

Board of Supervisors



City Hall
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Legislation Introduced at Roll Call

Tuesday, January 10, 2023

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.

ORDINANCES

230025 [Administrative Code - Shared Spaces Program]

Sponsors: Mayor; Dorsey and Engardio

Ordinance amending the Administrative Code to extend the grace period for an additional 120 days for permit applicants to operate under pandemic shared spaces permits, including any Just-Add-Music approvals related to these spaces, and convert the shared space use into a post-pandemic permit; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED to Land Use and Transportation Committee.

230026 [Planning Code, Zoning Map - Family Housing Opportunity Special Use District; Design Controls and Review Procedures]

Sponsor: Melgar

Ordinance amending the Planning Code to create the Family Housing Opportunity Special Use District, authorize up to four dwelling units for eligible projects, exempt eligible projects from certain height restrictions, conditional use authorizations, and neighborhood notification requirements, and eliminate a Planning Commission discretionary review hearing for eligible projects upon delegation by the Planning Commission; amending the Zoning Map to show the Family Housing Opportunity Special Use District; and 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. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

RESOLUTIONS

230027 [Accept and Expend Grant - Retroactive - California Department of Public Health - Sexually Transmitted Disease Program Management and Collaboration - \$1,365,222]

Sponsors: Mayor; Mandelman and Dorsey

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase in the amount of \$386,274 from the California Department of Public Health for a total amount of \$1,365,222 for participation in a program, entitled "Sexually Transmitted Disease Program Management and Collaboration," for the period of July 1, 2019, through June 30, 2024. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

230028 [Accept and Expend Grant - Retroactive - California Department of Public Health - Monkeypox Response Funding Award Number MPX-012 City & County of San Francisco - \$1,616,252]

Sponsors: Mayor; Mandelman, Dorsey and Engardio

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$1,616,252 from the California Department of Public Health for participation in a program, entitled "Monkeypox Response Funding Award Number MPX-012 City & County of San Francisco," for the period of July 1, 2022, through June 30, 2023. RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

Sponsors: Mayor; Dorsey

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

230030 [Lunar New Year 2023]

Sponsors: Chan; Peskin

Resolution celebrating 2023 as Year of the Rabbit and recognizing January 22, 2023, as the start of Lunar New Year 4721 in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230031 [Urging SFMTA to Provide Free Parking and Muni for Lunar New Year 2023]

Sponsors: Chan; Peskin, Preston, Melgar, Safai and Mandelman

Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to provide free parking for the first two hours at Portsmouth Square Garage for the months of January and February 2023 and free Muni service for the weekend of the Chinese New Year Parade, February 4 through 5, 2023, in celebration of Lunar New Year 2023. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230032 [Supporting the Memorandum of Understanding Between LAFCo and SFPUC]

Sponsors: Chan; Preston

Resolution supporting the memorandum of understanding between the San Francisco Local Agency Formation Commission (LAFCo) and the San Francisco Public Utilities Commission (SFPUC) for Fiscal Years 2023-2026. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

MOTIONS

230034 [Committee of the Whole - Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan - January 31, 2023, at 3:00 p.m.]
Sponsor: Melgar
Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on Tuesday, January 31, 2023, at 3:00 p.m., to hold a public hearing on Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan; and requesting the Department of Public Health to present. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

221298 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - Nabihah Azim]
Motion approving/rejecting the Mayor's nomination for the appointment of Nabihah Azim to the Treasure Island Development Authority Board of Directors, for the term ending April 28, 2026. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.

REQUEST FOR HEARING

230036 [Hearing - Review and Adoption of the Proposed Draft FYs 2023-2024 and 2024-2025 Budgets for the Board of Supervisors]
Hearing to consider the annual review and adoption of the Proposed Draft Fiscal Years (FYs) 2023-2024 and 2024-2025 Budgets for the Board of Supervisors/Office of the Clerk of the Board; and requesting the Office of the Clerk of the Board to report. (Clerk of the Board). RECEIVED AND ASSIGNED to Budget and Finance Committee.

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

- 230001 [General Plan Amendments - Housing Element 2022 Update]**
Ordinance amending the San Francisco General Plan by adopting the Housing Element 2022 Update as the Housing Element of the General Plan, and making conforming amendments to the Air Quality, Commerce & Industry, Environmental Protection, and Urban Design Elements of the General Plan; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and general welfare under Planning Code, Section 340. (Planning Commission). ASSIGNED to Land Use and Transportation Committee.
- 230002 [Administrative Code Waivers and Delegation of Charter Contract Approval Authority - Biogas Utilization Project Agreements, Southeast Treatment Plant]**
Ordinance authorizing the San Francisco Public Utilities Commission (SFPUC) to exempt certain design, construction, finance, operation, and maintenance services and related agreements for the Public-Private Partnership (P3) delivery of the Biogas Utilization Project at the Southeast Treatment Plant (SEP), located at 1800 Jerrold Avenue, from Chapters 6, 14B, and 21, and Section 23.30 of the Administrative Code, but requiring compliance with the underlying public policies, including the payment of prevailing wages, implementation of a local business enterprise participation program, and compliance with the City's local hire policy and first source hiring ordinance, as applicable to such agreements, and permitting a best-value selection of the contractor team if the City elects to proceed with the Project after completing its review under the California Environmental Quality Act; and delegating to the SFPUC the authority under Charter, Section 9.118, to approve all necessary contracts that are \$10,000,000 or more and/or in excess of ten years. (Public Utilities Commission). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 230003 [Settlement of Lawsuit - Ludmila Ulitskaya - \$65,000]**
Ordinance authorizing settlement of the lawsuit filed by Ludmila Ulitskaya against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 5, 2021, in San Francisco Superior Court, Case No. CGC-21-591299; entitled Ludmila Ulitskaya v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 230004 [Settlement of Lawsuit - Merrill Beth Ferguson - \$7,500,000]**
Ordinance authorizing settlement of the lawsuit filed by Merrill Beth Ferguson against the City and County of San Francisco for \$7,500,000; the lawsuit was filed on November 12, 2020, in San Francisco Superior Court, Case No. CGC-20-587638; entitled Merrill Beth Ferguson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle versus pedestrian collision. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230005 [Settlement of Lawsuit - Nicole Spencer - \$225,000]
Ordinance authorizing settlement of the lawsuit filed by Nicole Spencer against the City and County of San Francisco for \$225,000; the lawsuit was filed on January 18, 2021, in San Francisco Superior Court, Case No. CGC-21-589457; entitled Nicole Spencer v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230006 [Settlement of Lawsuit - Francisco Valle - \$1,950,000]
Ordinance authorizing settlement of the lawsuit filed by Francisco Valle against the City and County of San Francisco for \$1,950,000; the lawsuit was filed on August 30, 2021, in United States District Court-Northern District of California, Case No. 21-cv-5636 EMC; entitled Francisco Valle v. Paolo Morgado, et al.; the lawsuit involves alleged civil rights violations including Brady violations and fabrication of evidence in violation of the Fourteenth Amendment. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230007 [Settlement of Unlitigated Claim - AB Taylor Propco LLC - \$2,900,000]
Resolution approving the settlement of the unlitigated claim filed by AB Taylor Propco LLC against the City and County of San Francisco for \$2,900,000; the claim was filed on October 20, 2022; the claim involves allegations of property damage to the Tilden Hotel 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). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230008 [Settlement of Unlitigated Claim - San Francisco Bay Regional Water Quality Control Board - \$236,500]
Resolution approving the settlement of an unlitigated claim by the San Francisco Bay Regional Water Quality Control Board against the City and County of San Francisco for \$236,500 for alleged violations of combined sewage discharge permit requirements and state laws from 2013 to 2021. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230009 [Real Property Lease - Autodesk, Inc. - Pier 9, Suite 116, and Bays 1-3 - Monthly Rent \$124,508]
Resolution approving Port Commission Lease L-16848 with Autodesk, Inc., a Delaware Corporation, located at Pier 9, Suite 116, and Bays 1-3 for approximately 30,590 square feet of office and shed space and license area for solar panels and public improvements for a term of one year with one option to extend the term for one year, effective upon approval of this Resolution at a monthly rent of \$124,508; and to authorize the Executive Director of the Port to enter into any additions, amendments or other modifications to the Lease do not materially increase the obligations or liabilities of the City or Port and are necessary or advisable to complete the transactions which this Resolution contemplates and effectuate the purpose and intent of this Resolution. (Port). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 230010 [Airport Professional Services Agreement - PGH Wong & Partners JV - Project Management Support Services for the Courtyard 3 Connector Project - Further Modifications Not to Exceed \$27,850,000]**
 Resolution approving Modification No. 9 to Airport Contract No. 10072.41, Project Management Support Services for the San Francisco International Airport, Courtyard 3 Connector Project with PGH Wong & Partners JV, a joint venture consisting of PGH Wong Engineering, Inc., and Avila and Associates Consulting Engineers, Inc., to increase the Contract amount by \$10,600,000 for a new not to exceed amount of \$27,850,000 for services, pursuant to Charter, Section 9.118(b); and making findings under the California Environmental Quality Act. (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230011 [Grant Agreement Amendment - Meals on Wheels of San Francisco - Home-Delivered Meal (HDM) Nutrition Services to Older Adults - Not to Exceed \$35,653,759]**
 Resolution approving the second amendment to the grant agreement between the City and County of San Francisco and the non-profit Meals on Wheels of San Francisco, for the administration of the Home-Delivered Meal (HDM) Nutrition Services to Older Adults program, to increase the grant amount by \$4,173,350 for a total not to exceed amount of \$35,653,759 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230012 [Grant Agreement Amendment - Project Open Hand - Congregate Nutrition Services for Older Adults - Not to Exceed \$11,782,223]**
 Resolution approving an amendment to the grant agreement between the City and County of San Francisco and the non-profit Project Open Hand, for the administration of the Congregate Nutrition Services for Older Adults program, to increase the grant amount by \$2,224,772 for a total not to exceed amount of \$11,782,223 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230013 [Grant Agreement Amendment - San Francisco-Marin Food Bank - Citywide Grocery Access - Not to Exceed \$11,228,328]**
 Resolution approving an amendment to the grant agreement between the City and County of San Francisco and the non-profit San Francisco-Marin Food Bank, for the administration of the Citywide Grocery Access program, to increase the grant amount by \$4,930,828 for a total not to exceed amount of \$11,228,328 and to extend the grant period from January 31, 2023, for a total period of July 1, 2022, through June 30, 2023, effective upon approval of this Resolution. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230014 [Grant Agreement Amendment - Self-Help for the Elderly - Congregate Nutrition Services for Older Adults - Not to Exceed \$11,881,213]**
 Resolution approving a second amendment to the grant agreement between the City and County of San Francisco and the non-profit Self-Help for the Elderly, for the administration of the Congregate Nutrition Services for Older Adults program, to increase the grant amount by \$1,216,203 for a total not to exceed amount of \$11,881,213 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.

230015 [Grant Agreement Amendment - Glide Foundation - Free Meals Program - Not to Exceed \$12,055,383]

Resolution approving a second amendment to the grant agreement between the City and County of San Francisco and the non-profit Glide Foundation, for the administration of the Free Meals Program, to increase the grant amount by \$4,187,149 for a total not to exceed amount of \$12,055,383 effective upon approval of this Resolution, with no change to the grant period of July 1, 2021, through June 30, 2025. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.

230016 [Contract Agreement - California Health and Human Services Agency - Data Sharing Agreement - \$0]

Resolution approving an original agreement between Department of Public Health (DPH) and the California Health and Human Services Agency, to exchange Health and Social Services Information, in the amount of \$0 for a term exceeding ten years, effective January 31, 2023, remaining in full force and effect until terminated by the DPH or the California Health and Human Service Agency; and to authorize the DPH to enter into amendments or modifications to the agreement prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the agreement or this Resolution. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act – January 10, 2023

Regular Board Meeting Minutes for November 15, 2022; November 29, 2022; and December 6, 2022 were approved.

Requests Granted

None

In Memoriam

Ilya Romanov – Supervisor Aaron Peskin

Nathan Dwiri – Supervisors Aaron Peskin and Rafael Mandelman

Jay Warshaw – Supervisor Aaron Peskin

Charles Brady – Supervisor Catherine Stefani