

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, January 12, 2021 - 2:00 PM

Held via Videoconference
(remote public access provided via teleconference)

www.sfgovtv.org

Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Haney, Safai, Mar

Government Audit and Oversight Committee
Supervisors Preston, Chan, Mandelman

Land Use and Transportation Committee
Supervisors Melgar, Preston, Peskin

Public Safety and Neighborhood Services Committee
Supervisors Mar, Stefani, Haney

Rules Committee
Supervisors Peskin, Mandelman, Chan

Meeting Days

Wednesday
10:30 AM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

Members Present: Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

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, January 12, 2021, with President Shamann Walton presiding.

President Walton called the meeting to order at 2:00 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 Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.

All members were 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.

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

Zach Karnazes; expressed concerns regarding the attack on the nation's capitol building and the need to address racism in our police department and justice system by providing training to encourage empathy.

APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the November 17, 2020, or December 1, 2020, Regular Board Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Preston, seconded by Supervisor Ronen, moved to approve the November 17, 2020, and December 1, 2020, Regular Board Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

AGENDA CHANGES

There were no agenda changes.

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

210022 [Formal Policy Discussions - January 12, 2021]

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. Support for venues, nightlife, and small business (District 6)

Mayor London N. Breed addressed the Board of Supervisors regarding programs being executed to address the current situation around the pandemic, to assist small businesses. Mayor Breed then discussed the above referenced topics submitted by the District 5 and 6 Supervisors.

Supervisor Preston (District 5) began the discussions by asking the following question: Can you describe for the public what specific steps you have taken and plan to take as Mayor to prevent corruption among Department heads, appointees and commissioners? Mayor Breed responded that she has directed her office to look into the issues, requested attorneys to investigate, directed departments to cooperate with the investigations, and implemented reforms to change the policies since the system in place allowed for this corruption to occur. Supervisor Preston then followed up with the following question: Would you support strengthening our whistleblower laws to ensure that public servants who become aware of corruption have incentive and protection to come forward and expose wrongdoing? Mayor Breed responded that she is open to suggestions and willing to work with him on strengthening the whistleblower laws. Mayor Breed did not ask any follow-up questions related to this topic.

Supervisor Haney (District 6) began the discussions by asking the following question: Will you commit to working closely with me, with the entire Board, and with the venues themselves, to provide additional support and funding, like what we've put forward with the Venue Recovery Fund, to ensure entertainment, music, and arts venues can survive this pandemic? Mayor Breed responded that the recover funds will be focused on the small businesses that have not been able to open during the pandemic, such as the nightlife businesses, and she is excited to work with the Supervisor and Board to get that assistance to these businesses as quickly as possible. Supervisor Haney then followed up with the following question: Do you envision some of the funds announced today could be targeted to some of these venues and provide direct relief they can count on or do you envision different steps? Mayor Breed responded many of the venues in question will qualify for these new funds and loans, and she is open to further discussions on how to further these efforts. 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

Recommendation of the Budget and Finance Committee

201260 [Fee and Tax Relief for Certain Businesses]

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

Ordinance waiving certain license fees originally due on March 31, 2020, and March 31, 2021, business registration fees for the fiscal years beginning July 1, 2020, and July 1, 2021, and payroll expense taxes for the tax year beginning January 1, 2020, for businesses with no more than \$20,000,000 in San Francisco gross receipts holding a place of entertainment permit; waiving certain license fees originally due on March 31, 2020, business registration fees for the fiscal year beginning July 1, 2020, and payroll expense taxes for the tax year beginning January 1, 2020, for businesses with no more than \$750,000 in San Francisco gross receipts holding a restaurant permit; refunding any waived amounts paid to the City; extending the deadline to pay license fees originally due on March 31, 2020, and March 31, 2021, to November 1, 2021; extending the deadline to pay business registration fees originally due on June 1, 2020, to April 30, 2021; and extending the deadline to pay and file returns for certain business taxes for the 2020 tax year to April 30, 2021.

(Fiscal Impact)

FINALLY PASSED

Recommendation of the Rules Committee

201219 [Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements]

Sponsor: Yee

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements by adding, deleting, and changing titles of designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for designated officials and employees.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Land Use and Transportation Committee

President Walton requested File Nos. 201298 and 201404 be called together.

201298 [Initiating Landmark Designation - Jones-Thierbach Coffee Company Building - 447 Battery Street]

Sponsor: Peskin

Resolution initiating a landmark designation under Article 10 of the Planning Code for the Jones-Thierbach Coffee Company Building at 447 Battery Street.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

201404 [Initiating Landmark Designation - One Montgomery Street]

Sponsor: Peskin

Resolution initiating a landmark designation under Article 10 of the Planning Code for the architecturally and historically significant building at One Montgomery Street.

ADOPTED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

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

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

SPECIAL ORDER 3:00 P.M.

President Walton requested File Nos. 201379, 201380, 201381, and 201382 be called together.

Supervisor Preston Excused from Voting

Supervisor Walton, seconded by Supervisor Peskin, moved that Supervisor Preston be excused from voting on File Nos. 201379, 201380, 201381, and 201382. The motion carried by the following vote:

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

201379 [Hearing - Appeal of Tentative Map Disapproval - 424, 426, 428, 430, 432, and 434 Francisco Street]

Hearing of persons interested in or objecting to the decision of Public Works, dated December 7, 2020, disapproving a Tentative Map for a six unit condominium conversion at 424, 426, 428, 430, 432, and 434 Francisco Street, Assessor's Parcel Block No. 0041, Lot No. 010. (District 3) (Appellant: Scott Emblidge of Moscone Emblidge & Rubens, on behalf of the Owners of 424, 426, 428, 430, 432, and 434 Francisco Street) (Filed December 14, 2020) (Clerk of the Board)

President Walton opened the public hearing and Supervisor Peskin provided opening remarks and indicated he would be making a motion to continue this appeal to a later date. The President then inquired as to whether any individual wished to address the Board regarding the continuance of the appeal. Speaker; Anastasia Yoganopolis; shared various concerns regarding the continuance of the appeal. There were no other speakers. President Walton closed public comment on the continuance.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of March 2, 2021. The motion carried by the following vote:

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

201380 [Approving Decision of Public Works and Disapproving Tentative Map - 424, 426, 428, 430, 432, and 434 Francisco Street]

Motion approving the decision of Public Works and disapproving the Tentative Map for a six unit condominium conversion at 424, 426, 428, 430, 432, and 434 Francisco Street, Assessor's Parcel Block No. 0041, Lot No. 010. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 2, 2021. The motion carried by the following vote:

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

201381 [Conditionally Disapproving Decision of Public Works and Approving Tentative Map - 424, 426, 428, 430, 432, and 434 Francisco Street]

Motion conditionally disapproving the decision of Public Works and approving the Tentative Map for a six unit condominium conversion at 424, 426, 428, 430, 432, and 434 Francisco Street, Assessor's Parcel Block No. 0041, Lot No. 010, subject to the Board of Supervisors' adoption of written findings in support of the disapproval. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 2, 2021. The motion carried by the following vote:

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

201382 [Preparation of Findings Related to the Tentative Map - 424, 426, 428, 430, 432, and 434 Francisco Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to approve the Tentative Map for a six unit condominium conversion at 424, 426, 428, 430, 432, and 434 Francisco Street, Assessor's Parcel Block No. 0041, Lot No. 010. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Motion be CONTINUED to the Board of Supervisors meeting of March 2, 2021. The motion carried by the following vote:

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

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

201188 [Police Code - COVID-Related Employment Protections]

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

Ordinance amending the Police Code to protect employees from adverse employment actions if they test positive for COVID-19, are isolating or quarantining, or have previously isolated or quarantined, due to COVID-19 symptoms or exposure, or are perceived to have COVID-19; to protect applicants from discrimination if they test positive for COVID-19, are isolating or quarantining, or have previously isolated or quarantined, due to COVID-19 symptoms or exposure; and to sunset an emergency ordinance creating similar protections.

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

201287 [Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic]**Sponsors: Mar; Safai**

Reenactment of emergency ordinance (Ordinance No. 104-20, as reenacted by Ordinance Nos. 159-20 and 231-20) temporarily creating a right to reemployment for certain employees laid off due to the COVID-19 pandemic if their employer seeks to fill the same position as, or a position substantially similar to, the position previously held by the laid-off employee.

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

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

FINALLY PASSED by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 1 - Stefani

201329 [Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections]**Sponsors: Haney; Walton, Preston and Safai**

Reenactment of emergency ordinance (Ordinance No. 74-20, as reenacted by Ordinance Nos. 110-20, 156-20, and 230-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.

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

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

FINALLY PASSED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Recommendations of the Land Use and Transportation Committee**201370 [Interim Zoning Controls - Large Residential Projects in RC, RM and RTO Districts]****Sponsor: Peskin**

Resolution imposing interim zoning controls for an 18-month period for parcels in Residential-Commercial Combined (RC), Residential - Mixed (RM) and Residential - Transit Oriented (RTO) districts, requiring Conditional Use Authorization for any residential development that does not maximize the number of units allowed by applicable density restrictions; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 4-6, by adding 'WHEREAS, Unlike parcels in RC, RM, and RTO districts, parcels in RTO-M districts do not have any density limit but instead density is regulated by permitted height, bulk, and other standards; and'; and on Page 5, Lines 1-2, by adding 'FURTHER RESOLVED, That for purposes of this resolution, RTO zoning districts shall not include parcels zoned RTO-M; and, be it'. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210016 [Initiating Landmark Designation - 800 Chestnut Street - Diego Rivera Mural "The Making of a Fresco Showing the Building of a City"]**Sponsors: Peskin; Melgar and Ronen**

Resolution initiating a landmark designation under Article 10 of the Planning Code for Diego Rivera's fresco, titled "The Making of a Fresco Showing the Building of a City," painted in 1931 and located at 800 Chestnut Street.

Supervisors Melgar and Ronen requested to be added as co-sponsors.

Supervisor Peskin, seconded by Supervisor Mandelman, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 8-12, by adding 'WHEREAS, The Mural is of particular significance to the Latinx and Chicanx communities, and, along with Rivera's other murals in San Francisco, is part of the direct lineage of the Mission Mural movement which remains a significant and vibrant part of San Francisco's cultural heritage, and it is the responsibility of civic and academic institutions to include these communities in decisions pertaining to the Mural; and'. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

210017 [Urging California Regents to Consider the Proposed UCSF Parnassus Expansion Plan EIR]**Sponsor: Preston**

Resolution urging the California Regents to move consideration of the proposed University of California at San Francisco (UCSF) Parnassus Expansion Plan Environmental Impact Report (EIR) and Amendment to the 2014 Long Range Development Plan (LRDP) from their January 2021 meeting to their March 2021 meeting.

ADOPTED by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Noes: 1 - Stefani

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Francisco Da Costa; expressed concerns regarding the need for housing, food security, and an efficient way to disseminate the vaccinations for COVID.

Anonymous; expressed concerns regarding Sunshine Ordinance Task Force determinations on the public's right to access.

Peter Warfield; expressed concerns regarding the lack of access to the Public Library during these challenging times and the need to cease using social media platforms.

Barry Toronto; congratulated the new Members, and expressed concerns regarding banks foreclosing on taxi medallion holders who need funding assistance during the pandemic.

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.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:38 p.m.