

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 25, 2022 - 2:00 PM

**Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT DORSEY, RAFAEL MANDELMAN, GORDON MAR,
MYRNA MELGAR, AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI,
CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Appropriations Committee

Supervisors Ronen, Safai, Chan, Mar, Walton

Budget and Finance Committee

Supervisors Ronen, Safai, Chan

Government Audit and Oversight Committee

Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee

Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee

Supervisors Mar, Stefani, Melgar

Rules Committee

Supervisors Peskin, Mandelman, Chan

Youth, Young Adult, and Families Committee

Supervisors Ronen, Safai, Dorsey

Meeting Days

Wednesday

1:30 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

2nd Friday

10:00 AM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Members Present: Connie Chan, Matt Dorsey, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

The Board of Supervisors of the City and County of San Francisco met in regular session, in-person with remote access and public comment also available via telephone, on Tuesday, October 25, 2022, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:00 p.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public may submit their comments by email to: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Committee agendas and their associated documents are available at <https://sfbos.org/meetings/42>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184 or bos@sfgov.org.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Chan, Dorsey, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.

Supervisor Mandelman was noted not present.

A quorum of the Board was present.

President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (bos@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Supervisor Mandelman was noted present at 2:02 p.m.

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the September 20, 2022, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Ronen, moved to approve the September 20, 2022, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

220758 [Administrative Code - Outreach for Tax-Defaulted Properties]

Sponsors: Safai; Chan and Ronen

Ordinance amending the Administrative Code to require the Tax Collector to provide information to the Mayor's Office of Housing and Community Development on real property that for at least three years has been tax-defaulted, and to require the Tax Collector to provide to the Board of Supervisors a summary of its referrals to government agencies and other organizations for the purpose of resolving property tax delinquencies prior to sale for nonpayment of taxes.

Ordinance No. 218-22

FINALLY PASSED

220841 [Refund of Homelessness Gross Receipts Tax Overpayments for 2020 Tax Year]

Ordinance authorizing the Tax Collector, through April 30, 2023, to refund overpayments of Homelessness Gross Receipts Tax to taxpayers who paid estimated Homelessness Gross Receipts Taxes to the City for the 2020 tax year and reported \$50,000,000 or less in total taxable gross receipts for the 2020 tax year on a timely filed original Gross Receipts Tax return. (Treasurer-Tax Collector)
(Fiscal Impact)

Ordinance No. 219-22

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee**220874 [Administrative Code - Naming the Permanent Supportive Housing Development at 1321 Mission Street for Margot Antonetty]**

Sponsors: Mandelman; Dorsey, Preston and Ronen

Ordinance amending the Administrative Code to name the permanent supportive housing development located at 1321 Mission Street in memory of public health advocate Margot Antonetty.

Ordinance No. 221-22

FINALLY PASSED

221002 [Health, Police Codes - Cannabis Sunset Dates]

Sponsor: Mandelman

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; 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.

Ordinance No. 222-22

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee**220710 [Landmark Tree Designation - Coast Redwood - 313 Scott Street]**

Sponsor: Preston

Ordinance designating the coast redwood (*Sequoia sempervirens*) tree located at 313 Scott Street as a landmark tree pursuant to the Public Works Code; making findings supporting the designation; and directing official acts in furtherance of the landmark tree designation, as defined herein.

Ordinance No. 217-22

FINALLY PASSED

Recommendation of the Rules Committee

220843 [Administrative Code - Approval of Surveillance Technology Policies for Multiple City Departments]

Ordinance approving Surveillance Technology Policies governing the use of 1) Automatic License Plate Readers by the Municipal Transportation Agency, 2) Biometric Processing Software or System by the Juvenile Probation Department, 3) Body-Worn Cameras by the Fire Department, 4) People-Counting Camera by the Library, 5) Third-Party Security Cameras by the Municipal Transportation Agency and War Memorial, 6) Location Management Systems by the Juvenile Probation Department, 7) Computer Management System by the Library, and 8) Social Media Monitoring Software by the Library; and making required findings in support of said approvals. (City Administrator)

Ordinance No. 220-22

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Transportation Committee

210866 [Planning, Administrative, Subdivision Codes - Density Exception in Residential Districts]

Sponsors: Mandelman; Melgar

Ordinance amending the Planning Code to provide a density limit exception to permit up to four dwelling units per lot, and up to six dwelling units per lot in Corner Lots, in all RH (Residential, House) zoning districts, subject to certain requirements, including among others the replacement of protected units; amending the Administrative Code to require new dwelling units constructed pursuant to the density limit exception to be subject to the rent increase limitations of the Rent Ordinance; amending the Subdivision Code to authorize a subdivider that is constructing new dwelling units pursuant to the density exception to submit an application for condominium conversion or a condominium map that includes the existing dwelling units and the new dwelling units that constitute the project; 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.

Ordinance No. 210-22

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani

Noes: 1 - Walton

NEW BUSINESS

Recommendations of the Budget and Finance Committee

220969 [Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Centers for Disease Control and Prevention - Coronavirus Disease 2019 Public Health Crisis Response and the Public Health Workforce Development Supplemental Funding - \$1,557,822]

Sponsor: Mayor

Ordinance retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$1,557,822 from the Centers for Disease Control and Prevention, through the California Department of Public Health as a pass-through entity, for participation in a coronavirus disease 2019 (COVID-19)-related program, entitled "COVID-19 Public Health Crisis Response and the Public Health Workforce Development Supplemental Funding," for the period of July 1, 2021, through June 30, 2023; and amending Ordinance No. 109-21 (Annual Salary Ordinance, File No. 210644 for Fiscal Years 2021-2022 and 2022-2023) to provide for the addition of four grant-funded full-time positions in Class 0931 Manager III (2.5 FTE), Class 2593 Health Program Coordinator III (1.25 FTE), and 2119 Health Care Analyst (1.25 FTE).

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220268 [Accept and Expend Grant - Retroactive - California Energy Commission - Electric Vehicle Ready Community Blueprint Phase 2 - Blueprint Implementation - \$2,384,797 and In-Kind Services and Equipment]

Sponsors: Mayor; Mandelman, Melgar, Mar and Stefani

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$2,384,797 from the California Energy Commission's Alternative and Renewable Fuel and Vehicle Technology Program to implement an Electric Vehicle Ready Blueprint to accelerate local vehicle electrification for the period of August 1, 2022, through March 29, 2024; as a term of the grant agreement, Google, EVgo, and other City agencies will provide in-kind services and equipment for use by the public; and approving the grant agreement pursuant to Charter, Section 9.118(a). (Environment)
(Fiscal Impact)

Resolution No. 444-22

ADOPTED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Preston, Ronen, Safai, Stefani, Walton

Noes: 1 - Peskin

220927 [Public Trust Exchange and Title Settlement Agreement - Cole Trust - 1620-1650-1680 Davidson Avenue - Agreement to Sell a Port Real Property - Vicinity of Islais Creek]

Resolution approving and authorizing the execution, delivery and performance of a 1) Purchase and Sale Agreement with the Cole Trust for the sale by the City, acting by and through the San Francisco Port Commission, of unimproved real property known as a portion of Former Custer Avenue; 2) a Public Trust Exchange and Title Settlement Agreement for 1620-1650-1680 Davidson Avenue between the City, acting by and through the Port Commission, the California State Lands Commission and the Cole Trust, both agreements in furtherance of a settlement agreement between the Port Commission and the Cole Trust; 3) affirming the Planning Department's determination under the California Environmental Quality Act; 4) adopting findings that the agreements are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; 5) adopting findings declaring that the real property transactions comply with the State Surplus Lands Act and City Surplus Lands Ordinance; 6) authorizing future City acceptance from the State of a new Public Trust Easement pending State enabling legislation; and 7) authorizing the Port's Executive Director and the Director of Property to take certain actions in furtherance of this Resolution, as defined herein. (Port)

Resolution No. 445-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 220950 and 221006 be called together.

220950 [Grant Amendment - Retroactive - California Department of Parks and Recreation - Division of Boating and Waterways Non-Motorized Boat Launching Facility Grant - Lake Merced Boat Dock - Term Extension]

Sponsors: Mayor; Melgar

Resolution retroactively approving the sixth amendment to the contract with the California Department of Parks and Recreation Division of Boating and Waterways that requires the San Francisco Recreation and Park Department to operate and maintain the improvements made to the Lake Merced Boat Dock with Division of Boating and Waterway funds and extending the term from February 1, 2022, for a total term of March 1, 2015, through September 4, 2041, pursuant to Charter, Section 9.118(a); and to authorize the San Francisco Recreation and Park Department General Manager to enter into modifications and amendments to the grant contract that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the project or this Resolution. (Recreation and Park Department)

Resolution No. 446-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

221006 [Accept and Expend Grant - Retroactive - California Department of Parks and Recreation - Twin Peaks Promenade and Trails Improvement - \$1,900,000]**Sponsors: Mayor; Melgar and Mandelman**

Resolution retroactively authorizing the Recreation and Park Department (RPD) to accept and expend grant funding in the amount up to \$1,900,000 from the California Department of Parks and Recreation for the Twin Peaks Promenade and Trails Improvement Project for the term of July 1, 2020, through June 30, 2025; approving the grant contract which requires the Recreation and Park Department to maintain the project for the duration of the Contract Performance Period from July 1, 2020, through June 30, 2050, pursuant to Charter, Section 9.118(b); and authorizing the Recreation and Park Department General Manager to enter into modifications and amendments to the grant contract that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the project or this Resolution. (Recreation and Park Department)

Supervisors Melgar and Mandelman requested to be added as co-sponsors.

Resolution No. 449-22**ADOPTED by the following vote:**

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220974 [Contract Amendment - TEGSCO, LLC - Vehicle Towing, Storage, and Disposal Services for Abandoned and Illegally-Parked Vehicles - Not to Exceed \$121,400,000]**Sponsor: Safai**

Resolution approving the seventh amendment to the contract between the Municipal Transportation Agency and TEGSCO, LLC, for services related to the towing, storage, and disposal of abandoned and illegally parked vehicles, to increase the contract amount by approximately \$33,200,000 for a total contract amount not to exceed \$121,400,000 for the balance of the second year and through March 2025, effective upon approval of this Resolution. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 447-22**ADOPTED by the following vote:**

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220975 [Lease Amendment - Increasing City Allowance Provided for Tenant Improvements - Volunteers in Medicine - 35 Onondaga Avenue - Reimbursement of Up to \$2,120,594]**Sponsor: Safai**

Resolution authorizing the Director of Property to execute a second amendment to a ten-year commercial lease, with two five-year extension options, between the City and County of San Francisco, as landlord, and Volunteers in Medicine, DBA Clinic By the Bay, as tenant, for the City-owned property located at 35 Onondaga Avenue; authorizing the reimbursement of up to a total of \$2,120,594 for tenant improvements, to commence upon execution of the lease; and to authorize the Director of Property to enter into any amendments or modifications to the second amendment that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the lease or this Resolution. (Real Estate Department)
(Fiscal Impact)

Resolution No. 448-22**ADOPTED by the following vote:**

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

221026 [Accept and Expend Grant - Alternative Process County Competitive Allocation Funds - California Department of Housing and Community Development - No Place Like Home Grant Program - Up to \$26,711,719]

Sponsors: Mayor; Ronen, Safai and Mandelman

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to participate in the fourth round Notice of Funding Availability and accept and expend the county competitive allocation award for an amount up to \$26,711,719 under the California Department of Housing and Community Development No Place Like Home Program, which provides funding for counties to develop multifamily housing specifically for persons with serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness, for a term effective upon approval of this Resolution. (Mayor's Office of Housing and Community Development)

Supervisor Mandelman requested to be added as a co-sponsor.

Resolution No. 450-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

221029 [Approving California Enterprise Development Authority Revenue Obligations and TEFRA Hearing for Presidio Knolls School, Inc. - Not to Exceed \$33,000,000]

Sponsors: Dorsey; Safai

Resolution approving for purposes of Internal Revenue Code of 1986, as amended, Section 147(f) of the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$33,000,000 to finance, refinance and/or reimburse the cost of acquisition, construction, installation, rehabilitation, equipping and furnishing of various capital facilities to be owned and operated by Presidio Knolls School, Inc., a California nonprofit public benefit corporation.

Resolution No. 451-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Land Use and Transportation Committee

President Walton requested File Nos. 220940, 220941, 220942, 220943, 220944, and 220945 be called together.

220940 [Building Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Building Code in its entirety and enacting a 2022 Building Code consisting of the 2022 California Building Code and the 2022 California Residential Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2023; and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission, as required by State law. (Building Inspection Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220941 [Existing Building Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Existing Building Code in its entirety and enacting a 2022 Existing Building Code consisting of the 2022 California Existing Building Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2023; and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission, as required by State law. (Building Inspection Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220942 [Green Building Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Green Building Code in its entirety and enacting a 2022 Green Building Code consisting of the 2022 California Green Building Standards Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2023; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law. (Building Inspection Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220943 [Mechanical Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Mechanical Code in its entirety and enacting a 2022 Mechanical Code consisting of the 2022 California Mechanical Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2023; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law. (Building Inspection Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220944 [Electrical Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Electrical Code in its entirety and enacting a 2022 Electrical Code consisting of the 2022 California Electrical Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2023; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law. (Building Inspection Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220945 [Plumbing Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Plumbing Code in its entirety and enacting a 2022 Plumbing Code consisting of the 2022 California Plumbing Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2023; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law. (Building Inspection Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Rules Committee**221042 [Nomination of County Veterans Service Officer - Elena Kim]**

Resolution confirming the nomination of Elena Kim as the County Veterans Service Officer for the City and County of San Francisco. (Clerk of the Board)

Resolution No. 452-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220998 [MAppointment, Entertainment Commission - Stephen Jon Torres]

Motion appointing Stephen Jon Torres, term ending July 1, 2026, to the Entertainment Commission. (Rules Committee)

Motion No. M22-164

APPROVED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

220999 [Appointment, In-Home Supportive Services Public Authority - Edda Mai Johnson]

Motion appointing Edda Mai Johnson, term ending March 1, 2023, to the In-Home Supportive Services Public Authority. (Rules Committee)

Motion No. M22-165

APPROVED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

221001 [Appointment, Child Care Planning and Advisory Council - Sherrice Dorsey-Smith]

Motion appointing Sherrice Dorsey-Smith (residency requirement waived), term ending March 19, 2025, to the Child Care Planning and Advisory Council. (Rules Committee)

Motion No. M22-166

APPROVED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

There were no commendations recognized.

COMMITTEE REPORTS

Recommendation of the Rules Committee

220702 [Administrative Code - Definitions of Prohibited Discrimination in Contracting Ordinances and Human Rights Commission Ordinance]

Sponsors: Mayor; Mandelman, Dorsey and Mar

Ordinance amending the Administrative Code to revise the definitions of gender identity, sex, and sexual orientation, and add the definition of gender expression, in Chapters 12B and 12C (ordinances prohibiting discrimination in contracting including property contracts); revise the definition of age in Chapters 12A (the Human Rights Commission ordinance) and 12B; and revise the definition of disability in Chapters 12A, 12B, and 12C.

(This item was not sent as a committee report.)

President Walton Excused from Voting

Supervisor Peskin, seconded by Supervisor Safai, moved to excuse President Walton from voting on the appointment of Jabari Jackson (File No. 221000), due to a possible conflict of interest. The motion carried by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani

Excused: 1 - Walton

221000 [Appointments, Reentry Council - Jusef Nathan, Joanna Hernandez, Linda Hurshman, and Jabari Jackson]

Motion appointing Jusef Nathan, Joanna Hernandez (residency requirement waived), Linda Hurshman, and Jabari Jackson, terms ending June 1, 2024, to the Reentry Council. (Rules Committee)

President Walton requested that the question be DIVIDED to consider the appointment of Jabari Jackson separately.

Motion No. M22-167

The remaining balance of the question was APPROVED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Motion No. M22-167

The divided question to consider the appointment of Jabari Jackson was APPROVED by the following vote:

Ayes: 10 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani

Excused: 1 - Walton

Upon approval of both the divided and remaining balance questions, the Motion was APPROVED as a whole.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Osborn Carrington; expressed concerns regarding certain co-op housing and the discontinuation of in-house support services.

Enrico; expressed concerns regarding certain co-op housing and the discontinuation of in-house support services.

Jordan Davis; expressed concerns regarding transphobic comments made by elected officials.

Jessica Bullocks; expressed concerns regarding the Resolution proclaiming Asexual Awareness Week (File No. 221086).

Bram Goodwin; expressed support of cannabis program legislation.

Michael Petrelis; expressed concerns regarding public comment opportunities at the Board and the reduction of seats at the Castro Theatre.

Leah McGeever; expressed concerns regarding transphobic comments made by elected officials.

Lisa Church; expressed concerns regarding the traffic violence and the need to slow traffic.

Speaker; expressed concerns regarding open enrollment.

Speaker; expressed concerns regarding certain co-op housing and the discontinuation of in-house support services.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

221086 [Asexual Awareness Week - October 23 through October 29, 2022]

Sponsors: Dorsey; Mandelman and Chan

Resolution proclaiming October 23 through October 29, 2022, as Asexual Awareness Week in the City and County of San Francisco.

Supervisor Chan requested to be added as a co-sponsor.

Resolution No. 453-22

ADOPTED

221041 [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Uzuri Pease-Greene]

Motion appointing Uzuri Pease-Greene, term ending October 19, 2023, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Uzuri Pease-Greene, seat 4, succeeding Keith Goldstein, term expired, must be nominated by the District 10 Supervisor, and shall live, work or own a business in the "Plan Area" they are appointed to represent, for the unexpired portion of a two-year term ending October 19, 2023.

Motion No. M22-168

APPROVED

221091 [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)

Motion No. M22-169

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Dorsey requested that File No. 221085 be severed so that it may be considered separately.

**221085 [Urging Changes to California State Law Regarding Side Shows and Stunt Driving]
Sponsors: Dorsey; Safai, Stefani, Mandelman, Walton and Melgar**

Resolution urging the California State Legislature to amend the State Vehicle Code to impose harsher penalties for side shows and stunt driving.

Supervisor Dorsey, seconded by Supervisor Stefani, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of November 1, 2022. The motion carried by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Supervisor Mandelman requested that File No. 221087 be severed so that it may be considered separately.

221087 [SF Spikes Day - October 27, 2022]

Sponsors: Mandelman; Safai

Resolution declaring October 27, 2022, as SF Spikes Day in the City and County of San Francisco, in recognition of San Francisco Spikes' work to engage the LGBTQ+ community in soccer and advance LGBTQ+ social causes and events.

Supervisor Safai requested to be added as a co-sponsor.

Resolution No. 454-22

ADOPTED by the following vote:

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

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

221102 [Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract for Quality Improvement Expert - Not to Exceed \$3,000,000 - Waiver of Certain Administrative Code Provisions]

Sponsor: Mayor

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against U.S. Department of Health and Human Services and Xavier Becerra, Secretary of Health and Human Services for \$203,885; and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; the lawsuit was filed on August 3, 2022, in the United States District Court for the Northern District of California, Case No. 3:22-cv-4500-WHA; entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services; the lawsuit involves allegations that defendants violated the Administrative Procedure Act and the City's due process rights by deciding to terminate federal funding for Laguna Honda Hospital and Rehabilitation Center before residents could safely be transferred to other facilities and before the City's administrative appeal could be heard. (City Attorney)

10/25/22; RECEIVED AND ASSIGNED to Board of Supervisors.

221103 [Fire Code - Repealing 2019 Code, Adopting 2022 Code]

Sponsors: Mayor; Peskin and Chan

Ordinance repealing the existing San Francisco Fire Code in its entirety and enacting a new San Francisco Fire Code consisting of the 2022 California Fire Code and portions of the 2018 International Fire Code, together with amendments specific to San Francisco, including provisions for fees for permits, inspections, and various City services, with an operative date of January 1, 2023; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (10/28/2022 - Economic Impact Pending further review)

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

221104 [Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District]**Sponsors: Dorsey; Mandelman and Engardio**

Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; 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.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

221105 [Planning Code - HOME-SF]**Sponsor: Peskin**

Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity-San Francisco (HOME-SF) Program; 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.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

221106 [Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During the Holiday Season]**Sponsors: Stefani; Mandelman, Dorsey, Chan, Preston, Ronen and Safai**

Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/24/2022.

RESOLUTIONS

221107 [Accept and Expend Grant - Retroactive - California Department of Insurance - Automobile Insurance Fraud Program - \$314,180]**Sponsor: Mayor**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$314,180 from the California Department of Insurance for the Automobile Insurance Fraud Program, for the grant period of July 1, 2022, through June 30, 2023. (District Attorney)

10/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221108 [Accept and Expend Grant - Retroactive - California Department of Insurance - Workers' Compensation Insurance Fraud Program - \$1,008,768]**Sponsor: Mayor**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$1,008,768 from the California Department of Insurance for the Workers' Compensation Insurance Fraud Program, for the grant period July 1, 2022, through June 30, 2023. (District Attorney)

10/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221109 [Accept and Expend Grant - Retroactive - 2018 Repurposed Federal Earmark - Sloat Infrastructure Improvements - \$163,513]**Sponsors: Mayor; Melgar and Mar**

Resolution retroactively authorizing Public Works to accept and expend an earmark grant of \$163,513 from the Federal Highway Administration 2018 Earmark Repurposing Final Approved List to fund the construction of the Sloat Infrastructure Improvements project for a term of September 16, 2021, through December 1, 2023; authorizing Public Works to execute all required documents for the project; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

10/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

221110 [Initiating Landmark Designation - 1200 Taraval Street (aka Parkside Library)]**Sponsors: Mar; Chan, Melgar and Peskin**

Resolution initiating a landmark designation under Article 10 of the Planning Code of 1200 Taraval Street (aka Parkside Library) in the Sunset District, Assessor's Parcel Block No. 2351, Lot No. 001.

10/25/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

221111 [Lung Cancer Awareness Month - November 2022]**Sponsors: Peskin; Chan, Preston and Dorsey**

Resolution declaring November 2022 as Lung Cancer Awareness Month in the City and County of San Francisco.

10/25/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTIONS

221099 [Committee of the Whole - Closed Session - Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract - Not to Exceed \$3,000,000 - November 1, 2022, at 3:00 p.m.]

Sponsor: Melgar

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole at the meeting on November 1, 2022, to hold a public hearing to consider the proposed Ordinance (File No. 221102) endorsing settlement of the lawsuit filed on behalf of the City and County of San Francisco against the U.S. Department of Health and Human Services, and Xavier Becerra, Secretary of the Department of Health and Human Services, entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services, and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; and scheduling a Closed Session of the Board of Supervisors at the same meeting for the purpose of conferring with, or receiving advice from, the City Attorney regarding that existing litigation in which the City is a plaintiff, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1).

10/25/22; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

221115 [Mayoral Appointment, Children and Families First Commission - Michael Lambert]

Motion approving/rejecting the Mayor's nomination for appointment of Michael Lambert (residency requirement waived), term ending October 8, 2026, to the Children and Families First Commission. (Clerk of the Board)

(Administrative Code, Section 86.1 et Seq. provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: October 26, 2022.)

10/25/22; RECEIVED AND ASSIGNED to Rules Committee.

221116 [Mayoral Reappointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Alex Ludlum]

Motion approving/rejecting the Mayor's nomination for reappointment of Alex Ludlum to the Successor Agency Commission (commonly known as the Commission on Community Investment and Infrastructure), term ending November 3, 2026. (Clerk of the Board)

(Ordinance No. 215-12, Section 6(b), provides that this member shall be appointed by the Mayor and subject to confirmation by the majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: October 26, 2022)

10/25/22; RECEIVED AND ASSIGNED to Rules Committee.

221117 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - Jeanette Howard]

Motion approving/rejecting the Mayor's nomination for appointment of Jeanette Howard to the Treasure Island Development Authority Board of Directors, for a term ending February 26, 2025. (Clerk of the Board)

(Pursuant to the Treasure Island Conversion Act of 1997, appointments of Directors who are not City officers are only effective upon approval by a majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action.

Transmittal Date: October 26, 2022.)

10/25/22; RECEIVED AND ASSIGNED to Rules Committee.

REQUESTS FOR HEARING

221112 [Hearing - Budget and Legislative Analyst Report - San Francisco Unified School District Central Office Audit]

Sponsors: Ronen; Chan

Hearing to discuss the Budget and Legislative Analyst report, entitled "SFUSD comparative analysis of functions, staffing, and resources allocated to San Francisco Unified School District central offices with those of other comparable school districts;" and requesting the Budget and Legislative Analyst and San Francisco Unified School District (SFUSD) to report.

10/25/22; RECEIVED AND ASSIGNED to Youth, Young Adult, and Families Committee.

221113 [Hearing - DPH Secondary Policies and Baker Places, Inc.]

Sponsor: Safai

Hearing to consider the Department of Public Health's (DPH) secondary employment policies and the overall condition of Baker Places, Inc.; and requesting DPH and Department of Human Resources to report.

10/25/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221114 [Hearing - Citywide Nonprofit Performance Audit Report]

Sponsor: Stefani

Hearing to discuss the findings and recommendations made in the August 30, 2022, Citywide Nonprofit Performance Audit report, entitled "The City Should More Effectively Evaluate the Impact of Services Provided by Community Based Organizations;" and requesting the City Services Auditor and City Performance Division to report.

10/25/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221100 [Hearing - Committee of the Whole - Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract - Not to Exceed \$3,000,000 - November 1, 2022, at 3:00 p.m.]

Hearing of the Board of Supervisors to sit as a Committee of the Whole on November 1, 2022, at 3:00 p.m., during the Regular Board of Supervisors meeting, to hold a public hearing on the proposed Ordinance (File No. 221102) endorsing settlement of the lawsuit filed on behalf of the City and County of San Francisco against the U.S. Department of Health and Human Services, and Xavier Becerra, Secretary of the Department of Health and Human Services, entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services, and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; scheduled pursuant to the Motion contained in File No. 221099, to be considered on November 1, 2022. (Clerk of the Board)

10/25/22; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

221101 [Closed Session - Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract - Not to Exceed \$3,000,000 - Waiver of Certain Administrative Code Provisions - November 1, 2022]

Closed Session for the Board of Supervisors to convene on November 1, 2022, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlement of the lawsuit filed by the City and County of San Francisco against U.S. Department of Health and Human Services and Xavier Becerra, Secretary of Health and Human Services for \$203,885; and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; the lawsuit was filed on August 3, 2022, in the United States District Court for the Northern District of California, Case No. 3:22-cv-4500-WHA; entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services; the lawsuit involves allegations that defendants violated the Administrative Procedure Act and the City's due process rights by deciding to terminate federal funding for Laguna Honda Hospital and Rehabilitation Center before residents could safely be transferred to other facilities and before the City's administrative appeal could be heard; scheduled pursuant to the Motion contained in File No. 221099, to be considered on November 1, 2022. (Clerk of the Board)

10/25/22; 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 ORDINANCE**221065 [General Plan - Adopting the 2022 Safety & Resilience Element]**

Ordinance amending the San Francisco General Plan by repealing the 2012 Community Safety Element and adopting the 2022 Safety & Resilience Element; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Department)

10/07/22; RECEIVED FROM DEPARTMENT.

10/25/22; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2022.

PROPOSED RESOLUTIONS**221066 [Settlement of Unlitigated Claim - Visa U.S.A. Inc. - \$28,771.32]**

Resolution approving the settlement of the unlitigated claim filed by Visa U.S.A. Inc. against the City and County of San Francisco for \$28,771.32; the claim was filed on June 30, 2022; the claim involves a refund of commercial rents taxes. (City Attorney)

10/07/22; RECEIVED FROM DEPARTMENT.

10/25/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

221067 [Real Property Sale Agreement - State of California - Portions of SFPUC Parcel Nos. 57 and 65 - State Route 84 / Niles Canyon Safety Improvement Project in Alameda County - \$11,970]

Resolution 1) approving and authorizing the General Manager of the San Francisco Public Utilities Commission ("SFPUC") and/or the Director of Property, on behalf of the City and County of San Francisco ("City"), to sell fee and easement interest in certain real property located along State Route 84 in the City of Fremont and in unincorporated Alameda County to the State of California, acting through its California Department of Transportation ("Caltrans"); 2) approving and authorizing an Agreement for Sale of Real Estate, Temporary Construction Easement, and Utility Easement ("Sale Agreement") for the sale of the Property, as defined herein, to Caltrans; 3) authorizing the SFPUC General Manager and/or City's Director of Property to execute the Sale Agreement, make certain modifications, and take certain actions in furtherance of this Resolution and the Sale Agreement, as defined herein; 4) adopting findings declaring that the real property is "surplus land" and "exempt surplus land" pursuant to the California Surplus Land Act; 5) determining that a competitive bidding process for the conveyance of the Property is impractical and not in the public interest, in accordance with Administrative Code, Section 23.3; 6) adopting responsible agency findings under the California Environmental Quality Act ("CEQA") and Section 15091 of the CEQA Guidelines; and 7) adopting the Planning Department's findings that the Sale Agreement, and the transaction contemplated therein, is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Utilities Commission)

10/07/22; RECEIVED FROM DEPARTMENT.

10/25/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 3:05 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on November 29, 2022.

Angela Calvillo, Clerk of the Board