

Board of Supervisors



City Hall
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Legislation Introduced at Roll Call

Tuesday, May 9, 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

230447 [Building, Planning Codes - Existing Awning Amnesty Program]

Sponsors: Mayor; Peskin and Stefani

Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings that do not comply with the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

230540 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]

Sponsor: Dorsey

Ordinance re-adopting the former Planning Code section and Zoning Map designation creating the Mission and 9th Street Special Use District (SUD) at 1270 Mission Street, located at Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; changing the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, within the SUD, from 120-X to 200-X; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

230493 [Planning Code - Landmark Designation - The Church for the Fellowship of All Peoples]
Sponsor: Peskin
Ordinance amending the Planning Code to designate The Church for the Fellowship of All Peoples, at 2041 Larkin Street, Assessor's Parcel Block No. 0572, Lot No. 003, 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. (Historic Preservation Commission). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

RESOLUTIONS

230541 [Real Property Lease - YMCA of San Francisco - Building 49 - 701 Illinois Street - Crane Cove Park - Initial Annual Base Rent \$92,809.80]
Sponsors: Mayor; Walton
Resolution approving and authorizing the execution, delivery, and performance of Lease No. 16997 for Building 49 located at 701 Illinois Street within Crane Cove Park by the Young Men's Christian Association (YMCA) of San Francisco, for an initial term of 10 years plus options to extend for a total term of up to 34 years, 11 months, with an initial annual base rent of \$92,809.80 and a fee waiver for a companion license agreement, effective upon approval of this Resolution; making findings under the California Environmental Quality Act; and to authorize the Executive Director of the Port to enter into any additions, amendments or other modifications to the Lease that do not materially increase the obligations or liabilities of the City or Port and are necessary or advisable to complete the transactions which this Resolution contemplates and effectuate the purpose and intent of this Resolution. (Port). RECEIVED AND ASSIGNED to Budget and Finance Committee.

230542 [Asian American and Pacific Islander Against Bullying and Hate Day - May 18, 2023]
Sponsors: Chan; Peskin and Safai
Resolution declaring May 18, 2023, as Asian American and Pacific Islander Against Bullying and Hate Day in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230550 [Urging the Administration of Equitable and Just Victim Services]
Sponsor: Chan
Resolution urging San Francisco law enforcement agencies to administer victim services and justice equitably. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230543 [Jewish American Heritage Month - May 2023]
Sponsors: Dorsey; Peskin, Mandelman, Melgar, Preston, Stefani, Engardio and Ronen
Resolution recognizing the month of May 2023 as Jewish American Heritage Month in the City and County of San Francisco, in appreciation of the achievements and contributions made by members of the Jewish community. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

MOTION

- 230526 [Appointment, Park, Recreation, and Open Space Advisory Committee - Hillary Brown]**
 Motion appointing Hillary Brown, term ending February 1, 2025, to the Park, Recreation, and Open Space Advisory Committee. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUESTS FOR HEARING

- 230546 [Hearing - Update on the Healthy Airport Ordinance Implementation]**
Sponsors: Peskin; Chan
 Hearing to receive an update on the current implementation of the Healthy Airport Ordinance, including presentations on 1) a list of contractors responsible for complying with the Healthy Airport Ordinance; 2) a comparison of airport contractor worker wages to other comparable industries; 3) whether San Francisco Airport (SFO) contractor leases and contracts include compliance language with the Healthy Airport Ordinance; and 4) worker retention for low-wage workers versus other workers, utilizing badging data; and requesting for the San Francisco Airport to present. TRANSFERRED to Budget and Finance Committee.

230547 [Hearing - Citywide Plan for DPH Treatment Facilities and Behavioral Health Real Estate Acquisitions]
Sponsors: Peskin; Ronen and Mandelman
Hearing on the citywide plan for treatment and behavioral health facilities and real estate acquisitions, including 1035 Van Ness Avenue and 10 United Nations Plaza; and requesting the Department of Public Health (DPH) and Real Estate Division to report. RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select Committee.

230548 [Hearing - Behavioral Health and Substance Use Case Management]
Sponsor: Ronen
Hearing on Department of Public Health's Behavioral Health Services case management system; specifically examining how many behavioral health and substance use case managers are in the system, their work location, the process for providing case management at varying levels of need, frequency of case managers interacting with their clients, the caseload of case managers at every level of care, and the number of funded but vacant case manager positions exist in the entire system of care; and requesting Department of Public Health's Behavioral Health Services to report. RECEIVED AND ASSIGNED to Homelessness and Behavioral Health Select 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

230494 [Settlement of Lawsuit - Esquivel Grading & Paving, Inc. and Con-Quest Contractors, Inc. - \$250,000]
Ordinance authorizing settlement of the lawsuit filed by Esquivel Grading & Paving, Inc. against the City and County of San Francisco by the payment of \$250,000; the action against the City was filed on April 12, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-20-587321; entitled Con-Quest Contractors, Inc. v. Esquivel Grading & Paving, Inc., et al.; the lawsuit involves alleged breach of contract; material terms of the settlement are that the City will pay Con-Quest Contractors, Inc. \$250,000 and Esquivel will pay Con-Quest \$150,000. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230495 [Settlement of Lawsuit - Richard F. Bettencourt, et al. - City to Receive \$300,000]
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco for payment to San Francisco for \$300,000; the lawsuit was filed on November 15, 2019, in Stanislaus County Superior Court, Case No. CV-19-006916; entitled City and County of San Francisco v. Richard F. Bettencourt, et al.; the lawsuit involves damage to approximately 500 feet of San Joaquin Pipeline ("SJPL No. 1"); other material terms of the settlement are the City shall receive \$300,000. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 230496 [Settlement of Lawsuit - Cheryl Thornton - \$100,000]**
Ordinance authorizing settlement of the lawsuit filed by Cheryl Thornton against the City and County of San Francisco for \$100,000; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02938-SI; entitled Cheryl Thornton v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 230497 [Settlement of Lawsuit - Darlene Daevu - \$90,000]**
Ordinance authorizing settlement of the lawsuit filed by Darlene Daevu against the City and County of San Francisco for \$90,000; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 4:21-cv-02936-JST; entitled Darlene Daevu v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 230498 [Settlement of Lawsuit - Dellfinia Hardy - \$116,250]**
Ordinance authorizing settlement of the lawsuit filed by Dellfinia Hardy against the City and County of San Francisco for \$116,250; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02934-SI; entitled Dellfinia Hardy v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 230501 [Zoning Map - Port of San Francisco Waterfront Plan Update; Waterfront Zoning Correction]**
Ordinance amending the Zoning Map of the Planning Code to rezone certain waterfront parcels from P (Public) to M-1 (Light Industrial), and to add Waterfront Special Use District No. 4 covering areas east of the Mission Bay and Southern Waterfront areas; and making environmental findings, including adopting a statement of overriding considerations, and 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. (Planning Department). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 230502 [General Plan - Port of San Francisco Waterfront Plan Update]**
Ordinance amending the Recreation and Open Space Element, Central Waterfront Area Plan, and Northeastern Waterfront Area Plan of the General Plan to maintain consistency with the Port of San Francisco's Waterfront Plan update; and making environmental findings, including adopting a statement of overriding considerations, and 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 340. (Planning Department). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 230503 [Planning Code - Port of San Francisco Waterfront Plan Update]**
Ordinance amending the Planning Code to revise certain Waterfront Special Use District controls and to add Waterfront Special Use District No. 4 covering areas east of the Mission Bay and Southern Waterfront areas; and making environmental findings, including adopting a statement of overriding considerations, and 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. (Planning Department). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

PROPOSED RESOLUTIONS

230499 [Settlement of Unlitigated Claim - Wing Kwok and Lai Leng Lei - \$71,000]

Resolution approving the settlement of the unlitigated claim filed by Wing Kwok and Lai Leng Lei against the City and County of San Francisco for \$71,000; the claim was filed on November 8, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230500 [Airport Professional Services Agreement Modification - KONE Inc. - Escalator and Electric Walk Maintenance Services - Not to Exceed \$48,465,600]

Resolution approving Modification No. 5 to Airport Contract No. 50205, Escalator and Electric Walk Maintenance, Repair, and On-Call Services, with KONE Inc., to increase the contract amount by \$14,000,000 for a new not to exceed contract amount of \$48,465,600 with no change to the contract term of July 1, 2019, through June 30, 2024, pursuant to Charter, Section 9.118(b). (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act – May 9, 2023

Regular Board Meeting Minutes for April 4, 2023, were approved.

Requests Granted

From: Supervisor Shamann Walton

To: Walgreens and their security subcontractors, ALTO Alliance, and Group Protective Services

Requests: Requesting the public release of the video footage showing the circumstances around the shooting of Banko Brown by a downtown Walgreens security guard.

From: Supervisor Shamann Walton

To: The San Francisco Police Department

Requests: Requesting the public release of the video footage showing the circumstances around the shooting of Banko Brown by a downtown Walgreens security guard.

From: Supervisor Hillary Ronen

To: Trent Rhorer, Executive Director of the Human Services Agency

Requests: Requesting responses to the following questions:

1. What are the different welfare programs currently administered by the Human Services Agency?
2. How many people are estimated to be eligible for each program?
3. How many people are enrolled in each program?
4. What is the dollar value of the aide distributed through each program and the estimated value of dollars unclaimed by San Francisco residents who are likely eligible for the programs?

From: Supervisor Connie Chan

To: The District Attorney and the San Francisco Police Department

Requests: Requesting the District Attorney's Office and San Francisco Police Department provide a report on the victim services provided by their departments including responses to the following questions:

1. What is the number of victims your agency served in 2021, 2022, and to date in 2023?
2. What is the demographic breakdown of those victims?
3. What services have been provided to the victims your agency has served?
4. List your agency's protocol to ensure victim privacy.
5. What is your agency's protocol to prevent misgendering and deadnaming transgender victims?
6. What is your agency's protocol to provide victim services with cultural and language competency?

7. Status update on the implementation of the JUSTIS integrated data and technology program.
8. Status update on the implementation of the Office of Victim and Witness Rights.
9. In the event of a specific group, such as the homeless community or Asian community, becoming targets of violent crimes, what is the protocol for public notification?

In Memoriam

Marvis J. Phillips – Supervisor Dean Preston