

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, August 18, 2020 - 2:00 PM

Held via Videoconference
(remote public access provided via teleconference)
www.sfgovtv.org

Regular Meeting

NORMAN YEE, PRESIDENT
SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI, SHAMANN WALTON
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Meeting Days

Budget and Appropriations Committee Supervisors Fewer, Walton, Mandelman, Yee, Ronen	Wednesday 1:00 PM
Budget and Finance Committee Supervisors Fewer, Walton, Mandelman	Wednesday 10:30 AM
Government Audit and Oversight Committee Supervisors Mar, Peskin, Haney	1st and 3rd Thursday 10:00 AM
Joint City, School District, and City College Select Committee Supervisors Haney, Fewer, Mar (Alt), Commissioners Moliga, Collins, Cook (Alt), Trustees Randolph, Williams, Selby (Alt)	2nd Friday 10:00 AM
Land Use and Transportation Committee Supervisors Peskin, Safai, Preston	Monday 1:30 PM
Public Safety and Neighborhood Services Committee Supervisors Mandelman, Stefani, Walton	2nd and 4th Thursday 10:00 AM
Rules Committee Supervisors Ronen, Stefani, Mar	Monday 10:00 AM

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

Members Present: Sandra Lee Fewer, Matt Haney, Rafael Mandelman, Gordon Mar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, Shamann Walton, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session through videoconferencing, and provided public comment through teleconferencing, on Tuesday, August 18, 2020, with President Norman Yee presiding.

President Yee called the meeting to order at 2:02 p.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: board.of.supervisors@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. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. As the COVID-19 disease progresses, 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.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, and Yee were noted present.

Supervisor Safai was noted not present.

A quorum was present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, announced that due to the COVID-19 health emergency, Board Members will participate in the meeting remotely, through videoconference and to the same extent as if they were physically present. To the members of the public, when general public comment is called, you may contribute live comments for up to two minutes by dialing the provided telephone number. When you are connected, you will receive another prompt, dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email (board.of.supervisors@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Clerk Calvillo then informed the Board that an Americans with Disabilities Act (ADA) request for accommodations was received to allow a member of the public to provide public comment at the beginning of the meeting. President Yee requested the member of the public be provided the opportunity to deliver their public comment out of order.

Zach Karnazes; expressed concerns regarding ADA accommodations being requested to provide public comment at Board of Supervisors meetings and difficulties with the Board's ADA coordinator, and spoke in support of holding the hearing on the Hastings College of Law settlement in open session.

President Yee then informed the Board that he received correspondence from Supervisor Safai indicating he would be arriving late to today's meeting.

Supervisor Safai Excused from Attendance

Supervisor Peskin, seconded by Supervisor Preston, moved that Supervisor Safai be excused from attending today's meeting until his arrival at 3:17 p.m. The motion carried by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Member of the Board had any corrections to the July 14, 2020, Regular Board Meeting Minutes, or the July 8, 2020, Special Meeting Minutes at the Budget and Appropriations Committee, which constituted a quorum of the Board of Supervisors, as presented. There were no corrections requested from any Member of the Board.

Supervisor Peskin, seconded by Supervisor Mandelman, moved to approve the July 14, 2020, Regular Board Meeting Minutes, and the July 8, 2020, Special Meeting Minutes at the Budget and Appropriations Committee, which constituted a quorum of the Board of Supervisors, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

200661 [Settlement of Lawsuit - David Timothy Rudolf - \$120,000]

Ordinance authorizing settlement of the lawsuit filed by David Timothy Rudolf against the City and County of San Francisco for \$120,000; the lawsuit was filed on January 15, 2019, in San Francisco Superior Court, Case No. CGC-19-572800; entitled David Timothy Rudolf v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

Ordinance No. 144-20

FINALLY PASSED

200662 [Settlement of Lawsuit - Jonathan Garcia Valle - \$850,000]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Garcia Valle against the City and County of San Francisco for \$850,000; the lawsuit was filed on December 19, 2017, in San Francisco Superior Court, Case No. CGC-17-563210; entitled Jonathan Garcia Valle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

Ordinance No. 145-20

FINALLY PASSED

200663 [Settlement of Lawsuit - Anthony Economus - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Economus against the City and County of San Francisco for \$275,000; the lawsuit was filed on May 2, 2019, in San Francisco Superior Court, Case No. CGC-19-575669; entitled Anthony Economus v. Flint Paul; the lawsuit involves an alleged civil rights violation. (City Attorney)

Ordinance No. 146-20

FINALLY PASSED

200664 [Settlement of Lawsuit - Oliver Barcenas, Sofia Barcenas - \$180,000]

Ordinance authorizing settlement of the lawsuit filed by Oliver Barcenas and Sofia Barcenas against the City and County of San Francisco for \$180,000; the lawsuit was filed on May 10, 2019, in San Francisco County Superior Court, Case No. CGC-19-575896; entitled Oliver Barcenas, et. al v. City and County of San Francisco, et. al; the lawsuit involves alleged civil rights violations. (City Attorney)

Ordinance No. 147-20

FINALLY PASSED

200692 [Settlement of Lawsuit - Lina Lu, Alexandra Anderson, and Stella Osborne - \$49,000]

Ordinance authorizing settlement of the lawsuit filed by Lina Lu, Alexandra Anderson, and Stella Osborne against the City and County of San Francisco for \$49,000; the lawsuit was filed on May 6, 2019, in San Francisco Superior Court, Case No. CPF-19-516659; entitled Lina Lu et al. v. City and County of San Francisco et al.; the lawsuit involves a challenge to the San Francisco Police Department's procedures for producing incident reports in domestic violence cases; other material terms of the settlement are the adoption of changes in City protocols for producing domestic violence incident reports. (City Attorney)

Ordinance No. 148-20

FINALLY PASSED

200693 [Settlement of Lawsuit - Erin Sheeran, as Conservator for Cara Sheeran - \$97,500]

Ordinance authorizing settlement of the lawsuit filed by Erin Sheeran, as Conservator for Cara Sheeran, against the City and County of San Francisco for \$97,500; the lawsuit was filed on July 25, 2018, in San Francisco Superior Court, Case No. CGC-18-568392; entitled Erin Sheeran, as Conservator for Cara Sheeran v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury by San Francisco Fire Department employees. (City Attorney)

Ordinance No. 149-20

FINALLY PASSED

200694 [Settlement of Lawsuit - San Francisco Museum of Modern Art; Yerba Buena Arts & Events - City to Receive \$1,200,000]

Ordinance authorizing settlement of the lawsuit brought by the City and County of San Francisco against San Francisco Museum of Modern Art and Yerba Buena Arts & Events for \$1,200,000; the lawsuit was filed on April 27, 2017, in San Francisco Superior Court, Case No. CGC-17-558438; entitled Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure (OCII) v. San Francisco Museum of Modern Art, Yerba Buena Arts & Events, and Does 1-20; the lawsuit involves damage to the Crescent Pool at the Yerba Buena Gardens Plaza allegedly caused by an SFMOMA fundraiser. (City Attorney)

Ordinance No. 150-20

FINALLY PASSED

200695 [Settlement of Lawsuit - Rashad Abdullah, Individually and as the Guardian for Minor T.A.; and T.A., a Minor, By and Through Her Guardian - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Rashad Abdullah, individually and as the guardian for minor T.A.; and T.A., a minor, by and through her guardian against the City and County of San Francisco for \$150,000; the lawsuit was filed on September 3, 2019, in the United States District Court, Northern District of California, Case No. 19-cv-05526-LB; entitled Rashad Abdullah, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

Ordinance No. 151-20

FINALLY PASSED

200726 [Settlement of Lawsuit - Christian Miller - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Christian Miller against the City and County of San Francisco for \$750,000; the lawsuit was filed on December 28, 2018, in San Francisco Superior Court, Case No. CGC-18-572391; entitled Christian Miller v. Juan Francisco Ceballos, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

Ordinance No. 152-20

FINALLY PASSED

200727 [Settlement of Lawsuit - Christopher Kurrle - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Christopher Kurrle against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 11, 2018, in San Francisco Superior Court, Case No. CGC-18-566499; entitled Christopher Kurrle v. City and County of San Francisco; the lawsuit involves alleged personal injury in connection with a bicycle collision. (City Attorney)

Ordinance No. 153-20

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee**200215 [Planning Code - Arts Activities, Social Service or Philanthropic Facilities, and COVID-19 Recovery Activities as Temporary Uses; Fee Waiver for COVID-19 Recovery Activities]**

Sponsors: Ronen; Fewer, Walton, Haney, Peskin, Mandelman and Safai

Ordinance amending the Planning Code to allow Arts Activities, and Social Service or Philanthropic Facilities, and COVID-19 Recovery Activities as a temporary use in vacant ground-floor commercial space; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Ordinance No. 140-20

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

Severed from the Consent Agenda

200214 [Planning Code - Conditional Use Review and Approval Process - Priority Processing and Reduced Application Fee for Certain Uses of Commercial Space]

Sponsors: Peskin; Ronen, Fewer, Haney, Walton, Yee and Safai

Ordinance amending the Planning Code to expedite the Conditional Use authorization review and approval process and reduce the application fee for certain uses of commercial space; 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; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

FINALLY PASSED, with the Consent Agenda, by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

Supervisor Peskin, seconded by Supervisor Mandelman, moved to rescind the previous vote on File No. 200214. The motion carried by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

Supervisor Peskin requested this Ordinance be DUPLICATED ON FINAL PASSAGE.

See duplicated File No. 200946.

Ordinance No. 139-20

FINALLY PASSED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

200946 [Planning Code - Conditional Use Review and Approval Process - Priority Processing and Reduced Application Fee for Certain Uses of Commercial Space]

Sponsors: Peskin; Ronen, Fewer and Haney

Ordinance amending the Planning Code to expedite the Conditional Use authorization review and approval process and reduce the application fee for certain uses of commercial space; 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; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Duplicated from File No. 200214.

Supervisor Peskin, 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: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Transportation Committee

President Yee requested File Nos. 191249 and 200213 be called together.

191249 [Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

Sponsor: Yee

Ordinance amending the Planning Code to require that in Educator Housing projects at least 10% of residential units have three or more bedrooms; affirming the Planning Department's determination under the California Environmental Quality Act; making findings that the Ordinance furthers the purpose of Planning Code, Section 206.9; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302. (Pursuant to Planning Code, Section 206.9(h), this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

Ordinance No. 137-20

FINALLY PASSED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

200213 [Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

Sponsors: Fewer, Mar, Peskin, Haney, Walton, Mandelman, Ronen, Safai and Preston

Ordinance amending the Planning Code to allow extra height, exceeding otherwise applicable height limitations, for 100% Affordable Housing and Educator Housing projects, and to allow such projects to be constructed on parcels greater than 8,000 square feet or which contain only surface parking lots and do not demolish any existing buildings; making findings that the Ordinance furthers the purpose of Planning Code, Section 206.9; making findings under the California Environmental Quality Act, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

(Pursuant to Planning Code, Section 206.9(h), this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

Ordinance No. 138-20

FINALLY PASSED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

Referred Without Recommendation from the Land Use and Transportation Committee

President Yee requested File Nos. 200635, 200422, and 200423 be called together.

200635 [General Plan Amendments - Balboa Reservoir Project]

Ordinance amending the General Plan to revise the Balboa Park Station Area Plan, the Recreation and Open Space Element, and the Land Use Index, to reflect the Balboa Reservoir Project; amending the Housing Element in regard to the design of housing for families with children; adopting findings 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 public necessity, convenience, and general welfare findings under Planning Code, Section 340. (Planning Commission)

Ordinance No. 143-20

FINALLY PASSED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

200422 [Planning Code and Zoning Map - Balboa Reservoir Special Use District]

Sponsor: Yee

Ordinance amending the Planning Code and Zoning Map to create the Balboa Reservoir Special Use District and rezone the Balboa Reservoir west basin project site generally bounded by the City College of San Francisco Ocean Campus to the east, Archbishop Riordan High School to the north, the Westwood Park neighborhood to the west, and a San Francisco Public Utilities Commission parcel containing a water pipeline running parallel to a mixed-use multifamily residential development along Ocean Avenue to the south; adopting findings under the California Environmental Quality Act; making findings of consistency under the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Economic Impact)

Ordinance No. 141-20

FINALLY PASSED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

Referred Without Recommendation from the Budget and Finance Committee**200423 [Development Agreement - Reservoir Community Partners, LLC - Balboa Reservoir Project]****Sponsor: Yee**

Ordinance approving a Development Agreement between the City and County of San Francisco and Reservoir Community Partners, LLC, for the Balboa Reservoir Project (at the approximately 17.6-acre site located generally north of the Ocean Avenue commercial district, west of the City College of San Francisco Ocean Campus, east of the Westwood Park neighborhood, and south of Archbishop Riordan High School), with various public benefits, including 50% affordable housing and approximately four acres of publicly accessible parks and open space; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b), and findings of public convenience, necessity, and welfare under Planning Code, Section 302; approving development impact fees and waiving any conflicting provision in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Section 6.22 and Chapters 14B, 23, 41B, 56, 82, and 83, Planning Code, Sections 169, 138.1, 414A, 415, and 422, Public Works Code, Section 806(d), Subdivision Code, Section 1348, and Health Code, Article 12C; and ratifying certain actions taken in connection therewith, as defined herein.
(Economic Impact)

(Fiscal Impact)

Ordinance No. 142-20

FINALLY PASSED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

NEW BUSINESS

Recommendation of the Budget and Appropriations Committee

200851 [Apply for, Accept, and Expend Grant - U.S. Department of Housing and Urban Development Emergency Solutions Grants Program - \$43,605,003 - ESG-CV Round 2 Entitlement Grant - Amend Expenditure Schedule \$3,250,000 - ESG-CV Round 1 Entitlement Grant]

Sponsor: Mayor

Resolution approving the CARES Act Emergency Solutions Grants Coronavirus (ESG-CV) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's CARES Act ESG Program Round 2 entitlement from the U.S. Department of Housing and Urban Development (HUD), in the amount of \$43,605,003 for the period beginning July 1, 2020, through June 30, 2023; and amending the ESG Program Round 1 Entitlement Expenditure Plan in the amount of \$3,250,000.

Resolution No. 374-20

ADOPTED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

Recommendation of the Land Use and Transportation Committee

200702 [Planning Code - Chinatown Community Business District Zoning Control Table - Technical Correction]

Sponsor: Peskin

Ordinance amending the Planning Code to re-enact a provision permitting Non-Retail Professional Services above the first story in the Chinatown Community Business District Zoning Control Table, which was inadvertently deleted in recently enacted legislation; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

*Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai*

Supervisor Peskin, seconded by Supervisor Preston, moved to rescind the previous vote. The motion carried by the following vote:

*Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai*

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Line 21, by changing '200114' to '200702', Lines 23-24, by striking 'On __, the Planning Commission, in Resolution No. __, adopted findings' and adding 'The Board of Supervisors hereby finds', and Line 25, by adding 'have no effect on the'; on Page 2, Lines 1-5, by adding 'in that this ordinance corrects an error in the Chinatown Community Business District Zoning Control Table inadvertently created in the Chinatown Reorganization Ordinance (Ord. No. 208-19), General Plan and Section 101.1 findings for the Chinatown Reorganization Ordinance were made by the Planning Commission in its Resolution No. 20449', Line 5, by striking 'The Board adopts these findings as its own.' and 'said', Line 6, by adding 'No. 20449' and '190594', and Lines 10-11, by striking 'Planning Commission Resolution No. __ and the Board incorporates such reasons herein by reference.' The motion carried by the following vote:

*Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai*

PASSED ON FIRST READING AS AMENDED by the following vote:

*Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai*

Recommendations of the Rules Committee

200149 [Supporting a Reparations Plan and Advisory Committee]

Sponsors: Walton; Ronen, Mandelman, Preston, Yee, Safai, Mar, Haney, Stefani, Peskin and Fewer

Resolution supporting a reparations plan that will comprehensively address the inequities that exist in the African American community as a result of slavery's legacy of systemic oppression and creation of an advisory committee for the African American community.

Resolution No. 376-20

ADOPTED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

200389 [Mayoral Appointment, Municipal Transportation Agency Board of Directors - Jane Natoli]

Motion approving the Mayor's nomination for the appointment of Jane Natoli to the Municipal Transportation Agency Board of Directors, term ending March 1, 2024. (Clerk of the Board) (Charter, Section 8A.102(a), provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority (six votes) of the Board of Supervisors after a public hearing. Transmittal Date: April 14, 2020.)

NOT APPROVED by the following vote:

Ayes: 4 - Haney, Mandelman, Ronen, Stefani
Noes: 6 - Fewer, Mar, Peskin, Preston, Walton, Yee
Excused: 1 - Safai

President Yee requested File Nos. 200720 and 200721 be called together.

200720 [Mayoral Reappointment, Board of Appeals - Eduardo Santacana]

Motion approving the Mayoral nomination for the reappointment of Eduardo Santacana to the Board of Appeals, for a four-year term ending July 1, 2024. (Clerk of the Board) (Charter, Section 4.106, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: July 1, 2020.)

Motion No. M20-105

APPROVED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

200721 [Mayoral Appointment, Board of Appeals - Richard Swig]

Motion approving the Mayoral nomination for the appointment of Richard Swig to the Board of Appeals, for a four-year term ending July 1, 2024. (Clerk of the Board)
(Charter, Section 4.106, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: July 1, 2020.)

Motion No. M20-106

APPROVED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

200723 [Presidential Appointment, Board of Appeals - Darryl Honda]

Motion approving the President of the Board of Supervisors Norman Yee's nomination for the appointment of Darryl Honda to the Board of Appeals, for a four-year term ending July 1, 2024. (Clerk of the Board)
(Charter, Section 4.106, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date: July 1, 2020.)

Motion No. M20-107

APPROVED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

200724 [Mayoral Appointment, Municipal Transportation Agency Board of Directors - Sharon Lai]

Motion approving the Mayor's nomination for the appointment of Sharon Lai to the Municipal Transportation Agency Board of Directors, term ending March 1, 2021. (Clerk of the Board)
(Charter, Section 8A.102(a), provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority (six votes) of the Board of Supervisors after a public hearing. Transmittal Date: June 12, 2020.)

Motion No. M20-108

APPROVED by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

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

President Yee suspended all commendations during the declaration of local health emergency.

Supervisor Safai was noted present at 3:17 p.m.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200809, 200810, 200811, and 200812 be called together.

200809 [Hearing - Appeal of Determination of Community Plan Evaluation - 2300 Harrison Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on December 12, 2019, for the proposed project at 2300 Harrison Street, approved on February 19, 2020, to allow demolition of an existing surface parking lot and construction of a six-story over basement garage, 75-foot tall, 77,365 square foot, vertical addition to an existing three-story, 42-foot tall, 68,538 square foot office building, resulting in a mixed-use building with 24 dwelling units consisting of 14 one-bedroom and 10 two-bedroom units, 27,017 square feet of additional office space, 2,483 square feet of ground floor retail, 1,117 square feet of ground floor arts activities/retail space, 30 additional Class 1 bicycle parking spaces, five Class 2 bicycle parking spaces, and a total of 41 off-street parking spaces within the UMU (Urban Mixed-Use) Zoning District and a 68-X Height and Bulk District. (District 9) (Appellant: Carlos Bocanegra) (Filed March 20, 2020) (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Carlos Bocanegra (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Francisco Da Costa; Olga Liza; Eddie; John McCormick; Ryan Miller; Speaker; Gulan Astray; Martine Alasenuah; Justine; Ellen Rosenthal; Curtis Bradford; Gabriela Ruiz; Derek Lawrence; Lou Dementays; Anastasia Yoganopolous; Speaker; Kelley Hill; Francis Lee; Speaker; Sharon Sawyer; Brent Turner; Frank Gonzales; Speaker; Lorenzo; Mary Roque; Elizabeth; Marian; Lisa Petrenelli; Francisco Vera; Speaker; David Pilpel; Steffan Echo; Desiree; Speaker; Tracy Rosenberg; Chris European; Maria Delamora; Paul Robinson; Speaker; Fez Viola; Speaker; Omar Kahn; Rick Hall; Samayah; Angelica Cabande; Peter Papadapolous; Mariam Martin; spoke in support of the appeal. Ryan Shum (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Audrey Pearson (Office of the City Attorney) answered questions raised throughout the discussions regarding the decision of the Planning Department and the project. Tuija Catalano (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Speaker; Speaker; Speaker; spoke in support of the project and in opposition to the appeal. Carlos Bocanegra (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Yee closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

200810 [Affirming the Community Plan Evaluation - 2300 Harrison Street]

Motion affirming the determination by the Planning Department that a proposed project at 2300 Harrison Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Walton, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200811 [Conditionally Reversing the Community Plan Evaluation - 2300 Harrison Street]

Motion conditionally reversing the determination by the Planning Department that a proposed project at 2300 Harrison Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Motion No. M20-109

Supervisor Ronen, seconded by Supervisor Walton, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200812 [Preparation of Findings to Reverse the Community Plan Evaluation - 2300 Harrison Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 2300 Harrison Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Motion No. M20-110

Supervisor Ronen, seconded by Supervisor Walton, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200825, 200826, 200827, and 200828 be called together.

200825 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed 617 Sanchez 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 8, 2019, for the proposed project at 617 Sanchez Street, Assessor's Parcel Block No. 3600, Lot No. 055; to demolish an existing two-story, one family house and construct a new four-story single family dwelling approximately 30 feet in height and consisting of 4,149 square feet within the RH-1 (Residential House, One-Family-Detached) Zoning District and a 40-X Height and Bulk District. (District 8) (Appellant: Sue Hestor, on behalf of Joerg Rathenberg) (Filed March 23, 2020) (Clerk of the Board)

President Yee opened the public hearing and Supervisor Mandelman provided opening remarks, indicating they would be making a motion to continue these appeal hearings and associated Motions to a later date. The President then inquired as to whether any individual wished to address the Board. There were no speakers. President Yee closed public comment on the continuance closed.

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of September 29, 2020. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200826 [Affirming the Categorical Exemption Determination - 617 Sanchez Street]

Motion affirming the determination by the Planning Department that the proposed project at 617 Sanchez Street is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 29, 2020. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200827 [Conditionally Reversing the Categorical Exemption Determination - 617 Sanchez Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 617 Sanchez 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 Mandelman, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 29, 2020. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200828 [Preparation of Findings to Reverse the Categorical Exemption Determination - 617 Sanchez Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 617 Sanchez Street is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 29, 2020. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

COMMITTEE REPORTS

Recommendation of the Land Use and Transportation Committee

200762 [Emergency Ordinance - Protections for Occupants of Residential Hotels During COVID-19 Pandemic]

Sponsors: Peskin; Ronen and Preston

Reenactment of emergency ordinance (Ordinance No. 84-20) to establish protections for occupants of residential hotels ("SRO Residents") during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to: develop a protocol to assist health care providers to identify SRO Residents who may require protection against or treatment for COVID-19; notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19, to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents, to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

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

200763 [Emergency Ordinance - Building Code - Construction During COVID-19 Pandemic That Results in Temporary Suspension of Water or Electricity Service or Excessive Noise]

Sponsors: Peskin; Ronen, Walton, Preston, Fewer and Mandelman

Emergency ordinance to temporarily prohibit construction projects in buildings with any residential rental units that require the suspension of water or utility service to residential tenants without providing alternative sources of water and power, or reaching agreement with tenants, due to the COVID-19 pandemic.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

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

Ordinance No. 154-20

FINALLY PASSED by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

200764 [Health Code - Cleaning and Disease Prevention Standards in Tourist Hotels and Large Commercial Office Buildings]**Sponsors: Peskin; Safai**

Ordinance amending the Health Code to establish cleaning and disease prevention standards and practices in tourist hotels and large commercial office buildings to help contain COVID-19, or other contagious public health threats; to require training related to these standards for employees, provide certain protections to employees as they perform cleaning duties, and prohibit retaliation against employees for refusing to perform work under conditions they believe may be unsafe or for reporting such conditions or exercising rights protected by the Ordinance; authorizing the Office of Labor Standards Enforcement to enforce the employee rights and protections under the ordinance; and to provide for administrative enforcement by the Department of Public Health, and for financial penalties and civil actions as authorized by City and state law.

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

Recommendation of the Rules Committee**200733 [Emergency Ordinance - Public Health Emergency Leave]****Sponsor: Mar**

Reenactment of emergency ordinance (Ordinance No. 59-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

Ordinance No. 136-20**FINALLY PASSED by the following vote:**

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Mariana Gian; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Anastasia Yoganopolous; expressed concerns regarding the United States Postal Service and the need for the Board to inquire with the federal government.

Vanessa Barba; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Evelyn; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Lyndsay Morman; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Veronica Neito; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Marlon Escobar; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

David Pilpel; expressed support of newly introduced legislation on behavioral health and the need to fund the United States Postal Service.

India Martinez; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Cynthia Padilla; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Venda Rios; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Celia Padilla; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Estella; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Vivian Castro; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Jen Kelly; spoke on concerns regarding the Closed Session on labor negotiations and the need to consider front line workers.

Celestina; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Sandra Aguilla; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Mary Angler; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Speaker; expressed concerns regarding legislation that supports or opposes state or federal legislation, the presence of Members and the feed being televised during public comment.

Connie Ford; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Elizabeth Montayo; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Julietta Madanda; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Amelia Morales; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Maria Rojas; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Susan Ragucci; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Martalena; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Jenny; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Speaker; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Erica Rodriguez; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Lorena; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Maribel Dasilva; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Mara Imperial; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

Speaker; expressed support of the Resolution supporting California State Senate Bill No. 1257, the Health and Safety for All Workers Act (File No. 200918).

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

200930 [Closed Session - Labor Negotiations - August 18, 2020]

Closed Session for the Board of Supervisors to convene on August 18, 2020, to confer with the Mayor's Office and the Department of Human Resources under California Government Code, Section 54957.6, and San Francisco Administrative Code, Section 67.10(e), regarding negotiations with labor unions representing City employees; scheduled pursuant to Motion in File No. 200929, to be considered on August 18, 2020. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 7:55 p.m. to convene in closed session pursuant to the Motion contained in File No. 200929, approved on August 18, 2020.

The following Supervisors were noted present: Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee

Persons in attendance: Sean Elsbernd, Ashely Groffenberger and Sophia Kittler (Mayor's Office); Ben Rosenfield, Controller (Office of the City Controller); Anne Pearson (Office of the City Attorney); Micki Callahan, Director, Carol Isen, Mawuli Tugbenyoh, Steve Ponder and Kate Howard (Department of Human Resources); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director, (Office of the Clerk of the Board).

Matter was heard in closed session, no action was taken, and the hearing was filed.

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 9:26 p.m.

The following Supervisors were noted present: Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee

HEARD IN CLOSED SESSION

Supervisor Fewer was noted absent at 9:26 p.m.

[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 Peskin, seconded by Supervisor Stefani, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 10 - Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Absent: 1 - Fewer

Supervisor Fewer was noted present at 9:28 p.m.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

200931 [Closed Session - Existing Litigation - Hastings College of the Law - August 18, 2020]

Closed Session for the Board of Supervisors to convene on August 18, 2020, for the purpose of conferring with, or receiving advice from the City Attorney, pursuant to California Government Code, Section 54956.9, and San Francisco Administrative Code, Section 67.10(d)(1), regarding existing litigation in authorizing settlement of the lawsuit filed by Hastings College of the Law against the City and County of San Francisco for \$0 and a Stipulated Injunction; the lawsuit was filed on May 4, 2020, in United States District Court, Case No. 20-cv-3033; entitled Hastings College of the Law, et al. v. City and County of San Francisco; the lawsuit involves alleged civil rights violations, Federal Americans with Disabilities and California Disabled Persons Act violations, Negligence; Public Nuisance; Private Nuisance and Inverse Condemnation; scheduled pursuant to a motion made and approved on August 11, 2020, during action at the Board of Supervisors meeting for File No. 200758. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 9:30 p.m. to convene in closed session pursuant to the motion made and approved on August 11, 2020, during action at the Board of Supervisors meeting for File No. 200758.

The following Supervisors were noted present: Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee

Persons in attendance: Sean Elsbernd and Sophia Kittler (Mayor's Office); Anne Pearson, Jeremy Goldman, Tara Steele, Ryan Stevens, and Renee Rosenblitt (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).

Matter was heard in closed session, no action was taken, and the hearing was filed.

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 10:03 p.m.

The following Supervisors were noted present: Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, and Yee

HEARD IN CLOSED SESSION

Supervisor Safai was noted absent at 10:03 p.m.

[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 Peskin, seconded by Supervisor Haney, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton, Yee

Absent: 1 - Safai

Recommendations of the Government Audit and Oversight Committee

200758 [Settlement of Lawsuit - Hastings College of the Law - \$0]

Ordinance authorizing settlement of the lawsuit filed by Hastings College of the Law against the City and County of San Francisco for \$0 and a Stipulated Injunction; the lawsuit was filed on May 4, 2020, in United States District Court, Case No. 20-cv-3033; entitled Hastings College of the Law, et al. v. City and County of San Francisco; the lawsuit involves alleged civil rights violations, Federal Americans with Disabilities and California Disabled Persons Act violations, Negligence; Public Nuisance; Private Nuisance and Inverse Condemnation. (City Attorney)

Privilege of the floor was granted unanimously to David Faigman, Chancellor and Dean, and Laura Wilson-Youngblood (UC Hastings College of the Law) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Preston, moved that this Ordinance be CONTINUED to an Open and Closed Session at the Board of Supervisors meeting of August 25, 2020. Before the vote was taken, Supervisor Peskin, seconded by Supervisor Preston, moved to withdraw this motion.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Fewer, Haney, Mandelman, Mar, Safai, Stefani, Yee

Noes: 4 - Peskin, Preston, Ronen, Walton

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

200928 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Twenty-Third, Twenty-Fourth, and Twenty-Fifth Supplements]

Sponsor: Yee

Motion concurring in actions taken by the Mayor in the Twenty-Third, Twenty-Fourth, and Twenty-Fifth Supplements to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Motion No. M20-111

APPROVED

200929 [Closed Session - Labor Negotiations - August 18, 2020]

Sponsor: Yee

Motion that the Board of Supervisors convene in closed session on August 18, 2020, to confer with the Mayor's Office and the Department of Human Resources, pursuant to California Government Code, Section 54957.6 and San Francisco Administrative Code, Section 67.10(e), regarding negotiations with labor unions representing City employees.

Motion No. M20-112

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 200918 be severed so that it may be considered separately.

200918 [Supporting California State Senate Bill No. 1257 (Durazo) - The Health and Safety for All Workers Act]

Sponsors: Mar; Walton, Preston, Mandelman, Yee, Haney and Fewer

Resolution supporting California State Senate Bill No. 1257, authored by State Senator Maria Elena Durazo, The Health and Safety for All Workers Act, which would eliminate the exclusion of household domestic service from Cal/OSHA workplace health and safety protections and ensure that domestic workers have access to health and safety training, information about risks in the workplace, and necessary protective equipment.

Supervisors Preston, Mandelman, Yee, Haney, and Fewer requested to be added as co-sponsors.

Resolution No. 377-20

ADOPTED by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Supervisor Haney requested that File No. 200920 be severed so that it may be considered separately.

200920 [Affirming Commitment to Direct Resources to Housing for the Black Community and Addressing Black Homelessness]

Sponsors: Haney; Walton, Preston and Mandelman

Resolution affirming commitment from the Board of Supervisors to direct resources to housing for the Black community, and to address Black homelessness.

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

Supervisor Haney, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 3-14, by adding 'WHEREAS, According to the Human Trafficking in San Francisco 2107 report, African Americans were overrepresented in the trafficking survivor population compared to the San Francisco population. The report recommended significant investments in emergency shelter, new housing options, and housing assistance including rent subsidies and back rent for survivors of human trafficking; and WHEREAS, According to the Family Violence in San Francisco Report for fiscal year 2017, Black women accounted for the highest number of cases of domestic violence for women between the ages of 18-39, and Black victims were over-represented across all age categories. The report notes that transitional permanent housing "provide[s] longer-term stability to survivors of abuse and their families," and yet, the major domestic violence transitional housing services had an 85% turn-away rate in FY2017 primarily due to a lack of space in the service; and'. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Resolution No. 378-20

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

Supervisor Stefani requested that File No. 200927 be severed so that it may be considered separately.

200927 [Opposing Changes to Title IX that Diminish the Rights of Sexual Assault Victims at Institutions of Higher Education]

Sponsors: Stefani; Yee, Walton, Preston, Mandelman, Safai and Fewer

Resolution opposing changes to Title IX that diminish the rights of sexual assault victims at institutions of higher education by making it more difficult to file an official grievance and protects assailants from disciplinary action, and urging Congress to further enhance victims' rights under Title IX.

Supervisors Walton, Preston, Mandelman, Safai, and Fewer requested to be added as co-sponsors.

Resolution No. 379-20

ADOPTED by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee

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

200947 [Administrative Code Waivers - SFMTA Potrero Yard Modernization Project - Project Delivery Procedure]

Sponsors: Mayor; Walton

Ordinance authorizing the San Francisco Municipal Transportation Agency to exempt certain design, construction, finance, maintenance, and real estate agreements for the development of the Potrero Yard Modernization Project from Chapters 6, 14B, 21, and 23 of the Administrative Code, but requiring the payment of prevailing wages, implementation of a local business enterprise utilization program, and compliance with the City's local hire policy and first source hiring ordinance, as applicable, and permitting a best-value selection of the developer team if the City elects to proceed with the Project after completing its review under the California Environmental Quality Act.

(Fiscal Impact)

08/18/20; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/17/2020.

200948 [Administrative Code - Community Opportunity to Purchase Act]**Sponsors: Fewer; Walton, Yee, Mandelman, Mar and Preston**

Ordinance amending the Administrative Code to require sellers of multifamily residential buildings to provide a new right of first offer and right of first refusal to qualified nonprofit organizations if a multifamily residential building is not under contract or remains unsold after one year and after each year thereafter; require sellers to provide additional disclosures to qualified nonprofit organizations; provide information to current tenants, and assist qualified nonprofits with due diligence; and allow multifamily residential buildings acquired by qualified nonprofit organizations under the Community Opportunity to Purchase Act to convert to a limited equity cooperative under Subdivision Code, Division 11.

08/18/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 9/17/2020.

200949 [Administrative Code - Mayor's Selection of Designees in Matters Regarding Contracting and Other Matters]**Sponsors: Haney; Mar, Ronen, Stefani, Peskin, Walton and Mandelman**

Ordinance amending the Administrative Code to prohibit the Mayor from designating the department head as the Mayor's designee regarding contracting decisions and other matters in which the Mayor has discretion to delegate a designee to review a department head's proposals.

08/18/20; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 9/17/2020.

200950 [Emergency Ordinance - Administrative Code - Rent Increases During COVID-19 Pandemic]**Sponsors: Peskin; Fewer, Walton, Preston, Safai and Mandelman**

Reenactment of emergency ordinance (Ordinance No. 68-20, reenacted by Ordinance No. 114-20) to temporarily prohibit rent increases that would otherwise be permitted under the Administrative Code, due to the COVID-19 pandemic.
(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

08/18/20; ASSIGNED to Land Use and Transportation Committee.

200951 [Administrative Code - Department of Public Health - Providing Staff for the Behavioral Health Commission]**Sponsors: Stefani; Mar and Peskin**

Ordinance amending the Administrative Code to require the Department of Public Health to provide administrative staff to support the Behavioral Health Commission; to expand the membership criteria to conform to state law; and to reset all Commission member terms as of January 1, 2021, to be staggered so that no more than one-third of the members' terms expire at one time.

08/18/20; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/17/2020.

RESOLUTIONS

200952 [Amend Expenditure Schedule - Retroactive - U.S. Department of Housing and Urban Development - Housing Opportunities for Persons with AIDS Program - HOPWA-CV - \$118,179]

Sponsor: Mayor

Resolution retroactively amending the CARES Act Housing Opportunities for Persons with AIDS Coronavirus (HOPWA-CV) Program Expenditure Plan from the United States Department of Housing and Urban Development to expend the amount of \$118,179 for the period of March 15, 2020, through June 30, 2023.

08/18/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200953 [Supporting Senator Bernie Sanders' "Make Billionaires Pay Act"]

Sponsors: Haney; Walton, Preston, Ronen, Yee, Mandelman and Peskin

Resolution supporting the "Make Billionaires Pay Act" proposed by United States Senator Bernie Sanders, an emergency tax on the increase of wealth of American billionaires during the COVID-19 pandemic in order to pay for all out of pocket healthcare expenses of the uninsured and under-insured, including prescription drugs, for one year.

08/18/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200954 [Urging the San Francisco Giants to Support Ballpark Workers]

Sponsors: Haney; Walton, Preston, Ronen, Safai, Mar, Yee, Mandelman and Peskin

Resolution supporting ballpark workers who are now unemployed due to COVID-19, and the unreasonable response by billionaire owners of the San Francisco Giants, who are unwilling to negotiate in good faith to support the well-being and future ballpark workers during this global pandemic.

08/18/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200955 [Urging the Association of Bay Area Governments in the Regional Housing Needs Allocation Process to Focus on Unmet Needs for Affordable Housing]

Sponsors: Mar; Ronen, Walton, Preston, Fewer, Mandelman and Peskin

Resolution urging the Association of Bay Area Governments in its upcoming Regional Housing Needs Allocation (RHNA) Process to focus on San Francisco's unmet needs for housing affordable to low- and moderate-income residents, and to maintain the current RHNA allocation level of above-moderate housing in San Francisco.

08/18/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200956 [Resolution of Intention - Disestablishment - Top of Broadway Community Benefit District - Annual Report FY2018-2019]**Sponsor: Peskin**

Resolution declaring the intention of the Board of Supervisors to receive and approve a final annual report for the property-based business improvement district (community benefit district) known as the "Top of Broadway Community Benefit District" for Fiscal Year 2018-2019, to disestablish the District, and to remove a multi-year assessment on all parcels in the District; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on November 17, 2020, at 3:00 p.m., on the proposed disestablishment; approving the form of the Notice of Public Hearing; and directing environmental findings.

08/18/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

200959 [Resolution of Intention - Renewal and Expansion - Fisherman's Wharf Portside Community Benefit District]**Sponsor: Peskin**

Resolution declaring the intention of the Board of Supervisors to renew and expand a business-based business improvement district known as the "Fisherman's Wharf Portside Community Benefit District" and levy a multi-year assessment on identified businesses in the district; approving the management district plan and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on November 17, 2020, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballots; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing as required by law.

08/18/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

200962 [Declaring Support for Urgent Funding for the United States Postal Service - Urging the United States Postal Service to Maintain Longstanding Delivery Standards and Services]**Sponsors: Stefani; Walton, Fewer, Preston, Safai, Yee, Mandelman, Peskin, Ronen and Haney**

Resolution declaring the City and County of San Francisco's support for urgent funding for the United States Postal Service in light of the coronavirus pandemic; and urging the Postal Service to maintain their longstanding delivery standards and services to ensure the well-being of our nation's democracy.

08/18/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200963 [Commemorating the 100th Anniversary of the Ratification of the 19th Amendment]
Sponsors: Stefani; Ronen, Fewer, Walton, Safai, Yee, Mandelman, Preston, Peskin and Haney

Resolution commemorating the 100th Anniversary of the ratification of the 19th Amendment, extending the right to vote to women in the United States.

08/18/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200964 [Supporting California State Assembly Bill No. 2088 (Bonta) - Wealth Tax]**Sponsors: Walton; Haney, Ronen, Preston, Fewer, Mar, Mandelman and Yee**

Resolution supporting California State Assembly Bill No. 2088, the Wealth Tax, authored by Assembly Member Rob Bonta, and co-authored by Assembly Members Wendy Carrillo, David Chiu, Lorena Gonzalez, Ash Kalra, Miguel Santiago, Mark Stone, Phil Ting, and Buffy Wicks, to impose an annual tax at a rate of 0.4% of a California resident's net worth in excess of \$30,000,000, or in excess of \$15,000,000 in the case of a married taxpayer filing separately.

08/18/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200965 [Real Property Lease - Twin Peaks Petroleum, Inc. - 598 Portola Drive - \$200,200 Per Year Base Rent]**Sponsor: Yee**

Resolution authorizing the lease of real property located at 598 Portola Drive with Twin Peaks Petroleum, Inc., a California corporation, doing business as Twin Peaks Auto Care, successor-in-interest to Michael Gharib, for an initial 25-year term at a base rent of \$200,200 per year with annual adjustments of three percent, with one five-year option to extend, to commence upon approval by the Board of Supervisors and Mayor, in their respective sole and absolute discretion. (Real Estate Department)
(Fiscal Impact)

08/18/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCE**200896 [Administrative Code - Debarment and Suspension of City Contractors]**

Ordinance amending Administrative Code, Chapter 28 to add a Contractor's prohibited provision of gifts or money to a public official as an express ground for debarment and revising debarment procedures; to amend the definition of "Contractor" by expressly including grant applicants and grantees in the defined term; and to add provisions authorizing suspension of a Contractor from participating in the procurement process for entering into City contracts or applying for grants if the Contractor is the subject of a criminal or civil charge brought by a government agency against the Contractor alleging that the Contractor committed a violation of any civil or criminal law or regulation against any government entity relevant to the Contractor's ability or capacity honestly to perform under or comply with the terms and conditions of a City contract, including but not limited to the grounds for debarment set forth in Chapter 28. (City Attorney)

08/10/20; RECEIVED FROM DEPARTMENT.

08/18/20; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 9/17/2020.

PROPOSED RESOLUTIONS

200895 [Settlement of Unlitigated Claim - Richard I. Klein and Janice T. Low - \$103,786.91]

Resolution approving the settlement of the unlitigated claim filed by Richard I. Klein and Janice T. Low against the City and County of San Francisco for \$103,786.91; the claim was filed on December 21, 2019; the claim involves a cast iron water main break that caused flooding to the property. (City Attorney)

08/05/20; RECEIVED FROM DEPARTMENT.

08/18/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

200897 [Grant Agreement Amendment - Retroactive - Self-Help for the Elderly - Nutrition Programs Services - Not to Exceed \$11,318,142]

Resolution retroactively approving an expedited grant amendment between the City and County of San Francisco and Self-Help for the Elderly, for the administration of nutrition programs, to extend the grant agreement to December 31, 2020, and to increase the grant amount by \$1,625,577 for a total not to exceed amount of \$11,318,142 to commence on July 1, 2020. (Human Services Agency)

(Fiscal Impact)

08/10/20; RECEIVED FROM DEPARTMENT.

08/18/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200898 [Grant Agreement Amendment - Retroactive - Meals on Wheels of San Francisco - Nutrition Programs Services - Not to Exceed \$28,675,035]

Resolution retroactively approving an expedited grant amendment between the City and County of San Francisco and Meals on Wheels of San Francisco, for the administration of nutrition programs, to extend the grant agreement to December 31, 2020, and to increase the grant amount by \$2,447,467 for a total not to exceed amount of \$28,675,035 to commence on July 1, 2020.

(Human Services Agency)

(Fiscal Impact)

08/10/20; RECEIVED FROM DEPARTMENT.

08/18/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

Cheryl Lazar - Supervisor Mandelman

Ronnie Goodman - Supervisor Mandelman

Hadley Dale Hall - Supervisor Mandelman

Florence Asuncion Vaquillar Noguera - Supervisor Safai

Norman Harry - Supervisor Peskin

Katherine Munter - Supervisor Peskin

James Fang - Supervisor Peskin & President Yee

ADJOURNMENT

There being no further business, the Board adjourned at the hour 11:03 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 September 29, 2020.

Angela Calvillo, Clerk of the Board