

# Board of Supervisors



City Hall  
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## Legislation Introduced at Roll Call

Tuesday, April 6, 2021

### 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

#### **210284 [Administrative, Public Works, and Transportation Codes - Shared Spaces]**

**Sponsors:** Mayor; Mandelman, Safai, Stefani and Haney

Ordinance amending the Administrative Code to rename and modify the Places for People Program as the Shared Spaces Program, and to clarify the roles and responsibilities of various departments regarding activation and use of City property and the public right-of-way, streamline the application process, specify minimum programmatic requirements such as public access, temporarily waive permit application fees, and provide for the conversion of existing Parklet and Shared Spaces permittees to the new program requirements; amending the Public Works Code to create a Curbside Shared Spaces permit fee, provide for public notice and comment on permit applications, provide for hearings for occupancy of longer-term street closures, and supplement enforcement actions by Public Works; and amending the Transportation Code to authorize the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) to issue permits for the temporary occupancy of the Traffic Lane for purposes of issuing permits for Roadway Shared Spaces as part of the Shared Spaces Program, subject to delegation of authority by the Municipal Transportation Agency Board of Directors to temporarily close the Traffic Lane, and adding the Planning Department as a member of ISCOTT; and also amending the Transportation Code to prohibit parking in a zone on any street, alley, or portion of a street or alley, that is subject to a posted parking prohibition except for the purpose of loading or unloading passengers or freight; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

**210285 [Planning, Business and Tax Regulations, Police Codes - Small Business Recovery Act]**

**Sponsor:** Mayor

Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to simplify procedures and allow flexibility for neighborhood, cultural, and entertainment establishments by 1) expanding streamlined review and inspection procedures to principally permitted storefront uses citywide; 2) deleting separate definitions of "Cat Boarding," "Gym," "Trade Shop," and "Services, Instructional" from the Planning Code; 3) allowing permitted conditional uses to continue after three years of abandonment; 4) allowing the continuation of longstanding places of entertainment; 5) allowing Outdoor Activity Areas on rooftops; 6) temporarily requiring a conditional use authorization for uses replacing Nighttime Entertainment uses; 7) allowing accessory catering uses in Restaurants; 8) allowing accessory dwelling units on the ground floor in Neighborhood Commercial, Chinatown Business, and Chinatown Visitor Districts; 9) allowing temporary outdoor entertainment, arts and recreation activities, 10) deleting certain conditional use finding requirements for Nighttime Entertainment use; 11) deleting conditional use findings related to formula retail concentrations in certain districts; 12) requiring expedited permit processing for commercial uses on the ground floor; 13) shortening the time for the Historic Preservation Commission to request review of minor alteration permits and certificates of appropriateness; 14) extending time for limited live performances from 10 p.m. to 11 p.m.; 15) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 16) exempting single individual performances without amplification from permit requirements; 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 . SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

**210346 [Housing Code - Community Kitchens]**

**Sponsor:** Peskin

Ordinance amending the Housing Code to prohibit removal of existing community kitchens in group housing; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED to Land Use and Transportation Committee.

**RESOLUTIONS**

**210354 [Five-Year Financial Plan - FYs 2022-2026]**

**Sponsor:** Mayor

Resolution adopting the City's Five-Year Financial Plan for Fiscal Years (FY) 2021-2022 through 2025-2026, pursuant to Charter, Section 9.119. RECEIVED AND ASSIGNED to Budget and Finance Committee.

**210358 [Accept and Expend In-Kind Gift - Software as a Service - All Home and Bay Area Community Services - Valued at \$1,236,373]**

**Sponsor:** Mayor

Resolution authorizing the Mayor's Office of Housing and Community Development to accept an in-kind gift of software as a service valued at \$1,236,373 from All Home and Bay Area Community Services, for a period of April 2021 through December 2022. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 210359 [Accept and Expend Grant - Retroactive - National Institute of Allergy and Infectious Diseases - Research Triangle Institute International - AMBER Statement of Work - Department of Public Health - \$113,581]**  
**Sponsor:** Mayor  
 Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$113,581 from the National Institute of Allergy and Infectious Diseases through Research Triangle Institute International for participation in a program, entitled “AMBER Statement of Work - San Francisco Department of Public Health,” for the period of December 15, 2020, through July 31, 2025. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210360 [Accept and Expend In-Kind Gift - Retroactive - Naloxone Distribution Project - Naloxone - Valued at \$73,800]**  
**Sponsor:** Mayor  
 Resolution retroactively authorizing the Police Department to accept and expend an in-kind gift of 984 units of Naloxone valued at \$73,800 through the Naloxone Distribution Project, which is funded by the Substance Abuse and Mental Health Services Administration and administered by the Department of Health Care Services. (Police Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210361 [Accept and Expend Grant - Retroactive - State of California, Employment Development Department - WIOA 25% Dislocated Worker Supportive Services - \$775,000]**  
**Sponsor:** Mayor  
 Resolution retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$775,000 from the California Employment Development Department, a recipient of the grant award from the United States Department of Labor for Workforce Innovation and Opportunity Act (WIOA) 25% Dislocated Worker Supportive Services, for the grant period of March 1, 2020, through June 30, 2021. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210362 [Multifamily Housing Revenue Bonds - 4101 Noriega, 363 Noe, 200 Randolph/409 Head, 2206-2268 Great Highway, 1353-1367 Eddy (SFHA Scattered Sites) - Not to Exceed \$60,000,000]**  
**Sponsor:** Mayor  
 Resolution declaring the intent of the City and County of San Francisco (“City”) to reimburse certain expenditures from proceeds of future bonded indebtedness in an aggregate principal amount not to exceed \$60,000,000; authorizing the Director of the Mayor’s Office of Housing and Community Development (“Director”) to submit an application and related documents to the California Debt Limit Allocation Committee (“CDLAC”) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$60,000,000 for the scattered sites located at 4101 Noriega, 363 Noe, 200 Randolph/409 Head, 2206-2268 Great Highway, 1353-1367 Eddy; authorizing and directing the Director to direct the Controller’s Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 210363 [Loan Agreement - 4200 Geary Associates, L.P. - 100% Affordable Housing - 4200 Geary Boulevard - Not to Exceed \$14,538,982]**  
**Sponsors:** Mayor; Chan  
 Resolution approving and authorizing the Director of the Mayor’s Office of Housing and Community Development to execute loan documents relating to a loan to provide financing for the acquisition of real property located at 4200 Geary Boulevard, and predevelopment activities for the construction of a 100% affordable multifamily rental housing project consisting of 98 units for senior households and ancillary commercial space, known as 4200 Geary Boulevard, in an aggregate amount not to exceed \$14,538,982; approving the form of the loan agreement and ancillary documents; ratifying and approving any action heretofore taken in connection with the project; granting general authority to City Officials to take actions necessary to implement this Resolution, as defined herein; and finding that the loan is consistent the General Plan, and the eight priority policies of Planning Code, Section 101.1. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210364 [Contract Amendment - Transdev Services, Inc. - Paratransit Services - Not to Exceed \$312,297,446]**  
**Sponsor:** Mayor  
 Resolution approving the Sixth Amendment to Contract No. SFMTA-2016-17, Paratransit Broker and Operating Agreement, with Transdev Services, Inc., to exercise the option to extend the term by five years to June 30, 2026, and to increase the amount of the Contract by \$169,395,342 for a total contract amount not to exceed \$312,297,446. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210353 [Supporting California State Senate Bill No. 37 (Cortese) - Contaminated Sites]**  
**Sponsors:** Mar; Walton, Melgar, Peskin, Preston and Chan  
 Resolution supporting California State Senate Bill No. 37, Contaminated Sites: The Hazardous Waste Site Cleanup and Safety Act, authored by Senator David Cortese, expressly prohibiting the use of the common sense exemption to be applied to construction projects located on contaminated sites identified on the state’s Cortese List. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 210352 [Initiating Landmark Designation - Diego Rivera Mural “The Allegory of California”]**  
**Sponsor:** Peskin  
 Resolution initiating a landmark designation under Article 10 of the Planning Code for Diego Rivera’s fresco, titled “The Allegory of California,” painted in 1931 and located at 155 Sansome Street. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.
- 210347 [Supporting the California Nutrition Incentive Program Budget Coalition Request for Funding of the California Nutrition Incentive Program, Including Programs Like the Statewide Market Match]**  
**Sponsors:** Ronen; Walton and Haney  
 Resolution supporting the California Nutrition Incentive Program Budget Coalition request for Fiscal Year (FY) 2021-2022 funding of \$20,000,000 for the California Nutrition Incentive Program at California Department of Food and Agriculture Office of Farm to Fork, including programs like the statewide Market Match; and urging the California Assembly and Senate budget committees to include in the FY2021-2022 Budget Act a one-time appropriation of \$20,000,000 for the California Nutrition Incentive Program. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **MOTION**

### **201406 [Appointment, Health Officer - Susan Phillip, MD]**

**Sponsors:** Peskin; Safai

Motion appointing Susan Phillip, MD, to the position of Health Officer for the City and County of San Francisco. SUBSTITUTED AND ASSIGNED to Rules Committee.

## **REQUESTS FOR HEARING**

### **210351 [Hearing - SF Parks Alliance and Golden Gate Park 150th Anniversary]**

**Sponsor:** Chan

Hearing to discuss the SF Parks Alliance, with a specific focus on reviewing the Golden Gate Park 150th Anniversary agreement between SF Parks Alliance and Recreation and Park Department, to determine whether the terms of this agreement have been incorrectly categorized as a permit when they substantially resemble a contract, which has different public oversight and approval processes; and requesting the Recreation and Park Department, Controller's Office, and Budget and Legislative Analyst to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **210355 [Hearing - Budget and Legislative Analyst Report - Miscellaneous Funds]**

**Sponsor:** Haney

Hearing to request the Budget and Legislative Analyst to provide a budget and policy analysis of miscellaneous funds held by City departments, including various reserve accounts, review of the controls over such funds, and an analysis of how those funds could be used to meet the immediate needs of the City; and requesting the Budget and Legislative Analyst and Controller's Office to report. RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

### **210356 [Hearing - Budget and Legislative Analyst Report - Pay Equity for Non-Profit Service Providers]**

**Sponsor:** Haney

Hearing to request the Budget and Legislative Analyst to provide a budget and policy analysis of non-profit service provider sustainability and related issues of pay equity; to provide an overview and analysis of what actions the City has taken to ensure the viability and sustainability of non-profit organizations that provide services for the City; an analysis of whether City funding is keeping up with the cost of doing business and City mandates; and requesting the Budget and Legislative Analyst, Department of Public Health, Human Services Agency, Department of Homelessness and Supportive Housing, Department of Children, Youth, and Their Families, and Controller's Office to report. RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

### **210357 [Hearing - Budget and Legislative Analyst Report - Law Enforcement]**

**Sponsor:** Haney

Hearing to request the Budget and Legislative Analyst to provide a budget and policy analysis of City law enforcement functions that could be performed by other City agencies and functions that do not provide public safety; and requesting the Budget and Legislative Analyst, Police Department, Sheriff's Department, Department of Public Health, and Municipal Transportation Agency to report. RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

- 210350 [Hearing - Direct Small Business Relief Update and OEWD Equity Plan for Recovery]**  
**Sponsors:** Peskin; Haney  
Hearing to receive presentations on the various direct small business relief programs currently supporting small businesses, their eligibility requirements and data on how many grants have been allocated, in which neighborhoods and demographic data on small businesses who have successfully acquired relief, and to present an equity plan for addressing small business recovery in the Fiscal Year 2021-2022 Budget; and requesting the Director of Office of Economic and Workforce Development (OEWD) and Office of Small Business to report. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210349 [Hearing - City Whistleblower Program and Most Recent Whistleblower Report]**  
**Sponsor:** Preston  
Hearing on the most recent Whistleblower Report from the Office of the City Controller and to review the status of the City's Whistleblower Program; and requesting the Office of the Controller to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 210365 [Hearing - Investigation of Complaints of Substandard Living Conditions at Plaza East and Proposed Plans for the Property]**  
**Sponsor:** Preston  
Hearing on the investigation of complaints of substandard living conditions at Plaza East and discussions of proposed plans for the property; and requesting the Department of Building Inspection, Mayor's Office of Housing and Community Development, Housing Authority, and Office of the City Attorney to report. RECEIVED AND ASSIGNED to Government Audit and Oversight 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**

- 210328 [Public Works Code - Personal Wireless Service Facility Site Permits]**  
Ordinance amending the Public Works Code to authorize Public Works to issue Personal Wireless Service Facility Site Permits to install Personal Wireless Service Facilities on stand-alone poles; and making certain corrections to other provisions. (Public Works). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

- 210329 [Settlement of Lawsuit - Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company - San Francisco Refuse Ratepayers to Receive \$94,520,000 in Restitution; City to Receive \$7,000,000]**  
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company for payment of at least \$94,520,000 in restitution and related interest as well as \$7,000,000 in civil penalties; the lawsuit was filed on March 4, 2021, in San Francisco Superior Court, Case No. CGC-21-590091; entitled People of the State of California, acting by and through Dennis J. Herrera as City Attorney of San Francisco; and City and County of San Francisco v. Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company; the lawsuit involves Defendants' violations of California's Unfair Competition Law and San Francisco Campaign and Governmental Conduct Code based on improper overcharging of San Francisco refuse Ratepayers and unlawful gifts and contributions made to city employees and officers or to third-parties at their request; other material terms of the settlement are that Defendants agree to be bound to a four-year injunction to be presented and entered by the court after the settlement agreement is approved. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 210330 [Settlement of Lawsuit - Elena Ruiz-Diaz and Mercedes Arroyo - \$600,000]**  
Ordinance authorizing settlement of the lawsuit filed by Elena Ruiz-Diaz and Mercedes Arroyo against the City and County of San Francisco for \$600,000; the lawsuit was filed on July 30, 2020, in San Francisco Superior Court, Case No. CGC-20-585869; entitled Elena Ruiz-Diaz, by and through her attorney-in-fact, Mercedes Arroyo, and Mercedes Arroyo, individually v. City and County of San Francisco, et al.; the lawsuit involves allegations of medical negligence, elder neglect/abuse, violations of the Patient's Bill of Rights, and negligent infliction of emotional distress concerning Ms. Ruiz-Diaz's care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 210331 [Settlement of Lawsuit - Armin Abdollahvand - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Armin Abdollahvand against the City and County of San Francisco for \$50,000; the lawsuit was filed on August 27, 2019, in San Francisco Superior Court, Case No. CGC-19-578732; entitled Armin Abdollahvand v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in a rear-end automobile collision involving a City employee. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 210332 [Settlement of Lawsuit - Ramsey Abouremeleh - \$275,000]**  
Ordinance authorizing settlement of the lawsuit filed by Ramsey Abouremeleh against the City and County of San Francisco, et al. for \$275,000; the lawsuit was filed on January 5, 2021, in the Superior Court of California, County of San Francisco, Case No. CGC-21-588689; entitled Ramsey Abouremeleh v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTIONS**

- 210205 [Annual Fundraising Drive - 2021]**  
Resolution designating those agencies qualified to participate in the 2021 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. (City Administrator). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 210333 [Settlement of Unlitigated Claim - Luis Hernandez - \$65,602]**  
 Resolution approving the settlement of the unlitigated claim filed by Luis Hernandez against the City and County of San Francisco for \$65,602; the claim was filed on February 18, 2020; the claim involves a cast iron water main break that caused flooding to the property. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 210334 [Settlement of Unlitigated Claim - Farmers Insurance Exchange - \$60,000]**  
 Resolution approving the settlement of the unlitigated claim filed by Farmers Insurance Exchange against the City and County of San Francisco for \$60,000; the claim was filed on January 17, 2020; the claim involves property damage arising from sewer main pipe overflow as a result of heavy rain, which resulted in loss of business income. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 210335 [Lease Extension Modification - 2011 Lease and Use Agreements - Various Airlines]**  
 Resolution approving a Lease Modification to the 2011 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and 39 various Signatory Airlines, extending the term for two years from July 1, 2021, through June 30, 2023; and affirming the Planning Department's determination under the California Environmental Quality Act. (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210336 [Contract Amendment - Department of Energy Western Area Power Administration - Delivery of Low-Cost Power - Not to Exceed \$27,691,541]**  
 Resolution approving Amendment No. 1 to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power to Treasure Island and Yerba Buena Island, extending the term by 30 years for a total term of January 1, 2005, through December 31, 2054, and increasing the contract amount by \$7,691,541 for a total not to exceed amount of \$27,691,541 to commence upon Board approval. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210337 [Lease of City Property - Our Planet Recycling SF, LLC - Assessor's Parcel Block No. 5695, Lot No. 23 at Alemany Blvd. - Annual Base Rent of \$21,540]**  
 Resolution authorizing and approving the lease of City-owned real property located at Assessor's Parcel Block No. 5695, Lot No. 23, adjacent to Alemany Boulevard in San Francisco, with Our Planet Recycling SF, LLC, a California corporation, doing business as Our Planet Recycling, for an initial five-year term at an annual base rent of \$21,540 (or the monthly amount of \$1,795) plus 3% annual increases to base rent, plus one additional five-year extension option to further extend the term of the Lease, subject to satisfaction of certain conditions and to be readjusted to then-fair market base rent; and the Lease will commence upon execution, after approval of this Resolution by the Board of Supervisors and Mayor, in their respective sole and absolute discretion. (Real Estate Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.



**210338 [Contract Modification - Thales Transport & Security Inc. - Advanced Train Control System for Central Subway - Increase Contract Amount - Not to Exceed \$27,730,300.40]**

Resolution approving Modification No. 3 to Contract CN 1266-2, Design Review, Software, Implementation and Testing Services for an Advanced Train Control System (ATCS) for the Central Subway Project, with Thales Transport & Security Inc., to modify ATCS software and designs to conform to national fire codes, correct track speed limits, modify installation requirements, accelerate completion of work, and compensate Thales for costs and impacts it incurred arising from delay to the Project, increasing the contract amount \$12,831,743.60 for a modified contract amount of \$27,730,300.40; to extend the substantial completion of the ATCS by 670 days for a total contract term of December 3, 2013, through April 29, 2022, and to extend the contract warranty period to April 29, 2025, to commence upon approval by the Board of Supervisors. (Municipal Transportation Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Clerk to Act – April 6, 2021**

**Board Meeting Minutes for February 23, 2021 and March 2, 2021 were approved.**

**Requests Granted**

From: Supervisors Walton, Safai, Haney, Melgar and Stefani

To: City Attorney's Office

Requesting/Inquiring: Requesting the City Attorney's Office draft legislation to expand Chapter 12X Administrative Code: Prohibiting City Travel and Contracting in States that Allow Discrimination to include laws that suppress voters from exercising their rights or restrict voting access.

**In Memoriam**

Alvin H. Baum Jr. – Supervisors Mandelman, Peskin, Preston and Stefani

Richard Kwang Ho Kim – Supervisor Peskin

Jarlath Thomas O'Conner – Supervisors Ronen and Melgar

King Ping Lai – Supervisor Ronen

Dean Reilly – Supervisor Mar

Robert Leon – Supervisor Preston

Patrick O'Donoghue – Supervisor Melgar