BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, July 21, 2015 - 2:00 PM

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

Regular Meeting

LONDON BREED, PRESIDENT JOHN AVALOS, DAVID CAMPOS, JULIE CHRISTENSEN, MALIA COHEN, MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee	Wednesday
Supervisors Farrell, Tang, Mar, Yee, Wiener	10:00 AM
Budget and Finance Sub-Committee	Wednesday
Supervisors Farrell, Tang, Mar	10:00 AM
City and School District Select Committee	4th Thursday
Supervisors Kim, Yee, Campos, Commissioners Mendoza-McDonnell, Fewer, Wynns	3:30 PM
Government Audit and Oversight Committee	1st and 3rd Thursday
Supervisors Yee, Christensen, Breed	10:30 AM
Land Use and Transportation Committee	Monday
Supervisors Cohen, Wiener, Kim	1:30 PM
Public Safety and Neighborhood Services Committee	1st and 3rd Thursday
Supervisors Mar, Campos, Christensen	2:00 PM
Rules Committee	2nd and 4th Thursday
Supervisors Avalos, Tang, Cohen	11:00 AM

Members Present: John Avalos, London Breed, Julie Christensen, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

President London Breed called the meeting to order at 2:06 p.m. On the call of the roll, Supervisors Campos and Mar were noted not present. There was a quorum.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of a communication from Supervisor David Campos informing the Board of his absence and requesting to be excused from today's meeting. There were no other communications.

Supervisor Campos Excused from Attendance

Supervisor Farrell, seconded by Supervisor Wiener, moved that Supervisor Campos be excused from attending today's meeting. The motion carried by the following vote:

Ayes: 9 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee

Excused: 1 - Campos Absent: 1 - Mar

Supervisor Mar was noted present at 2:08 p.m.

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of June 16, 2015, and the Special Meeting Minutes at the Budget and Finance Committee of June 17, 2015, and June 19, 2015. There were no corrections.

Supervisor Tang, seconded by Supervisor Christensen, moved to approve the Board Meeting Minutes of June 16, 2015, and the Special Meeting Minutes at the Budget and Finance Committee of June 17, 2015, and June 19, 2015. The motion carried by the following vote, following general public comment:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

150613 [Settlement of Lawsuit - Marshall & Swift/Boeckh, LLC - \$395,000]

Ordinance authorizing settlement of the lawsuit filed by Marshall & Swift/Boeckh, LLC, against the City and County of San Francisco for \$395,000; the lawsuit was filed on August 1, 2014, in the U.S. District Court for the Central District of California, Case No. 2:14-CV-6029-MMM (JPRx); entitled Marshall & Swift/Boeckh, LLC, dba Marshall & Swift v. City and County of San Francisco; other material terms of said settlement are termination of San Francisco's licenses to use the Marshall Valuation Service, retroactively effective July 1, 2015. (City Attorney)

Ordinance No. 122-15

FINALLY PASSED

150482 [Settlement of Lawsuit - Dana Kess - \$96,000]

Ordinance authorizing settlement of the lawsuit filed by Dana Kess against the City and County of San Francisco for \$96,000; the lawsuit was filed on August 29, 2013, in California Superior Court, San Francisco Branch, Case No. CGC-13-531728, entitled Dana Kess v. Department of Recreation and Parks, City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

150547 [Settlement of Lawsuit - Zaria Daskam - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Zaria Daskam against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 5, 2013, in San Francisco Superior Court, Case No. CGC-13-534052; entitled Zaria Daskam v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

150612 [Settlement of Lawsuit - Evan Connor - \$320,000]

Ordinance authorizing the settlement of the lawsuit filed by Evan Connor against the City and County of San Francisco for \$320,000; the lawsuit was filed on September 1, 2011, in San Francisco Superior Court, Case No. CPF-11-511559, entitled Connor v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

150614 [Settlement of Lawsuit - Gallieria, Inc. dba Trico Construction - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Gallieria, Inc. dba Trico Construction against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 13, 2014, in San Francisco Superior Court, Case No. CGC-14-539869; entitled Gallieria, Inc. dba Trico Construction v. City and County of San Francisco; other material terms of said settlement are plaintiff to retain refund of premium for payment and performance bond. (City Attorney)

PASSED, ON FIRST READING

150615 [Settlement of Lawsuit - Kelly O'Haire - \$725,000]

Ordinance authorizing settlement of the lawsuit filed by Kelly O'Haire against the City and County of San Francisco for \$725,000; the lawsuit was filed on May 15, 2013, in San Francisco Superior Court, Case No. CGC 13-531419; entitled Kelly O'Haire v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

150511 [Settlement of Unlitigated Claim - StarNet Insurance Company - \$153,450]

Resolution approving the settlement of the unlitigated claim filed by StarNet Insurance Company against the City and County of San Francisco for \$153,450; claim was filed on March 10, 2015. (City Attorney)

Resolution No. 274-15

ADOPTED

150512 [Settlement of Unlitigated Claim - Laborers International Union Local 261 - \$53,808.43]

Resolution approving the settlement of the unlitigated claim filed by Laborers International Union Local 261 against the City and County of San Francisco for \$53,808.43; claim was filed on March 4, 2015. (City Attorney)

Resolution No. 275-15

ADOPTED

150549 [Settlement of Unlitigated Claim - West Bay Builders, Inc. - City to Pay \$505,901.52]

Resolution approving settlement of the unlitigated claim by West Bay Builders, Inc., against the City and County of San Francisco for \$505,901.52; claim was filed on August 1, 2014. (City Attorney)

Resolution No. 276-15

ADOPTED

150617 [Tolling Agreement - Gene Gee]

Resolution approving a tolling agreement to toll the statute of limitations on Gene Gee's claim against the City in exchange for a dismissal without prejudice in Gene Gee v. ARB Construction, et al., San Francisco Superior Case No. CGC-14-542509. (City Attorney)

Resolution No. 285-15

ADOPTED

150636 [Settlement of Unlitigated Claim - Northpointe, Inc. - City to Receive \$1,232,101 in Services]

Resolution approving settlement of the unlitigated claim in favor of the City and County of San Francisco against Northpointe, Inc., for delivery of approximately \$1,232,101 in deliverables under the parties' existing Software License and Services Agreement, and an amendment and extension of that agreement. (City Attorney)

Resolution No. 286-15

ADOPTED

150674 [Tolling Agreement - Sunol Valley Facilities]

Resolution approving a Tolling Agreement to toll the statutes of limitations for the Alameda County District Attorney to bring potential claims against the Public Utilities Commission's Sunol Valley Water Treatment Facility and Sunol Valley Chloramination Facility/San Antonio Pump Station. (City Attorney)

Resolution No. 290-15

ADOPTED

150696 [Settlement of Unlitigated Claim - Lisa Gemmiti, dba Gemmiti Model Art - \$35.218.31]

Resolution approving the settlement of the unlitigated claim filed by Lisa Gemmiti, dba Gemmiti Model Art, against the City and County of San Francisco for \$35,218.31; claim was filed on December 31, 2014. (City Attorney)

Resolution No. 291-15

ADOPTED

150697 [Settlement of Unlitigated Claim - Jonathan Lancelle - \$95,000]

Resolution approving the settlement of the unlitigated claim filed by Jonathan Lancelle against the City and County of San Francisco for \$95,000; claim was filed on December 16, 2014. (City Attorney)

Resolution No. 292-15

ADOPTED

150698 [Settlement of Unlitigated Claim - Pacific Gas and Electric Company - \$40,000]

Resolution approving the settlement of the unlitigated claim filed by Pacific Gas and Electric Company against the City and County of San Francisco for \$40,000; claim was filed on January 30, 2015. (City Attorney)

Resolution No. 293-15

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

150610 [Annual Budget and Appropriation Ordinance for Departments - FYs 2015-2016 and 2016-2017]

Sponsor: Mayor

Annual Budget and Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of June 1, 2015, for the FYs ending June 30, 2016, and June 30, 2017.

Supervisor Farrell, seconded by Supervisor Kim, moved that this Ordinance be AMENDED to reduce appropriations to the Recreation and Parks Department by \$40,000 corresponding to a \$20,000 reduction to Items No. 13 and 196 on the Budget Committee Restoration List and increase appropriations to the Arts Commission by \$40,000 to support internal arts programming through a film festival. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150611 [Annual Salary Ordinance - FYs 2015-2016 and 2016-2017]

Sponsors: Mayor; Farrell

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2016, and June 30, 2017, continuing, creating, or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150563 [Treasure Island Development Authority Budget - FYs 2015-2016 and 2016-2017] Sponsor: Mayor

Resolution approving the Budget of the Treasure Island Development Authority for FYs 2015-2016 and 2016-2017.

(Fiscal Impact; No Budget and Legislative Analyst Report.)

Resolution No. 277-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150565 [Office of Community Investment and Infrastructure, Operating as Successor Agency to the San Francisco Redevelopment Agency FY2015-2016 Budget - Bond Issuance Not to Exceed \$51,000,000]

Sponsor: Mayor

Resolution approving the FY2015-2016 Budget of the Office of Community Investment and Infrastructure (OCII), operating as the Successor Agency to the San Francisco Redevelopment Agency; and approving the Issuance by OCII of Bonds in an aggregate principal amount not to exceed \$51,000,000 for the purpose of financing a portion of enforceable obligations. (Fiscal Impact)

Resolution No. 278-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150559 [Building Code - Fees]

Sponsors: Mayor; Farrell

Ordinance amending the Building Code to revise the Fee Schedules; and affirming the Planning Department's determination under the California Environmental Quality Act. (Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150560 [Public Works Code - Fees for Nighttime Work Permit and Preapplication Meetings] Sponsors: Mayor; Farrell

Ordinance amending the Public Works Code to add fees for nighttime work permits and preapplication meetings with staff; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150561 [Business and Tax Regulations Code - Fire Department Licensing Fees]

Sponsors: Mayor; Farrell

Ordinance amending the Business and Tax Regulations Code to increase the fees for certain Fire Department licenses; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150566 [Administrative Code - California Environmental Quality Act Procedures and Fees] Sponsors: Mayor; Farrell

Ordinance amending the Administrative Code to eliminate the Installment Agreement Processing Fee and Refund Processing Fee from the California Environmental Quality Act procedures and fees.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150567 [Administrative Code - Department of Public Health Group Purchasing Organizations]

Sponsors: Mayor; Farrell

Ordinance amending the Administrative Code to authorize the Department of Public Health to participate in Group Purchasing Organizations for procurement of commodities, information technology products and related services, and general and professional services related to operation of its facilities.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150568 [Administrative, Planning, Subdivision Codes - Citywide Affordable Housing Fund, Mayor's Housing Programs Fees Fund]

Sponsors: Mayor; Farrell

Ordinance amending the Administrative Code to add the Citywide Affordable Housing Fund as a Category Eight self-appropriating fund; amending the Planning and Subdivision Codes to make corresponding changes to affordable housing fee provisions related to the Citywide Affordable Housing Fund; revising the Mayor's Housing Programs Fees Fund to change it to a Category Eight self-appropriating fund; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact; No Budget and Legislative Analyst Report.)

PASSED ON FIRST READING by the following vote:

150569 [Fire Code - Fire Department Fines and Fees]

Sponsors: Mayor; Farrell

Ordinance amending the Fire Code to increase the fees for certain Fire Department services; and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150570 [Health Code - Patient Rates - FYs 2015-2016 and 2016-2017]

Sponsors: Mayor; Farrell

Ordinance amending the Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2015, through June 30, 2017.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150571 [Planning, Building Codes - Fee Waiver for Legalization of Secondary Dwelling Units]

Sponsors: Mayor; Farrell

Ordinance amending the Planning and Building Codes to waive fees related to granting legal status to existing dwelling units constructed without required permits; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact; No Budget and Legislative Analyst Report.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150572 [Appropriation - Airport Commission - \$2,673,349 - FY2015-2016]

Sponsors: Mayor; Farrell

Ordinance appropriating \$2,673,349 to the Airport Commission amending estimated receipts and estimated expenditures in FY2015-2016. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

150573 [Annual Appropriation Ordinance Amendment - Public Utilities Commission Operating Budget - \$2,177,552 - FY2015-2016]

Sponsors: Mayor; Farrell

Ordinance amending Ordinance No. 146-14 (Annual Appropriation Ordinance FYs 2014-2015 and 2015-2016) by de-appropriating \$2,177,552 from fringe benefits, non-personnel services, services of other departments, and general reserve and re-appropriating funds to permanent salaries, City grant programs, capital outlay, and overhead in the Public Utilities Commission operating budgets in FY2015-2016. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150574 [Neighborhood Beautification and Graffiti Clean-up Fund Tax Designation Ceiling] Sponsors: Mayor; Farrell

Ordinance adopting the Neighborhood Beautification and Graffiti Clean-up Fund Tax designation ceiling for tax year 2015.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150575 [Public Employment - Annual Salary Ordinance Amendment - Public Utilities Commission Water Enterprise Department - FYs 2015-2016 and 2016-2017] Sponsors: Mayor; Farrell

Ordinance amending Ordinance No. 147-14 (Annual Salary Ordinance FYs 2014-2015 and 2015-2016) to reflect the addition of 5.0 off budget positions (5.00 FTEs) in Class 7355 (1.00 FTE, Truck Driver), 7388 (2.00 FTEs, Utility Plumber), and 7463 (2.00 FTEs, Utility Plumber Apprentice) in the Public Utilities Commission Water Enterprise Department in FYs 2015-2016 and 2016-2017. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150576 [Adjusting the Access Line Tax with the Consumer Price Index of 2015] Sponsor: Mayor

Resolution concurring with the Controller's establishment of the Consumer Price Index for 2015 and adjusting the Access Line Tax by the same rate.

Resolution No. 279-15

ADOPTED by the following vote:

150577 [Designation of Hinderliter, de Llamas, and Associates as the City's Authorized Representative in Sales and Use Tax Records Examination]

Sponsor: Mayor

Resolution designating Hinderliter, de Llamas, and Associates as the City and County of San Francisco's authorized representative in sales and use tax records examination. (Fiscal Impact; No Budget and Legislative Analyst Report.)

Resolution No. 280-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150578 [Approval of Expenditure Plans - Human Services Care Fund - FYs 2015-2016 and 2016-2017]

Sponsor: Mayor

Resolution approving the Expenditure Plans for the Human Services Care Fund for FYs 2015-2016 and 2016-2017.

(Fiscal Impact; No Budget and Legislative Analyst Report.)

Resolution No. 281-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150579 [Certificates of Participation - Housing Trust Fund - Reimbursement of Certain Expenditures]

Sponsor: Mayor

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future bonded indebtedness. (Fiscal Impact; No Budget and Legislative Analyst Report.)

Resolution No. 282-15

ADOPTED by the following vote:

150580 [Proposition J Contract Certification Specified Contracted-Out Services Previously Approved]

Sponsor: Mayor

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractors for a lower cost than similar work performed by City and County employees, for the following services: Budget Analyst (Board of Supervisors); citywide custodial services (excluding City Hall), citywide security services, central shops security, and convention facilities management (General Services Agency-City Administrator); mainframe system support (General Services Agency-Technology); security services (Human Services Agency); food services for jail inmates (Sheriff); assembly of vote-by-mail envelopes (Department of Elections); and security services-1680 Mission Street and security services-30 Van Ness Avenue (General Services Agency-Public Works).

Resolution No. 283-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150581 [Accept and Expend Grants - Recurring State Grant Funds - Department of Public Health - FY2015-2016]

Sponsor: Mayor

Resolution authorizing the acceptance and expenditure of recurring State grant funds by the Department of Public Health for FY2015-2016.

(Fiscal Impact; No Budget and Legislative Analyst Report.)

Resolution No. 284-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150545 [Cost of Living Adjustment to the Contract for Budget and Legislative Analyst Services - FYs 2015-2016 and 2016-2017]

Motion to consider enacting a 3.25% cost of living adjustment (COLA) to the current \$2,060,000 contract for Budget and Legislative Analyst Services, to be effectuated no earlier than October 1, 2015, resulting in a 2.44%, or \$50,213 increase to the contract in FY2015-2016 to be annualized to the full 3.25%, or \$66,950 in FY2016-2017; and directing the Clerk of the Board to take all necessary administrative actions to amend the contract accordingly. (Clerk of the Board)

Motion No. M15-116

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150546 [Directing and Authorizing the Clerk of the Board to Engage in Contract Negotiations for Radio Broadcast Services with KPOO FM for a Total Not-to-Exceed Annual Contract Amount of \$75,000]

Sponsors: Mar; Breed

Motion to direct and authorize the Clerk of the Board to engage in contract negotiations with KPOO FM, the pre-qualified vendor resulting from Request for Qualifications No. 01-2015 for Radio Broadcast Services, for a total not-to-exceed annual contract amount of \$75,000 and, pending the successful outcome of those negotiations, to designate KPOO FM as the official broadcaster of the San Francisco Board of Supervisors regular and special meetings.

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

Motion No. M15-117

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

Recommendations of the Budget and Finance Sub-Committee

150490 [General Obligation Bond Election - Affordable Housing - Not to Exceed \$310,000,000]

Sponsors: Mayor; Breed, Christensen, Cohen, Farrell, Tang, Wiener, Avalos, Yee, Campos, Kim and Mar

Ordinance calling and providing for a special election to be held in the City and County of San Francisco (City) on Tuesday, November 3, 2015, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded indebtedness (Bonds) of the City: not to exceed \$310,000,000 to finance the construction, acquisition, improvement, rehabilitation, preservation and repair of affordable housing improvements, and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants under Administrative Code Chapter 37; providing for the levy and collection of taxes to pay both principal and interest on such Bonds; incorporating the provisions of the Administrative Code relating to the Citizens' General Obligation Bond Oversight Committee's review of the Bonds; setting certain procedures and requirements for the election; adopting findings under the California Environmental Quality Act; and finding that the proposed Bonds are in conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b).

(Economic Impact; No Office of Economic Analysis Report.)

Ordinance No. 121-15

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150645 [Administrative Code - Health Service System Plans and Contribution Rates for Calendar Year 2016]

Sponsor: Farrell

Ordinance amending the Administrative Code to approve health service system plans and contribution rates for calendar year 2016.

(Fiscal Impact)

Ordinance No. 132-15

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

Recommendation of the Government Audit and Oversight Committee

150626 [Administrative Code - Language Assistance and Services at Board of Supervisors Meetings]

Sponsors: Yee; Avalos, Campos, Mar, Breed, Christensen, Kim and Tang

Ordinance amending the Administrative Code to require the Office of Civic Engagement and Immigrant Affairs to provide interpretation services upon request at every meeting of the Board of Supervisors between September 1, 2015, and July 31, 2016; and to require the Office of Civic Engagement and Immigrant Affairs to translate certain public notices and the public document listing all legislation introduced at each Board of Supervisors meeting during that period.

Ordinance No. 131-15

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

Referred Without Recommendation from the Land Use and Transportation Committee

150363 [Administrative Code - Short-Term Residential Rentals]

Sponsors: Mayor; Farrell

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to: revise the definition of interested parties who may enforce the provisions of Chapter 41A, through a private right of action to include permanent residents residing within 100 feet of the residential unit; create an additional private right of action under certain circumstances; change the administrative hearing process from mandatory to at the request of any party found in violation of this Chapter; create an Office of Short-Term Residential Rental Administration and Enforcement staffed by the Planning Department, Department of Building Inspection, and Tax Collector's Office; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Economic Impact)

Ordinance No. 130-15

FINALLY PASSED by the following vote:

Ayes: 6 - Breed, Christensen, Cohen, Farrell, Tang, Wiener

Noes: 4 - Avalos, Kim, Mar, Yee

Recommendation of the Rules Committee

150524 [Charter Amendment - Enhancement of Paid Parental Leave for City Employees] Sponsors: Tang; Christensen, Breed, Cohen, Kim, Wiener, Farrell, Avalos, Yee, Campos and Mar

Charter Amendment (Second Draft) to amend the Charter to allow City employees who qualify to take leave for the birth or placement of the same child to each receive the maximum amount of paid parental leave for which they qualify, and to permit City employees to retain 40 hours of accrued sick leave at the end of paid parental leave, at an election to be held on November 3, 2015.

ORDERED SUBMITTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

150432 [Administrative Code - Retirement System Disability/Death Presumptions for Sheriff Members]

Sponsor: Farrell

Ordinance amending the Administrative Code to add cancer and heart/pneumonia presumptions for industrial disability and death in the line of duty retirement benefits for Sheriff members of the San Francisco City and County Employees' Retirement System. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150625 [Business and Tax Regulations, Police Codes - Exempting Certain Parking Stations and Hotels]

Sponsor: Wiener

Ordinance amending the Business and Tax Regulations Code to exempt parking stations and hotels earning less than \$40,000 in gross annual rental revenue from the requirements to obtain a certificate of authority and to make monthly remittances, and to exempt such parking stations from the requirement to obtain a parking tax bond.

PASSED ON FIRST READING by the following vote:

[Sale of City Property - 30 Van Ness Avenue - Not Less Than \$87,000,000; Appropriation to Defease Certificates of Participation - Up to \$31,770,000] Sponsor: Mayor

Ordinance authorizing the sale, by public competitive bid, of City-owned property located at 30 Van Ness Avenue for not less than \$87,000,000; authorizing the use of a portion of the proceeds from the sale for the defeasance of up to \$25,870,000 outstanding principal amount of Certificates of Participation (30 Van Ness Property) Series 2001A, up to \$5,900,000 outstanding principal amount of Certificates of Participation (City Office Buildings-Multiple Properties Project) Series 2007A, and appropriating funds for such defeasance; excluding the sale from the requirements of the Surplus Property Ordinance; affirming the Planning Department's determination under the California Environmental Quality Act; and adopting findings that the sale is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Fiscal Impact)

Supervisor Tang, seconded by Supervisor Mar, moved that this Ordinance be AMENDED on Page 4, beginning on Line 17, by adding 'Section 9. Board of Supervisors Ratification of Negotiated Agreement. Within 5 days after reaching agreement with a purchaser, the Director of Property shall report the final sales price and conditions of sale in writing to the Clerk of the Board of Supervisors. As soon as practical thereafter, the Director of Property shall submit a Resolution to the Clerk of the Board of Supervisors seeking ratification of the negotiated agreement. Notwithstanding Sections 3 and 4 of this Ordinance, the Director of Property shall not be authorized to effect the sale of Property, and this Ordinance shall be of no further force and effect, unless, within 30 days of the date such Resolution is introduced the Board of Supervisors finally adopts such Resolution. For the purpose of this Ordinance "finally adopts" means either (i) the Board of Supervisors adopts such a Resolution and the Mayor signs such Resolution or returns it unsigned, or (ii) the Board of Supervisors adopts such a Resolution and the Mayor vetoes such Resolution, but the Board overrides the Mayor's veto of the Resolution. Consistent with Charter, Section 2.114, the Board may reject or accept the negotiated agreement by following the process described in this Section, but the Board shall not change the terms of the agreement'; and on Page 5, Line 7, by changing '9' to '10'. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

(Fiscal Impact)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee

Noes: 2 - Avalos, Mar Excused: 1 - Campos

150730 [Business and Tax Regulations Code - Procedural Rules for Refunds of Business Taxes and Real Property Transfer Taxes]

Sponsors: Farrell; Cohen

Ordinance amending the Business and Tax Regulations Code to conform the City's business tax and real property transfer tax refund provisions to State law, expand the circumstances and extend the time in which the Tax Collector can issue refunds of business taxes, extend the date on which a claim accrues for purposes of filing a claim for refund of business taxes, and make other revisions to the City's rules regarding refunds of business taxes and real property transfer taxes.

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

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150509 [Lease Agreement - WDFG North America, LLC - Terminal 3 Specialty Retail Store - \$162,642 Minimum Annual Guarantee]

Resolution approving the Terminal 3 Specialty Retail Store Lease A between WDFG North America, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, with a minimum annual guarantee of \$162,642 during the first year of the Lease for a five-year term to commence following Board approval, with a two-year option to extend exercisable at the sole discretion of the Airport Commission. (Airport Commission)

Resolution No. 273-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

[Accept and Expend Grant - Federal Highway Bridge Replacement and Rehabilitation Program - 4th Street Bridge - \$11,420,360]

Sponsor: Mayor

Resolution retroactively authorizing Public Works to accept and expend a grant in the amount of \$11,420,360 from the Federal Highway Bridge Replacement and Rehabilitation Program - 4th Street Bridge for reimbursement of eligible project and settlement costs incurred by the City and County of San Francisco for the period of January 1, 2007, through January 12, 2012. (Fiscal Impact)

Resolution No. 288-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150733 [Accept and Expend Grant - San Francisco Interfaith Council - San Francisco Navigation Center - \$2,925,000]

Sponsors: Mayor; Farrell and Campos

Resolution retroactively authorizing the Mayor's Office of Housing Opportunity, Partnerships and Engagement to accept and expend a grant in the amount of \$2,925,000 from the San Francisco Interfaith Council for the purpose of renovating and opening the San Francisco Navigation Center and assisting with supportive housing exits for a one-year term for the period of January 26, 2015, through January 31, 2016.

Resolution No. 294-15

ADOPTED by the following vote:

150738 [Multifamily Housing Revenue Bonds - 250 Fremont Street - Not to Exceed \$19.300,0001

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "Director") to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$19,300,000 for 250 Fremont Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$19,300,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Resolution No. 295-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150739 [Multifamily Housing Revenue Bonds - 422-498 Folsom Street - Not to Exceed \$263,100,000]

Sponsor: Kim

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "Director") to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$263,100,000 for 422-498 Folsom Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$263,100,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Resolution No. 296-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Land Use and Transportation Committee

150526 [Amending Ordinance No. 28-15 - Inapplicability of Clean Construction Ordinance to Existing Contracts]

Sponsor: Cohen

Ordinance amending Ordinance No. 28-15, which requires a Construction Emissions Minimization Plan and monitoring for certain public works projects within an Air Pollutant Exposure Zone and establishes controls on emission-producing equipment used for public works projects outside of such zones, to clarify that Ordinance No. 28-15 does not apply to existing contracts and will apply only to construction contracts advertised or initiated on or after the effective date of this Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150648 [Deposit and Reimbursement Agreement - Treasure Island Development Authority - Treasure Island Community Development, LLC - Naval Station Treasure Island - \$100,000 Initial Deposit]

Sponsor: Mayor

Resolution approving a Deposit and Reimbursement Agreement relating to Naval Station Treasure Island between the City, the Treasure Island Development Authority, and Treasure Island Community Development, LLC, in the amount of an initial deposit of \$100,000 for reimbursement of certain eligible expenses incurred by the City in the formation of Community Facilities Districts and Infrastructure Financing Districts on Treasure Island and Yerba Buena Island over an indefinite term up to 20 years.

Resolution No. 287-15

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150652 [Term Sheet Endorsement - The Regents of the University of California - Ground Lease - Research Facility at 1001 Potrero Avenue - \$180,000 Per Annum] Sponsor: Cohen

Resolution endorsing a non-binding term sheet with The Regents of the University of California (the Regents) for the potential lease by the Regents of the B/C Lot of the Priscilla and Mark Zuckerberg San Francisco General Hospital Campus at 1001 Potrero Avenue (a portion of Assessor's Parcel Block No. 4154, Lot No. 001) for development by the Regents of a research facility for an initial lease term of 75 years and initial base rent of \$180,000 per annum.

Resolution No. 289-15

ADOPTED by the following vote:

150693 [Rescission of Final Environmental Impact Report Certification - 8 Washington Street/Seawall Lot No. 351 Project]

Sponsor: Christensen

Motion rescinding the certification of the Final Environmental Impact Report for the 8 Washington Street/Seawall Lot No. 351 Project to comply with orders of the San Francisco Superior Court in Ferry Building Investors, LLC, et al. v. San Francisco Port Commission, et al., Case No. CPF-12-512355, and Neighbors to Preserve the Waterfront, et al. v. City and County of San Francisco et al., Case No. CPF-12-512356.

Motion No. M15-118

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

Recommendations of the Rules Committee

150527 [Administrative Code - Notice and Filing Period for an Application for Reduction of an Escape Tax Assessment]

Sponsor: Cohen

Ordinance amending the Administrative Code to require that an application for reduction of an escape tax assessment be filed with the Administrator of the Assessment Appeals Board no later than 60 days after the date of mailing printed on the tax bill or the postmark therefor, whichever is later

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150390 [Appointment, Mental Health Board - Toni Parks]

Motion appointing Toni Parks, term ending January 31, 2018, to the Mental Health Board. (Rules Committee)

Motion No. M15-119

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

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

There were no recognition of commendations.

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

150703 [Public Hearing - Final Mitigated Negative Declaration - Hall of Justice - 850 Bryant Street - Proposed Project to Replace County Jail No. 3 and County Jail No. 4]

Hearing of persons interested in or objecting to the Planning Commission's determination of a Final Mitigated Negative Declaration of June 25, 2015, for the proposed project to replace County Jail No. 3 and County Jail No. 4 located at the Hall of Justice at 850 Bryant Street; and making a determination and/or findings. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Lisa Marie Alatorre and Mohamed Shehk (CURB) provided an overview of their objections to the project and spoke in opposition to the determination of a Final Mitigated Negative Declaration. Silvia Johnson; Roma Guy; Jessie Stout; Coral Bacon; Christie Klume; Walter Paulson; Ed Nomozito; David Bushow; Cameron Bells; Richard O'Malley; Jamie; Tom Gilberty; Roland Hong; Mary Marilyn; Lauren Carbonel; spoke in opposition to the project and the determination of a Final Mitigated Negative Declaration. Sarah Jones, Environmental Review Officer, Christopher Espiritu (Planning Department), and Kate Stacy, Deputy City Attorney, provided an overview of the decision of the Planning Commission and responded to questions raised throughout the discussion. Charles Higueras (Public Works), Jessie Rubin (Controller's Office), John Updike, Director, Real Estate, Matt Freeman, Chief Deputy Sheriff, Jumoke Akin-Taylor (Public Works), Brian Strong (Capital Planning) and Jo Robinson (Department of Public Health) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the determination of the Final Mitigated Negative Declaration. There were no speakers in support of the project. Lisa Marie Alatorre and Mohamed Shehk (CURB) provided a rebuttal and further requested the Board to disapprove the determination of the Final Mitigated Negative Declaration. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

Committee of the Whole Adjourn and Report

150704 [Affirming a Final Mitigated Negative Declaration - Hall of Justice - 850 Bryant Street]

Motion affirming the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act by the Planning Commission for the Hall of Justice project located at 850 Bryant Street. (Clerk of the Board)

Supervisor Cohen, seconded by Supervisor Tang, moved that this Motion be AMENDED on Page 2, Line 21, by striking 'disapproving' and adding 'approving'. The motion carried by the following vote:

Motion No. M15-120

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 7 - Breed, Christensen, Cohen, Farrell, Tang, Wiener, Yee

Noes: 3 - Avalos, Kim, Mar Excused: 1 - Campos

150705 [Disapproving a Final Mitigated Negative Declaration - Hall of Justice - 850 Bryant Street]

Motion disapproving a Final Mitigated Negative Declaration under the California Environmental Quality Act for the Hall of Justice project located at 850 Bryant Street. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Breed, Christensen, Cohen, Farrell, Tang, Wiener, Yee

Noes: 3 - Avalos, Kim, Mar Excused: 1 - Campos

150706 [Preparation of Findings to Reverse the Approval of a Final Mitigated Negative Declaration - Hall of Justice - 850 Bryant Street]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission's approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the Hall of Justice project located at 850 Bryant Street. (Clerk of the Board)

Supervisor Wiener, seconded by Supervisor Cohen, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 7 - Breed, Christensen, Cohen, Farrell, Tang, Wiener, Yee

Noes: 3 - Avalos, Kim, Mar Excused: 1 - Campos

Referred Without Recommendation from the Budget and Finance Sub-Committee

150701 [Funding Application - Sheriff's Department - Construction of Adult Local Criminal Justice Facilities]

Resolution authorizing the Sheriff's Department to submit a funding application to the Board of State and Community Corrections pursuant to California State Senate Bill 863 (2014) for a proposed project to replace County Jail No. 3 and County Jail No. 4; outlining the cash contribution funds for the proposed project; conditionally approving the form and execution of associated financing and construction documents; and adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. (Public Works) (Fiscal Impact)

Supervisor Breed, seconded by Supervisor Cohen, moved that this Resolution be AMENDED on Page 7, Line 3, by striking 'if such contract is for more than \$10,000,000'. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

(Fiscal Impact)

Resolution No. 261-15

ADOPTED AS AMENDED by the following vote:

Ayes: 7 - Breed, Christensen, Cohen, Farrell, Tang, Wiener, Yee

Noes: 3 - Avalos, Kim, Mar Excused: 1 - Campos

COMMITTEE REPORTS

Recommendations of the Land Use and Transportation Committee

150348 [Planning Code - Inclusionary Housing Requirements for Group Housing, Affordable Designated Unit Requirements in C-3 Districts]

Sponsors: Avalos; Kim and Mar

Ordinance amending the Planning Code to clarify that the Inclusionary Affordable Housing Program applies to housing projects, as defined, including group housing projects; change certain requirements for group housing projects including eliminating the exemption for group housing projects from certain exposure requirements; allowing a Zoning Administrator partial waiver from the exposure requirements; allowing affordable On-Site Units in group housing projects to be exempt from density calculations in certain circumstances; specifying that On-site Units in group housing projects be priced as 75% of the maximum purchase price for studio units if the bedrooms are less than 350 square feet; and clarify the requirements for Designated Units in certain C-3 districts under Section 124(f), including that they be affordable to households of 120% of AMI for rental and 150% of AMI for ownership and otherwise meet the monitoring and procedures for affordable units under the Inclusionary Affordable Housing Program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

150365 [Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 8]

Sponsor: Wiener

Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption.

This item was not sent as a Committee Report.

150585 [Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 31

Sponsor: Christensen

Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 3; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption.

This item was not sent as a Committee Report.

150681 [Planning Code - Allowing an Existing Restaurant to Open a Second Location with a Conditional Use Authorization - North Beach Special Use District] Sponsor: Christensen

Ordinance amending the Planning Code to allow an existing restaurant in the North Beach Special Use District to open a second location in the District with a conditional use authorization provided that it meets certain criteria; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Campos

Supervisor Avalos was noted not present at 2:57 p.m. and noted present at 3:12 p.m.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

President Breed appointed Supervisor Wiener to serve as President Pro Tem for the remainder of the meeting at 5:57 p.m.

President Breed and Supervisor Christensen were noted not present at 5:58 p.m. for the remainder of the meeting.

PUBLIC COMMENT

Rita Semel; spoke in support for proposed establishment of a memorial for "Comfort Women." Jeff Trainor; expressed concerns relating to notices of evictions for Yerba Buena Island residents. Betty Mackey; expressed concerns relating to notices of evictions for Yerba Buena Island residents.

Male Speaker: expressed various concerns relating to the Sheriff's Office.

Walter Paulson; shared in song certain concerns with the Board.

Ace Washington; expressed various concerns relating to the Sheriff's Office.

Christopher Dahl; expressed various concerns relating to sea level and lobbying.

Koichi Mera; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Toshio Honiyo: spoke in opposition to proposed establishment of a memorial for "Comfort

Toshio Honjyo; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Mariko Okada; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Terumi Imamura; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Yoshi Taguchi; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Silvia Johnson; expressed various concerns relating to the Police Department.

Jean Bee Chan; spoke in support for proposed establishment of a memorial for "Comfort Women." Marily Mondejar; spoke in support for proposed establishment of a memorial for "Comfort Women."

Hearan Yang; spoke in support for proposed establishment of a memorial for "Comfort Women." Jim Smith; spoke in support for proposed establishment of a memorial for "Comfort Women." Female Speaker; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Jennifer Chung; spoke in support for proposed establishment of a memorial for "Comfort Women." Michael Wong; spoke in support for proposed establishment of a memorial for "Comfort Women." Marthy Hubert; spoke in support for proposed establishment of a memorial for "Comfort Women." Gwyn Kirk; spoke in support for proposed establishment of a memorial for "Comfort Women." Adrian Fong; spoke in support for proposed establishment of a memorial for "Comfort Women." Judy Sandoval; spoke in support for proposed establishment of a memorial for "Comfort Women." Female Speaker; spoke in support for proposed establishment of a memorial for "Comfort Women."

Hisako Blair; spoke in opposition to proposed establishment of a memorial for "Comfort Women." Hariko Sharida; spoke in opposition to proposed establishment of a memorial for "Comfort Women."

Muriel Wong; spoke in opposition to proposed establishment of a memorial for "Comfort Women." Phillip Choy; spoke in support for proposed establishment of a memorial for "Comfort Women." Male Speaker; spoke in support for proposed establishment of a memorial for "Comfort Women." Yuriko Sands; spoke in opposition to proposed establishment of a memorial for "Comfort Women." Lo Si Fong; spoke in support for proposed establishment of a memorial for "Comfort Women." Edmond Larry Juizye; expressed various concerns.

Tom Gilberty: expressed various concerns.

Supervisors Breed and Christensen Excused from Attendance

Supervisor Farrell, seconded by Supervisor Mar, moved that Supervisors Breed and Christensen be excused for the remainder of today's meeting. The motion carried by the following vote:

Ayes: 8 - Avalos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 3 - Breed, Campos, Christensen

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Mar requested that File No. 150764 be severed so that it may be considered separately.

150764 [Urging the Establishment of a Memorial for "Comfort Women"]

Sponsors: Mar; Kim, Cohen, Christensen, Yee, Farrell, Campos and Avalos Resolution urging the City and County of San Francisco to establish a memorial for "Comfort Women."

REFERRED to the Public Safety and Neighborhood Services Committee

Supervisor Tang requested that File No. 150768 be severed so that it may be considered separately.

150768 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the November 3, 2015, Consolidated General Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2015, Consolidated General Election. (Clerk of the Board)

Supervisor Tang, seconded by Supervisor Yee, moved that this Motion be CONTINUED to July 28, 2015. The motion carried by the following vote:

Ayes: 8 - Avalos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 3 - Breed, Campos, Christensen

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.

Ordinances

150646 [Administrative Code - Amendments to Residential Rent Stabilization and Arbitration Ordinance]

Sponsors: Kim, Campos, Mar and Avalos

Ordinance amending the Administrative Code to: 1) prohibit, with certain exceptions, rent increases based on the addition of occupants even where a pre-existing rental agreement or lease permits such an increase; 2) prevent evictions based on the addition of occupants if the landlord has unreasonably refused the tenant's written request, including a refusal based on the amount of occupants allowed by the rental agreement or lease; 3) require landlords, after certain vacancies, to set the new base rent as the lawful rent in effect at the time of the vacancy; 4) require that there be a substantial violation of a lawful obligation or covenant of tenancy as a basis for the recovery of possession; 5) require a landlord, prior to seeking recovery of possession, to provide tenants an opportunity to cure the unauthorized addition of the tenant's family members to the tenant's unit: 6) prevent a landlord from seeking recovery of possession solely because the tenant is occupying a unit not authorized for residency; 7) require landlords to state in notices to vacate for certain good cause evictions the lawful rent for the unit at the time the notice is served; 8) require the Rent Board to prepare a form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian stating that a notice to vacate may lead to a lawsuit to evict and stating that advice regarding notices to vacate is available from the Rent Board; 9) require landlords to attach a copy of the Rent Board form in the primary language of the tenant to each notice to vacate; and 10) require landlords to plead and prove in any action to recover possession that at least one of the grounds of Administrative Code, Section 37.9(a)-(b) stated in the notice to vacate is the dominant motive for recovering possession.

06/16/15; ASSIGNED to Land Use and Transportation Committee.

06/30/15; REFERRED TO DEPARTMENT.

07/21/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150787 [Planning Code, Zoning Map - Fifth and Mission Special Use District] Sponsor: Mayor

Ordinance amending the Planning Code to add Section 249.74 to create the Fifth and Mission Special Use District; and amending Zoning Sectional Maps ZN001, SU001, and HT001 to reflect the Fifth and Mission Special Use District; and making environmental findings, including a statement of overriding consideration, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Economic Impact: No Economic Impact Report.)

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

150788 [Development Agreement - 5M Project, LLC - Fifth and Mission Project] Sponsor: Mayor

Ordinance approving a Development Agreement between the City and County of San Francisco and 5M Project, LLC, a Delaware limited liability company, for the Fifth and Mission Project at the approximately 4-acre site located at Fifth Street between Mission and Howard Streets; making findings under the California Environmental Quality Act, findings of conformity with the City's General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); approving the use of Impact Fees and Exactions for affordable housing and other community benefits, as set forth in the Development Agreement, and waiving any conflicting provision in Planning Code, Article 4 or Administrative Code, Article 10; authorizing the acquisition of real property at 967 Mission Street for affordable housing; and confirming compliance with or waiving certain provisions of Administrative Code, Chapters 14B and 56, and ratifying certain actions taken in connection therewith.

(Economic Impact; No Economic Impact Report.)

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

150789 [Accept and Expend Grant - FUSE Corps Senior Fellow Grant - Amendment to the Annual Salary Ordinance - \$134,632]

Sponsor: Mayor

Ordinance authorizing the Department of Human Resources to accept and expend a grant in the amount of \$134,632 from FUSE Corps to prepare students for pathways into careers in Science, Technology, Engineering, and Mathematics; and amending the Annual Salary Ordinance to provide for the addition of one grant-funded Class 0922 Manager I position for the period of September 28, 2015, through September 30, 2016.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 8/20/2015.

150790 [Planning Code - Establishing a New Citywide Transportation Sustainability Fee] Sponsors: Mayor; Wiener, Breed and Christensen

Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions, as long as the Transportation Sustainability Fee remains operative; amending Section 401 to add definitions reflecting these changes; amending Section 406 to clarify affordable housing and homeless shelter exemptions from the Transportation Sustainability Fee; making conforming amendments to the Area Plan fees in Planning Code, Article 4; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including general findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

150791 [Administrative Code - Protection of Biometric Information] Sponsor: Mar

Ordinance amending the Administrative Code to prohibit the City from disclosing biometric information it possesses about its employees or other persons, collecting biometric information from its employees, or using biometric information from its employees for timekeeping purposes, with certain exceptions.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 8/20/2015.

150792 [Fire Code - Disclosure of Fire Safety Information] Sponsor: Tang

Ordinance amending the San Francisco Fire Code to require building owners and homeowners' associations with five or more units to post and disclose fire safety information to residents; making findings as to local conditions pursuant to the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to transmit the Ordinance to appropriate State officials.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 8/20/2015.

150793 [Planning Code - Child Care Requirements for Office and Residential Projects and Associated Fees]

Sponsor: Yee

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; 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.

07/21/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/20/2015.

Resolutions

150794 [Accept and Expend Gift - Estate of Nguey Woo - Police Department - \$54,972.09] Sponsor: Mayor

Resolution authorizing the San Francisco Police Department to accept and expend a donation of \$54,972.09 pursuant to the order of final distribution of the estate of Nguey Woo.

07/21/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150795 [Resolution to Establish - Dogpatch & Northwest Potrero Hill Green Benefit District] Sponsors: Cohen; Campos

Resolution to establish the property-based business improvement district known as the "Dogpatch & Northwest Potrero Hill Green Benefit District"; ordering the levy and collection of assessments against property located in that district for ten years commencing with FY2015-2016, subject to conditions as specified herein; and making environmental findings.

06/18/15; REFERRED TO DEPARTMENT.

07/10/15; RESPONSE RECEIVED.

07/21/15; RECEIVED AND ASSIGNED to Board of Supervisors.

150796 [Confirming Support for the Sanctuary City and Due Process for All Ordinance and Urging the Sheriff to Immediately Rescind His Department-Wide Gag Order] Sponsor: Farrell

Resolution confirming the Board of Supervisors support for the Sanctuary City and Due Process for All Ordinance and urging the Sheriff to immediately rescind his department-wide gag order.

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150797 [Accept and Expend Gifts - Dr. Milka Rols - Laguna Honda Hospital and Rehabilitation Center - \$400,000 to Resident Gift Fund - \$100,000 to Employee Development Fund for Quality Improvement, Education, and Training] Sponsor: Yee

Resolution retroactively authorizing the Department of Public Health to accept and expend gifts from Dr. Milka Rols to Laguna Honda Hospital and Rehabilitation Center Resident Gift Fund in the amount of \$400.000 for the period of July 1, 2015, through June 30, 2035, and \$100.000 to the Development Fund for Quality Improvement, Education, and Training for the period of July 1, 2015, through June 30, 2025.

07/21/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150798 [Approval of a 60-Day Extension for Planning Commission Review of an Ordinance Amending the Planning Code to Require Conditional Use Authorization for All Residential Mergers (File No. 150494)]

Sponsor: Avalos

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150494) amending the Planning Code to require conditional use authorization for all residential mergers and to require compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; affirming the Planning Department's California Environmental Quality Act determination; and making Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/21/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

150799 [Urging Governor Brown and the California State Legislature to Restore \$331,044,084 to the National Mortgage Special Deposit Fund]

Sponsors: Avalos; Mar

Resolution urging Governor Jerry Brown and the California State Legislature to comply with the Sacramento County Superior Court's decision that found they illegally diverted \$331,044,084 from the National Mortgage Special Deposit Fund; and to meet with the plaintiffs in the lawsuit to discuss the schedule for restoring these funds and tailoring programs for the funds to help struggling homeowners keep their homes.

07/21/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING

150800 [Artistic Free Speech Day - August 7, 2015]

Sponsor: Farrell

Resolution declaring August 7, 2015, as Artistic Free Speech Day in the City and County of San Francisco.

07/21/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

150801 [Supporting the "No Traffick Ahead" Campaign to Take a Stand Against Human Trafficking in the Bay Area Before the 2016 Super Bowl and Beyond] Sponsors: Tang; Kim, Cohen, Mar, Breed, Farrell, Christensen, Campos and Yee

Resolution supporting the "No Traffick Ahead" Campaign by leveraging San Francisco's buying power to encourage local hotels and restaurants to take steps before the 2016 Super Bowl to address human trafficking by training employees, auditing supply chains for risk of trafficking, and adopting codes of conduct; and requesting City departments that interact with human trafficking cases to train their staff on human trafficking.

07/21/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

150802 [Allow the Department of Public Health to Accept and Execute California Department of Transportation Grants - Non-Infrastructure Transportation Projects Sponsor: Wiener

Resolution authorizing the Department of Public Health to receive Federal and State Funding for certain Non-Infrastructure Transportation Projects through the California Department of Transportation, and to delegate authorization to execute agreements and any amendments to the Director of the Department of Public Health.

07/21/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150807 [Consolidation of Elections Scheduled for November 3, 2015] Sponsor: Breed

Resolution consolidating the City and County of San Francisco Municipal Election to be held on November 3, 2015, with the City College of San Francisco Governing Board Election and the City and County of San Francisco Special Bond Election; and providing that the election precincts, voting places, and officers for these elections shall be the same as for the State General Election.

07/21/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

150604 [Hearing - Civil Grand Jury Report - CleanPowerSF At Long Last]

Hearing on the recently published 2014-2015 Civil Grand Jury report, entitled "CleanPowerSF At Long Last." (Clerk of the Board)

07/16/15; REFERRED TO DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150606 [Hearing - Civil Grand Jury Report - San Francisco's City Construction Program: It Needs Workl

Hearing on the recently published 2014-2015 Civil Grand Jury report, entitled "San Francisco's City Construction Program: It Needs Work." (Clerk of the Board)

07/21/15: REFERRED TO DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150608 [Hearing - Civil Grand Jury Report - Unfinished Business: A Continuity Report on the 2011-2012 Report, "Déjà Vu All Over Again"]

Hearing on the recently published 2014-2015 Civil Grand Jury report, entitled "Unfinished Business: A Continuity Report on the 2011-2012 Report, 'Déjà Vu All Over Again.' " (Clerk of the Board)

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150806 [Hearing - Civil Grand Jury Report - San Francisco Fire Department, What Does the Future Hold?]

Hearing on the recently published 2014-2015 Civil Grand Jury report, entitled "San Francisco Fire Department, What Does the Future Hold?" (Clerk of the Board)

07/20/15; REFERRED TO DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED RESOLUTIONS

150753 [Settlement of Unlitigated Claim - James Neidel, Francisco Alfaro, and Jose Alvarez - \$87,515]

Resolution approving the settlement of the unlitigated claim filed by James Neidel, Francisco Alfaro, and Jose Alvarez against the City and County of San Francisco for \$87,515; claim was filed on March 6, 2015. (City Attorney)

07/06/15; RECEIVED FROM DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150754 [Mental Health Services Act 2014-2017 Innovation Peer Respite Project Plan]

Resolution authorizing adoption of the San Francisco Mental Health Services Act 2014-2017 Innovation Peer Respite Project Plan. (Public Health Department)

07/09/15; RECEIVED FROM DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

150755 [Real Property Lease - Mission Valley Rock, Co. - San Francisco Public Utilities Commission Parcel Nos. 62 and 65 in Sunol, California - Initial Annual Rate \$60.0001

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to negotiate and execute, on behalf of the City acting through SFPUC, as landlord, a 25-year lease to Mission Valley Rock, Co., as tenant, of approximately 199 acres of SFPUC Parcel Nos. 62 and 65 in Sunol, California for water use and management, aggregate conveyance, overburden and fines placement, and reclamation, for an initial annual rental rate of \$60,000, plus 4% annual rent increases. (Public Utilities Commission)

07/13/15; RECEIVED FROM DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150756 [Agreement Amendment - PRWT Services, Inc. - Citation Processing and Support Services - Not to Exceed \$62,725,935]

Resolution approving the Fourth Amendment to the Agreement with PRWT Services, Inc., for citation processing and support services to extend the Agreement by one year to October 31, 2016, with an option to extend the Agreement for up to two additional years, and to increase the Agreement by \$11,395,881 for a total contract amount not to exceed \$64,871,292. (Municipal Transportation Agency)

(Fiscal Impact; No Budget and Legislative Analyst Report.)

07/13/15; RECEIVED FROM DEPARTMENT.

07/21/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request Granted

From: Supervisor Farrell

To: Sheriff

Requesting/Inquiring: Why was Juan Francisco Lopez-Sanchez subsequently held in our county jail for more than two and a half weeks after the District Attorney dismissed charges?

In Memoriam

Father Austin Conterno - Supervisor Christensen

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:38 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 September 8, 2015.

Angela Calvillo, Clerk of the Board