

File No. 200632

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: June 16, 2020

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OTHER

- Mayoral Proclamation - Seventeenth Supplement - 06/02/20
- Mayoral Proclamation - Eighteenth Supplement - 06/09/20
- _____
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Prepared by: Lisa Lew

Date: June 12, 2020

Prepared by: _____

Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Seventeenth and
2 Eighteenth Supplements]

3 **Motion concurring in actions taken by the Mayor in the Seventeenth and Eighteenth**
4 **Supplements to the Proclamation of Emergency, released on June 2, 2020, and June 9,**
5 **2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19**
6 **pandemic.**

7
8 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
9 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

10 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
11 Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on
12 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
13 taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring
14 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

15 WHEREAS, On March 11, 2020, and March 13, 2020, the Mayor took additional steps
16 to meet the local emergency by issuing the First and Second Supplements to the
17 Proclamation, and on March 24, 2020, the Board of Supervisors concurred in the actions
18 taken by the Mayor in those Supplements; the First and Second Supplements and the Board's
19 concurring motion are on file with the Clerk of the Board of Supervisors in File No. 200294;
20 and

21 WHEREAS, On March 17, 2020, March 18, 2020, and March 23, 2020, the Mayor took
22 additional steps to meet the local emergency by issuing the Third, Fourth, and Fifth
23 Supplements to the Proclamation, and on March 31, 2020, the Board of Supervisors
24 concurred in the actions taken by the Mayor in those Supplements; the Third, Fourth, and
25

1 Fifth Supplements and the Board's concurring motion are on file with the Clerk of the Board of
2 Supervisors in File No. 200326; and

3 WHEREAS, On March 27, 2020, and March 31 2020, the Mayor took additional steps
4 to meet the local emergency by issuing the Sixth and Seventh Supplements to the
5 Proclamation and on April 7, 2020, the Board of Supervisors concurred in the actions taken in
6 those Supplements; the Sixth and Seventh Supplements to the Proclamation and the Board's
7 concurring motion are on file with the Clerk of the Board of Supervisors in File No. 200352;
8 and

9 WHEREAS, On April 1, 2020, the Mayor took additional steps to meet the local
10 emergency by issuing the Eighth Supplement to the Proclamation, and on April 14, 2020, the
11 Board of Supervisors concurred in the actions taken in that Supplement; the Eighth
12 Supplement to the Proclamation and the Board's concurring motion are on file with the Clerk
13 of the Board of Supervisors in File No. 200369; and

14 WHEREAS, On April 10, 2020, and April 14, 2020, the Mayor took additional steps to
15 meet the emergency by issuing the Ninth and Tenth Supplements to the Proclamation, and on
16 April 21, 2020, the Board of Supervisors concurred in the actions taken in those Supplements;
17 the Ninth and Tenth Supplements and the Board's concurring motion are on file with the Clerk
18 of the Board of Supervisors in File No. 2000384; and

19 WHEREAS, On April 23, 2020, the Mayor took additional steps to meet the emergency
20 by issuing the Eleventh Supplement to the Proclamation, and on May 5, 2020, the Board of
21 Supervisors concurred in the actions taken in that Supplement; the Eleventh Supplement and
22 the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No.
23 200437; and

24 WHEREAS, On April 30, 2020, the Mayor took additional steps to meet the emergency
25 by issuing the Twelfth Supplement to the Proclamation, and on May 12, 2020, the Board of

1 Supervisors concurred in the actions taken in that Supplement; the Twelfth Supplement and
2 the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No.
3 200473; and

4 WHEREAS, On May 11, 2020, the Mayor took additional steps to meet the emergency
5 by issuing the Thirteenth Supplement to the Proclamation, and on May 19, 2020, the Board of
6 Supervisors concurred in the actions taken in that Supplement; the Thirteenth Supplement
7 and the Board's concurring motion are file with the Clerk of the Board of Supervisors in File
8 No. 200498; and

9 WHEREAS, On May 13, 2020, and May 18, 2020, the Mayor took additional steps to
10 meet the emergency by issuing the Fourteenth and Fifteenth Supplements to the
11 Proclamation, and on May 26, 2020, the Board of Supervisors concurred in the actions taken
12 in those Supplements; the Fourteenth and Fifteenth Supplements and the Board's concurring
13 motion are on file with the Clerk of the Board of Supervisors in File No. 200553; and

14 WHEREAS, On May 29, 2020, the Mayor took additional steps to meet the emergency
15 by issuing the Sixteenth Supplement to the Proclamation, and on June 9, 2020, the Board of
16 Supervisors concurred in the actions taken in that Supplement; the Sixteenth Supplement and
17 the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No.
18 200600; and

19 WHEREAS, On June 2, 2020, the Mayor took additional steps to meet the emergency
20 by issuing the Seventeenth Supplement to the Proclamation, ordering one action to meet the
21 emergency; the Seventeenth Supplement is on file with the Clerk of the Board of Supervisors
22 in File No. 200632; and

23 WHEREAS, On June 9, 2020, the Mayor took additional steps to meet the emergency
24 by issuing the Eighteenth Supplement to the Proclamation, ordering four actions to meet the
25

1 emergency; the Eighteenth Supplement is on file with the Clerk of the Board of Supervisors in
2 File No. 200632; and

3 WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100
4 provide for the concurrence by members of the Board of Supervisors in such emergency
5 declaration and in action taken by the Mayor to meet the emergency; now, therefore, be it

6 MOVED, That the Board of Supervisors concurs with the following action taken by the
7 Mayor to meet the local emergency included in the Mayor's Seventeenth Supplement to the
8 Proclamation, dated June 2, 2020, as that action is described in full in the Seventeenth
9 Supplement and summarized as follows:

10 Action #1: Authorizing the Department of Public Health to create a program to
11 offer grants of up to \$500 to workers with active Medical Reimbursement Accounts under
12 Administrative Code, Chapter 14 to assist with COVID-19 related expenses; and, be it

13 FURTHER MOVED, That the Board of Supervisors concurs with the following actions
14 taken by the Mayor to meet the local emergency included in the Mayor's Eighteenth
15 Supplement to the Proclamation, dated June 9, 2020, as those actions are described in full in
16 the Eighteenth Supplement and summarized as follows:

17 Action #1: Creating a temporary permit program to allow restaurants and
18 retail establishments to use sidewalks and the parking lane fronting their premises, and
19 authorizing the Department of Public Works to implement that program. The San Francisco
20 Municipal Transportation Agency must approve any permit that would allow occupancy of a
21 portion of the parking lane.

22 Action #2: Authorizing the Executive Director of the Port, the General
23 Manager of the Recreation and Park Department, the Director of Property, and the Director of
24 the Treasure Island Development Authority to create programs to temporarily allow use of
25

1 their outdoor property for restaurant or retail uses, and waiving any commission approvals
2 and/or fees that would be required, and suspending any conflicting City laws.

3 Action #3: Creating a program to allow restaurants to use more space in
4 privately owned public open spaces than is currently allowed by the Planning Code, and
5 authorizing the Planning Department to implement the program.

6 Action #4: Authorizing departments to waive fees for review of permits issued
7 by the Interdepartmental Staff Committee on Traffic and Transportation (“ISCOTT”) to
8 restaurants/retail seeking to close streets to facilitate physical distancing.

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**SEVENTEENTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 2,487 confirmed cases of COVID-19 within the City and 43 COVID-19-related deaths in the City; there have been more than 115,000 confirmed cases in California and more than 4,200 COVID-19-related deaths in California; and

WHEREAS, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and



WHEREAS, The COVID-19 crisis and the ongoing restrictions on the ability of businesses to operate have placed a severe economic strain on workers in the City due to reduced hours, furloughs, and layoffs, and it is in the public interest to provide grants to workers to cover expenses not compensated by insurance or otherwise to assist in ensuring the housing and health stability of such workers during the emergency;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, April 1, April 10, April 14, April 23, April 30, May 11, May 13, May 18, and May 29, 2020, it is further ordered that:

To promote the general welfare, the Director of Public Health or the Director's designee (the "Director") is authorized to establish a program to make grants of up to \$500 to qualified individuals to assist such individuals and their families with COVID-19-related expenses not otherwise compensated for by insurance or otherwise. For purposes of this program, "qualified individuals" are individuals who have active Medical Reimbursement Accounts with the City under Chapter 14 of the Administrative Code with a remaining balance of at least \$100 as of June 2, 2020. The City shall borrow funds for this purpose from deactivated Medical Reimbursement Accounts held by the City under Chapter 14. The Director shall set the commencement date of this program by posting notification on the Department of Public Health's website, and the program shall continue during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: June 2, 2020

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor of San Francisco



**EIGHTEENTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 2,793 confirmed cases of COVID-19 within the City and 44 COVID-19-related deaths in the City; there have been more than 134,000 confirmed cases in California and more than 4,600 COVID-19-related deaths in California; and

WHEREAS, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and



WHEREAS, To control the spread of the virus and protect the public health, the Stay Safe At Home Order has prohibited restaurants and non-essential retail from allowing customers inside their premises. As part of the City's reopening plan, it is anticipated that the Health Officer will soon modify the Stay Safe At Home Order to allow restaurants to offer outdoor dining and for retail businesses to offer indoor and outdoor sale and display of goods with mitigation measures. Although the Health Officer does not anticipate allowing restaurants to resume indoor dining in the next few weeks, it is anticipated that the Stay Safe At Home Order will allow indoor dining later this summer if epidemiological and health trends continue. Social distancing directives will apply to these outdoor and indoor operations, limiting the ability of restaurants and retail to operate at full capacity; and

WHEREAS, The threat of continued spread of the virus persists, and there is a risk that relaxation of some restrictions will result in an increase in cases and strain our public health system. Authorizing the use of more outdoor spaces like sidewalks, parking lanes, and other City property will allow restaurants and retail to spread out their wares and services to safely comply with the physical distancing requirements that the Health Officer's directives or orders will likely require so the City can continue to control the public health emergency; and

WHEREAS, The emergency has also caused a severe economic impact on restaurants and retail businesses and their employees. Temporarily allowing restaurants and retail businesses to use more outdoor spaces and take greater advantage of the reopening authorizations while waiving City fees associated with such use will ease the economic burden on these businesses and allow some employees to return to work, thus promoting the housing and health stability of these workers;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, April 1, April 10, April 14, April 23, April 30, May 11, May 13, May 18, May 29, and June 2, 2020, it is further ordered that:



(1) This Order creates a temporary program for retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their premises for retail businesses to display and sell goods and merchandise and offer services and for restaurants to place tables and chairs to offer outdoor dining, provided an adequate path of travel remains on the sidewalk that provides disability access. The Director of Public Works (the “PW Director”) is authorized to implement this temporary permit program. The PW Director is also authorized to modify the City’s existing parklet program to grant permits allowing retail businesses and restaurants fronting or adjacent to an existing parklet to use the parklet for those retail businesses to display and sell goods and merchandise and offer services and/or for those restaurants to place tables and chairs and offer outdoor dining.

The PW Director shall issue rules and regulations to implement this program consistent with this Order. The rules and regulations shall specify the area of the sidewalk or parking lane that may be occupied and other safety and accessibility issues, and shall include insurance and indemnity requirements, penalty and enforcement provisions, and appeal rights for any permit that is denied, suspended, or revoked. The rules and regulations may also impose other requirements the PW Director deems appropriate to further the program.

Any permit that would authorize the occupancy of a parking lane must be approved by the Director of Transportation or the Director’s designee. This Order does not authorize the occupancy of a traffic lane, transit lane, transit stop, disabled parking space, bicycle lane, or any other portion of the parking lane that, in the discretion of the Director of Transportation or designee, would not be appropriate for occupancy. The Executive Director of the Port, the General Manager of the Recreation and Park Department, and the Director of the Treasure Island Development Authority, or their respective designees, shall have the same authority as the Director of Transportation under this Order as to streets under their jurisdiction.

The PW Director shall consult with the Department of Public Health, Fire Department, Municipal Transportation Agency, Mayor’s Office on Disability, and Planning Department to ensure the program is implemented safely, and the PW Director may delegate aspects of review and approval to such departments. The permit holder shall be responsible for ensuring the space occupied and services offered under the permit comply with all laws requiring accessibility for people with disabilities and that the space and services do not interfere with access to the public right of way for people with disabilities.



Any provision of City law that would conflict with this program, including but not limited to portions of Article 5.2 and Sections 723.2 and 793 of the Public Works Code and Chapter 94A of the Administrative Code is waived, and any provision of the Charter or Municipal Code that would allow an appeal to the Board of Appeals regarding such permits is waived. The City shall not charge a fee for permits issued under this program. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer.

Permits issued under this program shall expire no later than December 31, 2020, and may be extended by the PW Director or the PW Director's designee. Permits shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the PW Director may authorize a reasonable wind down period not to exceed sixty days. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(2) In addition to any existing authority, the Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, and the Director of the Treasure Island Development Authority ("TIDA") are authorized to create temporary programs to allow use of outdoor City property (including parks and public rights of way such as sidewalks and streets) under their respective jurisdictions for purposes of allowing retail businesses to sell goods and merchandise and offer services and restaurants to place tables and chairs for outdoor dining. Notwithstanding any other City law, the Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, and the Director of TIDA shall have authority to approve the use of such property under their respective jurisdictions for this purpose and may waive any fee normally associated with use of such areas. For any program created under this Order, the Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, of the Director of TIDA respectively shall issue rules and regulations governing the program consistent with this Order. These rules and regulations shall specify the area that may be occupied and other safety and accessibility issues, and may include insurance and indemnity requirements, penalty and enforcement provisions, and any other requirement deemed appropriate to further the program. The authorized user shall be responsible for ensuring the space occupied and services offered comply with all laws requiring accessibility for people with disabilities, and that the space and services do not interfere with access to the public right of way for people with disabilities.



Any provision of City law that would conflict with such a program is waived, including but not limited to Charter Section 4.113 and Administrative Code Chapter 23. All other contract terms required by the Administrative Code and Environment Code applicable to agreements entered by the departments to implement this program must be included unless the department head determines in writing that compliance with these laws is not feasible due to exigencies or emergencies. Notwithstanding the foregoing, nothing in this Order waives or modifies the requirements and restrictions of the Campaign and Governmental Conduct Code, the approval requirements of Charter Section 9.118, or the requirement for approval as to form by the City Attorney. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer. Agreements entered by departments under programs adopted under this Order shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the department may authorize a reasonable wind down period not to exceed sixty days. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(3) This Order creates a temporary program to allow seating for any restaurant or limited restaurant uses in existing privately owned public open spaces required under Section 138 of the Planning Code or under conditions of approval required by the Planning Commission, provided that space will also remain open to the public. The Director of Planning or the Director's designee is authorized to implement this program and shall issue rules and regulations to further the program. To the extent such use is not permitted by Section 138 of the Planning Code or conditions of approval imposed by the Planning Code, such provisions are hereby suspended, and any provision of the Charter or Municipal Code authorizing an appeal to the Board of Appeals concerning authorizations under this program is waived. The user of any space authorized under this Order shall comply with all laws requiring accessibility for people with disabilities, and shall ensure the space and services do not interfere with the accessibility of the public open space to people with disabilities. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(4) The department head or department head's designee for any department with authority to impose fees in connection with permits issued by the Interdepartmental Staff Committee on Traffic and Transportation ("ISCOTT") under Article 6 of the Transportation Code is authorized to waive such fees for permits issued by ISCOTT to retail businesses or restaurants to temporarily close a street, or portion of the street, for purposes of outdoor retail or dining to facilitate compliance with the orders or guidance



of public health officials. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: June 9, 2020

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Yee

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Seventeenth and Eighteenth Supplements to the Proclamation of Emergency, released on June 2, 2020 and June 9, 2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Signature of Sponsoring Supervisor:

For Clerk's Use Only