

# Board of Supervisors



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## Legislation Introduced at Roll Call

Tuesday, November 8, 2022

### 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

#### **220340 [Planning Code - Neighborhood Commercial and Mixed Use Zoning Districts]**

**Sponsor:** Dorsey

Ordinance amending the Planning Code to update and reorganize Neighborhood Commercial and Mixed Use Zoning District controls, including, among other things, to 1) permit Accessory Arts Activities, and production, wholesaling, and processing of goods and commodities, to occupy more than one-third of total space in Commercial (C), Downtown Residential (DTR), Eastern Neighborhoods Mixed Use, Mission Bay, and Residential-Commercial (RC) Districts; 2) principally permit Arts Activities, Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the Folsom Street Neighborhood Commercial Transit (NCT), SoMa NCT, Regional Commercial, and certain Eastern Neighborhoods Mixed Use Districts, and in historic and nonconforming commercial buildings in Residential Enclave Districts; 3) principally permit General Entertainment and Nighttime Entertainment uses in the Folsom Street NCT District; 4) principally permit Bar uses on the second floor in the Folsom Street NCT and Regional Commercial Districts; 5) principally permit Nighttime Entertainment uses in the Regional Commercial and Western SoMa Mixed Use - General (WMUG) Districts; 6) principally permit Nighttime Entertainment in the Mixed Use - General (MUG) and WMUG Districts; 7) principally permit Job Training, Public Facility, and Social Service and Philanthropic Facility uses in the SoMa NCT District and certain Eastern Neighborhoods Districts; 8) require that large developments in South of Market Mixed Use Districts, which contain commercial spaces, provide a mix of commercial space sizes; 9) require that all Nighttime Entertainment uses comply with the Entertainment Commission's good neighbor policies; and 10) remove certain limitations on location for Nighttime Entertainment and Animal Services uses in the Western SoMa Special Use District; and adopting environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and 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.

- 221146 [Public Works Code - Minor Encroachment Permits for Legacy Pushcart Peddlers]**  
**Sponsor:** Peskin  
Ordinance amending the Public Works Code to create the Legacy Pushcart Peddler designation, provide that utility access in the public right-of-way for Legacy Pushcart Peddlers is a minor encroachment, and clarify the revocation and restoration requirements for all minor encroachment permits; and affirming the Planning Department’s determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 221147 [Administrative Code - Removing Construction Agreements from the Prohibition on Contracting in States with Certain Types of Discriminatory Laws]**  
**Sponsor:** Safai  
Ordinance amending the Administrative Code to remove agreements let under Chapter 6 for Public Works or Improvement from the prohibitions in Chapter 12X on the City’s entering into a contract with a contractor that has its United States headquarters in a state that allows discrimination against LGBT individuals, has restrictive abortion laws, or has voter suppression laws, or where any or all of the contract would be performed in such a state. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**RESOLUTIONS**

- 221148 [Accept and Expend Grant - Retroactive - California State Water Resources Control Board - Public Beach Safety Program Grant - \$87,675]**  
**Sponsors:** Mayor; Dorsey, Stefani and Mar  
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$87,675 from the California State Water Resources Control Board, Division of Water Quality Beach Safety Program, to participate in a program, entitled “Public Beach Safety Program Grant,” for the period of July 1, 2022, through June 30, 2025. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 221149 [Updated Annual Fundraising Drive - 2022]**  
**Sponsor:** Mandelman  
Resolution updating the proposed designation of agencies qualified to participate in the 2022 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco. RECEIVED AND ASSIGNED to Rules Committee.
- 221150 [Approval of a Six-Month Extension for Historic Preservation Commission to Respond to Landmark Designation Initiation of 429-431 Castro Street “Castro Theatre” (File No. 220550)]**  
**Sponsor:** Mandelman  
Resolution extending by six months the prescribed time within which the Historic Preservation Commission may respond to the landmark designation initiation from the Board of Supervisors (File No. 220550), initiating an amendment to the landmark designation of 429-431 Castro Street (aka Castro Theatre), Assessor’s Parcel Block No. 3582, Lot No. 085, under Article 10 of the Planning Code. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**221151 [Approval of a Six-Month Extension for Planning Commission Review of Nighttime Entertainment Castro Street Neighborhood Commercial District (File No. 220709)]**

**Sponsor:** Mandelman

Resolution extending by six months the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 220709) amending the Planning Code to change the zoning controls in the Castro Street Neighborhood Commercial District to allow Nighttime Entertainment with a Conditional Use authorization on the second floor; 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.

**221152 [Declaring the Intent to Waive Fee for Major Encroachment Permit and Street Improvement - Detroit Street Stairs]**

**Sponsor:** Melgar

Resolution of intent to waive the Major Encroachment Permit Fee and the Street Improvement Fees for the Detroit Street Stairs project. RECEIVED AND ASSIGNED to Budget and Finance Committee.

**221153 [Approval of Retroactive 90-Day Extension for Planning Commission Review of Planning Code - Electric Vehicle Charging Locations (File No. 220851)]**

**Sponsor:** Peskin

Resolution retroactively extending by 90 days the prescribed time within which the Planning Commission may render its recommendations on the Ordinance (File No. 220851) amending the Planning Code to create Electric Vehicle Charging Location and Fleet Charging as Automotive Uses, allow conversion of Automotive Service Stations to Electric Vehicle Charging Locations without Conditional Use authorization and principally permit conversion of other Automotive Uses to Electric Vehicle Charging Locations, revise zoning control tables to reflect these changes, and require annual reporting by the Planning Department regarding Electric Vehicle Charging Location and Fleet Charging project approvals; 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. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**221154 [Small Business Saturday - November 26, 2022]**

**Sponsors:** Walton; Chan, Preston, Mar, Dorsey and Melgar

Resolution declaring November 26, 2022, the Saturday after the Thanksgiving holiday, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses in the City and County of San Francisco, as the City recovers from the COVID-19 pandemic. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**MOTION**

**221155 [Findings to Allow Teleconferenced Meetings During Declared Emergency]**

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e). (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## 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 ORDINANCE

#### **221118 [Settlement of Lawsuit - Victor Jimenez - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Victor Jimenez against the City and County of San Francisco for \$100,000; the lawsuit was filed on July 20, 2021, in San Francisco Superior Court, Case No. CGC-21-593613; entitled Victor Jimenez v. City and County of San Francisco; the lawsuit alleged property damage and personal injuries arising from a dangerous condition of public property, i.e., a sinkhole that opened in the roadway underneath plaintiff's vehicle. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### PROPOSED RESOLUTIONS

#### **221119 [Contract Amendment - Richmond Area Multi Services, Inc. - Behavioral Health Peer Services - Not to Exceed \$29,116,181]**

Resolution approving Amendment No. 1 to the agreement between Richmond Area Multi Services, Inc. and the Department of Public Health (DPH), to provide behavioral health peer services, to increase the agreement by \$19,253,431 for an amount not to exceed \$29,116,181; to extend the term by three and one-half years from December 30, 2022, for a total agreement term of July 1, 2021, through June 30, 2026; and to authorize DPH to enter into amendments or modifications to the contract 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 contract or this Resolution. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### **221120 [Site Use Agreement - VB Nimbus, LLC - Radio Equipment - 32322 S Corral Hollow Road, Tracy - Initial Annual Rent of \$30,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into a Site Use Agreement with VB Nimbus, LLC, a Delaware limited liability company, for the installation, operation, maintenance, repair, and replacement of radio equipment at 32322 S Corral Hollow Road in Tracy, at an initial annual use fee of \$30,000 with annual increases of three percent for an initial five-year term, commencing January 1, 2023, through December 21, 2028, with four five-year extension options for the SFPUC Water Enterprise Radio Replacement Project (Project), pursuant to Charter, Section 9.118; affirming the Planning Department's determination that the project is categorically exempt from environmental review under the California Environmental Quality Act; and to authorize the General Manager of the SFPUC to enter into amendments or modifications to the Agreement 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 Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

## **Clerk to Act – November 8, 2022**

### **Requests Granted**

From: Supervisor Catherine Stefani

To: San Francisco Police Department Chief Scott, District Attorney Jenkins, Sheriff Miyamoto, Department of Homelessness and Supportive Housing Director McSpadden, Department of Public Health Director Colfax, Department on the Status of Women Director Ellis, Mayor's Office of Housing and Community Development Director Shaw, and Human Services Agency Director Rhoher

Requests: Requesting information on how departments work with and collect information from organizations that receive Violence Against Women Act (VAWA) funding from the Department of Justice, Office on Violence Against Women.

From: Supervisor Myrna Melgar

To: The Department of Public Health, the Department of Early Childcare, and the Felton Institute

Requests: Requesting information on contracts entered into between the City and County of San Francisco and the Felton Institute.

### **In Memoriam**

Elaine Marie Tsakopoulos– Supervisor Catherine Stefani