

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, November 1, 2022 - 2:00 PM

### IN-PERSON MEETING

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

*(remote access provided)*

*(remote public comment provided via teleconference)*

[www.sfgovtv.org](http://www.sfgovtv.org)

### 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

1:00 PM

Wednesday

12:30 PM

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.

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**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

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*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, November 1, 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](http://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](mailto: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](http://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](mailto:bos@sfgov.org).*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

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

*All Members of the Board were present.*

*President Walton, on behalf of the entire Board of Supervisors, condemned the vicious attack on the Speaker of the House Nancy Pelosi's husband, Paul Pelosi, that occurred in the early morning last Friday, and further condemned all manners of violence towards public officials and their families.*

*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](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

## APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the September 27, 2022, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Peskin, seconded by Supervisor Mandelman, moved to approve the September 27, 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

#### **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).

**FINALLY PASSED**

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## **Recommendations of the Government Audit and Oversight Committee**

### **220730 [Settlement of Lawsuit - Theodore Belizaire - \$186,642.33]**

Ordinance authorizing settlement of the lawsuit filed by Theodore Belizaire against the City and County of San Francisco for \$186,642.33; the lawsuit was filed on July 20, 2020, in San Francisco Superior Court, Case No. CGC-20-585672, entitled Theodore Belizaire v. City and County of San Francisco; the lawsuit involves alleged personal injuries in a collision with a City vehicle; other material terms of the settlement include payment of \$99,142.33 to Zuckerberg San Francisco General Hospital for a medical lien. (City Attorney)

**PASSED ON FIRST READING**

### **220731 [Settlement of Lawsuit - Donna James - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Donna James against the City and County of San Francisco for \$125,000; the lawsuit was filed on April 20, 2021, in United States District Court, Case No. 3:21-cv-02939-RS; entitled Donna James v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

### **220732 [Settlement of Lawsuit - Susan Bell - \$160,000]**

Ordinance authorizing settlement of the lawsuit filed by Susan Bell against the City and County of San Francisco, et al. for \$160,000; the lawsuit was filed on December 6, 2018, in San Francisco Superior Court, Case No. CGC-18-571878; entitled Susan Bell v. City and County of San Francisco, et al.; the lawsuit involves claims of alleged civil rights violations and use of excessive force. (City Attorney)

**PASSED ON FIRST READING**

### **220794 [Settlement of Lawsuit - Phris M. Keaton - \$45,000]**

Ordinance authorizing settlement of the lawsuit filed by Phris M. Keaton against the City and County of San Francisco for \$45,000; the lawsuit was filed on April 21, 2021, in San Francisco Superior Court, Case No. CGC-21-591264; entitled Phris M. Keaton v. Garret Edwards, et al.; the lawsuit involves alleged personal injury due to excessive force by Sheriff's Deputy. (City Attorney)

**PASSED ON FIRST READING**

### **220915 [Settlement of Lawsuit - Michael Petersen - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Michael Petersen against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 12, 2019, in San Francisco Superior Court, Case No. CGC-19-579234; entitled Michael Petersen v. City and County of San Francisco; the lawsuit involves alleged personal injury in a City park. (City Attorney)

**PASSED ON FIRST READING**

**220964 [Settlement of Lawsuit - Rachell Evans - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Rachell Evans against the City and County of San Francisco for \$100,000; the lawsuit was filed on May 14, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02935-SI; entitled Rachell Evans v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

**220965 [Settlement of Lawsuit - Aliitasi T. Alapati - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Aliitasi T. Alapati against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 11, 2020, in United States District Court, Case No. 21-cv-04144-SI; entitled Aliitasi T. Alapati v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

**PASSED ON FIRST READING**

**220966 [Settlement of Lawsuit - Brandon Murphy - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Brandon Murphy against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 10, 2019, in San Francisco Superior Court, Case No. CGC-19-572705; entitled Brandon Murphy v. Regents of The University of California, et al.; the lawsuit involves alleged personal injury from medical negligence. (City Attorney)

**PASSED ON FIRST READING**

**220967 [Settlement of Lawsuit - Gayatri Kishore - \$44,775]**

Ordinance authorizing settlement of the lawsuit filed by Gayatri Kishore against the City and County of San Francisco for \$44,775; the lawsuit was filed on August 27, 2020, in San Francisco Superior Court, Case No. CGC-20-586409; entitled Gayatri Kishore v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

**220916 [Settlement of Unlitigated Claims - Allianz Asset Management of America L.P. - \$1,173,047.78]**

Resolution approving the settlement of the unlitigated claims filed by Allianz Asset Management of America L.P. against the City and County of San Francisco for \$1,173,047.78; the claims were filed on April 25, 2022; the claims involve a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)

**ADOPTED**

**220917 [Settlement of Unlitigated Claim - Williams-Sonoma, Inc. - \$163,479.04]**

Resolution approving the settlement of the unlitigated claim filed by Williams-Sonoma, Inc. against the City and County of San Francisco for \$163,479.04; the claim was filed on June 7, 2022; the claim involves a refund of homelessness gross receipts taxes. (City Attorney)

**ADOPTED**

**220918 [Settlement of Unlitigated Claim - Wyeth Holdings LLC - \$119,283.21]**

Resolution approving the settlement of the unlitigated claim filed by Wyeth Holdings LLC, against the City and County of San Francisco for \$119,283.21; the claim was filed on January 10, 2022; the claim involves a refund of homelessness gross receipts taxes for the 2019 tax year. (City Attorney)

**ADOPTED**

**220987 [Settlement of Unlitigated Claim - Yuna Chuquilin - \$82,500]**

Resolution approving the settlement of the unlitigated claim filed by Yuna Chuquilin against the City and County of San Francisco for \$82,500; the claim was filed on August 29, 2020; the claim involves an employment dispute. (City Attorney)

**ADOPTED**

**220988 [Settlement of Unlitigated Claim - Old Republic Title Company - \$25,125 Plus Statutory Interest]**

Resolution approving the settlement of the unlitigated claim filed by Old Republic Title Company against the City and County of San Francisco for \$25,125 plus statutory interest; the claim was filed on April 13, 2022; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

**ADOPTED**

**Recommendations of the Land Use and Transportation Committee****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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**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

### NEW BUSINESS

#### Recommendations of the Budget and Finance Committee

##### **220970 [Waiver of Permit, License, and Business Registration Fees for Certain Small Businesses]**

**Sponsors: Ronen; Chan, Safai, Dorsey, Mandelman, Mar and Stefani**

Ordinance amending the program established in Ordinance No. 143-21 waiving certain first-year permit, license, and business registration fees for certain businesses, retroactive to November 1, 2021, to 1) extend the program through June 30, 2023; 2) increase the gross receipts permissible for a business to qualify for the tax and fee waiver from \$2,000,000 to \$5,000,000; 3) remove the requirement that the business be located on the ground floor; (4) expand the business types covered by the waiver from commercial businesses in certain Planning Code categories to all commercial businesses; 5) extend the period for refunds to the later of one year from the date of payment or June 30, 2023; 6) revise the procedures for challenging Tax Collector determinations that a business improperly claimed a waiver under this Ordinance; 7) increase the gross receipts above which the waiver would be retroactively revoked from \$10,000,000 to \$15,000,000 in the calendar year of, or in any calendar year during the three full calendar years following, the date the business commenced business within San Francisco or opened a new business location for commercial use; and 8) make other administrative and reporting changes, as defined herein.

(Fiscal Impact)

*Supervisors Dorsey, Mandelman, Mar, and Stefani requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

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

##### **221003 [Administrative Code - Low-Value Real Property and Possessory Interest Tax Exemptions]**

**Sponsors: Stefani; Mandelman**

Ordinance amending the Administrative Code to exempt from property taxation real property valued at \$500 or less and possessory interests valued at \$4,000 or less, beginning in the 2023-2024 assessment year.

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

**PASSED ON FIRST READING by the following vote:**

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



**220931 [Real Property Lease Extension - SFII 1390 MARKET ST, LLC - 1390 Market Street - Not to Exceed \$4,959,042 in Initial Year]**

Resolution approving a lease amendment extending the term from January 1, 2023 to the date that is 5 years after the completion of certain tenant improvements for approximately 75,137 square feet at 1390 Market Street (Fox Plaza), with SFII 1390 MARKET ST, LLC as Landlord, for use by the Office of the City Attorney, at an initial annual rent of \$4,959,042 (or \$413,253.50 per month) with 3% annual increases thereafter, and City contributing \$1,600,000 toward the cost of the tenant improvements; and approving the continued use of a portion of the premises for childcare services.  
(Real Estate Department)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**220973 [Accept and Expend Grant - Retroactive - California Board of State and Community Corrections - Public Defense Pilot Program - \$1,194,950]**

**Sponsors: Mayor; Ronen**

Resolution retroactively authorizing the Public Defender's Office to accept and expend a grant in the amount of \$1,194,950 from the California Board of State and Community Corrections, to comply with Penal Code, Sections 170(d)/1170.03/1172.1, 1170.95/1172.6, 1473.7 and 3501's mandate to use these funds to support the resentencing of individuals, for the period March 1, 2022, through March 1, 2025. (Public Defender)

**ADOPTED by the following vote:**

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

**220989 [Airport Professional Services Agreement - SFO Hotel Shuttle, Inc. - Airport Shuttle Bus Services - Not to Exceed \$72,612,418]**

Resolution approving a Professional Services Agreement for Airport Contract No. 50303 to provide shuttle bus services at the San Francisco International Airport (Airport), between SFO Hotel Shuttle, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$72,612,418 for a period of five years to commence upon Board of Supervisors approval, pursuant to Charter, Section 9.118(b). (Airport Commission)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**220991 [Contract Agreement - Retroactive - California Department of Health Care Services - Substance Use Disorder Services - Not to Exceed \$248,687,500]**

Resolution retroactively approving Agreement No. 22-20154, between the Department of Public Health, Behavioral Health Services and the California Department of Health Care Services, to provide substance use disorder services, for an amount not to exceed \$248,687,500 for the five year term of July 1, 2022, through June 30, 2027; and to authorize the Department of Public Health to enter into amendments or modifications to the agreement 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 agreement or this Resolution. (Public Health Department)

*Privilege of the floor was granted unanimously to Ana Validzic and Max Rocha (Department of Public Health) who responded to questions raised throughout the discussion.*

**Supervisor Safai, seconded by Supervisor Stefani, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:**

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

**Recommendations of the Government Audit and Oversight Committee****220725 [Board Response - Civil Grand Jury Report - A Progress Report about the San Francisco Department of Homelessness and Supportive Housing]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "A Progress Report about the San Francisco Department of Homelessness and Supportive Housing;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

**ADOPTED by the following vote:**

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

**220132 [Memorandum of Understanding - Retroactive - Urban Areas Security Initiative]  
Sponsor: Mayor**

Resolution retroactively approving a Memorandum of Understanding (MOU) with the Cities of Oakland and San Jose and the Counties of Alameda, Contra Costa, Marin, Monterey, San Mateo, Santa Clara and Sonoma that provides governance structures and procedures for application, allocation and distribution of federal Urban Areas Security Initiative (UASI) grant funds to the Bay Area Urban Area, as well as for other Federal grant funds to the Bay Area Urban Area as permitted under the MOU; and continues San Francisco as the primary grantee and fiscal agent for UASI grant funds to the Bay Area Urban Area, as well as for other Federal grant funds to the Bay Area Urban Area as permitted under the MOU for the period from December 1, 2021, through November 30, 2025.

**ADOPTED by the following vote:**

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

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## **Recommendation of the Land Use and Transportation Committee**

### **220990 [Authorizing the Department of Public Health to Enter into Hazardous Waste Remedial Action Agreements]**

Resolution authorizing the County Health Officer, the Department of Public Health's Director of Environmental Health Branch, or their respective designees, to enter into remedial action agreements and oversee remedial investigations and remedial actions at hazardous waste release sites, pursuant to California Health and Safety Code, Section 101480. (Public Health Department)

**ADOPTED by the following vote:**

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

## **Recommendations of the Rules Committee**

*President Walton requested File Nos. 221045, 221046, and 221047 be called together.*

### **221045 [Appointments, Assessment Appeals Board No. 1 - Adena Gilbert, Jeffrey Morris, and Kristine Nelson]**

Motion appointing Adena Gilbert (residency requirement waived), term ending September 2, 2024, and Jeffrey Morris and Kristine Nelson, terms ending September 1, 2025, to the Assessment Appeals Board No. 1. (Rules Committee)

\* \* **Motion No. M22-174**

**APPROVED by the following vote:**

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

### **221046 [Appointments, Assessment Appeals Board No. 2 - John Lee, Mervin Conlan, and Yosef Tahbazof]**

Motion appointing John Lee, Mervin Conlan, and Yosef Tahbazof, terms ending September 1, 2025, to the Assessment Appeals Board No. 2. (Rules Committee)

*Supervisor Safai, after consulting with the Office of the City Attorney, informed the Board that Yosef Tahbazof is a long time family friend; however, this association is not a conflict of interest.*

**Motion No. M22-170**

**APPROVED by the following vote:**

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

### **221047 [Appointments, Assessment Appeals Board No. 3 - Shawn Ridgell and James Reynolds]**

Motion appointing Shawn Ridgell and James Reynolds, terms ending September 1, 2025, to the Assessment Appeals Board No. 3. (Rules Committee)

**Motion No. M22-171**

**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

*Without objection, Rule 5.36 of the Rules of the Board of Supervisors was suspended to grant privilege of the floor to the following guest(s).*

### VETERAN HONOREES

*Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Veteran Honorees, their accomplishments, and their continued community support as referenced below:*

*Supervisor Mar recognized Rod Kearny (Fresh Start House);  
Supervisor Stefani recognized Kenyon Wingo, Peer Specialist (Swords to Plowshares);  
Supervisor Preston recognized Del Seymour;  
Supervisor Ronen recognized Maria Cecilia Morena;  
Supervisor Safai recognized Swords to Plowshares, accepted by Michael Blecker;  
Supervisor Chan posthumously recognized Commissioner George Ishikata (Veterans Affairs Commission);  
Supervisor Dorsey recognized Ghazwan Alsharif;  
Supervisor Mandelman recognized Bob Dockendorff; and  
Supervisor Melgar recognized Colonel (Retired) D. Peter Gleichenhaus.*

## SPECIAL ORDER 3:00 P.M.

*President Walton requested File Nos. 221037, 221038, 221039, and 221040 be called together.*

### **221037 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 45 Bernard Street Project]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on April 13, 2021, for the proposed project at 45 Bernard Street, Assessor's Parcel Block No. 0157, Lot No. 030 for a proposed renovation of a three story, four-unit apartment building, including a seismic/soft-story foundation upgrade with a rear-yard addition; the project includes façade alterations, and the proposed addition would add approximately 996 square feet. (District 3) (Appellant: Brian O'Neill of Zacks, Freedman & Patterson PC, on behalf of the Upper Chinatown Neighborhood Association) (Filed September 26, 2022) (Clerk of the Board)

*President Walton opened the public hearing and informed the Board that the Appellant has withdrawn this appeal. The President then inquired whether any individual wished to address the Board relating to the withdrawn appeal. There were no speakers. President Walton closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

### **221038 [Affirming the Categorical Exemption Determination - 45 Bernard Street]**

Motion affirming the determination by the Planning Department that the proposed project at 45 Bernard Street is categorically exempt from further environmental review. (Clerk of the Board)

**Motion No. M22-172**

**Supervisor Peskin, seconded by Supervisor Safai, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

**221039 [Conditionally Reversing the Categorical Exemption Determination - 45 Bernard Street]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 45 Bernard Street is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Safai, moved that this Motion be TABLED. The motion carried by the following vote:**

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

**221040 [Preparation of Findings to Reverse the Categorical Exemption Determination - 45 Bernard Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 45 Bernard Street is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Safai, moved that this Motion be TABLED. The motion carried by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

*President Walton requested File Nos. 220853 and 220854 be called together.*

## Board of Supervisors Sitting as a Committee of the Whole

### **220853 [Hearing - Committee of the Whole - Transbay Block 4 Redevelopment Project - September 20, 2022, at 3:00 p.m.]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 20, 2022, at 3:00 p.m., to consider 1) an Ordinance approving an amendment to the Transbay Redevelopment Plan to increase height and bulk limits on Block 4 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 010, located on the south side of Howard Street between Beale and Main Streets), by increasing the maximum height limit for tower buildings from 450 feet to 513 feet, and increasing certain maximum floor plate sizes; and making certain findings (File No. 220854); an Ordinance amending the Zoning Map of the Planning Code to facilitate development of the Transbay Block 4 Redevelopment Project (located on the south side of Howard Street between Beale and Main Streets) by increasing height limits; and making certain findings (File No. 220836); a Resolution approving the disposition of land, and entrance into a ground lease of certain air space rights, by the Successor Agency to the Redevelopment Agency of the City and County of San Francisco to F4 Transbay Partners LLC, a Delaware limited liability company, and Transbay Block 4 Housing Partnership, L.P., a California limited partnership, for a purchase price of \$6,000,000 for the property generally located at 200 Main Street, bounded by Howard, Main and Beale Streets and extending approximately 205 feet southeast from Howard Street (Assessor's Parcel Block No. 3739, Lot Nos. 010 and 011), commonly known as Transbay Block 4; making findings under the Transbay Redevelopment Plan (incorporating California Health and Safety Code, Section 33433); and making certain findings (File No. 220858); and an forthcoming Ordinance amending the General Plan; scheduled pursuant to Motion No. M22-123, approved on July 26, 2022. (Clerk of the Board)

*President Walton opened the public hearing and Supervisor Dorsey indicated he would be making a motion to file the Hearing (File No. 220853) and refer the Ordinance to the Land Use and Transportation Committee (File No. 220854). The President then inquired whether any individual wished to address the Board relating to the redevelopment project. There were no speakers. President Walton closed public comment, adjourned as the Committee of the Whole, declared the public hearing heard and filed, and reconvened as the Board of Supervisors.*

**Supervisor Dorsey, seconded by Supervisor Mandelman, moved that this Hearing be FILED. The motion carried by the following vote:**

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

## Committee of the Whole Adjourn and Report

## **From the Board**

### **220854 [Redevelopment Plan Amendment - Transbay Redevelopment Project Area - Zone One, Block 4]**

**Sponsor: Dorsey**

Ordinance approving an amendment to the Transbay Redevelopment Plan to increase height and bulk limits on Block 4 of Zone One of the Transbay Redevelopment Project Area (Assessor's Parcel Block No. 3739, Lot No. 010, located on the south side of Howard Street between Beale and Main Streets), by increasing the maximum height limit for tower buildings from 450 feet to 513 feet, and increasing certain maximum floor plate sizes; making findings under the California Environmental Quality Act; making findings under the California Community Redevelopment Law; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**Supervisor Dorsey, seconded by Supervisor Mandelman, moved that this Ordinance be REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:**

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

## **SPECIAL ORDER 3:00 P.M.**

*President Walton requested File Nos. 220619, 221100, 221101, and 221102 be called together.*

## **Board of Supervisors Sitting as a Committee of the Whole**

### **220619 [Hearing - Committee of the Whole - Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan - November 1, 2022, at 3:00 p.m.]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on Tuesday, November 1, 2022, at 3:00 p.m., to hold a public hearing on Laguna Honda Hospital's Strategy for Recertification and the Submission of a Closure and Patient Transfer and Relocation Plan; and requesting the Department of Public Health to present; scheduled pursuant to Motion No. M22-098 (File No. 220618), approved on May 24, 2022. (Clerk of the Board)

*President Walton opened the public hearing and Supervisor Melgar provided opening remarks related to Laguna Honda Hospital's strategy for recertification and relocation plan (File No. 220619) and the Settlement of Lawsuit (File No. 221100). Roland Pickens (Department of Public Health) provided an overview of the recertification and settlement and responded to questions raised throughout the discussion. Melanie Grossman; Francisco Da Costa; Joseph Ervin; Patrick Monette-Shaw; Citizen 22; Dr. Theresa Palmer; Art Persyko; spoke on various concerns relating to the recertification and/or settlement. There were no other speakers. President Walton closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

## **Committee of the Whole Adjourn and Report**

## SPECIAL ORDER 3:00 P.M.

### Board of Supervisors Sitting as a Committee of the Whole

**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)

*President Walton opened the public hearing and Supervisor Melgar provided opening remarks related to Laguna Honda Hospital's strategy for recertification and relocation plan (File No. 220619) and the Settlement of Lawsuit (File No. 221100). Roland Pickens (Department of Public Health) provided an overview of the recertification and settlement and responded to questions raised throughout the discussion. Melanie Grossman; Francisco Da Costa; Joseph Ervin; Patrick Monette-Shaw; Citizen 22; Dr. Theresa Palmer; Art Persyko; spoke on various concerns relating to the recertification and/or settlement. There were no other speakers. President Walton closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

### Committee of the Whole Adjourn and Report

### ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*



## **PUBLIC COMMENT**

*Ron Fong; expressed support for the Resolution declaring November 2022 as Lung Cancer Awareness Month (File No. 221111).*

*Michael Petrelis; expressed concerns regarding public comment opportunities at the Board and the lack of access to Prop G calendars.*

*Speaker; shared the need to stand up for trans rights and a personal experience intervening on the harassment of a transgender woman.*

*Speaker; shared concerns regarding the desecration of a historical building and the need to protect the Castro Theatre.*

*Brea Chung; expressed concerns regarding Baker Places and a letter that 50 neighbors will be submitting.*

## CLOSED SESSION

### CONFERENCE WITH CITY ATTORNEY - Existing Litigation

**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)

**CONVENED IN CLOSED SESSION**

*The Board recessed at the hour of 5:15 p.m. to convene in closed session pursuant to the Motion contained in File No. 221099, approved on November 1, 2022.*

*The following Supervisors were noted present: Supervisors Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton*

*Persons in attendance: Anne Pearson, Henry Lifton, and Tara Steeley, Deputy City Attorneys (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).*

*The matter was heard in closed session, no action was taken, and the hearing was filed.*

**HEARD IN CLOSED SESSION**

**RECONVENED AS THE BOARD OF SUPERVISORS**

*The Board reconvened at the hour of 5:32 p.m.*

*The following Supervisors were noted present: Supervisors Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Melgar, seconded by Supervisor Dorsey, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:**

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

## **From the Board**

### **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)

**PASSED ON FIRST READING by the following vote:**

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

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

### **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.

*Supervisors Chan, Preston, and Dorsey requested to be added as co-sponsors.*

**ADOPTED**

**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).

**Motion No. M22-173**

**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 Preston 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.

**ADOPTED by the following vote:**

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

Noes: 1 - Preston

**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.*

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

### 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

### **221062 [Administrative Code - Funding, Acquisition, and Use of Certain Sheriff's Department Equipment]**

Ordinance amending the Administrative Code to require Board of Supervisors approval of a policy governing the funding, acquisition, and use of certain law enforcement equipment of the Sheriff's Department consistent with the criteria set forth in state law; and approving the Sheriff's Department's Use of Equipment Policy. (Sheriff)

10/21/22; RECEIVED FROM DEPARTMENT.

10/26/22; REFERRED TO DEPARTMENT.

11/01/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/1/2022.

## PROPOSED RESOLUTIONS

### **221063 [Mills Act Historical Property Contract - 942-944 Fell Street]**

Resolution approving a historical property contract between Julie A. Chin, the owner of 942-944 Fell Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/18/22; RECEIVED FROM DEPARTMENT.

11/01/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **221092 [Lease Renewal - Hudson 1455 Market, LLC - Transit Management Center - 1455 Market Street - Term Extension - \$1,320,059.49]**

Resolution authorizing and approving a first amendment to the lease to the renewal of an office lease for the existing Transportation Management Center with Hudson 1455 Market, LLC, as landlord, for the San Francisco Municipal Transportation Agency, at 1455 Market Street, at a yearly initial base rent of \$1,320,059.49, with annual adjustments of three percent for a term of ten years to commence September 20, 2023, for a total term of September 20, 2023, through September 19, 2033; and to authorize the Director or Property to enter into any extensions, amendments, or modifications to the Lease 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)

10/19/22; RECEIVED FROM DEPARTMENT.

11/01/22; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour of 5:34 p.m.*