

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 14, 2020 - 2:00 PM

Held via Videoconference
(remote public access provided)
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 10:00 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

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 on Tuesday, April 14, 2020, with President Norman Yee presiding.

President Yee called the meeting to order at 2:01 p.m.

Remote Access to Information and Participation

In accordance with Governor Gavin Newsom's statewide order for all residents to "Stay at Home" - and the numerous preceding local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment; therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

As the COVID-19 disease progresses, please visit the Board's website regularly to be updated on the current situation as it affects the legislative process and the Board of Supervisors.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisor Preston was noted not present (off-line) due to technical difficulties.

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 "1-0" 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 US Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

EMERGENCY OPERATIONS CENTER (EOC) REPORT

Supervisor Fewer, as the current lead for the Board Liaison Team, provided an update on the EOC and the shift her office took to cover this past week. The City's current priority has been moving vulnerable populations into alternative housing sites, scaling up those sites through a bidding process with hotels, going live with a comprehensive data tracker at the Department of Public Health website, creating a food security program accessible through 311, and containing the spread of the virus. All holiday celebrations continue to be cancelled, including 4/20. As of Monday, San Francisco had 696 confirmed cases of COVID-19 and 12 deaths; today there are 987 cases and 15 deaths. Due to the decisive, early action taken by Bay Area public health officials, our total number of confirmed cases has grown at a far slower pace than other large metropolitan areas across the country. Testing is made available for first responders and 300-500 tests are being done every day. San Francisco's first significant outbreak occurred in a congregate living facility this week with over 80 confirmed cases among residents and ten confirmed cases among staff at the MSC South Homeless Center.

A second phase to increase alternative housing sites, which is a priority, is being planned to move a significant number of people off the streets and into hotel rooms. There are currently 1,754 rooms available at eight hotel sites, with over 400 rooms at four secured sites that are being prepared, and nine additional hotel sites in negotiation.

Supervisor Preston was noted present (on-line) at 2:11 p.m.

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Member of the Board had any corrections to the February 25, 2020, or March 3, 2020, Board Meeting Minutes. There were no corrections requested from any Member of the Board.

Supervisor Walton, seconded by Supervisor Peskin, moved to approve the February 25, 2020, and March 3, 2020, Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

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

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

Supervisor Walton, seconded by Supervisor Peskin, moved to approve the February 25, 2020, and March 3, 2020, Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

There were no questions submitted from the eligible Supervisors representing Districts 9, 10, or 11. Mayor London N. Breed thanked the many City employees who are working as disaster service workers and completing other essential tasks to address the challenges of the community during this health emergency, and the Board of Supervisors for their partnership and efforts. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

200175 [Settlement of Lawsuit - Juan Ortiz - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Juan Ortiz against the City and County of San Francisco for \$125,000; the lawsuit was filed on January 2, 2019, in United States District Court, Case No. 18-cv-07727 HSG; entitled Juan Ortiz v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

FINALLY PASSED

200176 [Settlement of Lawsuit - Erlinda Barahona and Saul Barahona - \$615,000]

Ordinance authorizing settlement of the lawsuit filed by Erlinda Barahona and Saul Barahona against the City and County of San Francisco for \$615,000; the lawsuit was filed on December 18, 2018, in San Francisco Superior Court, Case No. CGC-18-572183; entitled Erlinda Barahona, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from collision with City vehicle. (City Attorney)

FINALLY PASSED

200177 [Settlement of Lawsuit - Nancy Barsotti, et al. - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Nancy Barsotti, Martin Beltran, Desmond Cotter, David Dawley, Paul Gallegos, Alan Harvey, Warren House, Ricky Hui, Tomie Ann Kato, James Kimball, Barry Lo, Colin Mackenzie, David Maxon, Mark Nicholas, Michael Orlando, George Petty III, Romelia Scott, Ellen Stein, and Richard Stevens against the City and County of San Francisco for \$190,000; the lawsuit was filed on February 6, 2014, in the Superior Court of California - County of San Francisco, Case No. CGC-14-537224; entitled Nancy Barsotti, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

191150 [Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines]

Sponsors: Yee; Mandelman

Ordinance amending the Building Code to extend for the time for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, to extend the period for granting extensions from those deadlines, and to extend the time for the Department of Building Inspection's Report to the Board of Supervisors.

FINALLY PASSED

200077 [Planning, Various Codes - Technical Corrections]

Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections, and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; 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. (Planning Commission)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

President Yee requested File Nos. 200217, 200174, 200039, and 200040 be called together.

200217 [Ground Lease - California Barrel Company LLC - Potrero Power Station Mixed-Use Project - \$1 Annual Base Rent]

Sponsors: Mayor; Walton

Resolution approving a Ground Lease between the City, acting by and through the Port Commission, and California Barrel Company LLC, for approximately 1.6 acres of shoreline property adjacent to the Potrero Power Station site generally bounded by 22nd Street to the north, the San Francisco Bay to the east, 23rd Street to the south, and Illinois Street to the west, for publicly-accessible open space for a term of 66 years at an annual base rent of \$1; and adopting findings under the California Environmental Quality Act.

(Fiscal Impact)

ADOPTED by the following vote:

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

NEW BUSINESS

Recommendation of the Budget and Finance Committee

200212 [Accept and Expend Grant and Amend the Annual Salary Ordinance - Retroactive - Regional Catastrophic Preparedness Grant Program - United States Homeland Security - \$1,406,550]

Sponsor: Mayor

Ordinance retroactively authorizing the Department of Emergency Management, as a fiscal agent for the Bay Area Urban Areas Security Initiative, to accept and expend a grant in the amount of \$1,406,550 from the United States Department of Homeland Security for the Regional Catastrophic Preparedness Grant Program for the period of October 1, 2019, through June 30, 2020; and amending Ordinance No. 170-19 (Annual Salary Ordinance, File No. 190620 for FYs 2019-2020 and 2020-2021) to provide for the addition of two grant-funded part-time positions in Class 0931 Manager III (.30 FTE) and Class 1823 Senior Administrative Analyst (.75 FTE).

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Transportation Committee

191285 [Planning Code - Lot Mergers, Neighborhood Notice, and Zoning Controls]

Sponsor: Yee

Ordinance amending the Planning Code to require consideration of smaller commercial spaces when creating large lots, limiting lot frontages to 50 feet on Ocean Avenue, creating an exception from neighborhood notices for certain uses in the Ocean Avenue Neighborhood Commercial Transit District, and adding Arts Activity as a use to the Ocean Avenue Neighborhood Commercial Transit District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Supervisor Ronen, seconded by Supervisor Mandelman, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 14, by adding '145.4', and Line 24, by striking 'commercial' and adding 'Non-Residential'; on Page 3, Line 1, by adding 'gross'; on Page 4, Lines 5-6, by adding 'projects that propose lot', and Line 6, by striking 'of lots' and adding 'resulting in street frontages'; and on Page 7, Lines 4-5, by adding '(5) In the Ocean Avenue NCT, shall include Arts Activities, Nighttime Entertainment, and Institutional Community Uses, as those uses are defined in Section 102.' The motion carried by the following vote:

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

PASSED ON FIRST READING AS AMENDED by the following vote:

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

200147 [Urging the Municipal Transportation Agency to Refrain from Any Muni Fare Increases]

Sponsors: Preston; Haney, Walton, Mar, Safai and Ronen

Resolution urging the Municipal Transportation Agency to refrain from any Muni fare increases for the FY2021-2022 budget.

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

ADOPTED by the following vote:

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

Noes: 1 - Mandelman

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

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

200036 [Hearing - Committee of the Whole - Findings and Recommendations of Law Enforcement Staffing Numbers - April 14, 2020, at 3:00 p.m.]

Sponsor: Yee

Hearing of the Board of Supervisors sitting as a Committee of the Whole on April 14, 2020, at 3:00 p.m., for the Members of the Board of Supervisors to hear and receive specific findings and recommendations regarding police staffing citywide; scheduled pursuant to Motion No. M20-004, approved January 14, 2020; and requesting the Police Department, Controller, and the Budget and Legislative Analyst to report.

President Yee opened the public hearing and indicated a motion would be made to continue this hearing to a later date, to be determined after the health emergency is over. The President then inquired as to whether any member of the public wished to address the Board relating to the proposed continuance. There were no speakers. The President closed public comment on the continuance.

Supervisor Mandelman, seconded by Supervisor Ronen, moved that this Hearing be CONTINUED to a later date, to be determined, after the health emergency has ended. The motion carried by the following vote:

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

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200103, 200104, 200105, and 200106 be called together.

200103 [Hearing - Appeal of Determination of Exemption From Environmental Review - 1531-1581 Howard Street and 118-134 Kissling Street]

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 December 24, 2019, for the proposed project at 1531-1581 Howard Street and 118-134 Kissling Street, Assessor's Parcel Block No. 3516, to reconfigure an existing motor vehicle repair operation by converting approximately 9,691 square feet of existing surface vehicle storage on Lot Nos. 56 and 64 to four-level parking stackers; converting approximately 8,069 square feet of existing surface vehicle storage on Lot Nos. 39, 40, 41, and 42 to four-level parking stackers, and constructing an approximately 1,283-gross-square-foot car wash on Lot No. 64; install metal screening on portions of the Kissling Street frontage and on portions of the Howard Street frontage; reduce the existing 42-foot-wide curb cut on the Howard Street frontage to approximately 29 feet wide and remove the existing curb cut on the Kissling Street frontage; and amending the Zoning Map by changing the zoning district for Lot Nos. 39, 40, 41, and 42 at the project site from RED (Resident Enclave) to RED-MX (Residential Enclave-Mixed). (District 6) (Appellant: Stephen Williams of the Law Office of Stephen M. Williams, on behalf of William Hedden) (Filed January 23, 2020) (Clerk of the Board)

President Yee opened the public hearing and Supervisor Haney provided opening remarks. The President indicated a motion would be made to continue this appeal hearing and the associated motions to a later date, to be determined after the health emergency is over. The President then inquired as to whether any member of the public wished to address the Board relating to the proposed continuance. There were no speakers. The President closed public comment on the continuance.

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to a later date, to be determined, after the health emergency has ended. The motion carried by the following vote:

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

200104 [Affirming the Categorical Exemption Determination - 1531-1581 Howard Street and 118-134 Kissling Street]

Motion affirming the determination by the Planning Department that the proposed 1531-1581 Howard Street and 118-134 Kissling Street Project is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Motion be CONTINUED to a later date, to be determined, after the health emergency has ended. The motion carried by the following vote:

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

200105 [Conditionally Reversing the Categorical Exemption Determination - 1531-1581 Howard Street and 118-134 Kissling Street]

Motion conditionally reversing the determination by the Planning Department that the proposed 1531-1581 Howard Street and 118-134 Kissling Street Project 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 Haney, seconded by Supervisor Mandelman, moved that this Motion be CONTINUED to a later date, to be determined, after the health emergency has ended. The motion carried by the following vote:

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

200106 [Preparation of Findings to Reverse the Categorical Exemption Determination - 1531-1581 Howard Street and 118-134 Kissling Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed 1531-1581 Howard Street and 118-134 Kissling Street Project is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Motion be CONTINUED to a later date, to be determined, after the health emergency has ended. 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. 200119, 200120, 200121, 200122, 200123, 200124, and 200125 be called together.

Board of Supervisors Sitting as a Committee of the Whole

200119 [Hearing - Committee of the Whole - Special Tax District No. 2020-1 (Mission Rock Facilities and Services) - April 14, 2020, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on April 14, 2020, at 3:00 p.m., to hold a public hearing to consider the following legislation to form Special Tax District No. 2020-1 (Mission Rock Facilities and Services); a Resolution proposing the formation of the Special Tax District No. 2020-1 (Mission Rock Facilities and Services) and a future annexation area (File No. 200120); a Resolution determining necessity to incur bonded indebtedness and other debt in an aggregate principal amount not to exceed \$ 3,700,000,000 (File No. 200121); a Resolution calling a special election for the Special Tax District No. 2020-1 (File No. 200122); a Resolution declaring the results of the special election (File No. 200123); a Resolution authorizing and ratifying issuance of bonded indebtedness and other debt in an aggregate principal amount not to exceed \$3,700,000,000 (File No. 200124); and an Ordinance levying Special Taxes for the Special Tax District No. 2020-1 (File No. 200125); scheduled pursuant to Resolution No. 84-20 (File No. 200117), adopted on February 25, 2020; continued on April 7, 2020. (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any member of the public wished to address the Committee of the Whole regarding the formation of Special Tax District No. 2020-1 (Mission Rock Facilities and Services). Wyatt Donnelly-Landolt and Rebecca Benassini (Port of San Francisco); Ben Rosenfield, Controller (Office of the City Controller); and Anne Pearson (Office of the City Attorney) provided an overview of the proposed special tax district and responded to questions raised throughout the discussion. David Bussey; spoke on various concerns regarding the proposed special tax district. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

200120 [Resolution of Formation - Special Tax District No. 2020-1 (Mission Rock Facilities and Services)]

Sponsor: Mayor

Resolution of formation of the City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services) and a future annexation area; determining other matters in connection therewith, as defined herein; and making findings under the California Environmental Quality Act.

ADOPTED by the following vote:

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

200121 [Determining Necessity to Incur Bonded Indebtedness and Other Debt - Special Tax District No. 2020-1 (Mission Rock Facilities and Services) - Not to Exceed \$3,700,000,000]

Sponsor: Mayor

Resolution determining the necessity to incur bonded indebtedness and other debt in an aggregate principal amount not to exceed \$3,700,000,000 for the City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services); and determining other matters in connection therewith, as defined herein.

ADOPTED by the following vote:

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

200122 [Calling Special Election - Special Tax District No. 2020-1 (Mission Rock Facilities and Services)]

Sponsor: Mayor

Resolution calling a special election in the City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services); and determining other matters in connection therewith, as defined herein.

ADOPTED by the following vote:

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

200123 [Declaring Results of Special Election - Special Tax District No. 2020-1 (Mission Rock Facilities and Services)]

Sponsor: Mayor

Resolution declaring the results of the special election and directing recordation of the notice of special tax lien for the City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services); and determining other matters in connection therewith, as defined herein.

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of April 28, 2020. The motion carried by the following vote:

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

200124 [Authorizing and Ratifying Issuance of Bonded Indebtedness and Other Debt - Special Tax District No. 2020-1 (Mission Rock Facilities and Services) - Not to Exceed \$3,700,000,000]

Sponsor: Mayor

Resolution authorizing and ratifying the issuance and sale of bonded indebtedness and other debt in an aggregate principal amount not to exceed \$3,700,000,000 for the City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services); and determining other matters in connection therewith, as defined herein.

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of April 28, 2020. The motion carried by the following vote:

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

200125 [Levying Special Taxes - Special Tax District No. 2020-1 (Mission Rock Facilities and Services)]**Sponsor: Mayor**

Ordinance levying special taxes within the City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services).

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of April 28, 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 Budget and Finance Committee

200363 [Emergency Ordinance - Limiting COVID-19 Impacts through Safe Shelter Options]**Sponsors: Ronen; Haney, Preston, Peskin, Walton and Mar**

Emergency ordinance to require the City to secure 8,250 private rooms by April 26, 2020, through service agreements with hotels and motels for use as temporary quarantine facilities for people currently experiencing homelessness, people released from local hospitals with COVID-19 exposure or infection, and front-line workers in the COVID-19 crisis; waive the requirement under Charter, Section 9.118, that the Board of Supervisors approve the service agreements for private rooms; require daily reporting to the Board of Supervisors on the City's progress in procuring and providing the needed rooms; require congregate care facilities for the homeless to comply with social distancing practices and implement COVID-19 screening protocols; and direct the City to use best efforts to enable people leaving congregate care facilities for temporary rooms provided by the City to subsequently return to congregate care facilities.

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

(Fiscal Impact)

Supervisor Mandelman, seconded by Supervisor Stefani, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Line 19, by adding 'to the extent such data is available to the City'. The motion carried by the following vote:

Ayes: 9 - Fewer, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Yee

Noes: 2 - Haney, Walton

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

(Fiscal Impact)

FINALLY PASSED AS AMENDED by the following vote:

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

Referred Without Recommendation from the Land Use and Transportation Committee

191002 [Planning Code - Geary-Masonic Special Use District]

Sponsor: Stefani

Ordinance amending the Planning Code to modify the Geary-Masonic Special Use District regarding minimum parking requirements, ground floor ceiling heights, and to allow payment of an inclusionary housing fee; 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 convenience, necessity, and welfare under Planning Code, Section 302.

Supervisor Preston, seconded by Supervisor Ronen, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of April 21, 2020. The motion FAILED by the following vote:

Ayes: 4 - Haney, Preston, Ronen, Walton

Noes: 7 - Fewer, Mandelman, Mar, Peskin, Safai, Stefani, Yee

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Preston

Recommendations of the Land Use and Transportation Committee

200174 [General Plan - Potrero Power Station Mixed-Use Project]

Ordinance amending the General Plan to revise the Central Waterfront Plan, the Commerce and Industry Element, the Recreation and Open Space Element, the Transportation Element, the Urban Design Element, and the Land Use Index, to reflect the Potrero Power Station Mixed-Use Project; 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

PASSED ON FIRST READING by the following vote:

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

200039 [Planning Code, Zoning Map - Potrero Power Station Special Use District]

Sponsors: Mayor; Walton

Ordinance amending the Planning Code and Zoning Map to establish the Potrero Power Station Special Use District, generally bound by 22nd Street and the southern portion of the newly created Craig Lane to the north, the San Francisco Bay to the east, 23rd Street to the south, and Illinois Street to the west; and making findings under the California Environmental Quality Act, findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

200040 [Development Agreement - California Barrel Company LLC - Potrero Power Station Mixed-Use Project]**Sponsors: Mayor; Walton**

Ordinance approving a Development Agreement between the City and County of San Francisco and California Barrel Company LLC, a California limited liability company, for the Potrero Power Station Mixed-Use Project at the approximately 29-acre site generally bounded by 22nd Street to the north, the San Francisco Bay to the east, 23rd Street to the south, and Illinois Street to the west, in the southeast part of San Francisco, with various public benefits, including 30% affordable housing and approximately 6.9 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); making public trust findings in accordance with the approval of a ground lease of Port-owned land; approving specific development impact fees and waiving any conflicting provisions in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Chapters 14B, 23, 56, 82, and 99, Planning Code, Sections 169 and 138.1, Public Works Code, Section 806(d), and Subdivision Code, Section 1348; and ratifying certain actions taken in connection therewith, as defined herein.
(Economic Impact)

PASSED ON FIRST READING by the following vote:

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

Although President Yee requested File Nos. 200086 and 200087 be called together, Supervisor Mandelman requested the matters be taken separately.

200086 [Planning Code, Zoning Map - Bayview Industrial Triangle Redevelopment Area Rezoning]**Sponsor: Walton**

Ordinance amending the Planning Code by amending the Zoning Map to change the use classification of certain parcels in the Bayview Industrial Redevelopment Project Area (Project Area) from M-1 (Light Industrial) and NC-3 (Moderate-Scale Neighborhood Commercial) to PDR-1-G (General Production, Distribution, and Repair) and NCT-3 (Moderate-Scale Neighborhood Commercial Transit) Districts, and to change the height and bulk classification of certain parcels in the Project Area from 40-X to 65-X; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

200087 [Planning Code, Zoning Map - Bayview Industrial Triangle Cannabis Restricted Use District]**Sponsor: Walton**

Ordinance amending the Planning Code and Zoning Map to create the Bayview Industrial Triangle Cannabis Restricted Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

Noes: 1 - Mandelman

Recommendation of the Rules Committee

200355 [Emergency Ordinance - Public Health Emergency Leave]

Sponsors: Mar; Haney, Ronen, Walton, Safai and Preston

Emergency ordinance 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.)

Supervisors Safai and Preston requested to be added as co-sponsors.

Supervisor Mar, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by revising the definition of ‘employee’ to remove the requirement of minimum hours worked to be eligible for leave, and to clarify that workers are assumed to be employees until demonstrated otherwise; revising Subsection 4(a) to clarify the number of hours of leave an employee is eligible for; revising Subsection 5(b) to narrow the eligible use of leave for healthcare providers to address concerns on staffing levels and narrow the definition of which healthcare providers are able to give this advice; and revising Subsection 5(c) to clarify the payout sequence for part time workers so they can be paid leave in accordance with the number of hours worked per week. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

FINALLY PASSED AS AMENDED 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

*Williams; shared concerns regarding COVID-19 and the City's handling of the health emergency.
Mark Ross; shared concerns regarding COVID-19 and how to protect those with mental health issues.*

*Super Girl; shared concerns regarding COVID-19 and how it is affecting the homeless population.
Peter Warfield; shared concerns regarding COVID-19, overcrowding on buses due to the reduction of lines, and the need to extend library hours.*

Anastasia Anapolis; expressed support of the action being taken on the Resolution urging passage of state legislation prohibiting foreclosures and evictions (File No. 200345).

Guy Vandenberg; shared concerns regarding COVID-19 and the need to mobilize disaster service workers.

Francisco Da Costa; shared concerns regarding COVID-19 and the City's handling of the health emergency.

Linda Chapman; shared concerns regarding COVID-19 and the City's handling of the health emergency.

Michael Petrelis; shared concerns regarding COVID-19 and the need for the US House of Representatives to resume business, to open streets to pedestrians, schedule public comment at the beginning of the meeting, Roll Call for Introduction time limits, and the additional testing.

John McCormick; shared concerns regarding COVID-19 and the need to test SRO residents.

Melissa Hernandez; expressed support of the newly introduced legislation to close the jail.

Jennifer Siswandi; shared concerns regarding COVID-19, the homeless shelters, and the need for additional testing.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

200358 [Final Map 10140 - 1010 Stanyan Street, 1022 Stanyan Street, and 199 Carl Street]

Motion approving Final Map 10140, a four unit residential condominium project within Lot No. 035, located at 1010 Stanyan Street, 1022 Stanyan Street, and 199 Carl Street, being a merger and re-subdivision of Assessor's Parcel Block No. 1273, Lot Nos. 034 through 036; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M20-048

APPROVED 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 Haney requested that File No. 200321 be severed so that it may be considered separately.

200321 [Urging State and Federal Funding - San Francisco Bay Area Rapid Transit District and Municipal Transportation Agency]

Sponsors: Haney; Preston, Walton and Mandelman

Resolution urging state and federal emergency funding for the San Francisco Bay Area Rapid Transit District (BART) and the San Francisco Municipal Transportation Agency (MTA) to remain operational in light of operational and budget declines due to COVID-19; and affirming the role that BART and MTA play in transporting people to essential activities.

Supervisor Haney, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 3, by adding ‘continued’, striking ‘emergency’, and adding ‘and regulatory relief’; on Page 2, Lines 16-18, by adding ‘WHEREAS, Essential workers that rely on BART for late night trips have been severely impacted by the reduction in BART’s night service and would benefit from a subsidized taxi program supporting those important workers; and’, Line 19, by striking ‘70%’ and adding ‘90%’, and Lines 21-24, striking ‘MTA is experiencing revenue losses over \$10M per week from fare loss, parking meters, parking citations, and parking garages’ and adding ‘MTA anticipates the combination of losses from fare revenue, parking revenue, and declining City sales tax revenue will be approximately \$180-\$260 million through the end of Fiscal Year 2020’; on Page 3, Lines 1-5, by striking ‘decide to sustain service at Sunday levels only, which means less frequent buses and other service reductions express buses headed downtown are cancelled’ and adding ‘decide to reduce operations to a core network service of their 17 most used lines, focused on attempting to serve San Francisco’s medical facilities and on equity’, Line 6, by striking ‘are in’ and ‘of’ and adding ‘long-term’, Lines 6-7, by striking ‘these transit operating’ and adding ‘expected continued transit operating’, Line 8, by striking ‘continued’ and adding ‘and after’, and Lines 20-23, by adding ‘WHEREAS, H.R. 748, the CARES Act, dedicated \$25 billion to provide emergency financial relief to public transit agencies nationwide, of which The Bay Area will receive \$1.3 billion in funding that will be disbursed to local transit operators by the Metropolitan Transportation Commission and address immediate, emergency needs; and’; and on Page 4, Lines 2-3, by striking ‘emergency’ and adding ‘continued long-term’, and adding ‘focused on equity for transit-dependent riders, in addition to emergency relief funding’, Line 4, by adding ‘to continue operations at appropriate levels’, Line 6, by striking ‘quickly’ and adding ‘additional’, Line 12, by striking ‘appropriations and’, and adding ‘State and Federal grant’, and Lines 12-16, by striking ‘including but not limited to: 1) Amending the Public Transportation Emergency Relief Program to include public health emergencies; 2) Temporarily removing the local match requirement in State of Good Repair Grants; and 3) Increasing the Urbanized Area Formula Program appropriation to account for national reductions in transit fare revenues’. The motion carried by the following vote:

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, Yee
Resolution urging continued state and federal funding and regulatory relief for the San Francisco Bay Area Rapid Transit District (BART) and the San Francisco Municipal Transportation Agency (MTA) to remain operational in light of operational and budget declines due to COVID-19; and affirming the role that BART and MTA play in transporting people to essential activities.

ADOPTED AS AMENDED by the following vote:

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

200345 [Urging Immediate Passage of California State Assembly Bill No. 828 (Ting) and Senate Bill No. 939 (Wiener, Gonzalez) - Eviction and Foreclosure Moratoriums for Residential and Commercial Tenants During the COVID-19 State of Emergency]

Sponsors: Mandelman; Walton, Yee, Safai and Haney

Resolution urging the State Legislature to immediately pass State Assembly Bill No. 828 as proposed to be amended, authored by Assembly Member Phil Ting, and Senate Bill No. 939, authored by California State Senators Scott Wiener and Lena Gonzalez, to prohibit foreclosures and the eviction of residential and commercial tenants during the state of emergency related to the COVID-19 pandemic.

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

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

200367 [Jack and Jane Morrison Day - April 17, 2020]

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

Resolution celebrating Jane Morrison on the occasion of her 100th birthday, and declaring April 17, 2020, as Jack and Jane Morrison Day in the City and County of San Francisco.

Supervisors Preston, Peskin, Fewer, and Ronen requested to be added as co-sponsors.

ADOPTED by the following vote:

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

Supervisor Safai requested that File No. 200368 be severed so that it may be considered separately.

200368 [Urging the Governor to Expedite the Procurement, Production, and Disbursement of Personal Protective Equipment and Ventilators]

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

Resolution urging California State Governor Gavin Newsom to expedite the procurement, production, and disbursement of personal protective equipment and ventilators in the State of California.

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

ADOPTED by the following vote:

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

Supervisor Peskin requested that File No. 200369 be severed so that it may be considered separately.

200369 [Concurring in Actions to Meet Local Emergency - Coronavirus Response]

Sponsor: Yee

Motion concurring in actions taken by the Mayor on April 1, 2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic declared on February 25, 2020.

Motion No. M20-049

APPROVED 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.

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.

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 RESOLUTIONS

200356 [Airport Professional Services Agreement - T1 Partners - Program Management Support Services for the Terminal 1/Boarding Area B Redevelopment Program - Further Modifications Not to Exceed \$38,000,000]

Resolution approving Modification No. 14 to Airport Contract No. 9185.9, Program Management Support Services for the San Francisco International Airport, Terminal 1/Boarding Area B Redevelopment Program, with T1 Partners, a Joint Venture consisting of The Allen Group, LLC, and EPC Consultants, Inc., to increase the Contract amount by \$6,000,000 for a new not to exceed amount of \$38,000,000 for services, and extending the term through July 7, 2023 to commence following Board approval, pursuant to Charter, Section 9.118(b). (Airport Commission)

04/02/20; RECEIVED FROM DEPARTMENT.

04/14/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200357 [Grant Agreement - Homebridge, Inc. - Contract Mode In-Home Supportive Services - Not to Exceed \$144,160,580]

Resolution authorizing the Executive Director of the Human Services Agency to execute a Grant Agreement between the City and County of San Francisco, acting by and through its Human Services Agency, and Homebridge, Inc., for the provision of contract mode in-home supportive services for the period of July 1, 2020, to June 30, 2025, in the amount of \$144,160,580. (Human Services Agency)

04/03/20; RECEIVED FROM DEPARTMENT.

04/14/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 7:15 p.m.