

Board of Supervisors



City Hall
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Legislation Introduced at Roll Call

Tuesday, July 11, 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

230764 [Planning, Building Codes - Development Impact Fee Indexing, Deferral, and Waivers; Adoption of Nexus Study]

Sponsor: Mayor

Ordinance amending the Planning Code to 1) modify the annual indexing of certain development impact fees, with the exception of inclusionary housing fees; 2) provide that the type and rates of applicable development impact fees, with the exception of inclusionary housing fees, shall be determined at the time of project approval; 3) exempt eligible development projects in PDR (Production, Distribution, and Repair) Districts, and the C-2 (Community Business) and C-3 (Downtown Commercial) Zoning Districts from all development impact fees for a three-year period; 4) allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy; and 5) adopt the San Francisco Citywide Nexus Analysis supporting existing development impact fees for recreation and open space, childcare facilities, complete streets, and transit infrastructure and making conforming revisions to Article 4 of the Planning Code; amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge; 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 UNDER 30 DAY RULE to Land Use and Transportation Committee.

230810 [Administrative Code - Tenant Organizing]

Sponsors: Chan; Peskin, Preston and Ronen

Ordinance amending the Administrative Code to provide that tenants may elect to be accompanied by a tenant association representative at meetings with their landlord; to set rules for the duration of and attendance at meetings of the full tenant association; to provide that a tenant association remains in good standing unless it has failed to re-certify or a new tenant association has been certified; and to make clarifying changes regarding the obligation of landlords and tenant associations to confer in good faith. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

RESOLUTIONS

- 230811 [Emergency Declaration - Repairs at Laguna Honda Hospital - 375 Laguna Honda Boulevard - Estimated Cost of Repairs Exceeds \$250,000]**
Sponsors: Mayor; Melgar
Resolution approving the Director of Public Works' declaration of emergency under Administrative Code, Section 6.60, for repair work at Laguna Honda Hospital and Rehabilitation Center, located at 375 Laguna Honda Boulevard, estimated to cost in excess of \$250,000. (Public Works). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230812 [Authorizing Expenditures - SoMa Community Stabilization Fund - Up to \$3,014,800]**
Sponsor: Mayor
Resolution authorizing the Mayor's Office of Housing and Community Development to expend SoMa Community Stabilization Fund dollars in the amount of up to \$3,014,800 to address various impacts of destabilization on residents and businesses in SoMa for a term to commence effective upon approval this Resolution through June 30, 2024. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230813 [Declaration of City Property - 1939 Market Street and 1515 South Van Ness Avenue - Exempt Surplus Land for 100% Affordable Housing]**
Sponsors: Mayor; Ronen
Resolution 1) declaring the City's real property located at 1939 Market Street (Assessor's Parcel Block No. 3501, Lot No. 006) ("1939 Market Property") and 1515 South Van Ness Avenue ("1515 SVN" Property, and together with the 1939 Market Property, collectively, the "Property") as Exempt Surplus Land under California Government Code, Sections 25539.4 and 54221(f)(1)(A); 2) affirming use of the Property by the Mayor's Office of Housing and Community Development ("MOHCD") for the development as 100% affordable housing with ancillary commercial space; 3) affirming MOHCD's intent to convey the Property under a long term ground lease with an annual base rent of \$100, annual lease monitoring fee of \$15,000 and restricting the Property for affordable housing and ancillary commercial space; and 4) affirming the Planning Department's approval of the projects developed on the Property under Senate Bill (SB) No. 35 or Assembly Bill (AB) No. 2162. (Mayor's Office of Housing and Community Development). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230814 [Accept and Expend Grant - Retroactive - Blue Shield California Foundation - Leveraging Collaboratives to End Domestic Violence Program - \$150,000]**
Sponsor: Mayor
Resolution retroactively authorizing the Department on the Status of Women to accept and expend a grant from the Blue Shield California Foundation in the amount of \$150,000 for a one-year grant period from April 1, 2023, through March 31, 2024, for the Leveraging Collaboratives to End Domestic Violence Program. (Department on the Status of Women). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 230815 [Accept and Expend In-Kind Gift - Retroactive - Naloxone Distribution Project - Naloxone - Valued at \$48,750]**
Sponsor: Mayor
 Resolution retroactively authorizing the Police Department to accept and expend an in-kind gift of 900 units of Naloxone valued at \$48,750 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. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230816 [Accept and Expend Grant - California Department of Water Resources - San Francisco Zoo Recycled Water Project - Not to Exceed \$538,051]**
Sponsor: Mayor
 Resolution authorizing the San Francisco Public Utilities Commission to accept and expend grant funds of up to \$538,051 from the California Department of Water Resources for the pipeline construction of the San Francisco Zoo Recycled Water Project, pursuant to Administrative Code, Section 10.170-1(b), for the period of October 1, 2023, through December 31, 2024. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 230817 [Interim Zoning Controls - Extending and Modifying Conditional Use Authorization Requirement for Parcel Delivery Service Uses]**
Sponsor: Dorsey
 Resolution extending and modifying interim zoning controls enacted in Resolution No. 109-22, to require a Conditional Use authorization for proposed Parcel Delivery Service uses, and to modify those interim controls in two ways: 1) to apply to Parcel Delivery Services uses greater than 10,000 square feet; and 2) to use the definition of Parcel Delivery Services that was in effect as to the effective date of Resolution No. 109-22; 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, Sections 101.1 and 306.7. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 230818 [Supporting California State Senate Bill No. 532 (Wiener) - The Safe, Clean & Reliable Bay Area Public Transportation Emergency Act]**
Sponsors: Mandelman; Melgar and Dorsey
 Resolution supporting California State Senate Bill No. 532, introduced by Senator Scott Wiener, enabling the San Francisco Bay Area to raise funds to prevent a medium-term public transportation operations budget shortfall while requiring transit safety, cleanliness, and reliability improvements. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 230819 [Supporting California State Senate Bill No. 326 (Eggman) and Assembly Bill No. 531 (Irwin) - Modernize California's Behavioral Healthcare System]**
Sponsors: Mandelman; Stefani, Engardio and Dorsey
 Resolution supporting Governor Gavin Newsom's 2024 ballot initiative proposal to modernize California's behavioral healthcare system, which includes California State Senate Bill No. 326, an update of the Mental Health Services Act authored by Senator Susan Talamantes Eggman, and California State Assembly Bill No. 531, a bill authored by Jacqui Irwin that would place before the voters a \$4.68 billion General Obligation Bond intended to build at least 10,000 new behavioral health beds across California community treatment campuses and facilities. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 230820 [Approval of a 60-Day Extension for Planning Commission Review of Planning Code - Removing Residential Numerical Density Limits in Neighborhood Commercial Districts (File No. 230735)]**
Sponsor: Safai
 Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 230735) amending the Planning Code to change the manner in which residential density is regulated in Neighborhood Commercial Districts by replacing residential numerical density limits with already-existing regulations on the built envelope of buildings, such as height, bulk, and setbacks; affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 230821 [Probation Services Week - July 16 through July 22, 2023]**
Sponsor: Safai
 Resolution declaring July 16 through July 22, 2023, as Probation Services Week in the City and County of San Francisco to recognize the immense contributions of Adult and Juvenile Probation Departments in providing alternatives to incarceration. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTIONS

- 230786 [Mayoral Reappointment, Civil Service Commission - Kate Favetti]**
 Motion approving the Mayor's nomination for the reappointment of Kate Favetti to the Civil Service Commission, term ending June 30, 2029. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.
- 230787 [Mayoral Reappointment, Civil Service Commission - Jacqueline Minor]**
 Motion approving the Mayor's nomination for the reappointment of Jacqueline Minor to the Civil Service Commission, term ending June 30, 2029. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.
- 230790 [Mayoral Appointment, Municipal Transportation Agency Board of Directors - Dominica Henderson]**
 Motion approving/rejecting the Mayor's nomination for the appointment of Dominica Henderson to the Municipal Transportation Agency Board of Directors, for a term ending March 1, 2026. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.
- 230827 [Mayoral Appointment, Building Inspection Commission - Earl Shaddix]**
 Motion approving/rejecting the Mayor's nomination for the appointment of Earl Shaddix to the Building Inspection Commission, term ending July 1, 2025. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.
- 230828 [Mayoral Appointment, Homelessness Oversight Commission - Dena Aslanian-Williams]**
 Motion approving/rejecting the Mayor's nomination for the appointment of Dena Aslanian-Williams to the Homelessness Oversight Commission, term ending May 1, 2025. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.

230822 [Adoption of Findings Related to Disapproval of Conditional Use Authorization - 301 Toland Street]
Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21278, approving a Conditional Use Authorization, identified as Planning Case No. 2022-011241CUA, for a proposed project at 301 Toland Street. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

230823 [Adoption of Findings Related to Conditional Use Authorization - 1160 Mission Street]
Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 21301, approving a Conditional Use Authorization, identified as Planning Case No. 2022-003331CUA, for a proposed project at 1160 Mission Street; and approving a Conditional Use Authorization for the same Planning Case and property with different conditions; adopting 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. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUESTS FOR HEARING

230824 [Hearing - Emergency Firefighting Water System Funding and Design]
Sponsors: Chan; Melgar
Hearing on the Emergency Firefighting Water System funding and design on the westside of San Francisco; and requesting the San Francisco Public Utilities Commission to report. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

230825 [Hearing - RWG's Final Governance Plan, Business Plan and Viability Study for a San Francisco Municipal Financial Corporation and a San Francisco Public Bank]
Sponsor: Preston
Hearing to consider the Reinvestment Working Group's (RWG) Final Governance Plan, Business Plan and Viability Study for a San Francisco Municipal Financial Corporation and Final Governance Plan, Business Plan and Viability Study for a San Francisco Public Bank; and recommend the Board of Supervisors accept the RWG's proposed Plan; and requesting the Local Agency Formation Commission (LAFCo) to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230826 [Hearing - City's Efforts to Address Car Break-Ins]
Sponsor: Preston
Hearing to discuss the City's comprehensive plan to address car break-ins; and requesting the Mayor's Office, Police Department, Office of the District Attorney, Office of Economic and Workforce Development, Municipal Transportation Agency, and Department of Emergency Management 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

- 230783 [Administrative Code - Surveillance Technology Policy - Department of Elections' Use of Social Media Monitoring Technology]**
Ordinance approving the Surveillance Technology Policy for the Department of Elections' use of social media monitoring technology. (Elections Department). ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 230784 [Various Codes - Sanitation and Streets Commission and Department of Sanitation and Streets]**
Ordinance amending the Public Works, Administrative, Police, Health, and Building Codes to clarify the authority of the Public Works Commission, the Sanitation and Streets Commission, the Department of Public Works, and the San Francisco Public Utilities Commission; amending said Codes to provide clarifications, corrections, and updates consistent with changes in state and local laws; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works). ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 230788 [Settlement of Lawsuit - Akashni Bhan - \$175,000]**
Ordinance authorizing settlement of the lawsuit filed by Akashni Bhan against the City and County of San Francisco, Sergeant Jennifer Streegan, Sergeant Steven Pomatto, Officer Anthony Oerlemans, and Officer Jennifer O'Keffee for \$175,000; the lawsuit was filed on October 4, 2019, in San Francisco Superior Court, Case No. CGC-19-579798; entitled Akashni Bhan 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.
- 230791 [Settlement of Lawsuit - Cheri Pierce - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Cheri Pierce against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 26, 2022, in San Francisco Superior Court, Case No. CGC-22-599362; entitled Cheri Pierce v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of fall on uneven sidewalk. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 230792 [Settlement of Lawsuit - Bi Jun Zhang - \$35,000]**
Ordinance authorizing settlement of the lawsuit filed by Bi Jun Zhang against the City and County of San Francisco for \$35,000; the lawsuit was filed on May 17, 2022, in San Francisco Superior Court, Case No. CGC-22-599662; entitled Bi Jun Zhang v. City and County of San Francisco, et al.; the lawsuit involves a personal injury to Plaintiff from uneven pavement. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230793 [Settlement of Lawsuit - Wayne Kha - \$465,000]
Ordinance authorizing settlement of the lawsuit filed by Wayne Kha against the City and County of San Francisco for \$465,000; the lawsuit was filed on September 7, 2021, in San Francisco Superior Court, Case No. CGC-21-595136; entitled Wayne Kha v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230794 [Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]
Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc. against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of Early Care and Education Commercial Rents Tax and Homelessness Gross Receipts Tax; an additional material term of the settlement is that Digital Realty Trust, Inc. and its related entities shall take certain filing positions with respect to their Early Care and Education Commercial Rents Taxes for tax year 2021 and subsequent tax years. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230795 [Settlement of Lawsuit - Build Group, Inc. - \$211,129.46]
Ordinance authorizing settlement of the cross-complaint filed by Build Group, Inc. against the City and County of San Francisco for a payment to Build Group of \$211,129.46; the cross-complaint was filed on November 22, 2022, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-22-598717; entitled CPM Environmental, Inc. v. Build Group, Inc. and DOES 1-100, et al.; the lawsuit involves allegations of breach of contract relating to the renovation of the Maxine Hall Health Center; other material terms of the settlement are that Build Group waives all other claims it has or may have relating to the project. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

230796 [Settlement of Unlitigated Claim - Cincinnati Insurance Company - \$37,636.23]
Resolution approving the settlement of the unlitigated claim filed by Cincinnati Insurance Company against the City and County of San Francisco for \$37,636.23; the claim was filed on January 30, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230797 [Settlement of Unlitigated Claim - Arthur Villegas - \$50,000]
Resolution approving the settlement of the unlitigated claim filed by Arthur Villegas against the City and County of San Francisco for \$50,000; the claim was filed on May 8, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

230798 [Settlement of Unlitigated Claim - Ronghan Guan - \$50,450]
Resolution approving the settlement of the unlitigated claim filed by Ronghan Guan against the City and County of San Francisco for \$50,450; the claim was filed on October 19, 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.

- 230799 [Settlement of Unlitigated Claims - Glencore Ltd. - \$197,203.64]**
Resolution approving the settlement of the unlitigated claims filed by Glencore Ltd. against the City and County of San Francisco for \$197,203.64; the claims were filed on March 27, 2023; the claims involve a refund of gross receipts taxes and payroll expense taxes. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 230800 [Acceptance and Recording of Avigation Easement - SyNoor LLC - 410 Noor Avenue, South San Francisco]**
Resolution authorizing the acceptance and recording of an avigation easement by the City and County of San Francisco from SyNoor LLC for the development at 410 Noor Avenue in South San Francisco, California, at no cost to the City and County of San Francisco; to authorize the Director of Property to enter into amendments or modifications to the grant of avigation easement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of this Resolution; and making findings under the California Environmental Quality Act and affirming the Planning Department's determination under the California Environmental Quality Act. (Airport Commission). RECEIVED AND ASSIGNED to Land Use and Transportation Committee.
- 230801 [Airport Professional Services Agreement Modification - BEUMER Lifecycle Management LLC - Operations and Maintenance of the Baggage Handling System in the Harvey Milk Terminal - Not to Exceed \$38,000,000]**
Resolution approving Modification No. 2 to Airport Professional Services Contract No. 50195 between BEUMER Lifecycle Management LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for the operations and maintenance of the baggage handling system in the Harvey Milk Terminal to increase the contract amount by \$17,000,000 for a total not to exceed contract amount of \$38,000,000 and to extend the contract term for one year and six months from December 31, 2023, for a new contract term of August 1, 2020, through June 30, 2025, pursuant to Charter, Section 9.118(b). (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act – July 11, 2023

Regular Board Meeting Minutes for June 6, 2023, were approved.

Requests Granted

From: Supervisor Catherine Stefani

To: The Mayor's Office of Housing and Community Development (MOHCD), and the Department of Homeless and Supportive Housing (HSH)

Requests: Requesting the MOHCD and HSH to provide information pertaining to the 2022 Aging and Disability Affordable Housing Needs Assessment Report.

From: Supervisor Catherine Stefani

To: The San Francisco Sheriff's Office

Requests: Requesting the Sheriff's Department to provide information pertaining to a Hearing on Sheriff's Department Staffing Levels at the June 8, 2023, Public Safety and Neighborhood Services committee.

In Memoriam

John Brattesani – Supervisor Catherine Stefani and Board President Aaron Peskin

Marcia K. Sims – Supervisor Shamann Walton

Laurence "Larry" Griffin – Board President Aaron Peskin and the entire Board of Supervisors

Michael A. Murphy – Supervisor Myrna Melgar