

# Board of Supervisors



City Hall  
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## Legislation Introduced at Roll Call

Tuesday, October 5, 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

#### **210835 [Administrative Code - Local Business Enterprise Program]**

**Sponsors:** Mayor; Walton, Safai and Melgar

Ordinance amending the Administrative Code to revise the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance (Chapter 14B) to: 1) increase the LBE certification size thresholds and authorize an automatic increase to the thresholds every five years based on the consumer price index; 2) change the LBE certification size threshold term of calculation from an average of gross annual receipts in the prior three to the prior five years; 3) increase penalties for violations of Chapter 14B from up to 10% to up to 25% of the contract or subcontract amount; 4) require prime contractors to include LBE subcontractors' approved payment requests in payment applications within 30 days of receipt of an invoice; 5) authorize application of separate LBE subcontract participation requirements for micro, small, and SBA-LBEs; 6) extend the bonding assistance program to certain City-funded construction projects; 7) authorize a pilot Mentor-Protégé expansion program, a pilot micro-LBE set-aside program for certain design-build and construction manager/general contractor projects, and a pilot Neighborhood LBE program; and 8) increase the contracting Threshold Amount from \$706,000 to \$1,000,000 and the Minimum Competitive Amount from \$129,000 to \$200,000; and make various other changes and clarifications to Chapter 14B. SUBSTITUTED AND ASSIGNED to Rules Committee.

#### **211046 [Appropriation - Special Tax Bond Proceeds - \$31,630,000 - Controller's Reserve - Treasure Island Community Facilities District - FY2021-2022]**

**Sponsor:** Mayor

Ordinance appropriating \$31,630,000 from the issuance of one or more series of Special Tax Bonds of the City's Improvement Area No. 2 of the Community Facilities District No. 2016-1 (Treasure Island) for funding of certain public facilities and infrastructure for the Treasure Island Development Project in Fiscal Year (FY) 2021-2022; and placing such amounts on Controller's reserve. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

**210699 [Planning, Administrative Codes - Accessory Dwelling Units]**  
**Sponsors:** Mandelman; Ronen, Preston and Melgar  
Ordinance amending the Planning Code to clarify the requirements for applications to construct Accessory Dwelling Units under the City's local Accessory Dwelling Unit approval process; amending the Administrative Code to clarify that landlords may not remove certain tenant housing services without just cause and that issuance of a building permit does not constitute just cause; making findings as required by the Tenant Protection Act of 2019; 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. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

**210868 [Planning Code - Inclusionary Housing Program Updates]**  
**Sponsors:** Ronen; Chan  
Ordinance amending the Planning Code to update inclusionary housing program 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 necessity, convenience, and welfare under Planning Code, Section 302. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

## **RESOLUTIONS**

**210943 [Accept and Expend Grant - San Francisco Parks Alliance - Annual Support Grants - FY2021-2022 - Up to \$118,000]**  
**Sponsor:** Mayor  
Resolution authorizing the Recreation and Park Department to accept and expend up to \$118,000 of cash or in-kind grants for annual support (for community events, staff development and appreciation, recreation programming and other activities) from the San Francisco Parks Alliance in Fiscal Year (FY) 2021-2022. (Recreation and Park Department). SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

**211047 [Accept and Expend Grant - Retroactive - Mental Health Services Oversight and Accountability Commission - Mental Health Student Services Act of 2019 - \$6,000,000]**  
**Sponsor:** Mayor  
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$6,000,000 from the Mental Health Services Oversight and Accountability Commission for participation in a program, entitled "Mental Health Student Services Act of 2019," for the period of October 1, 2021, through September 30, 2025. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211048 [Accept and Expend Grant - Retroactive - California Department of Parks and Recreation - Crocker Amazon Playfields and Lake Merced Trail - \$1,634,540]**  
**Sponsors:** Mayor; Safai  
Resolution retroactively authorizing the Recreation and Park Department to accept and expend grant funding in the amount of \$1,634,540 from the California Department of Parks and Recreation for the Crocker Amazon Playfield Project and Lake Merced Trail Improvement Project; and approving the form of grant contract which requires the Recreation and Park Department to maintain the projects for the duration of the Contract Performance Period from July 1, 2019, through June 30, 2049, pursuant to Charter, Section 9.118(a). (Recreation and Park Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 211049 [Accept and Expend Grant - San Francisco Parks Alliance - Japanese Tea Garden Restoration Projects - Valued Up to \$400,000]**  
**Sponsor:** Mayor  
 Resolution authorizing the Recreation and Park Department to accept and expend cash and/or in-kind grants from the San Francisco Parks Alliance (SFPA) valued at up to \$400,000 for restoration projects in the Japanese Tea Garden project for the project term of upon approval of Board of Supervisors until Notice of Substantial Completion. (Recreation and Park Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 211050 [Approval of Grant Application - United States Department of Housing and Urban Development - Continuum of Care Program - Not to Exceed \$59,300,000]**  
**Sponsor:** Mayor  
 Resolution approving the 2021 grant application for the United States Department of Housing and Urban Development Continuum of Care Program in an amount not to exceed \$59,300,000; and fulfilling the Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more. (Department of Homelessness and Supportive Housing). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 211051 [Apply for and Accept Funds Allocation - California Department of Housing and Community Development - Child Welfare Agency Allocation - Transitional Housing Program - Up to \$459,200]**  
**Sponsor:** Mayor  
 Resolution authorizing the Human Services Agency to apply for and accept a County Child Welfare Agency Allocation for an amount up to \$459,200 from the California Department of Housing and Community Development under the Transitional Housing Program to help young adults secure and maintain housing. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 211052 [Apply for and Accept Funds Allocation - California Department of Housing and Community Development - Child Welfare Agency Allocation - Housing Navigator Program - Up to \$147,020]**  
**Sponsor:** Mayor  
 Resolution authorizing the Human Services Agency to apply for and accept a County Child Welfare Agency Allocation for an amount up to \$147,020 from the California Department of Housing and Community Development under the Housing Navigator Program to help young adults secure and maintain housing. (Human Services Agency). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 211053 [Affordable Housing Agreement - Pacific Gas and Electric Company - Term of Ten or More Years]**  
**Sponsors:** Mayor; Walton, Peskin and Ronen  
 Resolution approving an agreement between the City and County of San Francisco and Pacific Gas and Electric Company establishing requirements for certain affordable housing projects to connect to the electric grid for a term of ten or more years, to commence following approval by the Federal Energy Regulatory Commission. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 211054 [Authorizing Issuance of Special Tax Bonds - Improvement Area No. 2 of the City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island) - Not to Exceed \$25,130,000]**  
**Sponsor:** Mayor  
 Resolution authorizing the issuance and sale of one or more series of Special Tax Bonds for City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island) with respect to its Improvement Area No. 2 in the aggregate principal amount not to exceed \$25,130,000 approving related documents, including an Official Statement, Fiscal Agent Agreement, Bond Purchase Agreement and Continuing Disclosure Certificate, and determining other matters in connection therewith, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 211055 [Supporting the Low-Income First-Time Homebuyers Act and Establishing a Municipal Bank]**  
**Sponsors:** Chan; Preston and Walton  
 Resolution supporting the Low-Income First-Time Homebuyers (LIFT) Act; urging the Mayor's Office of Housing and Community Development to work with the Treasurer and Tax Collector's Office to identify ways to help low-income residents obtain low-interest loans to purchase their first home; and urging the Treasurer and Tax Collector's Office to continue working with the Reinvest in San Francisco Working Group, the Board of Supervisors, and the Local Agency Formation Commission to establish a Municipal Bank in San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 211056 [Supporting the Members of the International Alliance of Theatrical Stage Employees]**  
**Sponsors:** Chan; Peskin, Ronen, Walton, Preston and Melgar  
 Resolution standing in solidarity with the members of the International Alliance of Theatrical Stage Employees working in the motion picture and television production industry who are fighting against dangerous work practices in California. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 211057 [Castro/Upper Market Community Benefit District - Annual Report - FY2019-2020]**  
**Sponsor:** Mandelman  
 Resolution receiving and approving an annual report for the Castro/Upper Market Community Benefit District for Fiscal Year (FY) 2019-2020, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 211058 [Noe Valley Community Benefit District - Annual Report - FY2019-2020]**  
**Sponsor:** Mandelman  
 Resolution receiving and approving an annual report for the Noe Valley Community Benefit District for Fiscal Year (FY) 2019-2020, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**211059 [Approval of a 12-Month Extension for Planning Commission Review of an Ordinance Amending the Planning Code to Provide a Density Limit Exception to Permit Up to Four Dwelling Units Per Lot in RH (Residential, House) Zoning Districts (File No. 210866)]**

**Sponsor:** Mandelman

Resolution extending by 12-month the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 210866) amending the Planning Code to provide a density limit exception to permit up to four dwelling units per lot in RH (Residential, House) zoning districts; 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.

**211060 [Urging the Secretary of the Interior to Recognize the Crash Site of Roberto Clemente's Airplane as a Historic Landmark]**

**Sponsors:** Safai; Melgar

Resolution urging the Secretary of the Interior to recognize the crash site of Roberto Clemente's airplane and adjacent land in the National Register of Historic Places. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**211061 [Domestic Violence Awareness Month - October]**

**Sponsors:** Stefani; Walton, Safai, Mandelman, Chan, Melgar, Peskin and Ronen

Resolution recognizing every October as Domestic Violence Awareness Month in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**211065 [Certification of Election Results - September 14, 2021 - Gubernatorial Recall Election]**

**Sponsor:** Walton

Resolution certifying the results of the September 14, 2021, Gubernatorial Recall Election. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**MOTION**

**211067 [Appointment, Police Commission - Max Carter-Oberstone]**

Motion approving/rejecting the Mayor's nomination for the appointment of Max Carter-Oberstone to the Police Commission, for a term ending April 30, 2022. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.

## **REQUESTS FOR HEARING**

- 211062 [Hearing - Review of the Hiring Practices of Public Works]**  
**Sponsor:** Safai  
Hearing to report on hiring timeframes, vacancies, and ongoing staffing issues for the Operations Division of Public Works and how it affects their ability to respond to calls for service; and requesting Public Works, the Department of Human Resources and Office of the City Administrator to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 211063 [Hearing - Childhood Obesity in the City and County of San Francisco]**  
**Sponsors:** Safai; Ronen  
Hearing to review the City and County of San Francisco's response to actively address and minimize childhood obesity among children under the age of 18 and to examine what type of funding and programming are aimed at this issue; including to examine data related to the prevalence of childhood obesity spanning the prior five years (2015-2020); and requesting the Department of Children Youth and Their Families, San Francisco Unified School District, and Department of Public Health to report. RECEIVED AND ASSIGNED to Youth, Young Adult, and Families Committee.
- 201105 [Hearing - Restructuring and Reforming the Equal Employment Opportunity Office]**  
**Sponsors:** Walton; Peskin  
Hearing to receive recommendations on restructuring and reforming the Equal Employment Opportunity (EEO) Office and a comparative analysis of the best practices of like urban jurisdictions with EEO offices, including core functions of the EEO Office within overall City government structures, staff reporting and investigation protocols, and general oversight; and requesting the Department of Human Resources, the Budget and Legislative Analyst, and the Office of the Controller to report. REACTIVATED PURSUANT TO RULE 3.42 to Government Audit and Oversight Committee.
- 211064 [Hearing - Committee of the Whole - CleanPowerSF Community Aggregation Program Electric Generation Rates and Charges - San Francisco Public Utilities Commission - October 19, 2021, at 3:00 p.m.]**  
Hearing of the Board of Supervisors convening as a Committee of the Whole on October 19, 2021, at 3:00 p.m., to consider the CleanPowerSF Community Aggregation Program electric generation rates and charges from the San Francisco Public Utilities Commission, and the Board may reject these rates by resolution, pursuant to Charter, Section 8B.125; scheduled pursuant to Charter, Section 8B.125. (Clerk of the Board). SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

## **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**

- 211021 [Planning Code - Landmark Designation - 447 Battery Street (aka Jones-Thierbach Coffee Company Building)]**  
Ordinance amending the Planning Code to designate 447 Battery Street (aka Jones-Thierbach Coffee Company Building), Assessor's Parcel Block No. 0206, Lot No. 002, 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.
- 211023 [Settlement of Lawsuit - David Joslyn - \$3,250,000]**  
Ordinance authorizing settlement of the lawsuit filed by David Joslyn against the City and County of San Francisco for \$3,250,000; the lawsuit was filed on October 2, 2019, in San Francisco Superior Court, Case No. CGC-19-579230; entitled David Joslyn, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from medical negligence; other material terms of the settlement are that Iris Solano, Frederick Stewart Joslyn and Iris Lorraine Solano waive any potential future claims for wrongful death. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 211024 [Settlement of Lawsuit - Huan Zheng Fang and Zhouong Fang - \$2,000,000]**  
Ordinance authorizing settlement of the lawsuit filed by Huan Zheng Fang and Zhouong Fang against the City and County of San Francisco for \$2,000,000; the lawsuit was filed on May 18, 2020, in San Francisco Superior Court, Case No. CGC-20-584474; entitled Huan Zheng Fang, et al. v. City and County of San Francisco, et al.; the lawsuit involves the wrongful death of plaintiffs' husband and son. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **PROPOSED RESOLUTIONS**

- 211025 [Settlement of Unlitigated Claim - Sandeep Lal - \$59,000]**  
Resolution approving the settlement of the unlitigated claim filed by Sandeep Lal against the City and County of San Francisco for \$59,000; the claim was filed December 6, 2019, and November 17, 2020; the claim involves an employment dispute. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 211026 [Settlement of Unlitigated Claim - Covidien Sales LLC - Medtronic to Pay City \$800,000]**  
Resolution approving the settlement of the unlitigated claim filed by the City against Covidien Sales LLC, a Medtronic Company (Medtronic) for \$800,000 including the return of a ventilator fleet at Medtronic's expense. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Clerk to Act - October 5, 2021**

**No Regular Board Meeting Minutes were approved.**

**Requests Granted**

None

**In Memoriam**

None