

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, March 10, 2020 - 2:00 PM

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

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

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 on Tuesday, March 10, 2020, with President Norman Yee presiding.

President Yee called the meeting to order at 2:06 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

A quorum was present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that on March 6, 2020, the Department of Public Health's (DPH) Health Officer issued a "Declaration of Local Health Emergency" regarding the COVID-19 disease. Additionally, on March 7, 2020, a Citywide Health Order was issued by DPH by Order of the Health Officer (No. C19-02), issuing aggressive recommendations to slow down or reduce the spread of the COVID-19 virus and to protect and safeguard the health of vulnerable populations. During the call for General Public Comment, more guidance will be provided on how the Department of the Board of Supervisors is modifying its procedures to enable more public access and participation remotely.

Dr. Tomas Aragon, Director of Health (Department of Public Health) - who was unanimously granted privilege of the floor - reported on the "Declaration of Local Health Emergency" regarding the COVID-19 disease and the need for the Board to approve a Motion to concur in the Declaration on today's Imperative Agenda, and answered questions raised throughout the discussions.

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Member of the Board had any corrections to the February 4, 2020, Board Meeting Minutes. There were no corrections requested from any Member of the Board.

Supervisor Peskin, seconded by Supervisor Ronen, moved to approve the February 4, 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

200258 [Formal Policy Discussions - March 10, 2020]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topics submitted from the Supervisors representing Districts 5 and 6. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Corruption (District 5)
2. Transportation Infrastructure (District 6)

Mayor London N. Breed addressed the Board of Supervisors regarding the actions being taken, services being put in place, and resources being made available in response to the health emergency regarding the COVID-19 disease, including the health concerns, economic impact, prioritization of budget funds, effects on travel and tourism, and public transportation usage decline. Mayor Breed further informed the Board of additional public corruption being identified at the Department of Building Inspection and that the Director of the Department of Building Inspection has been put on administrative leave. Mayor Breed then discussed the above referenced topics submitted by the District 5 and 6 Supervisors.

Supervisor Preston requested to withdraw his original topic for discussion, "Corruption."

Privilege of the floor was granted unanimously to Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Preston, seconded by Supervisor Peskin, moved to ask questions related to a new topic "City's response to the Coronavirus." The motion carried by the following vote:

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

Supervisor Preston began the discussions by asking the following question: Will you commit to working with my office and fully supporting a request to the governor to waive any state laws during this state of emergency that would otherwise get in the way of San Francisco adopting these eviction protections? Mayor Breed indicated that pursuant to the emergency declarations in place, legislative approvals may not be necessary for certain actions to address the situation and that assistance has been requested from the State of California.

Supervisor Preston then followed up with the following question: To the extent we run into State law limitations, will you work with our office to request the Governor waive any limits on certain challenges, such as no-fault evictions? Mayor Breed indicated she will continue to work with their office as discussions with the state and federal governments progresses. Mayor Breed did not ask any follow-up questions related to this topic.

Supervisor Haney requested to withdraw his original topic for discussion, "Transportation Infrastructure."

Supervisor Haney, seconded by Supervisor Preston, moved to ask questions related to a new topic "City's response to the Coronavirus." The motion carried by the following vote:

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

Supervisor Haney began the discussions by asking the following question: How can we work together to move urgently and immediately to address lost wages and lost revenues of businesses and individuals, particularly in the sectors that have been hardest hit? Mayor Breed indicated they are looking into extending employment benefits, delaying tax payments, and various other financial benefits such as low-interest loans.

Supervisor Haney then followed up with the following question: For affected workers, right now, is there a webpage they can be directed to or what resources are in place for them? Mayor Breed indicated the details are still being flushed out regarding businesses and there isn't information yet available on financial relief since the policies still need to be put in place. Mayor Breed did not ask any follow-up questions related to this topic.

Following public comment this matter was filed. No further action was taken.

HEARD AND FILED

CONSENT AGENDA

Supervisor Fewer was noted absent at 2:48 p.m.

Recommendations of the Government Audit and Oversight Committee

200060 [Settlement of Lawsuit - Families First, Inc. - City to Receive \$189,884.63]

Ordinance authorizing settlement of the lawsuit filed on behalf of the City and County of San Francisco and five other counties against Families First, Inc. (aka EMQ Families First, Inc. and Uplift Family Services) for \$189,884.63; the lawsuit was filed on July 22, 2014, in Alameda County Superior Court, Case No. RG14733912; entitled State of California, County of Alameda, County of Sacramento, County of San Francisco, County of Contra Costa, County of Sonoma, and County of Yolo ex rel. Helen Haeri Kim and Lisa Little Villela v. Families First, Inc.; the lawsuit involves allegations by two former employees of Families First's Davis residential facility that Families First failed to provide adequate Day Treatment Intensive mental health services, failed to utilize qualified personnel, and falsely certified that it was complying with Medi-Cal regulations in providing such services when it billed San Francisco and the other counties for them. (City Attorney)

Ordinance No. 045-20

FINALLY PASSED

200078 [Settlement of Lawsuit - San Francisco SRO Hotel Coalition, et al. - \$300,000]

Ordinance authorizing settlement of the lawsuit filed by San Francisco SRO Hotel Coalition, Hotel Des Arts, LLC, and Brent Haas against the City and County of San Francisco for \$300,000; the lawsuit was filed on May 8, 2017, in San Francisco Superior Court, Case No. CPF-17-515656; entitled San Francisco SRO Hotel Coalition, et al. v. City and County of San Francisco, et al.; the settlement resolves a claim for attorney's fees and costs following Petitioners' challenge to Ordinance No. 38-17 on the grounds, in part, that San Francisco's approval of Ordinance No. 38-17 violated the California Environmental Quality Act, and Ordinance No. 38-17 violated petitioners' constitutional rights. (City Attorney)

Ordinance No. 046-20

FINALLY PASSED

200079 [Settlement of Lawsuit - Jennie Feldman - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Jennie Feldman against the City and County of San Francisco for \$150,000; the lawsuit was filed on July 3, 2019, in San Francisco Superior Court, Case No. CGC-19-577368; entitled Jennie Feldman v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a falling tree branch. (City Attorney)

Ordinance No. 047-20

FINALLY PASSED

200080 [Settlement of Lawsuit - Virginia Ernster - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Virginia Ernster against the City and County of San Francisco for \$70,000; the lawsuit was filed on May 21, 2019, in San Francisco Superior Court, Case No. CGC-19-576126; entitled Virginia Ernster and Martin Ernster v. City and County of San Francisco, Cristina Couch; the lawsuit involves an alleged personal injury from a vehicle collision. (City Attorney)

Ordinance No. 048-20

FINALLY PASSED

200081 [Settlement of Lawsuit - Jamie Sanchez and Yovanna Sanchez - \$27,500]

Ordinance authorizing settlement of the lawsuit filed by Jamie Sanchez and Yovanna Sanchez against the City and County of San Francisco for \$27,500; the lawsuit was filed on May 21, 2019, in San Francisco Superior Court, Case No. CGC-19-576118; entitled Jamie Sanchez, et al. v. City and County of San Francisco, et al.; the lawsuit involves a vehicle collision. (City Attorney)

Ordinance No. 049-20

FINALLY PASSED

200107 [Settlement of Lawsuit - Vera Cort - City to Receive \$200,000]

Ordinance authorizing settlement of the lawsuit filed by Vera Cort, Trustee of Cort Survivor Trust, against the City and County of San Francisco for \$200,000; the lawsuit was filed on March 7, 2019, in San Francisco Superior Court, Case No. CPF-19-516582, entitled Vera Cort, Trustee of Cort Survivor Trust v. City and County of San Francisco, et al.; the lawsuit involves petitioner's challenge to the City's cancellation of her construction permits after petitioner demolished property in violation of the issued permits. (City Attorney)

Ordinance No. 050-20

FINALLY PASSED

200108 [Settlement of Lawsuit - Garry Peace - \$43,500]

Ordinance authorizing settlement of the lawsuit filed by Garry Peace against the City and County of San Francisco for \$43,500; the lawsuit was filed on November 8, 2017, in San Francisco Superior Court, Case No. CGC-17-562373; entitled Garry Peace v. City and County of San Francisco; the lawsuit involves an alleged personal injury while walking on a City sidewalk. (City Attorney)

Ordinance No. 051-20

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Absent: 1 - Fewer

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

200038 [Appropriation - Refunding General Obligation Bond Proceeds - \$255,000,000 - FY2019-2020]

Sponsor: Mayor

Ordinance appropriating not to exceed \$255,000,000 from the issuance of one or more series of Refunding General Obligation Bonds; and placing such amount on Controller's reserve subject to the closing of one or more refunding transactions for FY2019-2020.
(Fiscal Impact)

Ordinance No. 038-20

FINALLY PASSED by the following vote:

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

Absent: 1 - Fewer

Recommendations of the Land Use and Transportation Committee

190454 [Planning Code - Obstructions in Required Setbacks, Yards, and Usable Open Space]

Ordinance amending the Planning Code to allow, in required setbacks, yards, and usable open space, all projections of an architectural nature if they meet the specified requirements and to allow bay windows that do not meet the specified requirements to apply for a Zoning Administrator waiver; 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)

Ordinance No. 043-20

FINALLY PASSED by the following vote:

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

Supervisor Fewer was noted present at 3:01 p.m.

200083 [Transfer of Redevelopment Agency Real Property Assets - Office of Community Investment and Infrastructure - Mayor's Office of Housing and Community Development, and Recreation and Park Department]

Resolution authorizing and approving the acceptance of certain real property assets from the Office of Community Investment and Infrastructure to the City and County of San Francisco; placing parcels under the jurisdiction of Public Works (Assessor's Parcel Block (Block) No. 5203, Lot Nos. 037 and 044; Block No. 4570, Lot Nos. 020, 021, and 028; and Block No. 3751, Lot Nos. 167 and 168); placing parcels under the Mayor's Office of Housing and Community Development (Block No. 5423A, Lot 009; and Block No. 3731, Lot Nos. 240 and 241); placing property commonly known as the Adam Rogers Park Addition under the jurisdiction of the Recreation and Park Department; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings under the California Environmental Quality Act. (City Administrator)

Supervisor Peskin, seconded by Supervisor Safai, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking all references to 'parcels under the jurisdiction of Public Works,' and making other clarifying and conforming changes. The motion carried by the following vote:

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

Resolution authorizing and approving the acceptance of certain real property assets from the Office of Community Investment and Infrastructure to the City and County of San Francisco; placing parcels under the Mayor's Office of Housing and Community Development (Block No. 5423A, Lot 009; and Block No. 3731, Lot Nos. 240 and 241); placing property commonly known as the Adam Rogers Park Addition under the jurisdiction of the Recreation and Park Department; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings under the California Environmental Quality Act. (City Administrator)

Resolution No. 103-20

ADOPTED 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**191253 [Street Vacation - Millennium Tower 301 Mission Perimeter Pile Upgrade Project]****Sponsor: Mayor**

Ordinance ordering the vacation of the sidewalk portion of streets on the south side of Mission Street at the intersection of Mission and Fremont Streets and on the east side of Fremont Street at the same intersection to allow a structural upgrade of the 301 Mission Street high-rise building known as Millennium Tower, subject to certain conditions; rededicating the area subject to the street vacation to public use for street and right-of-way purposes after the City's issuance of an easement for the abovementioned structural upgrade; adopting environmental findings under the California Environmental Quality Act; adopting findings that the vacation and rededication of the street area are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing actions in furtherance of this Ordinance.

Ordinance No. 044-20**FINALLY PASSED by the following vote:**

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

NEW BUSINESS**Recommendations of the Budget and Finance Committee****200005 [Airport Professional Services Agreement Modification - FSP PPM Management, LLC - Curbside Management Services - Not to Exceed \$29,950,859]**

Resolution approving Modification No. 1 to Airport Contract No. 50085, Curbside Management Services, with FSP PPM Management, LLC, to increase the contract amount by \$10,428,565 for a new not to exceed amount of \$29,950,859; and to exercise the one one-year option to extend the term from July 1, 2020, through June 30, 2021, pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

Resolution No. 102-20**ADOPTED by the following vote:**

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

200111 [Agreement Amendment - Retroactive - APX, Inc. - Power Scheduling Coordination and Related Support Services - Not to Exceed \$149,900,000]

Resolution retroactively authorizing the General Manager of the Public Utilities Commission to execute the first amendment to Agreement No. CS-344 Power Scheduling Coordination and Related Support Services, with APX, Inc. to amend the not to exceed amount from \$105,000,000 to \$107,900,000 and authorizing the General Manager of the Public Utilities Commission to execute a second amendment providing a two-year extension to the contract term, for a total term of seven years, from June 16, 2015, through June 15, 2022, and increasing the not to exceed amount by \$42,000,000 for a total not to exceed amount of \$149,900,000 pursuant to Charter, Section 9.118. (Public Utilities Commission)
(Fiscal Impact)

Resolution No. 104-20

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee**200130 [Request for Procurement - Special Investigation Services]**

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

Motion to direct and authorize the Clerk of the Board to initiate a procurement process with pre-qualified vendors for Special Investigation services, with regard to potential corruption within the local government of the City and County of San Francisco.

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

Motion No. M20-030

APPROVED by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee**191073 [Health Code - Medical Examiner Reports of Drug Overdose Deaths]**

Sponsors: Haney; Walton, Ronen, Fewer and Mar

Ordinance amending the Health Code to require the Medical Examiner to report information to the Mayor, Board of Supervisors, and Director of Health once every four months regarding deaths arising from drug overdoses.

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Rules Committee

200059 [Administrative Code - Delegating Authority for Applications for Discharge from Accountability for Taxes on Unsecured Property]

Ordinance amending the Administrative Code to delegate authority from the Board of Supervisors to the Controller, under California Government Code, Section 25259.5, to grant applications for discharge from accountability filed by the Tax Collector for the collection of any delinquent taxes on unsecured property. (Treasurer-Tax Collector)

PASSED ON FIRST READING by the following vote:

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

200132 [Amending Board Rules - Administration of Oaths and Issuance of Subpoena Duces Tecum]

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

Motion amending the Board of Supervisors Rules of Order to set forth the process for administration of oaths to individuals testifying before the Board pursuant to a subpoena, and to authorize the Government Audit and Oversight Committee to administer oaths and issue subpoenas duces tecum.

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

Privilege of the floor was granted unanimously to Anne Pearson (Office of the City Attorney) and Angela Calvillo, Clerk of the Board, who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Safai, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 5-7, by striking from Rule 3.3.2 'Notwithstanding the forgoing, the Committee Clerk shall administer an oath to a Department Head when that Department Head is testifying pursuant to a subpoena duces tecum issued under Rule 3.3.1.1'; on Page 2, Line 24, through Page 3, Line 1, by striking from Rule 6.7.1 'Notwithstanding the forgoing, the Clerk shall administer an oath to a Department Head when the Department Head is testifying pursuant to a subpoena issued under Rule 6.7.' The motion carried by the following vote:

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

Motion No. M20-031

APPROVED AS AMENDED by the following vote:

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

200233 [Reappointments, Commission on the Aging Advisory Council - Juliet Rothman and Margaret Graf]

Motion reappointing Juliet Rothman and Margaret Graf, terms ending March 31, 2022, to the Commission on the Aging Advisory Council. (Rules Committee)

Motion No. M20-032

APPROVED by the following vote:

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

200234 [Appointment, Park, Recreation, and Open Space Advisory Committee - Susan Ryan]

Motion appointing Susan Ryan, term ending February 1, 2022, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Motion No. M20-033

APPROVED by the following vote:

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

200235 [Appointment, Pedestrian Safety Advisory Committee - Marta Lindsey]

Motion appointing Marta Lindsey, term ending March 31, 2022, to the Pedestrian Safety Advisory Committee. (Rules Committee)

Motion No. M20-034

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 indicated he has suspended all special commendations due to the local health emergency and the need to protect vulnerable populations. There were no commendations.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 200067, 200068, 200069, and 200070 be called together.

200067 [Hearing - Appeal of Conditional Use Authorization - 95 Nordhoff Street]

Hearing of persons interested in or objecting to the certification of Conditional Use Authorization pursuant to Planning Code, Sections 121 and 303, for a proposed project at 95 Nordhoff Street, Assessor's Parcel Block No. 6763, Lot No. 001, identified in Planning Case No. 2018-015554CUA, issued by the Planning Commission by Motion No. 20602, dated December 12, 2019, for the subdivision of an existing lot currently containing a single-family dwelling unit into four new lots, two of which will be substandard lots, within the RH-1 (Residential-House, One Family) Zoning District and the 40-X Height and Bulk District. (District 8) (Appellant: Steven Ganz) (Filed January 13, 2020) (Clerk of the Board)

President Yee opened the public hearing and Supervisor Mandelman provided brief remarks on the status of this project and appeal, indicating he would be making a motion to continue these matters to a later date. 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 Fewer, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of March 24, 2020. The motion carried by the following vote:

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

200068 [Approving Conditional Use Authorization - 95 Nordhoff Street]

Motion approving the decision of the Planning Commission by its Motion No. 20602, approving a Conditional Use Authorization, identified as Planning Case No. 2018-015554CUA, for a proposed project located at 95 Nordhoff Street; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 24, 2020. The motion carried by the following vote:

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

200069 [Conditionally Disapproving Conditional Use Authorization - 95 Nordhoff Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20602, approving a Conditional Use Authorization, identified as Planning Case No. 2018-015554CUA, for a proposed project at 95 Nordhoff Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 24, 2020. The motion carried by the following vote:

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

200070 [Preparation of Findings Related to Conditional Use Authorization Appeal - 95 Nordhoff Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2018-015554CUA, for a proposed project at 95 Nordhoff Street. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Fewer, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 24, 2020. The motion carried by the following vote:

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

COMMITTEE REPORT

Recommendation of the Land Use and Transportation Committee

200223 [Affirming City Support to Acquire PG&E Assets Contingent on Key Conditions and Priorities]

Sponsors: Peskin; Ronen

Resolution affirming the City's continued good faith efforts to acquire the PG&E assets necessary to provide clean, green, and affordable electric power delivery and service in San Francisco, contingent on key conditions and priorities.

Resolution No. 105-20

ADOPTED 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

Angela Calvillo, Clerk of the Board, informed the Board and members of the public that the Declaration of Local Health Emergency Regarding Novel Coronavirus Disease 2019 (COVID-19) issued by Dr. Tomas Aragon on March 6, 2020, and the Citywide health order issued by the Department of Public Health on March 7, 2020, by Order of the Health Officer (No. C19-02), issued aggressive recommendations and the official cancellation of all non-essential City meetings and events through March 20, 2020 in order to slow down or reduce the spread of the COVID-19 virus. In accordance with the Order by the Health Officer, systemic and individual changes are being made to how people can protect themselves, their families, and community. Importantly, social distancing is recommended in the Committee Room and Legislative Chamber and ask that people maintain a distance of four feet apart when possible. Members of the public are encouraged to alternatively submit comments or participate in the legislative process remotely in order to protect the vulnerable populations. Clerk Calvillo encouraged the public to visit the Board's website (www.sfbos.org) to obtain information on submitting comments and participating remotely. As the COVID-19 disease progresses, the Board's website will be updated to reflect the current situation as it affects the legislative process and the Board of Supervisors.

Francisco Da Costa; expressed concerns regarding the local emergency declaration and the COVID-19 disease.

Walter Paulson; shared personal mementos and shared in song concerns regarding the local emergency declaration and the COVID-19 disease.

Linda Chapman; expressed concerns regarding public corruption and housing.

Speaker; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Kone; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Speaker; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Speaker; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Thiam; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Marati Chen; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Natalia; spoke in support of newly introduced legislation regarding the COVID-19 disease.

Speaker; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Speaker; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Anna; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Speaker; spoke in support of the Resolution urging a full pardon for Sakhone Lasaphangthong and Somdeng Thongsy (File No. 200247).

Reuben Almater; expressed concerns regarding the elderly and homeless.

Speaker; shared personal experiences being verbally attacked on City streets.

Judy Roberts; shared concerns regarding the COVID-19 disease's impact on schools and childcare and requested ERAF funding.

Kelly Walsh; shared concerns regarding the COVID-19 disease's impact on schools and childcare and requested ERAF funding.

Brenda Markman; shared concerns regarding the COVID-19 disease's impact on schools and childcare and requested ERAF funding.

Alida Fisher; shared concerns regarding the COVID-19 disease's impact on schools and childcare and requested ERAF funding.

Otto Dufty; shared concerns regarding political parties and their support, and the COVID-19 disease.

Tom Gilberty; shared concerns regarding the COVID-19 disease's, Medicare for All, and the need for housing.

Speaker; shared their various thoughts and experiences with the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisors Haney, Peskin, and Fewer were noted absent at 5:10 p.m.

200247 [Urging a Full Pardon of Sakhone Lasaphangthong and Somdeng "Danny" Thongsy]

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

Resolution urging the Honorable Gavin Newsom, Governor of California, to grant Sakhone Lasaphangthong and Somdeng "Danny" Thongsy a full pardon to allow them to remain in the United States.

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

Resolution No. 106-20

ADOPTED

200239 [Final Map 9574 - 7-11 Germania Street and 73-77 Webster Street]

Motion approving Final Map 9574, a six residential unit condominium project, located at 7-11 Germania Street and 73-77 Webster Street, being a subdivision of Assessor's Parcel Block No. 0868, Lot No. 003; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M20-035

APPROVED

200240 [Final Map 10062 - 540 De Haro Street]

Motion approving Final Map 10062, a 16 residential unit condominium project, located at 540 De Haro Street, being a subdivision of Assessor's Parcel Block No. 4008, Lot No. 002; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M20-036

APPROVED

200241 [Final Map 8573 - Hunters Point Shipyard Phase 1]

Motion approving Final Map 8573, Block 48 of Hunters Point Shipyard Phase 1, being a merger and 17 lot resubdivision of existing Final Map No. 5255, Lot Nos. 1 through 89 and 93 through 127, Assessor's Parcel Block No. 4591D, Lot Nos. 1 through 7, 9 through 48, 50 through 55, 57 through 62, 64 through 93, and 97 through 131, resulting in 17 lots intended for residential use, including a 404-unit residential condominium, subject to specified conditions; approving an amendment to a Public Improvement Agreement related to Final Map 8573; and acknowledging findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M20-037

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Mandelman, Mar, Preston, Ronen, Safai, Stefani, Walton, Yee

Absent: 3 - Fewer, Haney, Peskin

IMPERATIVE AGENDA

Supervisor Peskin was noted present at 5:14 p.m.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Stefani, seconded by Supervisor Mandelman, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

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

Absent: 2 - Fewer, Haney

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

Supervisor Walton, seconded by Supervisor Ronen, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

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

Absent: 2 - Fewer, Haney

Supervisor Fewer was noted present at 5:17 p.m.

200265 [Ratifying the County Health Officer's Declaration of a Local Health Emergency Regarding Novel Coronavirus Disease 2019 (COVID-19)]**Sponsors: Yee; Peskin**

Motion ratifying the March 6, 2020, City and County of San Francisco Health Officer's Declaration of Local Health Emergency, regarding Novel Coronavirus Disease 2019 (COVID-19).

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

President Yee inquired as to whether any member of the public wished to address the Board relating to the ratification of the Declaration of Local Health Emergency regarding Novel Coronavirus Disease 2019 (COVID-19), as referenced in File No. 200265. There were no speakers. The President declared public comment closed.

Motion No. M20-038**APPROVED by the following vote:**

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

Absent: 1 - Haney

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

ORDINANCES

200266 [Administrative Code - Police Foot Patrols]**Sponsors: Haney; Walton and Mar**

Ordinance amending the Administrative Code to require the Police Commission, in consultation with the Chief of Police, to establish a neighborhood safety unit in the Police Department and a community policing policy, and to require foot patrols in crime-impacted areas within the boundaries of each of the ten Police District Stations, with standards governing the operation of the foot patrols; and requiring the Department to submit biannual reports to the Board of Supervisors and Police Commission on the effectiveness of deploying foot patrols in those crime-impacted areas.

03/10/20; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 4/9/2020.

200267 [Emergency Ordinance - Administrative Code - No-Fault Evictions During COVID-19 Pandemic]**Sponsors: Preston; Ronen, Mar, Haney, Peskin, Walton and Mandelman**

Ordinance adding Section 49C to the Administrative Code to prohibit evictions during the Coronavirus state of emergency for nonpayment of rent if the tenant demonstrates that inability to pay rent is due to coronavirus, the state of emergency regarding coronavirus, or following government-recommended coronavirus precautions; or for a no-fault reason unless the eviction is necessary for the health and safety of the tenant or landlord.

03/10/20; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Rules Committee.

RESOLUTIONS**200268 [Accept and Expend Grant - California Air Resources Board - Carl Moyer Memorial Air Quality Standards Attainment Program Grant - \$2,900,000]****Sponsors: Mayor; Mandelman**

Resolution authorizing the San Francisco Airport Commission to accept and expend a grant in the amount of \$2,900,000 and any additional amounts up to 15% of the original grant that may be offered from the California Air Resources Board, for the Carl Moyer Memorial Air Quality Standards Attainment Program Grant, to purchase and install electrical ground service equipment charging stations and supporting infrastructure for the proposed project period of June 2020 through June 2021; and affirming the Planning Department's determination under the California Environmental Quality Act. (Airport Commission)
(Fiscal Impact; No Budget and Legislative Analyst Report)

03/10/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200269 [Arbor Week - March 7, 2020, through March 14, 2020]**Sponsor: Mandelman**

Resolution declaring March 7, 2020, through March 14, 2020, as Arbor Week in the City and County of San Francisco.

03/10/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200270 [Bi-Annual Housing Balance Report No. 10]**Sponsor: Mar**

Resolution receiving and approving the bi-annual Housing Balance Report No. 10, dated April 1, 2020, submitted as required by Planning Code, Section 103.

03/10/20; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

200271 [Resolution of Intention - Street Name Change - Willow Street between Buchanan Street and Laguna Street to Earl Gage Jr. Street]**Sponsors: Preston; Peskin, Ronen, Walton, Yee and Safai**

Resolution declaring the intention of the Board of Supervisors to change the street name of Willow Street, between Buchanan Street and Laguna Street to Earl Gage Jr. Street, to honor Earl Gage Jr.'s legacy and impact on the San Francisco firefighting community.

03/10/20; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

200272 [Supporting a “New Border Vision” To Expand Public Safety and Protect Human Rights at U.S. Borders]**Sponsors: Ronen; Fewer, Preston, Mandelman, Mar, Haney and Walton**

Resolution supporting and calling for a “New Border Vision” that proposes changes to existing United States border policies in order to expand public safety, protect human rights, and welcome people with dignity at the borders.

03/10/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200273 [Encouraging Commercial, Residential Lenders, and Public Utilities to Have a 60-Day Moratorium on Default Payments for Customers Including Small Businesses]**Sponsors: Safai; Ronen, Fewer, Yee, Mar, Haney, Walton, Mandelman, Preston, Peskin and Stefani**

Resolution encouraging banks, financial institutions, and public utilities to have a 60-day moratorium on default for customers, including small businesses, that are negatively impacted by financial hardship due to the impacts of COVID-19.

03/10/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200274 [Accept and Expend Funds - Retroactive - California Secretary of State - Voting System and Election Management System Replacement - \$1,949,859.50]**Sponsor: Stefani**

Resolution retroactively authorizing the Department of Elections to accept and expend funds allocated by the California Secretary of State in an amount not to exceed \$1,949,859.50 to fund voting system and election management system replacement, for the period of February 1, 2019, through June 30, 2022. (Elections Department)
(Fiscal Impact; No Budget and Legislative Analyst Report)

03/10/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200275 [Issuance and Sale of Revenue Obligations - California Enterprise Development Authority - San Francisco University High School - Not to Exceed \$19,000,000]**Sponsor: Stefani**

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$19,000,000 to finance or refinance the acquisition, construction, renovation, rehabilitation, improvement and/or equipping of educational and related facilities to be owned and operated by San Francisco University High School, a California nonprofit public benefit corporation.

03/10/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

200276 [Opposing the United States Department of Housing and Urban Development’s Proposed Affirmatively Further Fair Housing Rule]**Sponsors: Walton; Haney, Peskin, Safai, Ronen, Mandelman and Preston**

Resolution opposing the United States Department of Housing and Urban Development’s proposed affirmatively further fair housing rule that was announced on January 7, 2020, by Secretary Ben Carson.

03/10/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200277 [Apply for Funds Allocation - California Department of Housing and Community Development - Child Welfare Agency Allocation - Transitional Housing Program - Up to \$459,200]

Sponsor: Yee

Resolution authorizing the Human Services Agency to apply for and accept a County Child Welfare Agency Allocation for an amount up to \$459,200 from the California Department of Housing and Community Development under the Transitional Housing Program to help young adults secure and maintain housing.

03/10/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

200278 [Apply for Funds Allocation - California Department of Housing and Community Development - Child Welfare Agency Allocation - Housing Navigators Program - Up to \$147,020]

Sponsor: Yee

Resolution authorizing the Human Services Agency to apply for and accept a County Child Welfare Agency Allocation for an amount up to \$147,020 from the California Department of Housing and Community Development under the Housing Navigators Program to help young adults secure and maintain housing.

03/10/20; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTION

200282 [Committee of the Whole - City Preparations in Response to the COVID-19 Health Emergency - March 17, 2020]

Sponsor: Ronen

Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing on March 19, 2020, at 11:00 a.m., for the Members of the Board of Supervisors to convene and for Departments to report regarding city preparations in response to the COVID-19 health emergency.

REQUEST FOR HEARINGS

200279 [Hearing - Investigations Into Public Corruption]

Sponsors: Mar; Haney and Preston

Hearing on the progress and findings of investigations into public corruption; and requesting the Controller and City Attorney to report.

03/10/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

200280 [Hearing - Implementation of the Office of Sexual Harassment and Assault Response and Prevention]**Sponsor: Ronen**

Hearing to explore why, since the creation the Office of Sexual Harassment and Assault Response and Prevention (SHARP), only one of three staff required by the Ordinance and funded by the Mayor and the Board of Supervisors has been hired, the Office has no publicly available information about its existence and services the office provides, and the Office has not been doing its advocacy work on behalf of survivors of sexual assault and harassment; and requesting the Department of Human Resources, Director of the Human Rights Commission, and the Director of SHARP to report.

03/10/20; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

200283 [Hearing - Committee of the Whole - City Preparations in Response to the COVID-19 Health Emergency - March 19, 2020, at 11:00 a.m.]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on March 19, 2020, at 11:00 a.m., for the Members of the Board of Supervisors to convene and for Departments to report regarding city preparation in response to COVID-19 health emergency; to be scheduled pending approval of the Motion contained in File No. 200282; and requesting the Mayor's Office, Department of Emergency Management, Department of Public Health, Office of Economic and Workforce Development, Department of Human Resources, Department of Homelessness and Supportive Housing, and Department of Disability and Aging Services to report. (Clerk of the Board)

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 RESOLUTION**200238 [Grant Agreement Amendment - Low Income Investment Fund - Child Care Facilities and Technical Assistance - \$66,303,295 Total Grant Amount]**

Resolution approving a second modification of the grant between the City and County of San Francisco and Low Income Investment Fund for the provision of child care facilities and technical assistance to support the City's implementation of the San Francisco Citywide Plan For Early Care and Education, to extend the term up to two years for a total term of July 1, 2017, to June 30, 2022, and to increase the grant amount by \$37,205,496 resulting in a revised total grant amount of \$66,303,295 to commence following Board approval. (Human Services Agency)
(Fiscal Impact)

02/26/20; RECEIVED FROM DEPARTMENT.

03/10/20; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request Granted

*From: Supervisor Stefani
To: Department of Public Health*

Requesting information from Department of Public Health regarding a recent advertisement campaign called "know overdose.":

- How was this campaign created, and what parameters were set for the campaign?*
- What was the cost of the campaign, how many advertisements were posted publicly, how long were they going to be posted, and what contract or grant award was used to fund the creation and dissemination of the campaign?*
- What was the approval process for the content of the advertisements?*
- What scientific studies were used to inform the content and messaging of the advertisements?*
- Were any other departments or offices, such as the Office of Racial Equity, consulted when the content was generated for photographs selected?*

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:17 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on April 28, 2020.

Angela Calvillo, Clerk of the Board