

Board of Supervisors



City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tel. No. 554-5184
TDD No. 554-5227

Legislation Introduced at Roll Call

Tuesday, November 29, 2016

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

161285 [Real Property Acquisition - Sidewalks Along Portions of Van Ness Avenue and South Van Ness Avenue]

Sponsor: Mayor

Ordinance authorizing the Director of Property to agree to acquire and accept the State of California's relinquishment of all its right, title, and interest in and to the sidewalks along portions of Van Ness Avenue (between Lombard Street and Market Street), portions of South Van Ness Avenue (between Market Street and Plum Street), and the underlying real property (if any and without warranty), except as otherwise excepted and reserved by the State of California; authorizing the placement of such sidewalks and real property, upon acquisition, under the jurisdiction of Public Works; authorizing additional official City actions required to consummate the relinquishment of the sidewalks, as defined herein; authorizing the Director of Public Works to amend an existing Delegated Maintenance Agreement with the State of California regarding shared maintenance of portions of Van Ness Avenue and maintenance cost allocation, upon relinquishment of the sidewalks; waiving fees and bonding requirements for the State of California that would be otherwise applicable to excavation permits; waiving the required 90-days' notice of intention to relinquish set forth in California Streets and Highways Code, Section 73; adopting the Planning Department's determination that such acquisition is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting the Planning Department's determination under the California Environmental Quality Act. ASSIGNED to Land Use and Transportation Committee.

- 161286 [Project Partnership Agreement - United States Army Corps of Engineers - Dredging of Central Basin by Pier 70 - Waiving Certain Requirements of Environment and Administrative Codes - Not to Exceed \$3,139,850]**
Sponsor: Mayor
Ordinance approving and authorizing the Executive Director of the Port of San Francisco ("Port") to execute a Project Partnership Agreement with the United States Army Corps of Engineers ("USACE") to allow federal dredging of the Central Basin adjacent to Pier 70 conditioned upon the Port providing a 25% matching share not to exceed \$2,242,750 for the initial project costs, and the Port providing a 10% matching share, not to exceed an additional \$897,100 for federal maintenance dredging of the Central Basin payable over the following 30 years, for a total matching share from the Port not to exceed \$3,139,850; exempting the Agreement from certain requirements of the Environment Code and Administrative Code except to the extent that the Agreement obligates USACE to satisfy any such requirements; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED to Budget and Finance Committee.
- 161287 [Environment Code - Green Building Requirements for City Buildings]**
Sponsors: Mayor; Breed
Ordinance amending the Environment Code to update the green building requirements for the design, construction, and operation of City buildings; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 161288 [Appropriation - General Reserve - Establishing a Legal Unit to Defend Immigrants from Deportation in FYs 2016-2017 and 2017-2018 - \$6,945,965]**
Sponsors: Campos; Mar, Avalos and Kim
Ordinance appropriating \$6,945,965 of General Reserve to the Office of Public Defender, to create a legal unit to defend immigrants from deportation in FYs 2016-2017 and 2017-2018. ASSIGNED to Budget and Finance Committee.
- 161289 [Public Employment - Amendment to the Annual Salary Ordinance for the Office of Public Defender - Legal Unit to Defend Immigrants from Deportation - FYs 2016-2017 and 2017-2018]**
Sponsors: Campos; Mar, Avalos and Kim
Ordinance amending Ordinance No. 146-16 (Annual Salary Ordinance FYs 2016-2017 and 2017-2018) to reflect the addition of 17 new positions (7.08 FTEs in FY2016-2017 and 17 FTEs in FY2017-2018) at Office of Public Defender for establishing a legal unit to defend immigrants from deportation. ASSIGNED to Budget and Finance Committee.
- 161290 [Environment Code - Packaged Drinking Water]**
Sponsor: Mar
Ordinance amending the Environment Code to modify restrictions on the sale or distribution on City property of drinking water in single service containers, to educate City departments regarding the restrictions, and making environmental findings. ASSIGNED to Public Safety and Neighborhood Services Committee.

161291 [Administrative Code - Hotel Conversion Ordinance Update]

Sponsor: Peskin

Ordinance amending the Administrative Code to update the Hotel Conversion Ordinance, including: adding or refining definitions of tourist and transit use, comparable unit, conversion, and low-income household; revising procedures for permits to convert residential units; harmonizing fees and penalty provisions with the Building Code; eliminating seasonal short-term rentals for residential hotels that have violated provisions of the Hotel Conversion Ordinance in the previous year; authorizing the Department of Building Inspection to issue administrative subpoenas; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

Resolutions

161292 [Accept and Expend Grant - Centers for Disease Control and Prevention - Enhancing Health Resilience to Climate Change Through Adaptation - \$213,713]

Sponsor: Mayor

Resolution retroactively authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$213,713 from Centers for Disease Control and Prevention to participate in a program entitled, Enhancing Health Resilience to Climate Change Through Adaptation for the period of September 1, 2016, through August 31, 2017. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

161293 [Accept and Expend Grant - United States Department of Energy - Advancing Fuel Cell Vehicles - \$249,970]

Sponsor: Mayor

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$249,970 from the United States Department of Energy to harmonize local regulations and building codes to ease the siting and construction of hydrogen fueling stations for zero-emission Fuel Cell Electric Vehicles in San Francisco and the greater San Francisco Bay Area for the term of October 1, 2016, through September 30, 2018. (Environment). RECEIVED AND ASSIGNED to Budget and Finance Committee.

161294 [Accept and Expend Grant - California Public Utilities Commission - Energy Efficiency Program - \$20,790,000]

Sponsor: Mayor

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$20,790,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to continue an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco for the term of January 1, 2017, through December 31, 2019. (Environment). RECEIVED AND ASSIGNED to Budget and Finance Committee.

161295 [Accept In-Kind Grant - San Francisco Parks Alliance - John McLaren Bike Park, Phase I - \$147,268]

Sponsor: Mayor

Resolution authorizing the San Francisco Recreation and Park Department to accept an in-kind grant of \$147,268 from the San Francisco Parks Alliance to support the John McLaren Bike Park. (Recreation and Park Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 161296 [Accept and Expend Grant - Centers for Disease Control and Prevention - National HIV Behavioral Surveillance - San Francisco - Total Amount of \$558,933]**
Sponsor: Farrell
 Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase of \$71,047, for a total amount of \$558,933, from Centers for Disease Control and Prevention to participate in a program entitled National HIV Behavioral Surveillance - San Francisco for the period of January 1, 2016, through December 31, 2016. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 161283 [Extending Interim Zoning Controls - Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts]**
Sponsor: Tang
 Resolution extending interim zoning controls that require conditional use authorization for Medical Cannabis Dispensaries in the Irving, Judah, Noriega and Taraval Street Neighborhood Commercial Districts and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1. ASSIGNED to Land Use and Transportation Committee.
- 161297 [Approval of an Additional 120-Day Extension for Planning Commission Review of Inclusionary Affordable Housing Program (File No. 150911)]**
Sponsors: Mayor; Farrell and Tang
 Resolution extending by an additional 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150911) amending the Planning Code to provide revised geographic, timing, pricing, and other requirements for the off-site alternative to the Inclusionary Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing Fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed “dialing up;” revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; and 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 the Planning Code, Section 101.1. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 161298 [Tom Owen Day - December 8, 2016]**
Sponsor: Peskin
 Resolution declaring December 8, 2016, as Tom Owen Day in the City and County of San Francisco, in recognition of his many years of outstanding service in the City Attorney’s Office and his well-deserved retirement. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 161284 [Commending Chuck Nevius]**
Sponsors: Wiener; Peskin and Farrell
 Resolution commending Chuck Nevius. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

161299 [Issuance of Subpoena Duces Tecum - Jack P. Moehle]

Sponsor: Peskin

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Jack P. Moehle, requiring him to appear at the Government Audit and Oversight Committee hearing on January 12, 2017, at 9:30 a.m., to provide oral information and respond to questions regarding the design, engineering, review, and approval process for the projects at 301 Mission Street and 80 Natoma Street; and requiring him to produce documents, records, and other materials in his possession related to those two projects. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

161282 [Board of Supervisors Regular Meeting Schedule - 2017]

Motion establishing the 2017 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1 by cancelling the Board meetings of January 3, January 17, February 21, May 30, July 4, October 10, and November 7 and 21, 2017; and all Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2017, through January 5, 2018; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

161300 [Hearing - Update on the City's Budget]

Sponsor: Farrell

Hearing on recent updates regarding the City's financial position, including the Mayor's budget instructions to departments for FYs 2017-2018 and 2018-2019; and requesting the Mayor's Budget Director and the Controller to report. RECEIVED AND ASSIGNED to Budget and Finance Committee.

161301 [Hearing - Future of Tenant Security and Affordability at 737 Post Street]

Sponsor: Peskin

Hearing on the transition plans for the units of Below Market Rate housing pending the February 2017 termination of the Sequoia Equities' participation in the Low Income Housing Program; and requesting the Mayor's Office of Housing and Community Development and the private owners of 737 Post Street, Sequoia Equities, to report. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

161302 [Hearing - San Francisco Municipal Transportation Agency On-Street Car Sharing Program]

Sponsor: Peskin

Hearing to receive presentations from the San Francisco Municipal Transportation Agency (SFMTA) on the City's On-Street Car Sharing program, including an overview of the permitting process, neighborhood outreach, cost to taxpayers, and potential alternatives; and requesting the SFMTA to report. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

- 161303 [Hearing - Review and Approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines - FYs 2016-2017 and 2017-2018]**
Hearing to consider the review and approval of the Budget Guidelines for the Board of Supervisors/Clerk of the Board Annual Budget for FYs 2017-2018 and 2018-2019. (Clerk of the Board). RECEIVED AND ASSIGNED to Budget and Finance 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 ORDINANCES

- 161262 [Administrative Code - Delegating Tax Collector Authority to Administer Excess Proceeds Claims]**
Ordinance amending the Administrative Code to delegate authority from the Board of Supervisors to the Tax Collector under California Revenue and Taxation Code, Section 4765.1, to administer excess proceeds claims after the completion of tax sales of real property. (Treasurer-Tax Collector). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 161263 [Business and Tax Regulations Code - Revenue Control Equipment, Software Applications, and Valet Parking Operators Certificates of Authority]**
Ordinance amending the Business and Tax Regulations Code to allow operators to use Revenue Control Equipment in the form of software applications, establish criteria for its use, and to allow valet parking operators to obtain one certificate of authority to collect the parking tax at all locations. (Treasurer-Tax Collector). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 161264 [Business and Tax Regulations Code - Estimated Payments, Filing Extensions, and Refunds]**
Ordinance amending the Business and Tax Regulations Code to modify the quarterly filing and payment requirements for payroll expense taxes and gross receipts taxes, to clarify the requirements for obtaining a return filing extension, and to expressly permit taxpayers to apply refunds of the business registration fee, the payroll expense tax, and the gross receipts tax to subsequent tax periods. (Treasurer-Tax Collector). ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 161265 [Settlement of Lawsuit - 501 Folsom Street LLC - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by 501 Folsom Street LLC against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 27, 2013, in San Francisco Superior Court, Case No. CGC-13-535767; entitled 501 Folsom Street LLC v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

- 161269 [Settlement of Lawsuit - Roy Korobi - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Roy Korobi against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 26, 2014, in San Francisco Superior Court, Case No. CGC-14-541881; entitled Roy Korobi v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk; other material terms of the settlement are Co-Defendant Impark Pacific Parking, LLC will pay plaintiff \$75,000. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 161270 [Settlement of Lawsuit - Bradley Bishop - \$750,000]**
Ordinance authorizing settlement of the lawsuit filed by Bradley Bishop against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 9, 2015, in San Francisco Superior Court, Case No. CGC-15-544028; entitled Bradley Bishop v. City and County of San Francisco, et al.; the lawsuit involves a medical malpractice claim; other material terms of the settlement are: City and County of San Francisco to waive offset of \$13,891.80 for unpaid services, and Regents of the University of California to pay \$1,750,000. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 161271 [Settlement of Lawsuit - Suzanne Davis-Hornby - \$200,000]**
Ordinance authorizing settlement of the lawsuit filed by Suzanne Davis-Hornby against the City and County of San Francisco for \$200,000; the lawsuit was filed on July 9, 2015, in San Francisco Superior Court, Case No. CGC-15-546768; entitled Suzanne Davis-Hornby v. City and County of San Francisco; the lawsuit involves personal injury from alleged dangerous condition of public property. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 161272 [Settlement of Lawsuits and Supplemental Appropriation - Coral Construction, Inc., and Schram Construction, Inc. - \$1,432,098 Settlement - \$716,049 Appropriation]**
Ordinance authorizing settlement of attorneys' fees claims in the consolidated lawsuits filed by Coral Construction, Inc., and Schram Construction, Inc., against the City and County of San Francisco for \$1,432,098; the Coral lawsuit was filed on September 12, 2000, in San Francisco Superior Court, Case No. CPF-01-319549; entitled Coral Construction Inc. v. John L. Martin, et al.; the Schram lawsuit was filed on June 10, 2003, in San Francisco Superior Court, Case No. CGC-03-421249; entitled Schram Construction, Inc. v. City & County of San Francisco, et al.; the lawsuits challenged whether Administrative Code, Chapter 12D.A, complies with the California Constitution; and appropriating \$716,049 from the Wastewater Enterprise fund balance for this purpose. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

- 161266 [Airport Professional Services Agreement Modification No. 3 - Operation and Maintenance Services for the AirTrain System - Not to Exceed \$115,444,968]**
Resolution approving Modification No. 3 to Professional Services Agreement, Airport Contract No. 8838, between Bombardier Transportation (Holdings) USA, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, to exercise the first of two one-year options from March 1, 2017, through February 28, 2018, to provide operation and maintenance services for the AirTrain System, and cover the replacement of obsolete AirTrain parts and equipment, for a new not-to-exceed amount of \$115,444,968 pursuant to Charter, Section 9.118(b). (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

161267 [Agreement Amendment - Harris & Associates, Inc. - Extending Term to May 11, 2020]

Resolution retroactively approving the Fifth Amendment to the Agreement between Harris & Associates, Inc., and the City and County of San Francisco, for financial consulting in acquisition reimbursement and cost allocations in conjunction with Mission Bay Development - Community Facilities District Nos. 4 and 6, extending the term of the agreement by three years and nine months to commence August 11, 2016, for a total term of August 15, 2006, through May 11, 2020, at no additional cost. (Public Works). RECEIVED AND ASSIGNED to Budget and Finance Committee.

161273 [Settlement of Unlitigated Claim - Danielle Barnett - \$90,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle Barnett against the City and County of San Francisco for \$90,000; the claim was filed on January 21, 2016; the claim involves a personal injury on a City street. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Clerk to Act - November 29, 2016

Special Board Meeting Minutes for October 18, 2016 and Regular Board Meeting Minutes for October 18, 2016 approved.

There were no Clerk to Act requests submitted at the November 29, 2016 Board Meeting.

In Memoriams

Norman Edgar Bray - Supervisor Tang

Comelia Brown - Full Board

Catalina Grijalva Valles - Supervisor Campos

Amanda Church Hayne Kirkwood - Supervisor Farrell