

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, November 17, 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, November 17, 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: bos@sfgov.org; all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. 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, Ronen, Safai, Stefani, Walton, and Yee were noted present.

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

Supervisor Preston was noted present at 2:09 p.m.

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

201009 [Business and Tax Regulations Code - Temporary Suspension of Cannabis Business Tax, and Tax Reduction]

Sponsor: Mandelman

Ordinance amending the Business and Tax Regulations Code to suspend the imposition of the Cannabis Business Tax through December 31, 2021; beginning January 1, 2022, to increase the exemption of gross receipts attributable to the City from cannabis business activities, from the first \$500,000 to the first \$1,000,000; and also beginning January 1, 2022, to increase the upper range of gross receipts attributable to the City from cannabis business activities subject to the 2.5% tax rate on gross receipts from retail sales and the 1% tax rate on gross receipts from other than retail sales, from \$1,000,000 to \$1,500,000.

(Fiscal Impact)

FINALLY PASSED

201085 [Appropriation - General Obligation Bond Proceeds - Public Health and Safety Series 2020D - DPH and DPW - \$126,925,000 - Affordable Housing Series 2020C - MOHCD - \$260,000,000 - Affordable Housing Series 2020F - MOHCD - \$102,580,000 - FY2020-2021]

Sponsor: Mayor

Ordinance appropriating \$126,925,000 of Series 2020D Public Health and Safety General Obligation Bond Proceeds to the Department of Public Health (DPH) and Department of Public Works (DPW) in Fiscal Year (FY) 2020-2021 for facility upgrades in Zuckerberg San Francisco General Hospital, Southeast and other community health centers and neighborhood fire stations; \$260,000,000 of Series 2020C Affordable Housing General Obligation Bond Proceeds to the Mayor's Office of Housing and Community Development (MOHCD) for public, low-income, preservation and middle-income, and senior housing projects; \$102,580,000 of Series 2020F Affordable Housing, Preservation and Seismic Safety General Obligation Bond to MOHCD for preservation and seismic safety projects, and placing these funds on Controller's Reserve pending sale of the bonds.

(Fiscal Impact)

FINALLY PASSED

201163 [Amendments to Port Leases - Forgive Tenant Rent During COVID-19 Pandemic]

Sponsor: Ronen

Ordinance authorizing the Port Commission to amend certain leases under the Port's Rent Forgiveness Program with nonresidential tenants without Board of Supervisors approval under Charter, Section 9.118, and waiving Administrative Code and Environment Code requirements enacted after the most recent modification of each lease for lease amendments under the Port's Rent Forgiveness Program, in order to allow for expeditious rent forgiveness necessitated by Port tenants' financial hardships caused by the public health emergency related to the COVID-19 pandemic. (Port)

(Fiscal Impact)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

200761 [Administrative Code - Workforce Education and Recovery Fund]

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

Ordinance amending the Administrative Code to establish the Workforce Education and Recovery Fund.

FINALLY PASSED

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)

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee**201033 [Planning Code - Landmark Designation - "History of Medicine in California" Frescoes - Toland Hall Auditorium in UC Hall, 533 Parnassus Avenue]**

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

Ordinance amending the Planning Code to designate the "History of Medicine in California" frescoes in Toland Hall auditorium in UC Hall, 533 Parnassus Avenue ("History of Medicine in California" frescoes), Assessor's Parcel Block No. 2634A, Lot No. 011, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

FINALLY PASSED

201056 [Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic]

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

Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.

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

201193 [Standard Agreement - California Department of Housing and Community Development - Homekey Grant - Permanent Supportive Housing - Tourist Hotel at 440 Geary Street - Not to Exceed \$30,000,000]

Sponsors: Mayor; Peskin

Resolution authorizing the Department of Homelessness and Supportive Housing (HSH) to execute a Standard Agreement and Homekey Documents for up to \$30,000,000 of Homekey grant funds from the California Department of Housing and Community Development to Episcopal Community Services for the acquisition of a 130-room tourist hotel located at 440 Geary Street (Assessor's Parcel Block No. 0306, Lot No. 007) for use as proposed future permanent supportive housing; approving and authorizing HSH to commit approximately \$27,473,340 in City funds to satisfy local match and operational subsidy requirements for five years, to commence following Board approval and upon the final award; and affirming the Planning Department's determination under the California Environmental Quality Act. (Department of Homelessness and Supportive Housing)

(Fiscal Impact)

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

ADOPTED by the following vote:

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

Recommendation of the Land Use and Transportation Committee

200701 [Building Code, Environment Code - Mandating New Construction Be All-Electric]
Sponsors: Mandelman; Preston, Mar, Haney, Walton and Safai

Ordinance amending the Building Code to require new construction to utilize only electric power; amending the Environment Code to provide public hearings on implementation of all-electric requirements; adopting findings of local conditions under the California Health and Safety Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

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

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Government Audit and Oversight Committee

200787 [Administrative Code - Selection of Contractors From a Pre-Qualified List and Under As-Needed Public Works Professional Services Contract Reform]

Sponsors: Stefani; Safai, Haney, Peskin, Mar, Mandelman and Yee

Ordinance amending the Administrative Code to require notification to prequalified contractors and written documentation of contractor selection from pre-qualified lists, and written documentation of contractor selection for work assigned under as-needed Public Works professional services contracts; and to require the Controller to audit such selection documentation.

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

PASSED ON FIRST READING by the following vote:

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

President Yee requested File Nos. 201045, 201046, 201047, 201048, 201049, 201051, 201052, and 201053 be called together.

201045 [Memorandum of Understanding - San Francisco Fire Fighters Local 798, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing the Second Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Association Local 798, Unit 1, to defer wage increases currently set for Fiscal Year 2020-2021, extend the term by two years, and set wages for the additional term.

PASSED ON FIRST READING by the following vote:

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

201046 [Memorandum of Understanding - San Francisco Fire Fighters Local 798, Unit 2]

Sponsor: Mayor

Ordinance adopting and implementing the Third Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Association Local 798, Unit 2, to defer wage increases currently set for Fiscal Year 2020-2021, extend the term by two years, and set wages for the additional term.

PASSED ON FIRST READING by the following vote:

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

201047 [Memorandum of Understanding - Municipal Executives Association]

Sponsor: Mayor

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, to update the grievance procedures.

PASSED ON FIRST READING by the following vote:

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

201048 [Memorandum of Understanding - Municipal Executives Association - Fire]**Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Fire, to defer wage increases currently set for Fiscal Year 2020-2021, extend the term by two years, and set wages for the additional term.

PASSED ON FIRST READING by the following vote:

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

201049 [Memorandum of Understanding - Municipal Executives Association - Police]**Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Police, to defer wage increases currently set for Fiscal Year 2020-2021, amend the retention premium provisions, extend the term by two years, and set wages for the additional term.

PASSED ON FIRST READING by the following vote:

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

201051 [Memorandum of Understanding - Service Employees International Union, Local 1021]**Sponsor: Mayor**

Ordinance adopting and implementing the Second Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021 (Miscellaneous) to update the work study provisions.

PASSED ON FIRST READING by the following vote:

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

201052 [Memorandum of Understanding - Service Employees International Union Local 1021: Staff & Per Diem Nurses]**Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021: Staff & Per Diem Nurses, to make administrative amendments to the overtime provisions.

PASSED ON FIRST READING by the following vote:

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

201053 [Compensation for Unrepresented Employees]**Sponsor: Mayor**

Ordinance amending Ordinance No. 106-20 fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2020.

PASSED ON FIRST READING by the following vote:

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

Referred Without Recommendation from the Government Audit and Oversight Committee

201050 [Memorandum of Understanding and Settlement of Grievances - Police Officers Association]

Sponsor: Mayor

Ordinance adopting and implementing the Tentative Agreement between the City and County of San Francisco and the San Francisco Police Officers Association ("POA"), including: (1) adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and POA, to defer wage increases currently set for Fiscal Year 2020-2021, amend the retention premium provisions, amend the 10B overtime provisions, extend the term by two years, and set wages for the additional term; and (2) approving settlement of two grievances filed by the POA against the City, for a not to exceed amount of \$359,613.87; the grievances were filed on March 25, 2020, and June 29, 2020, and involve compensation disputes under the Memorandum of Understanding.

Privilege of the floor was granted unanimously to Carol Isen, Acting Director (Department of Human Resources), Sophia Kittler (Mayor's Office), Chief William Scott (Police Department), Tony Montoya, President (Police Officers Association), Ben Rosenfield, Controller (Office of the City Controller), and Lawanna Preston (Police Department) who responded to questions raised throughout the discussion.

Supervisor Preston, seconded by Supervisor Walton, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of December 1, 2020. Before the vote was taken, Supervisor Walton withdrew his second.

Supervisor Preston, seconded by Supervisor Ronen, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of December 1, 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: 9 - Fewer, Haney, Mandelman, Mar, Peskin, Safai, Stefani, Walton, Yee

Noes: 2 - Preston, Ronen

Recommendations of the Rules Committee

201030 [Reappointment, Commission on the Aging Advisory Council - Patricia Spaniak]

Motion reappointing Patricia Spaniak, term ending March 31, 2021, to the Commission on the Aging Advisory Council. (Rules Committee)

Motion No. M20-177

APPROVED by the following vote:

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

201252 [Reappointment, Park, Recreation, and Open Space Advisory Committee - Steven Currier]

Motion reappointing Steven Currier, term ending February 1, 2022, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Motion No. M20-178

APPROVED by the following vote:

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

201253 [Appointment, Sugary Drinks Distributor Tax Advisory Committee - Kiana Sezawar Keshavarz]

Motion appointing Kiana Sezawar Keshavarz, term ending December 31, 2022, to the Sugary Drinks Distributor Tax Advisory Committee. (Rules Committee)

Motion No. M20-179

APPROVED by the following vote:

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

201254 [Reappointments, Immigrant Rights Commission - Mario Paz, Celine Kennelly, and Nima Rahimi]

Motion reappointing Mario Paz (residency requirement waived), Celine Kennelly, and Nima Rahimi, terms ending June 6, 2021, to the Immigrant Rights Commission. (Clerk of the Board)

Motion No. M20-180

APPROVED by the following vote:

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

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.

President Yee requested File Nos. 200960 and 200961 be called together.

Board of Supervisors Sitting as a Committee of the Whole

200960 [Hearing - Committee of the Whole - Renewal and Expansion - Fisherman's Wharf Portside Community Benefit District - November 17, 2020, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on November 17, 2020, at 3:00 p.m., to consider the renewal of a property-based business improvement district known as the Fisherman's Wharf Portside Community Benefit District, pursuant to the California Property and Business Improvement District Law of 1994 (Streets and Highways Code, Sections 36600 et seq.) and City and County of San Francisco Business and Tax Regulations Code, Article 15; scheduled pursuant to the Resolution contained in File No. 200959, adopted on September 15, 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 relating to the renewal of the Fisherman's Wharf Portside Community Benefit District (File Nos. 200960 and 200961). Chris Corgas (Mayor's Office of Economic and Workforce Development) and Randall Scott, Executive Director (Fisherman's Wharf Portside Community Benefit District), provided an overview of the community benefit district and responded to questions raised throughout the discussion. Frank Mercino; Kathleen Stacco; spoke in support of the community benefit 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

200961 [Resolution to Establish (Renew and Expand) - Fisherman's Wharf Portside Community Benefit District]

Sponsor: Peskin

Resolution to establish (renew and expand) the business-based business improvement district known as the "Fisherman's Wharf Portside Community Benefit District," ordering the levy and collection of assessments against businesses located in that district for 15 years commencing with Fiscal Year 2020-2021, subject to conditions as specified; and making environmental findings.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be TABLED. The motion carried by the following vote:

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

President Yee recessed the meeting at 4:52 p.m. and reconvened at 4:59 p.m.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200957 and 200958 be called together.

Board of Supervisors Sitting as a Committee of the Whole

200957 [Hearing - Committee of the Whole - Disestablishment - Top of Broadway Community Benefit District - November 17, 2020, at 3:00 p.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on November 17, 2020, at 3:00 p.m., to consider the disestablishment of a property-based business improvement district known as the Top of Broadway Community Benefit District, pursuant to the California Property and Business Improvement District Law of 1994 (Streets and Highways Code, Sections 36600 et seq.) and City and County of San Francisco Business and Tax Regulations Code, Article 15; scheduled pursuant to the Resolution contained in File No. 200956, adopted on September 29, 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 relating to the disestablishment of the Top of Broadway Community Benefit District (File Nos. 200957 and 200958). Chris Corgas (Mayor's Office of Economic and Workforce Development) and Dominic LiMandri (Top of Broadway Community Benefit District) provided an overview of the disestablishment of the community benefit district and responded to questions raised throughout the discussion. 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

Supervisor Safai was noted absent at 5:38 p.m.

200958 [Resolution to Disestablish - Top of Broadway Community Benefit District] Sponsor: Peskin

Resolution to disestablish the property-based business improvement district known as the "Top of Broadway Community Benefit District," and to remove a multi-year assessment on all parcels in the District; and affirming environmental findings.

ADOPTED by the following vote:

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

Supervisor Safai was noted present at 5:40 p.m.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200908, 200909, 200910, and 200911 be called together.

200908 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation Project (1776 Green 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 Common Sense Exemption by the Planning Department on June 16, 2019, for the proposed Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation project located beneath the sidewalk in front of 1776 Green Street. (District 2) (Appellant: Richard Drury of Lozeau Drury LLP, on behalf of The Hollow Revolution) (Filed July 17, 2020) (Clerk of the Board)

President Yee opened the public hearing and Supervisor Stefani provided opening remarks, indicating a motion would be made to continue these matters to a future date. The President then inquired as to whether any individual wished to address the Board on the proposed continuance. There were no speakers. President Yee closed public comment on the proposed continuance.

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of December 1, 2020. The motion carried by the following vote:

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

200909 [Affirming the Exemption Determination - Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation Project - 1776 Green Street]

Motion affirming the determination by the Planning Department that the proposed Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation project located beneath the sidewalk in front of 1776 Green Street is exempt from further environmental review. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 1, 2020. The motion carried by the following vote:

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

200910 [Conditionally Reversing the Exemption Determination - Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation Project - 1776 Green Street]

Motion conditionally reversing the determination by the Planning Department that the proposed Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation project located beneath the sidewalk in front of 1776 Green Street is 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 Stefani, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 1, 2020. The motion carried by the following vote:

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

200911 [Preparation of Findings to Reverse the Exemption Determination - Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation Project - 1776 Green Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed Department of Public Health - Local Oversight Program Site No. 12076 Investigation/Remediation project located beneath the sidewalk in front of 1776 Green Street, is exempt from further environmental review. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 1, 2020. 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. 201127, 201128, 201129, and 201130 be called together.

201127 [Hearing - Appeal of Determination of Exemption From Environmental Review - 2675 Geary Boulevard]

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Common Sense Exemption by the Planning Department on September 11, 2020, for the proposed project at 2675 Geary Boulevard, Assessor's Parcel Block No. 1094, Lot No. 001 for a new 49,780 square-foot grocery store, a 3,320 square-foot restaurant, and a 1,190 square-foot coffee bar at the "City Center" an existing shopping center; Whole Foods Market would occupy a vacant retail space, above the existing Target store; the existing Lot C (117 parking spaces) would be available for Whole Foods customers; and loading and deliveries would occur from an existing 3,528 square-foot loading dock which is accessed from O'Farrell Street just east of Anza Vista Avenue. (District 2) (Appellants: Mark Wolfe of M. R. Wolfe & Associates, P.C., on behalf of Julie Fisher, Tony Vargas, and United Food & Commercial Workers Union Local 5) (Filed September 18, 2020) (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Andrea Ruiz-Esquide and Anne Pearson (Office of the City Attorney) presented information and answered questions raised throughout the discussions. Mark Wolfe (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Julie Fisher; Kim Tabaloni; Sara Courtney; Tony Vargas; Ruth Sola; Roger Maranco; Richard Rothman; Speaker; Jim Arabe; Ryan Magilly; Jason Henderson; spoke in support of the appeal. Rachel Schuett, Lisa Gibson, and Wade Wietgreffe (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Mark Loper (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. James Spangol; Al Sodini; Alex Prendergast; Karen Haywood; Carter Hemming; Tracy O'Neill; Speaker; Richard Carroll; Speaker; Sammy Sand; Thad Logan; Jeff Kerr; Tony Murphy; Jim Grossman; Nico Alman; Speaker; Dan Brooks; Eva Chow; Krista Hansen; Ruth Wilson; Matt O'Connor; Courtney Griffin; Jim Walter; Kim Moore; Erica Vernon; Cameron Baird; Speaker; Sara Lipske; Matt Holmes; Dara Poser; Roger Allen; Virginia Snow; Caroline Zuckman; Dan Flannigan; Chris Sheldon; Julie Taylor; Mike Brooke; Dora Howe; Laura Barr; Peter Divine; Shane; Mindy; Speaker; spoke in support of the project and in opposition to the appeal. Mark Wolfe (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

201128 [Affirming the Exemption Determination - 2675 Geary Boulevard]

Motion affirming the determination by the Planning Department that the proposed project at 2675 Geary Boulevard is exempt from further environmental review. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, 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

201129 [Conditionally Reversing the Exemption Determination - 2675 Geary Boulevard]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2675 Geary Boulevard is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Motion No. M20-175

Supervisor Stefani, seconded by Supervisor Peskin, 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

201130 [Preparation of Findings to Reverse the Exemption Determination - 2675 Geary Boulevard]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2675 Geary Boulevard is exempt from further environmental review. (Clerk of the Board)

Motion No. M20-176

Supervisor Stefani, seconded by Supervisor Peskin, 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 a motion would be made to continue these matters to a future date. The President then inquired as to whether any individual wished to address the Board on the proposed continuance. There were no speakers. President Yee closed public comment on the proposed continuance.

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of December 1, 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 December 1, 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 December 1, 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 December 1, 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

201282 [Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic]

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

Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic; and to allow certain tenants who are unable to pay rent to terminate their leases.

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

PASSED ON FIRST READING 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.

Supervisor Ronen acknowledged her daughter, Maelle Ronen Ugarte, and wished her a very Happy Birthday.

PUBLIC COMMENT

Jason Krudah; expressed concerns regarding the Police Officers Association.

Rondo; expressed concerns regarding the plight of taxi medallion holders and the need to assist them with financial relief.

Speaker; expressed concerns regarding excessive use of police force and the need for police reform.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

201293 [Sister Mary Edith Hurley Day - November 15, 2020]

Sponsors: Mar; Walton

Resolution celebrating Sister Mary Edith Hurley on the occasion of her 100th birthday, and declaring November 15, 2020, as Sister Mary Edith Hurley Day in the City and County of San Francisco.

ADOPTED

201247 [Final Map No. 10102 - 856 Capp Street]

Motion approving Final Map No. 10102, a nine residential unit condominium project, located at 856 Capp Street, being a subdivision of Assessor's Parcel Block No. 3642, Lot No. 042; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M20-181

APPROVED

The foregoing items were acted upon 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 ORDINANCES

201278 [Amendments to Airport Concessions Leases - Forgive Tenant Rent During COVID-19 Pandemic]

Ordinance authorizing the Airport Commission, under the San Francisco International Airport's COVID-19 Emergency Rent Relief Program, to amend certain leases with Airport concession tenants without Board of Supervisors approval under Charter, Section 9.118, and waiving Administrative Code and Environment Code requirements enacted after the most recent modification of each lease for such lease amendments, to allow for expeditious rent forgiveness necessitated by Airport tenants' financial hardships caused by the public health emergency related to the COVID-19 pandemic. (Airport Commission)

11/09/20; RECEIVED FROM DEPARTMENT.

11/17/20; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

201279 [Settlement of Lawsuit - Bay Area Motivate, LLC - \$330,000]

Ordinance authorizing settlement of the lawsuit filed by Bay Area Motivate, LLC against the City and County of San Francisco for \$330,000 and other mutually beneficial terms; the lawsuit was filed on June 7, 2019, in San Francisco Superior Court, Case No. CGC-19-576554; entitled Bay Area Motivate, LLC v. City and County of San Francisco, San Francisco Municipal Transportation Agency, and Does 1-50; the lawsuit involves claims for breach of contract and declaratory relief; other material terms of the settlement involve the San Francisco Municipal Transportation Agency's agreement to acknowledge Bay Area Motivate, LLC's contractual exclusivity while retaining the ability to utilize a second bike share operator in certain enumerated circumstances, and other programmatic and operational terms regarding the Bay Area Bike Share Program in San Francisco. (City Attorney)

11/09/20; RECEIVED FROM DEPARTMENT.

11/17/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

201280 [Agreement Approval - Retroactive - Southern California Edison - Sale of Electricity-Related Products - Not to Exceed \$1,273,570]

Resolution retroactively authorizing CleanPowerSF to sell electricity-related products to Southern California Edison for a total amount not to exceed \$1,273,570 for a one year term of January 1, 2021, through December 31, 2021, under an agreement requiring binding arbitration. (Public Utilities Commission)

11/04/20; RECEIVED FROM DEPARTMENT.

11/17/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

201281 [Contract Amendment - Regents of the University of California, Division of Substance Abuse and Addiction Medicine - Behavioral Health Services - Not to Exceed \$44,226,998]

Resolution approving Amendment No. 2 to the agreement between the Regents of the University of California at San Francisco, Division of Substance Abuse Medicine, and the Department of Public Health for behavioral health narcotic addiction treatment services, to increase the agreement amount by \$30,228,053 for a total amount not to exceed \$44,226,998; and to extend the term by six years from July 1, 2021, for a total agreement term of July 1, 2018, through June 30, 2027. (Public Health Department)

11/09/20; RECEIVED FROM DEPARTMENT.

11/17/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 10:14 p.m.