms of the settlement are a mutual release of claims between the parties with limited exceptions for latent defects and warranty items. (City Attorney)

07/30/2024; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# **REGULAR AGENDA**

### **UNFINISHED BUSINESS**

# Recommendation of the Budget and Finance Committee

Present: Supervisors Chan, Melgar, Dorsey

# 5. 240665 [Transportation Code - Fee Waivers for Qualifying Neighborhood Outdoor Events - Certain Sunset District Streets]

Sponsors: Mayor; Mandelman, Melgar, Engardio, Dorsey and Chan Ordinance amending the Transportation Code to waive fees related to the temporary

closure of streets for events on Irving, Noriega, and Taraval Streets, from 19th Avenue to the Great Highway, that are organized by community-serving nonprofit arts and culture organizations, small businesses, merchant associations, neighborhood resident associations, and property and business improvement districts, and to set a sunset date of June 30, 2027, for the program waiving fees related to such street closures throughout the City.

(Fiscal Impact)

07/30/2024; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# Recommendations of the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

# 6. 240725 [Planning Code - Landmark Designation - Rainbow Flag at Harvey Milk Plaza] Sponsors: Mandelman; Engardio, Dorsey, Peskin, Chan, Melgar, Preston, Safai, Ronen, Stefani and Walton

Ordinance amending the Planning Code to designate the Rainbow Flag Installation at Harvey Milk Plaza, by Gilbert Baker, located at the southwest corner of the intersection of Market Street and Castro Street, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/30/2024; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 7. 240766

### [Administrative Code - Ban on Automated Rent-Setting] Sponsors: Peskin; Chan, Preston, Melgar, Ronen and Dorsey

Ordinance amending the Administrative Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San Francisco.

07/30/2024; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# **NEW BUSINESS**

## **Recommendations of the Budget and Finance Committee**

Present: Supervisors Chan, Mandelman, Melgar

# 8. <u>240723</u>

# [Authorizing Certificates of Participation - Concourse Garage Project - Not to Exceed \$29,000,000]

Sponsors: Mayor; Mandelman and Melgar

Ordinance authorizing the execution and delivery of Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an aggregate principal amount of not to exceed \$29,000,000 to fund all or a portion of the acquisition of the Concourse Garage; authorizing the issuance of commercial paper notes in advance of the delivery of the Certificates; approving the form of Trust Agreement between the City and County of San Francisco and the Trustee (including certain indemnities contained therein); authorizing the selection of the Trustee by the Director of Public Finance; approving respective forms of a Property Lease and a Lease Agreement, each between the City and County of San Francisco and the Trustee for the lease and lease back of certain property and facilities of the City; approving the forms of Purchase Contract, Official Notice of Sale, and Notice of Intention to Sell Certificates; directing the publication of the Notice of Intention to Sell Certificates; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of the Certificates; approving the form of the Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, execution, sale and delivery of the Certificates, including termination of the Ground Lease and transfer of the Concourse Garage property and related property to the City and County of San Francisco under the jurisdiction of the Recreation and Park Commission; approving modifications to documents and agreements; declaring the City's intent to reimburse certain expenditures; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 9. 240728 [Business and Tax Regulations Code - Transfer Tax Reduction for Union Labor-Built and Union Pension Fund-Financed Housing]

Sponsors: Safai; Chan and Melgar

Ordinance amending the Business and Tax Regulations Code to reduce the real property transfer tax rates from 5.5% to 3% when the consideration or value of the interest or property conveyed is at least \$10,000,000 but less than \$25,000,000; and from 6% to 3% when the consideration or value of the interest or property conveyed equals or exceeds \$25,000,000 for transfers of certain properties with at least 12% rent-restricted affordable units, that were constructed using union labor, and had a debt or equity investment of at least \$25,000,000 from a union pension fund at the time of the transfer; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 10. 240642 [Accept and Expend Grant - Retroactive - National Park Service through the California Department of Parks and Recreation - Buchanan Street Mall Project - \$8,124,800]

Sponsors: Mayor; Preston and Mandelman

Resolution retroactively authorizing the Recreation and Park Department to accept and expend up to \$8,124,800 in grant funding from the National Park Service through the California Department of Parks and Recreation for the Buchanan Street Mall Project for the period of July 1, 2022, through January 31, 2027; to enter into a grant contract with the California Department of Parks and Recreation; and to authorize the General Manager of the Recreation and Park Department to enter into any modifications and amendments to the Grant Contract that do not materially increase the obligations or liabilities of the City. (Recreation and Park Department)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

# 11. 240679 [Accept and Expend Grant - California State Coastal Conservancy - India Basin Shoreline Park Redevelopment Project - \$5,500,000]

Sponsors: Mayor; Walton and Mandelman

Resolution authorizing the Recreation and Park Department to accept and expend a grant from the California State Coastal Conservancy in the amount of \$5,500,000 for the India Basin Shoreline Park Redevelopment Project; approving the associated grant agreement for a term limit that is effective upon approval of this Resolution through December 31, 2027; and authorizing the Recreation and Park Department to enter into amendments or modifications to the agreement that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purposes of the Project or this Resolution. (Recreation and Park Department)

Question: Shall this Resolution be ADOPTED?

# 12. 240739 [Grant Agreement Amendment - Retroactive - Bay Area Community Resources, Inc. - COVID-Response Resource Hub Coordinator - Not to Exceed \$14,779,999]

**Sponsor: Mayor** 

Resolution retroactively approving Amendment No. 2 to a grant agreement between the Office of Economic and Workforce Development and Bay Area Community Resources, Inc., for management of the COVID-Response Resource Hub Coordinator grant; to increase the contract amount by \$4,780,000 for a total not to exceed amount of \$14,779,999 for the period of July 1, 2022, through June 30, 2025; effective upon approval of this Resolution; and to authorize the Executive Director of the Office of Economic and Workforce Development 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. (Department of Economic and Workforce Development)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

# 13. 240767 [Accept and Expend Grant - Retroactive - California Department of Public Health - Fentanyl Overdose Prevention Grant - \$1,281,000]

Sponsors: Mayor; Ronen and Mandelman

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$1,281,000 from the California Department of Public Health for participation in a program, entitled "Fentanyl Overdose Prevention Grant," for the period of March 1, 2024, through February 28, 2027. (Public Health Department)

Question: Shall this Resolution be ADOPTED?

# 14. 240768 [Accept and Expend Grant - Retroactive - California Governor's Office of Emergency Services - County Victim Services Program - \$364,146] Sponsors: Mayor; Mandelman

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$364,146 and the City providing matching funds in the amount of \$91,037 for the grant period of January 1, 2024, through December 31, 2024, from the California Governor's Office of Emergency Services for the County Victim Services Program. (District Attorney)

Question: Shall this Resolution be ADOPTED?

### Recommendation of the Land Use and Transportation Committee

Present: Supervisors Melgar, Preston, Peskin

# 15. 240758 [Updating Infill Opportunity Zone for Congestion Management Planning] Sponsor: Mandelman

Resolution updating the area designated as an Infill Opportunity Zone for Congestion Management Planning in the City and County of San Francisco under California Government Code, Section 65088 et seg.

Question: Shall this Resolution be ADOPTED?

# Recommendations of the Public Safety and Neighborhood Services Committee

Present: Supervisors Stefani, Dorsey

## 16. 240749 [Liquor License Issuance - 65 Post Street - 7 Social]

Resolution determining that the issuance of a Type-90 on-sale general music venue liquor license to SR Visions, LLC, to do business as 7 Social located at 65 Post Street (District 3), 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?

## 17. 240751 [Liquor License Issuance - 2801 Leavenworth Street - Reverb]

Resolution determining that the issuance of a Type-90 on-sale general music venue liquor license to Talldoor Entertainment LLC, to do business as Reverb located at 2801 Leavenworth Street (District 3), 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?

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

#### 18. 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.

### 19. 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.

#### 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 20 through 22 will be taken during Item 19 - General Public Comment.)

### Items 20 through 22

### 20. <u>240818</u> [Intent to Expand Local Rent Control Protections]

Sponsors: Peskin; Chan

Resolution declaring the Board of Supervisors intent to expand local rent control protections to go into effect if the Costa-Hawkins Act is repealed via ballot measure on November 5, 2024.

07/31/2024; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

# 21. <u>240819</u> [Appointment, Commission on Disability and Aging Advisory Council - Beverly Karnatz]

Motion appointing Beverly Karnatz, term ending March 31, 2026, to the Commission on Disability and Aging Advisory Council. (Clerk of the Board)

08/28/2024; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be APPROVED?** 

### 22. <u>240834</u> [Appointment, Child Care Planning and Advisory Council - Delia Fitzpatrick]

Motion appointing Delia Fitzpatrick, term ending September 14, 2026, to the Child Care Planning and Advisory Council. (Clerk of the Board)

08/28/2024; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

## 23. 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.)

## 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 <a href="http://www.sfbos.org/legislation">http://www.sfbos.org/legislation</a> 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

#### 240823

[Settlement of Lawsuit - San Francisco Apartment Association, San Francisco Association of Realtors, Coalition for Better Housing, and Small Property Owners of San Francisco Institute - \$93,000]

Ordinance authorizing settlement of the lawsuit filed by San Francisco Apartment Association, San Francisco Association of Realtors, Coalition for Better Housing, and Small Property Owners of San Francisco Institute against the City and County of San Francisco for \$93,000; the lawsuit was filed on May 12, 2020, in San Francisco County Superior Court, Case No. CPF 20-517087; entitled San Francisco Apartment Association, et al. v. City and County of San Francisco; the lawsuit involves a Petition for Writ of Mandate challenging Ordinance No. 36-20, which amended San Francisco Administrative Code § 37.9E to revise the requirements that landlord must follow when engaging in buyout negotiations with tenants. (City Attorney)

08/14/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

#### 240824

# [Settlement of Lawsuits - Park Hotels & Resorts Inc. - Stipulated Assessed Value of \$140,700,000 and Refund of \$943,740 Plus Statutory Interest]

Ordinance authorizing settlement of two related lawsuits filed by Park Hotels & Resorts Inc. et al. against the City and County of San Francisco concerning the real property located at 555 North Point, San Francisco, CA (Assessor's Parcel Block No. 0029, Lot No. 007) (the "Subject Property") for a stipulated assessed value of the Subject Property of \$140,700,000 as of September 17, 2019, contingent upon the Assessment Appeals Board's approval, and a refund of \$943,740 plus statutory interest; the first lawsuit was filed on August 7, 2023, in San Francisco Superior Court, Case No. CGC-23-608156; entitled Park Hotels & Resorts Inc., et al. v. City and County of San Francisco; the second lawsuit was filed on June 27, 2023, in San Francisco Superior Court, Case No. CGC-23-607311; entitled Park Hotels & Resorts Inc. v. City and County of San Francisco, et al.; the lawsuits involve the assessed value of the Subject Property for property tax purposes as of the September 17, 2019 change in ownership date and a transfer tax refund. (City Attorney)

08/14/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

# 240825 [Settlement of Lawsuits - Park Hotels & Resorts Inc. - Stipulated Assessed Value of \$93,237,202 and Refund of \$785,531 Plus Statutory Interest]

Ordinance authorizing settlement of two related lawsuits filed by Park Hotels & Resorts Inc. et al. against the City and County of San Francisco concerning the real property located at 542-550 Geary Street, San Francisco, CA (Assessor's Parcel Block No. 0305, Lot No. 008 and Assessor's Parcel Block No. 0305, Lot No. 009) (the "Subject Property") for a stipulated assessed value of \$93,237,202 as of September 18, 2019, contingent upon the Assessment Appeals Board's approval, and a refund of \$785,531 plus statutory interest; the first lawsuit was filed on August 18, 2023, in San Francisco Superior Court, Case No. CGC-23-608476; entitled Park Hotels & Resorts Inc., et al. v. City and County of San Francisco; the second lawsuit was filed on June 27, 2023, in San Francisco Superior Court, Case No. CGC-23-607309; entitled Park Hotels & Resorts Inc. v. City and County of San Francisco, et al.; the lawsuits involve the assessed value of the Subject Property for property tax purposes as of the September 18, 2019 change in ownership date and a transfer tax refund. (City Attorney)

08/14/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

# 240826 [Settlement of Lawsuits - Park Hotels & Resorts Inc. - Stipulated Assessed Value of \$222,145,336 and Refund of \$1,636,749 Plus Statutory Interest]

Ordinance authorizing settlement of two related lawsuits filed by Park Hotels & Resorts Inc. et al. against the City and County of San Francisco concerning the real property located at 375 Battery Street, San Francisco, CA (Assessor's Parcel Block No. 0229, Lot No. 020) (the "Subject Property") for a stipulated assessed value of the Subject Property of \$222,145,336 as of September 18, 2019, contingent upon the Assessment Appeals Board's approval, and a refund of \$1,636,749, plus statutory interest; the first lawsuit was filed on August 18, 2023, in San Francisco Superior Court, Case No. CGC-23-608468; entitled Park Hotels & Resorts Inc., et al. v. City and County of San Francisco; the second lawsuit was filed on June 27, 2023, in San Francisco Superior Court, Case No. CGC-23-607304; entitled Park Hotels & Resorts Inc. v. City and County of San Francisco, et al.; the lawsuits involve the assessed value of the Subject Property for property tax purposes as of the September 18, 2019, change in ownership date and a transfer tax refund. (City Attorney)

08/14/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

### PROPOSED RESOLUTIONS

#### 240828

# [Participation Agreement - Retroactive - Federal Centers for Medicare & Medicaid Services - Innovative Dementia Care Program - Anticipated Revenue to the City \$3,500,000]

Resolution retroactively authorizing the San Francisco Department of Public Health ("DPH") to enter into a Participation Agreement with the Federal Centers for Medicare & Medicaid Services to provide federal funding for an innovative dementia care program, for a term of 10 years and 26 days from June 5, 2024, through June 30, 2034, having anticipated revenue of \$3,500,000 and authorizing DPH to make necessary, non-material changes to the agreement that DPH determines, in consultation with the City Attorney, are necessary to correct clerical and/or administrative errors, as long as those changes are consistent with this Resolution. (Public Health Department)

07/23/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### 240829

# [Agreement Amendment - Hunters Point Family - Pit Stop Workforce Development Grant Program - Not to Exceed \$16,238,478.52]

Resolution approving Amendment No. 5 to Contract No. 1000029167 between the City, acting by and through the Department of Public Works, and Hunters Point Family, to create employment opportunities, job training and workforce development programs, and ensure the availability of safe and clean public restrooms for the Pit Stop Workforce Development Grant Program, extending the term by 11 months for a total term of July 1, 2023, through June 30, 2025, increasing the contract amount by \$6,972,047.52 for a new total not to exceed amount from of \$16,238,478.52; and to authorize the Director of Public Works to make necessary, non-material changes to the Amendment before its execution. (Public Works Department)

07/25/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### 240830

## [Settlement of Unlitigated Claims - Maplebear, Inc. - \$8,250,342.21]

Resolution approving the settlement of the unlitigated claims filed by Maplebear, Inc. against the City and County of San Francisco for \$8,250,342.21; the claims were filed on February 28, 2023, and February 9, 2024; the claims involve a refund of payroll expense, gross receipts, and homelessness gross receipts taxes, and business registration fees for the 2019 to 2022 tax years; other material terms of the settlement are that Maplebear, Inc. shall take certain filing positions with respect to its gross receipts, homelessness gross receipts, and overpaid executive gross receipts taxes, as applicable, for the 2023 and subsequent tax years, and the City will not impose penalties arising from those filing positions for the 2023 tax year. (City Attorney)

08/14/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

#### 240831 [Settlement of Unlitigated Claim - Bechtel Group, Inc. - \$43,235.10]

Resolution approving the settlement of the unlitigated claim filed by Bechtel Group, Inc. against the City and County of San Francisco for \$43,235.10; the claim was filed on May 8, 2024; the claim involves a refund of commercial rents taxes. (City Attorney)

08/14/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

# 240832 [Contract Agreement - Retroactive - Corporation for Network Initiatives in California - Fiber Optic Network Installation, Occupancy, and Maintenance - Anticipated Revenue to the City \$6,970,000]

Resolution retroactively authorizing the Department of Technology to enter into a contract with Corporation for Education Network Initiatives in California ("CENIC") and to provide fiber optic cable strands to establish a fiber optic network in support of CENIC services to provide data connectivity for the University of California, San Francisco ("UCSF") for the period between May 25, 2011, through May 25, 2031, with an expected revenue of \$6,970,000. (Department of Technology)

08/23/2024; RECEIVED FROM DEPARTMENT.

09/03/2024; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### **240833** [Petitions and Communications]

Petitions and Communications received from July 25, 2024, through August 29, 2024, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 3, 2024.

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, pursuant to Charter, Section 3.100, submitting an Acting-Mayor Notice designating Supervisor Joel Engardio as Acting-Mayor effective Monday, August 19, 2024, at 6:25 p.m. until 2:00 p.m. on Wednesday, August 21, 2024; and further designating Supervisor Rafael Mandelman as Acting-Mayor effective Wednesday, August 21, 2024, at 2:01 p.m. until 10:08 a.m. on Friday, August 23, 2024. Copy: Each Supervisor. (1)

From California Fish and Game Commission, submitting notices of various proposed changes in regulations. 5 Letters. Copy: Each Supervisor (2)

From the Department of Elections (REG), submitting certification for the initiative measure, entitled "Additional Business Tax on Transportation Network Companies and Autonomous Vehicle Businesses." Copy: Each Supervisor. (3)

From the Department on the Status of Women (WOM), submitting a Monthly Update on the Status of Abortion Rights. Copy: Each Supervisor. (4)

From the San Francisco Public Utilities Commission (SFPUC), pursuant to Administrative Code, Chapter 11, Article V, Section 11.44(b), submitting Franchise Compliance Reports for the Audit Period of Calendar Year (CY) 2021-2022. Copy: Each Supervisor. (5)

From the San Francisco Police Department (SFPD), submitting a response to a Letter of Inquiry issued by Supervisor Dean Preston at the May 7, 2024, Board of Supervisors meeting. Copy: Each Supervisor. (6)

From the Department of Elections (REG), submitting the Ballot Simplification Committee's meeting agenda for July 29, 2024 - August 2, 2024. Copy: Each Supervisor. (7)

From the Office of the Controller (CON), submitting a report on the Status of the San Francisco Economy as of July 2024. Copy: Each Supervisor. (8)

From the San Francisco Police Department (SFPD), pursuant to Administrative Code, Chapters 96A and 96E, submitting an update on the Second Quarter 2024 Law Enforcement Report and the Second Quarter 2024 Domestic Violence Data Report. Copy: Each Supervisor. (9)

From the Office of the City Administrator (ADM), Fleet Management Division, pursuant to Administrative Code, Section 4.10-2(c), submitting an Annual Report on Telematics Utilization for Calendar Year (CY) 2023. Copy: Each Supervisor. (10)

From Genesis Vasconez, submitting their resignation from Seat 2 on the Behavioral Health Commission. Copy: Each Supervisor. (11)

From the Office of the Treasurer & Tax Collector (TTX), submitting an update on the Empty Homes Tax. Copy: Each Supervisor. (12)

From the Office of the Controller (CON), pursuant to Charter, Section 3.105 and Appendix F, submitting a memorandum on an audit of the compliance of the Department of Public Works (DPW) with the close-out provisions of its contract with Clark Construction, LLC, for the San Francisco Police Department's (SFPD) Traffic Company and Forensic Services Division Facility project. Copy: Each Supervisor. (13)

From the San Francisco Board of Appeals, pursuant to Charter, Section 9.115, and Administrative Code, Section 3.14, submitting a Budget Certification Letter for Fiscal Years (FYs) 2024-2025 and 2025-2026. Copy: Each Supervisor. (14)

From the Office of the Controller (CON) City Services Auditor (CSA), pursuant to Charter, Appendix Section F1.102(a)(2), submitting a report on Street and Sidewalk Standards for Fiscal Year (FY) 2024. Copy: Each Supervisor. (15)

From the Office of Small Business (OSB), submitting an OSB Annual Report for Fiscal Year (FY) 2023-2024. Copy: Each Supervisor. (16)

From the Ethics Commission, submitting the adoption of regulations regarding Campaign Finance and Campaign Consultant Rules. Copy: Each Supervisor. (17)

From the Department of Public Works (DPW), submitting a response to a Letter of Inquiry issued by Supervisor Ahsha Safai at the July 30, 2024, Board of Supervisors meeting. Copy: Each Supervisor. (18)

From the San Francisco Public Utilities Commission (SFPUC), pursuant to Resolution No. 95-23, File No. 230091, submitting a report on quarterly actual California Independent System Operator (CAISO) charges compared with projections, and remaining contract expenditures. Copy: Each Supervisor. (19)

From the San Francisco Public Utilities Commission (SFPUC), pursuant to Resolution No. 227-18, File No. 180693, submitting Quarterly Report on Status of Applications to Pacific Gas and Electric (PG&E) for Electric Service as of August 2024. Copy: Each Supervisor. (20)

From the Mayor's Office of Housing and Community Development (MOHCD), pursuant to Ordinance No. 216-18, File No. 180547, submitting a quarterly report on City-Funded 100% Affordable Housing Projects from April 1, 2024, through June 30, 2024. Copy: Each Supervisor. (21)

From the San Francisco Public Library (LIB), submitting a response to a Letter of Inquiry issued by Supervisor Ahsha Safai at the July 30, 2024, Board of Supervisors meeting. Copy: Each Supervisor. (22)

From the San Francisco Sheriff's Department (SHF), regarding a letter titled "Addressing Critical Staffin and Safety Concerns" from the San Francisco Deputy Sheriff's Association. Copy: Each Supervisor. (23)

From the Office of the Treasurer & Tax Collector (TTX), pursuant to CA State Government Code, Section 53646, submitting the City and County of San Francisco (CCSF) Pooled Investment Report for the month of July 2024. Copy: Each Supervisor. (24)

From the San Francisco Planning Department (CPC), regarding the relationship of San Francisco Unified School District's (SFUSD) ongoing Resource Alignment Initiative (RAI) with the City's implementation of the 2022 Housing Element and related housing production targets and growth projections. Copy: Each Supervisor (25)

From the San Francisco Municipal Transportation Agency (MTA), submitting an agenda for

the August 22, 2024, meeting of the Interdepartmental Staff Committee on Traffic and Transportation for Temporary Street Closures (ISCOTT). Copy: Each Supervisor (26)

From various departments, pursuant to Administrative Code, Section 12B.5-1(d)(1), submitting approved Chapter 12B Waiver Request Forms. 3 Forms. Copy: Each Supervisor. (27)

From a member of the public, regarding the Commission on Judicial Performance. Copy: Each Supervisor. (28)

From Anastasia Glikshtern, regarding the Department of the Environment (ENV) annual public hearing regarding pest management activities on city properties held on August 13, 2024. Copy: Each Supervisor. (29)

From Arpit Akkinepalli, regarding safety on Grand View Avenue. Copy: Each Supervisor. (30)

From Jordan Davis, regarding various topics. Copy: Each Supervisor. (31)

From Stephen S. Wade and Edwin Stoodley, regarding a Type 42 Alcoholic Beverage Control (ABC) License for Nosh Box SF. Copy: Each Supervisor. (32)

From members of the public, regarding the proposed Ordinance amending the Planning Code to designate the Rainbow Flag Installation at Harvey Milk Plaza, by Gilbert Baker, located at the southwest corner of the intersection of Market Street and Castro Street, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code. File No. 240725. Copy: Each Supervisor. (33)

From William Easton, regarding a Black Health Community Action Team grant. Copy: Each Supervisor. (34)

From Jackie Leonard-Dimmick, regarding the proposed Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to establish the Affordable Housing Opportunity Fund for Seniors, Families, and People with Disabilities to fund project-based rental subsidies for extremely low-income households consisting of seniors, families, and persons with disabilities, and to require the City to appropriate at least \$8.25 million to the Fund annually starting in Fiscal Year 2026-2027; at an election to be held on November 5, 2024. File No. 240550. 2 Letters. Copy: Each Supervisor. (35)

From Christina Morales, regarding an American flag in Golden Gate Park. Copy: Each Supervisor. (36)

From Howard Chabner, regarding wheelchair access at City Hall. Copy: Each Supervisor. (37)

From Evolution Hospitality, submitting a Worker Adjustment and Retraining Notification (WARN) Act notice regarding a planned action to substantially cease operations at the BEI Hotel located at 50 Eighth Street. Copy: Each Supervisor. (38)

From Ronald F. Owens Jr., regarding COVID-19 vaccines. Copy: Each Supervisor. (39)

From members of the public, regarding an Ordinance approving Health Service System plans and contribution rates for Calendar Year (CY) 2025. File No. 240724. Ordinance No. 216-24. 2 Letters. Copy: Each Supervisor. (40)

From members of the public, regarding a Resolution approving and authorizing the Director of Property to enter into a real property lease with Twin Peaks Petroleum, Inc., a California

corporation, doing business as Twin Peaks Auto Care, successor-in-interest to Michael Gharib, for approximately 14,499 square feet located at 598 Portola Drive. File No. 240731. Resolution No. 436-24. 20 Letters. Copy: Each Supervisor. (41)

From Adrienne Fraser Houser and Derrick Houser, regarding signage at San Francisco public parks. Copy: Each Supervisor. (42)

From the San Francisco Deputy Sheriff's Association, regarding staffing and safety concerns. Copy: Each Supervisor. (43)

From the San Francisco Arts Commission, submitting a schedule of public meetings in August 2024. Copy: Each Supervisor. (44)

From The Green Cross, regarding the cannabis industry in San Francisco. Copy: Each Supervisor. (45)

From Beth Ericson, regarding parking and towing fees. Copy: Each Supervisor. (46)

From Pallet, regarding the Hearing on March 28, 2024, to receive an update on the implementation of the Place For All Ordinance (File No. 220281, Ordinance No. 92-22); and requesting the Department of Homelessness and Supportive Housing (HSH) and Department of Emergency Management (DEM) to report. File No. 240242. Copy: Each Supervisor. (47)

From Race & Equity in all Planning Coalition, San Francisco, regarding a Resolution urging San Francisco Unified School District (SFUSD) Superintendent Matt Wayne and the Board of Education to include clear equity criteria in the Resource Alignment Initiative that includes the cultural and community significance of school sites in specific neighborhoods, such as Chinatown and the Tenderloin, as well as neighborhood density, walkability, in-language services and staffing, and on-site direct support services for low-income, immigrant and BIPOC communities who may have otherwise been undercounted for a variety of reasons, as part of the decision process. File No. 240736. Resolution No. 376-24. Copy: Each Supervisor. (48)

From John Popescu, regarding trees at Mt. Davidson Park. Copy: Each Supervisor. (49)

From members of the public, regarding a Resolution authorizing the Recreation and Park Department to issue a permit for Another Planet Entertainment LLC to hold a ticketed concert at the Golden Gate Park Polo Fields on the Friday, Saturday, and Sunday following the Outside Lands Festival in 2024, 2025 and 2026. Resolution No. 426-23; File No. 230710. 2 Letters. Copy: Each Supervisor. (50)

From the SF Marina Harbor Association, regarding Marina Yacht Harbor rate increases. Copy: Each Supervisor. (51)

From Micki Jones, regarding garbage in North Beach. Copy: Each Supervisor. (52)

From Ericka Scott, regarding the Candlestick Point redevelopment project. Copy: Each Supervisor. (53)

From members of the public, regarding the San Francisco Municipal Transportation Agency (MTA) West Portal Station Safety and Community Space Improvements Project at West Portal Avenue and Ulloa Street. (54)

From members of the public, regarding the Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the November 5, 2024, Election, entitled "Ordinance amending the Park Code to establish new recreation and

open space by restricting private vehicles at all times on the Upper Great Highway between Lincoln Way and Sloat Boulevard, subject to the City obtaining certain required approvals; making associated findings under the California Vehicle Code; and reaffirming the existing restriction of private vehicles on the Great Highway Extension." File No. 240706. 276 Letters. Copy: Each Supervisor. (55)

From members of the public, regarding window replacement standards for homes. 6 Letters. Copy: Each Supervisor. (56)

From members of the public, regarding the San Francisco Planning Department's (CPC) Expanding Housing Choice, Housing Element Zoning Program. 6 Letters. Copy: Each Supervisor. (57)

From Amelio Schembari, regarding the proposed Ordinance amending the Administrative Code to authorize the Human Services Agency (HAS), in coordination with the Department of Public Health (DPH), to establish a voluntary three-year sobriety and recovery incentive treatment program, known as "Cash Not Drugs," to provide a weekly payment of up to \$100 to eligible beneficiaries of the County Adult Assistance Programs (CAAP) who have been screened for a substance use disorder and referred to substance use disorder treatment as a condition of further receipt of CAAP benefits, and who test negative for illicit drugs once per week. File No. 240799. Copy: Each Supervisor. (58)

From a member of the public, regarding a Resolution in support of Ukrainian refugees, urging the City and County of San Francisco to welcome Ukrainian refugees and declaring the City and County's support for Ukrainian refugees. File No. 220300. (59)

From Terry McDevitt, regarding the Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to delay implementing meter hour extension until the completion of an independent economic impact report that specifically analyzes the projected impact to San Francisco small businesses, City revenues, and the City's overall economic recovery and said report is reviewed by the Board of Supervisors and the SFMTA Board. File No. 230587. Copy: Each Supervisor. (60)

From a member of the public, regarding a Resolution adding the Commemorative Street Name "Sean Monterrosa Boulevard" to Park Street, at the intersection of Holly Park Circle, in recognition of Sean Monterrosa's contribution and legacy to San Francisco as a local figure. File No. 240135. Copy: Each Supervisor. (61)

From the San Francisco Chamber of Commerce, regarding a proposed Ordinance amending the Police Code to require large supermarkets to provide six months notice to their customers and the City before permanently closing, and to explore ways to allow for the continued sale of groceries at the location. File No. 240333. Copy: Each Supervisor. (62)

From members of the public, regarding the proposed Charter Amendments establishing the Commission Streamlining Task Force. File Nos. 240547 and 240548. 3 Letters. Copy: Each Supervisor. (63)

From members of the public, regarding proposed Ordinances amending the Administrative Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units located in San Francisco. File Nos. 240766 and 240796. 2 Letters. Copy: Each Supervisor. (64)

From Aaron Goodman, regarding various subjects. Copy: Each Supervisor. (65)

From Mary Miller, regarding a proposed installation of a sculpture at Union Square Plaza. Copy: Each Supervisor. (66)

From Veronica Shepard, regarding development at Candlestick Point. Copy: Each Supervisor. (67)

From members of the public, regarding an e-bike purchase/lease incentive program. 125 Letters. Copy: Each Supervisor. (68)

From Gino Fortunato, regarding pedestrian safety at the intersection of Fulton Street and Arguello Boulevard. Copy: Each Supervisor. (69)

From members of the public, regarding John F. Kennedy Drive. 4 Letters. Copy: Each Supervisor. (70)

From members of the public, regarding the Resolution urging the Municipal Transportation Agency (MTA) to develop and implement a plan for No Turn On Red (NTOR) at every signalized intersection in San Francisco and approve a citywide NTOR policy. File No. 231016. 314 Letters. Copy: Each Supervisor. (71)

From members of the public, regarding encampments adjacent to the Pomeroy Center. 2 Letters. Copy: Each Supervisor. (72)

From members of the public, regarding quality of life issues. 8 Letters. Copy: Each Supervisor. (73)

From Dick Allen, regarding a Resolution of Intention to establish San Francisco Enhanced Infrastructure Financing District No. 2 (Stonestown) to finance public capital facilities and projects of communitywide significance related to the Stonestown Project and other authorized costs, and determining other matters in connection therewith, as defined herein. File No. 240681. Copy: Each Supervisor. (74)

From PRC, regarding the removal of PRC and Baker Place from Elevated Concern Status by the Office of the Controller. Copy: Each Supervisor. (75)

## **ADJOURNMENT**