BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, May 19, 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

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

President London Breed called the meeting to order at 2:05 p.m. On the call of the roll, Supervisors Christensen and Kim were 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 Jane Kim informing the Board of her absence and requesting to be excused from today's meeting.

Supervisor Kim Excused from Attendance

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

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Mar, Tang, Wiener, Yee

Excused: 1 - Kim
Absent: 1 - Christensen

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of April 14, 2015. There were no corrections.

Supervisor Mar, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of April 14, 2015. The motion carried by the following vote, following general public comment:

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Mar, Tang, Wiener, Yee

Excused: 1 - Kim
Absent: 1 - Christensen

AGENDA CHANGES

There were no agenda changes.

Supervisor Christensen was noted present at 2:07 p.m.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

150329 [Settlement of Lawsuits - Pacific Gas and Electric Company - City to Pay \$1.563.963.29 and City to Receive \$1.563.963.291

Ordinance authorizing settlement of two lawsuits: the first lawsuit entitled Pacific Gas and Electric Co. v. City and County of San Francisco was filed by the Pacific Gas and Electric Company (PG&E) on December 14, 2007, in San Francisco Superior Court, Case No. CGC-07-470086; that settlement requires the City to pay PG&E \$1,563,963.29 and allows the City to continue providing electric service to the Ferry Building; the second lawsuit entitled City and County of San Francisco v. Pacific Gas and Electric Co. was filed by the City on March 6, 2013, in San Francisco Superior Court, Case No. CGC-13-529309; that settlement requires PG&E to pay the City \$1,563,963.29 and to provide the City with certain information necessary to prevent any future underpayments of franchise fees. (City Attorney)

PASSED, ON FIRST READING

150330 [Settlement of Lawsuit - FlightCar Incorporated - City to Receive \$230,000]

Ordinance authorizing settlement of lawsuit filed by the City Attorney on behalf of People of the State of California against FlightCar Incorporated and the Cross-Complaint filed by FlightCar Incorporated against the City and County of San Francisco; for the payment of \$230,000 by FlightCar Incorporated to the City; the underlying lawsuit was filed on May 31, 2013, in San Francisco Superior Court, Case No. CGC-13-531807, entitled People of the State of California v. FlightCar, Inc. and later changed venue to Santa Clara County Superior Court, Case No. 1-13-CV-251634; FlightCar Incorporated's Cross-Complaint, entitled FlightCar Incorporated v. City and County of San Francisco, with the same case number, was filed on February 4, 2014. (City Attorney)

PASSED, ON FIRST READING

150340 [Settlement of Lawsuit - BRE Parc 55 Owner, LLC - \$431,000]

Ordinance authorizing settlement of the lawsuit filed by BRE Parc 55 Owner, LLC, against the City and County of San Francisco for \$431,000; the lawsuit was filed on February 4, 2014, in San Francisco Superior Court, Case No. CGC-14-537160; entitled BRE Parc 55 Owner, LLC v. City and County of San Francisco. (City Attorney)

PASSED, ON FIRST READING

150400 [Settlement and Dismissal of Lawsuit - Donnie Thomas, et al. - City to Receive \$200.5341

Ordinance authorizing settlement and dismissal of the lawsuit filed by the City and County of San Francisco against Donnie Thomas, Miles Bonner, John Rauch, Robert Mazariegos, Vincent Padilla, Elizabeth Bradford, Jean Quiroz, Carlos Quiroz and Centennial Distributors, Inc., for \$200,534; the lawsuit was filed on August 19, 2010, in San Francisco Superior Court, Case No. CGC-10-502809; entitled City and County of San Francisco, et al. v. Donnie Thomas, et al. (City Attorney)

PASSED, ON FIRST READING

150343 [Settlement of Unlitigated Claim - Pacific Gas and Electric Company - \$62,540.39]

Resolution approving the settlement of the unlitigated claim filed by Pacific Gas and Electric Company against the City and County of San Francisco for \$62,540.39; claim was filed on October 30, 2014. (City Attorney)

Resolution No. 188-15

ADOPTED

Recommendations of the Land Use and Transportation Committee

141302 [Health Code - Massage Practitioner and Business Permits, Associated Fees] Sponsors: Tang; Yee and Farrell

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners, massage establishments, massage outcall services, and sole practitioner massage establishments by, among other things: 1) eliminating the exemption for massage businesses that employ solely massage practitioners certified by the California Massage Therapy Council from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for massage practitioner permits; 3) denying massage business permits to applicants who have been convicted of criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking massage practitioner permits, massage establishment permits, sole practitioner massage establishment permits, and outcall massage service permits; 7) specifying massage practitioner permit application and annual license fees: 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

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

Ordinance No. 072-15

FINALLY PASSED

141303 [Planning Code - Massage Establishments]

Sponsors: Tang; Yee and Farrell

Ordinance amending the Planning Code to require that massage establishments, with certain exceptions, obtain a Conditional Use permit; to establish a legitimization program for certain massage establishments; to make conforming amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

Ordinance No. 073-15

FINALLY PASSED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Kim

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

150485 [Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works)

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

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

Recommendation of the Budget and Finance Committee

150347 [Appropriation and De-Appropriation - Surplus Expenditures of \$9,630,762 Supporting Increased Overtime Expenditures - FY2014-2015]

Sponsors: Mayor; Farrell

Ordinance appropriating \$9,630,762 to overtime and de-appropriating \$9,630,762 from permanent salaries, fringe benefit expenses, and power for re-sale in the Sheriff's Department, Department of Emergency Management, Fire Department, Department of Public Health, and the Public Utilities Commission operating budgets in order to support the Departments projected increases in overtime as required per Ordinance No. 194-11 in FY2014-2015 and placing \$91,499 of the Sheriff's Department appropriation on Controller's Reserve; this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval of \$105,000 to the Public Utilities Commission of this request.

(Fiscal Impact)

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

Ordinance No. 074-15

FINALLY PASSED by the following vote:

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

Excused: 1 - Kim

Recommendation of the Budget and Finance Sub-Committee

150408 [Purchase and Sale of Electricity and Related Products and Services - Public Utilities Commission]

Sponsors: Mayor; Breed, Avalos, Mar and Campos

Ordinance authorizing the Public Utilities Commission (PUC) to use pro forma agreements to purchase and sell electricity and related products and services to operate the City's municipal electric utility and community choice aggregation program; authorizing the General Manager of the PUC, in such agreements, to deviate from certain otherwise applicable requirements of City law, under certain circumstances; and authorizing the PUC, within specified parameters, to approve agreements with terms in excess of ten years or requiring expenditures of \$10,000,000 or more for renewable and greenhouse-gas-free power and related products and services. (Fiscal Impact); (Economic Impact pending further Office of Economic Analysis Review)

Ordinance No. 075-15

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

150409 [Appropriation - Wastewater Enterprise General Reserve for Claims Settlements and Related Expenses as a Result of December 2014 Storms - \$1,750,000 - FY2014-2015]

Sponsor: Mayor

Ordinance appropriating \$1,750,000 from Wastewater Enterprise designated for general reserve in the Public Utilities Commission Wastewater Enterprise Department budget to pay the claims settlements, legal expenses, and related costs due to the extraordinary expenses incurred as a result of the December 2014 storms in FY2014-2015. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

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

150272 [Accept and Expend Grant - Solar Energy with Energy Storage - \$1,286,200] Sponsor: Farrell

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$1,286,200 from the U.S. Department of Energy to develop plans in multiple neighborhoods to develop Solar Energy with Energy Storage for Post-Disaster Preparedness for the term of December 15, 2014, through December 31, 2016. (Fiscal Impact)

Resolution No. 186-15

ADOPTED by the following vote:

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

150312 [Commercial Lease Agreement - Les Joulins, USA - 44 Ellis Street - \$5,127,000] Sponsor: Christensen

Resolution retroactively authorizing the San Francisco Municipal Transportation Agency to execute a Commercial Lease Agreement with Les Joulins, USA, Inc., and Osman Uner for approximately 5,368 square feet of restaurant/night club space at 44 Ellis Street, for a 10-year term to commence on March 1, 2015, plus two five-year options to extend, which includes a rent schedule for the 10-year base term that will result in \$5,127,000 in revenue to the City.

Resolution No. 187-15

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee

150026 [Follow-Up Board Response - Civil Grand Jury Report - Rising Sea Levels...At Our Doorstep]

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisors' responses to Recommendation Nos. 3 and 12b contained in the 2013-2014 Civil Grand Jury Report, entitled "Rising Sea Levels...At Our Doorstep"; and urging the Mayor to cause implementation of accepted recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

Motion No. M15-084

APPROVED by the following vote:

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

Recommendations of the Land Use and Transportation Committee

150017 [Planning Code - Castro Street Neighborhood Commercial District, 24th Street -Noe Valley Neighborhood Commercial District, Upper Market Street Neighborhood Commercial Transit District, and Parcels Zoned Neighborhood Commercial Transit on Market Street]

Sponsor: Wiener

Ordinance amending the Planning Code to require that certain uses obtain Conditional Use authorization in the Castro Street Neighborhood Commercial District, the 24th Street - Noe Valley Neighborhood Commercial District, the Upper Market Neighborhood Commercial Transit District, and in the Moderate-Scale Neighborhood Commercial Transit (NCT-3) District for parcels on Market Street west of Octavia Boulevard; 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.

PASSED ON FIRST READING by the following vote:

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

150148 [Planning Code - Designation of 149-155 9th Street (aka the Western Manufacturing Company Building)]

Ordinance amending the Planning Code to change the designation of 149-155 9th Street (aka the Western Manufacturing Company Building), Assessor's Block No. 3728, Lot No. 048, from Category V (Unrated) to Category III (Contributory) under Planning Code, Article 11; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee

150296 [Waiver of Banner Fee - Lawton Alternative School]

Sponsor: Tang

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for up to four banners to be placed by the Lawton Alternative School to publicize the school's selection as a California Distinguished School.

PASSED ON FIRST READING by the following vote:

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

President Breed recessed the meeting without objection at the hour of 2:49 p.m., and reconvened at the hour of 3:00 p.m. The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Christensen, Cohen, Farrell, Tang, Wiener, Yee

Supervisor Mar was noted present at 3:02 p.m.

SPECIAL ORDER 3:00 P.M.

140767 [Public Hearing - Appeal of Categorical Exemption from Environmental Review - 2251 Greenwich Street - Fire Station No. 16]

Hearing of persons interested in or objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act issued by the Planning Department on June 2, 2014, for the proposed project at 2251 Greenwich Street known as Fire Station No. 16. (District 2) (Appellant: Stephen Williams, on behalf of Brent McMicking and Evan Kletter) (Filed July 2, 2014). (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board. Stephen Williams (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Evan Kletter; Patricia Vaughy; Michael Poll; spoke in support of the appeal. Jessica Range (Planning Department) provided an overview of the decision of the Planning Department. Charles Higueras (Public Works) and Marlena Byrne, Deputy City Attorney, responded to questions raised throughout the discussion. Charles Higueras (Public Works) and Ken Lombardi, Deputy Fire Chief, provided an overview of the project. Edmund Larry Juizye; spoke in support of the project and in opposition to the appeal. Stephen Williams (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

140768 [Affirming the Categorical Exemption Determination - 2251 Greenwich Street]

Motion affirming the determination by the Planning Department that a proposed project at 2251 Greenwich Street is categorically exempt from environmental review.

Motion No. M15-088

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

140769 [Reversing the Categorical Exemption Determination - 2251 Greenwich Street]

Motion reversing the determination by the Planning Department that a proposed project at 2251 Greenwich Street is categorically exempt from environmental review.

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

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

140770 [Preparation of Findings to Reverse the Categorical Exemption Determination - 2251 Greenwich Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that a proposed project at 2251 Greenwich Street is categorically exempt from environmental review.

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

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

SPECIAL ORDER 3:00 P.M.

150395 [Public Hearing - Appeal of Categorical Exemption from Environmental Review - 26 Hodges Alley]

Hearing of persons interested in or objecting to the determination of categorical exemption from environmental review under the California Environmental Quality Act issued by the Planning Department on September 18, 2014, for the proposed project at 26 Hodges Alley. (District 3) (Appellant: Melody Mar) (Filed April 10, 2015).

Angela Calvillo, Clerk of the Board, acknowledged receipt of a communication received from Melody Mar (Appellant), dated May 18, 2015, for property located at 26 Hodges Alley requesting a continuance of the appeal. The President inquired as to whether any member of the public wished to address the Board. Melody Mar (Appellant) provided an overview of the appeal and further requested the Board to approve the appeal. Edmund Larry Juizye; spoke in support of the appeal. Chris Espiritu (Planning Department) provided an overview of the decision of the Planning Department. Jody Knight (Project Sponsor) provided an overview of the project and further requested the Board to uphold the decision of the Planning Department. There were no speakers in support of the project and in opposition to the appeal. Steven Wood (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

150396 [Affirming the Categorical Exemption Determination - 26 Hodges Alley]

Motion affirming the determination by the Planning Department that a proposed project at 26 Hodges Alley is categorically exempt from environmental review.

Motion No. M15-089

Supervisor Christensen, seconded by Supervisor Farrell, moved that this Motion be APPROVED. The motion carried by the following vote:

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

150397 [Reversing the Categorical Exemption Determination - 26 Hodges Alley]

Motion reversing the determination by the Planning Department that a proposed project at 26 Hodges Alley is categorically exempt from environmental review.

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

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

150398 [Preparation of Findings to Reverse the Categorical Exemption Determination - 26 Hodges Allev]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that a proposed project at 26 Hodges Alley is categorically exempt from environmental review.

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

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

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Christensen, seconded by Supervisor Farrell, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

SMALL BUSINESS WEEK

Mark Dwight, President, Small Business Commission, shared in the commendations and provided opening remarks. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Small Business Week, their accomplishments, and their continued community support as referenced below:

Supervisor Christensen recognized Jay Esopenko and Melissa Gugni (Little Vine and Union Larder); and

Supervisor Farrell recognized Gil Hodges (Liverpool Lil's); and

Supervisor Mar recognized Jamie Alexander and Derek Song (Park Life); and

Supervisor Tang recognized Dimitri Vardakastanis (Noriega Produce); and

Supervisor Wiener recognized Isabel Fondevila (Roxie Theatre); and

Supervisor Yee recognized Matt Rogers (Papenhausen Hardware); and

Supervisor Avalos recognized Thelma and Bayardo Orozco (Ana's Market); and

Supervisor Breed recognized Chuck and Amanda Nicklow (Costumes on Haight); and

Supervisor Campos recognized Alba Guerra and Wilson Alvarez (Sunrise Restaurant); and

Supervisor Cohen recognized Howard Hines and Maria Tan (Tiptoes Nails Spa); and

Supervisor Campos, on behalf of Supervisor Kim, recognized Alejandra Perez (Un Cafecito).

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Christopher Dahl; expressed various concerns relating to sea level, automobiles, and Munivehicles.

John DiDonna; shared in poem certain concerns with the Board.

Male Speaker; expressed various religious concerns.

Thomas Gilberty; expressed various concerns relating to corporate buses, Muni vehicles, and taxis.

Otto Duffy; expressed various concerns relating to north of Market housing.

Jason Washington; expressed various concerns relating to African-American and LGBT communities and civil rights.

Patricia Vaughy; expressed various concerns relating to the Municipal Transportation Agency. Walter Paulson; shared in song certain concerns with the Board.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

150500 [Supporting California Assembly Bill 775 (Chiu and Burke) - The Reproductive Freedom, Accountability, Comprehensive Care, and Transparency Act]

Sponsors: Cohen; Kim and Tang

Resolution supporting California Assembly Bill 775, co-authored by Assemblymembers David Chiu and Autumn Burke, which advances reproductive freedom, accountability, comprehensive care, and transparency for women in California.

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

Resolution No. 189-15

ADOPTED

150501 [Declaring CHEER San Francisco as the Official Cheerleaders of the City and County of San Francisco]

Sponsors: Wiener; Farrell

Resolution declaring CHEER San Francisco to be the Official Cheerleaders of the City and County of San Francisco; and commending the organization on the occasion of its 35th anniversary.

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

Resolution No. 190-15

ADOPTED

150502 [National Mental Health Awareness Month - May]

Sponsors: Yee; Mar

Resolution recognizing and supporting efforts to bring more resources to mental health services locally and declaring May as National Mental Health Awareness Month in the City and County of San Francisco.

Resolution No. 191-15

ADOPTED

150487 [Final Map 8413 - 248-252-9th Street]

Motion approving Final Map 8413, a 15 residential unit and 1 commercial unit, mixed-use Condominium Project, located at 248-252-9th Street, being a subdivision of Assessor's Block No. 3518, Lot Nos. 006 and 007, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M15-085

APPROVED

150488 [Final Map 8105 - 883-899 Valencia Street]

Motion approving Final Map 8105, a 18 residential unit and 3 commercial unit, mixed-use Condominium Project, located at 883-899 Valencia Street, being a subdivision of Assessor's Block No. 3596, Lot No. 113, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M15-086

APPROVED

150503 [Committee of the Whole - Urgency Ordinance - Zoning - Interim Moratorium on New Residential Uses and Elimination of Production, Distribution, and Repair Uses in a Portion of the Mission Area Plan of the General Plan - June 2, 2015] **Sponsor: Campos**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 2, 2015, at 3:00 p.m., to hold a public hearing to consider the proposed Urgency Ordinance for an Interim Moratorium on New Residential Uses and Elimination of Production, Distribution and Repair Uses in a Portion of the Mission Area Plan of the General Plan.

Motion No. M15-087

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 1 - Kim

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.

Charter Amendment

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

Charter Amendment (First 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.

05/19/15; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2015.

Ordinances

150221 [Planning, Public Works Codes - Street Trees and Adoption of Associated Fees] Sponsors: Wiener; Christensen

Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

03/03/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

03/17/15; REFERRED TO DEPARTMENT.

03/18/15; REFERRED TO DEPARTMENT.

04/21/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

05/01/15; REFERRED TO DEPARTMENT.

05/15/15: RESPONSE RECEIVED.

05/19/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150243 [Administrative Code - Barring City Departments from Purchasing and City Contractors or Grantees from Selling or Distributing Sugar-Sweetened Beverages] Sponsors: Mar; Wiener, Cohen and Avalos

Ordinance amending the Administrative Code to bar City departments from using City funds to purchase sugar-sweetened beverages and to bar the sale or distribution of sugar-sweetened beverages under City contracts and grants.

03/10/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 4/9/2015.

03/16/15; REFERRED TO DEPARTMENT.

04/03/15: REFERRED TO DEPARTMENT.

04/08/15; RESPONSE RECEIVED.

05/04/15; TRANSFERRED to Land Use and Transportation Committee.

05/19/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150245 [Health Code - Sugar-Sweetened Beverage Warning for Advertisements] Sponsors: Wiener; Mar and Cohen

Ordinance amending the Health Code to require advertisements for sugar-sweetened beverages to include a warning about the harmful health effects of consuming such beverages and authorizing the Director of Health to impose penalties for noncompliance.

03/10/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 4/9/2015.

03/16/15; REFERRED TO DEPARTMENT.

04/03/15; REFERRED TO DEPARTMENT.

04/08/15; RESPONSE RECEIVED.

05/04/15; TRANSFERRED to Land Use and Transportation Committee.

05/19/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150348 [Planning Code - Applying Inclusionary Housing Requirements to Group Housing] Sponsors: Avalos; Kim

Ordinance amending the Planning Code to clarify that the Inclusionary Affordable Housing Program applies to housing projects, as defined, including group housing projects; 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.

04/07/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/7/2015.

04/15/15; REFERRED TO DEPARTMENT.

04/27/15; RESPONSE RECEIVED.

05/19/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150350 [Health, Public Works Codes - Mandatory Use of Alternate Water Supplies in New Construction]

Sponsors: Wiener; Breed, Avalos and Christensen

Ordinance amending Health Code, Article 12C, to require that new buildings of 250,000 square feet or more of gross floor area be constructed, operated, and maintained using available alternate water sources for toilet and urinal flushing and irrigation; that new buildings of 40,000 square feet or more of gross floor area prepare water budget calculations; and that subdivision approval requirements include compliance with Article 12C; amending the Public Works Code to provide that pipelines and other facilities constructed in accordance with Article 12C and located in public rights-of-way are subject to approval as minor encroachments and exempt from payment of public right-of-way occupancy assessment fees; and affirming the Planning Department's determination under the California Environmental Quality Act.

04/07/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/7/2015.

04/15/15; REFERRED TO DEPARTMENT.

04/27/15; RESPONSE RECEIVED.

05/19/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150461 [Zoning - Interim Moratorium on Certain New Residential Uses and Elimination of Production, Distribution, and Repair Uses in a Portion of the Mission Area Plan of the General Plan1

Sponsors: Campos; Mar, Kim, Avalos and Yee

Urgency Ordinance approving an interim zoning moratorium on the issuance of any permits to demolish, convert, or construct housing projects that result in the gain or loss of 5 or more residential units, or to demolish, convert, or eliminate Production, Distribution, and Repair (PDR). and to create an exception from the moratorium for the issuance of permits for 100% affordable housing projects, and to allow the elimination of PDR uses where necessary to permit 100% affordable housing projects, in a portion of the Mission Area Plan of the General Plan (comprising the area bounded by the north side of Cesar Chavez Street from the east side of Valencia Street to the west side of Potrero Avenue; the west side of Potrero Avenue from the north side of Cesar Chavez Street to the south side of 20th Street: the south side of 20th Street from the west side of Potrero Avenue to the west side of Bryant Street; the west side of Bryant Street from the south side of 20th Street to the south side of U.S. Route 101; the south side of U.S. Route 101 from the west side of Bryant Street to the east side of Valencia Street; the east side of Valencia Street from the south side of U.S. Route 101 to the north side of Cesar Chavez Street); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

05/05/15; ASSIGNED to Land Use and Transportation Committee.

05/12/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

05/14/15; REFERRED TO DEPARTMENT.

05/19/15; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

05/19/15; SUBSTITUTED AND ASSIGNED to Board of Supervisors.

150515 [Memorandum of Understanding - Union of American Physicians and Dentists, Unit 17]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Union of American Physicians and Dentists, Unit 17, to be effective July 1, 2015, through June 30, 2018.

05/19/15; ASSIGNED to Government Audit and Oversight Committee.

150516 [Memorandum of Understanding - Union of American Physicians and Dentists, Unit 181

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Union of American Physicians and Dentists, Unit 18, to be effective July 1, 2015, through June 30, 2018.

05/19/15; ASSIGNED to Government Audit and Oversight Committee.

150517 [Memorandum of Understanding - Laborers International Union, Local 261] **Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, by implementing specified terms and conditions of employment for FYs 2015-2016 and 2016-2017.

05/19/15; ASSIGNED to Government Audit and Oversight Committee.

150518 [Memorandum of Understanding - Service Employees International Union, Local 1021: H-1 Fire Rescue Paramedics]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021: H-1 Fire Rescue Paramedics, by extending the term of the Memorandum of Understanding to June 30, 2018, and implementing specified terms and conditions of employment for FYs 2015-2016, 2016-2017, and 2017-2018.

05/19/15; ASSIGNED to Government Audit and Oversight Committee.

150519 [Compensation for Unrepresented Employees]

Sponsor: Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2015.

05/19/15; ASSIGNED to Government Audit and Oversight Committee.

150525 [Subdivision Code - Below Market Rate Condominium Conversion Program Alternatives]

Sponsor: Breed

Ordinance amending the Subdivision Code to reauthorize an alternative to compliance with the Below Market Rate Condominium Conversion Program for certain qualifying projects subject to the Program.

05/19/15; ASSIGNED to 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.

05/19/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/18/2015.

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.

05/19/15: ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2015.

150528 [Health Code - Animal Care and Control Adoption Fee Waiver] Sponsor: Tang

Ordinance amending the Health Code to authorize the Animal Control Officer to waive adoption fees and other applicable charges upon finding that such a waiver will maintain or increase the live release rate.

05/19/15; ASSIGNED to Budget and Finance Sub-Committee.

Resolutions

150529 [Appointment, Director of the San Francisco Bay Area Regional Water System Financing Authority - Harlan L. Kelly, Jr.]

Sponsor: Mayor

Resolution appointing Harlan L. Kelly, Jr., to an indefinite term as a Director of the San Francisco Bay Area Regional Water System Financing Authority.

05/19/15; RECEIVED AND ASSIGNED to Rules Committee.

150530 [Accept and Expend Grant - Summer Jobs Connect Program - \$600,000] Sponsor: Mayor

Resolution retroactively authorizing the Department of Children, Youth and Their Families (DCYF) to accept and expend grant funding in the amount of \$600,000 from the Cities for Financial Empowerment Fund for the Summer Jobs Connect Program to support 155 youth employment opportunities and increased banking access, and financial education for all youth in DCYF-funded summer workforce programs for the period April 1, 2015, through March 31, 2016.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150531 [Contracts - Oracle America, Inc., and Accenture, LLP - Controller's Financial System Project - Not to Exceed \$27,792,116 and \$23,068,777] Sponsors: Mayor; Farrell

Resolution authorizing the Office of the Controller to enter into two contracts: a software license and maintenance agreement with Oracle America, Inc., for a one-year term, with nine options to extend the contract for up to one year each, in an amount not to exceed \$27,792,116; and a professional services agreement with Accenture, LLP, for a two-year term, with one option to extend the contract for up to one year, in an amount not to exceed \$23,068,777; with both contracts to commence upon Board and Mayoral approval, to implement and configure a comprehensive, fully-integrated Enterprise Resource Planning System, including all services related to delivery, installation, integration, customization, data conversion, training, documentation, deployments, and project management, to replace the obsolete Financial Accounting and Management Information System currently in use. (Fiscal Impact)

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150532 [Interim Zoning Controls - Conditional Use Requirement for Residential Mergers] Sponsor: Avalos

Resolution imposing interim zoning controls to require conditional use authorization for any residential merger, including mergers of both legal and illegal existing units; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

05/19/15; ASSIGNED to Land Use and Transportation Committee.

150533 [California Enterprise Development Authority Revenue Obligations Issuance - Live Oak - Learning Center for Children - Not to Exceed \$10,000,000] Sponsor: Cohen

Resolution approving for purposes of Internal Revenue Code, Section 147(f), the Issuance and Sale of Revenue Obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$10,000,000 to finance or refinance the acquisition, construction, improvement, and/or equipping of K-8 educational facilities to be owned and operated by, or leased and operated by, Live Oak, a Learning Center for Children, a California nonprofit public benefit corporation.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150534 [Multifamily Housing Revenue Bonds - 2500 Arelious Walker Drive - Not to Exceed \$33,000,000]

Sponsor: Cohen

Resolution declaring the intent of the City and County of San Francisco to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (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 \$33,000,000 for 2500 Arelious Walker Drive; authorizing and directing 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 \$33,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150535 [Resolution of Intention - Dogpatch & Northwest Potrero Hill Green Benefit District] Sponsors: Cohen; Campos

Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district, to be known as the "Dogpatch & Northwest Potrero Hill Green Benefit District," and levy a multi-year assessment on identified parcels in the district; approving the management district plan, engineer's report, and proposed boundaries map for the district; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballots Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

 $05/19/15; \, RECEIVED \, AND \, ASSIGNED \, to \, Land \, Use \, and \, Transportation \, Committee.$

150536 [Accept and Expend Grant - Human Trafficking Advocacy Program - \$110,276] Sponsor: Tang

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$110,276 from the California Governor's Office of Emergency Services for the Human Trafficking Advocacy Program for the grant period October 1, 2014, through September 30, 2015, to ensure human trafficking victims receive comprehensive victim services and to enhance the collaboration with the Mayor's Task Force on Anti-Human Trafficking.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150537 [Accept In-Kind Gift - San Francisco Association of Realtors® - Online Content Subscription - \$20,000 in Annual Value]

Sponsor: Wiener

Resolution authorizing the Office of Assessor-Recorder to accept an in-kind gift not to exceed \$20,000 in annual value from the San Francisco Association of Realtors® to improve the accuracy of appraising and developing valuations for properties within the City and County of San Francisco.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150538 [Recognizing and Supporting the First Annual National Gun Violence Awareness Day - June 2, 2015]

Sponsors: Farrell; Cohen

Resolution recognizing and supporting the First Annual National Gun Violence Awareness Day on June 2, 2015, to bring attention to the 88 Americans stolen by gun violence every day, and encouraging San Franciscans to wear orange to bring awareness to this epidemic.

05/19/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

150523 [Hearing - Zoning - Interim Moratorium on Certain New Residential Uses and Elimination of Production, Distribution, and Repair Uses in a Portion of the Mission Area Plan of the General Plan]

Hearing to consider an Urgency Ordinance approving an interim zoning moratorium on the issuance of any permits to demolish, convert, or construct housing projects that result in the gain or loss of 5 or more residential units, or to demolish, convert, or eliminate Production, Distribution, and Repair (PDR), and to create an exception from the moratorium for the issuance of permits for 100% affordable housing projects, and to allow the elimination of PDR uses where necessary to permit 100% affordable housing projects, in a portion of the Mission Area Plan of the General Plan (comprising the area bounded by the north side of Cesar Chavez Street from the east side of Valencia Street to the west side of Potrero Avenue; the west side of Potrero Avenue from the north side of Cesar Chavez Street to the south side of 20th Street; the south side of 20th Street from the west side of Potrero Avenue to the west side of Bryant Street; the west side of Bryant Street from the south side of 20th Street to the south side of U.S. Route 101; the south side of U.S. Route 101 from the west side of Bryant Street to the east side of Valencia Street; the east side of Valencia Street from the south side of U.S. Route 101 to the north side of Cesar Chavez Street); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

05/19/15: SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

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 ORDINANCE

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)

05/07/15; RECEIVED FROM DEPARTMENT.

05/19/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

150483 [Host Site Agreement - 2020 PGA Championship - PGA Tournament Corporation, Inc. - Minimum Site Fee of Not Less Than \$2,000,000]

Resolution approving and authorizing the execution of a Host Site Agreement with PGA Tournament Corporation, Inc. for the use of TPC Harding Park Golf Course for the 2020 PGA Championship for a site fee of not less than \$2,000,000. (Recreation and Park Department) (Fiscal Impact)

05/08/15; RECEIVED FROM DEPARTMENT.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150484 [Extension Agreement - Long Term Energy Sales - Modesto Irrigation District]

Resolution approving an Extension Agreement between the City and County of San Francisco, acting by and through its Public Utilities Commission, and the Modesto Irrigation District, to extend the term of the existing Long Term Energy Sales Agreement to the earlier of the approval of a replacement agreement by both parties, or June 30, 2016. (Public Utilities Commission)

05/11/15; RECEIVED FROM DEPARTMENT.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150486 [Extension Agreement - Long Term Power Sales - Turlock Irrigation District]

Resolution approving an Extension Agreement between the City and County of San Francisco, acting by and through its Public Utilities Commission, and the Turlock Irrigation District, to extend the term of the existing Long Term Power Sales Agreement to the earlier of the approval of a replacement agreement by both parties, or June 30, 2016. (Public Utilities Commission)

05/11/15; RECEIVED FROM DEPARTMENT.

05/19/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:26 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 July 7, 2015.

Angela Calvillo, Clerk of the Board