

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, January 30, 2018 - 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

MALIA COHEN, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN,  
AHSHA SAFAI, JEFF SHEEHY, CATHERINE STEFANI, KATY TANG, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

**Budget and Finance Committee**

Supervisors Cohen, Yee, Tang

Thursday

10:00 AM

**Budget and Finance Federal Select Committee**

Supervisors Cohen, Sheehy, Fewer

Thursday

1:00 PM

**Government Audit and Oversight Committee**

Supervisors Kim, Peskin, Breed

1st and 3rd Wednesday

10:00 AM

**Land Use and Transportation Committee**

Supervisors Tang, Peskin, Safai

Monday

1:30 PM

**Public Safety and Neighborhood Services Committee**

Supervisors Ronen, Sheehy, Fewer

2nd and 4th Wednesday

10:00 AM

**Rules Committee**

Supervisors Safai, Fewer, Yee

2nd and 4th Wednesday

2:00 PM

**Members Present:** London Breed, Malia Cohen, Sandra Lee Fewer, Jane Kim, Aaron Peskin, Hillary Ronen, Ahsha Safai, Jeff Sheehy, Catherine Stefani, Katy Tang, and Norman Yee

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, January 30, 2018, with President London Breed presiding.*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*President Breed called the meeting to order at 2:01 p.m. On the call of the roll, Supervisor Cohen was noted not present. There was a quorum.*

*Supervisor Cohen was noted present at 2:02 p.m.*

## **COMMUNICATIONS**

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Office of Mayor Mark Farrell, dated January 30, 2018, communicating the Mayor's appointment of Catherine Stefani to fill the District 2 Supervisor vacancy on the Board of Supervisors, pursuant to Charter Section 13.101.5(a), effective today.*

*President Breed welcomed Supervisor Stefani and moved to allow the newly appointed Supervisor to address the Board; the motion carried without objection. Supervisor Stefani addressed the Board of Supervisors and expressed her commitment to serving the City and County of San Francisco and the interests she will be focusing on during her term, including public safety.*

## **AGENDA CHANGES**

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

**171245 [Appropriation - State Grant, Private Funds, Tax Credits, and City Funds from CAST Powerhouse QALICB, LLC - Geneva Car Barn and Powerhouse Capital Improvements - \$11,048,767 - FY2017-2018]**

**Sponsor: Safai**

Ordinance appropriating \$11,048,767 to the Recreation and Park Department for funding received from CAST Powerhouse QALICB, LLC (QALICB) consisting of a state grant, tax credit investments, private funding from Community Arts Stabilization Trust (CAST), and existing city appropriations for Geneva Car Barn and Powerhouse capital improvements in FY2017-2018; and placing \$11,048,767 on Controller's reserve pending receipt of a grant award from the state by the Recreation and Park Department, and written documentation of receipt of CAST equity and tax credit investments by QALICB.

(Fiscal Impact)

**FINALLY PASSED**

**171248 [Appropriation - Proceeds from General Obligation Bonds - San Francisco Municipal Transportation Agency's Street and Transit Projects - \$177,000,000 - FY2017-2018]**

**Sponsor: Mayor**

Ordinance appropriating \$177,000,000 of proceeds from General Obligation Bonds Transportation and Road Improvements, 2014 - Series 2018B to fund the San Francisco Municipal Transportation Agency's street and transit projects in FY2017-2018; and placing \$177,000,000 of appropriations on Controller's Reserve pending receipt of proceeds of indebtedness.

(Fiscal Impact)

**FINALLY PASSED**

**171249 [Appropriation - Proceeds from General Obligation Bonds - Recreation and Park Department - Renovation, Repair, and Construction of Parks and Open Spaces - \$76,710,000 - FY2017-2018]**

**Sponsor: Mayor**

Ordinance appropriating \$76,710,000 consisting of proceeds from the third issuance of the 2012 Clean and Safe Neighborhood Parks General Obligation Bond, Series 2018A, to the Recreation and Park Department to support the renovation, repair, and construction of parks and open spaces; and placing \$76,710,000 on Controller's Reserve pending receipt of proceeds of indebtedness in FY2017-2018.

(Fiscal Impact)

**FINALLY PASSED**

**171282 [Appropriation - Cigarette Litter Abatement Fees - Public Works Street Cleaning Program - \$300,000 - FY2017-2018]****Sponsors: Mayor; Peskin**

Ordinance appropriating \$300,000 of cigarette litter abatement fees to Public Works for street cleaning program in FY2017-2018.

(Fiscal Impact)

**FINALLY PASSED****171311 [Health Code - License Fee for Cannabis Smoking Consumption Permit]****Sponsor: Mayor**

Ordinance amending the Health Code to impose an annual license fee of \$1,200 for a Cannabis Smoking Consumption permit.

**FINALLY PASSED****Recommendations of the Government Audit and Oversight Committee****171132 [Settlement of Lawsuit - Greg Blatman - \$225,000]**

Ordinance authorizing settlement of the lawsuit filed by Greg Blatman against the City and County of San Francisco for \$225,000; the lawsuit was filed on August 19, 2014, in San Francisco Superior Court, Case No. CGC 14-541248; entitled Greg Blatman v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

**FINALLY PASSED****171276 [Settlement of Lawsuit - Lai King Tam - \$142,500]**

Ordinance authorizing settlement of the lawsuit filed by Lai King Tam against the City and County of San Francisco for \$142,500; the lawsuit was filed on June 13, 2016, in San Francisco Superior Court, Case No. CGC-16-552527; entitled Lai King Tam v. City and County of San Francisco; the lawsuit involves personal injury allegedly caused by the dangerous condition of a City sidewalk. (City Attorney)

**FINALLY PASSED****171277 [Settlement of Lawsuit - Patricia Burley - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Patricia Burley against the City and County of San Francisco for \$100,000; the lawsuit was filed on October 18, 2016, in San Francisco Superior Court, Case No. CGC-16-554887, and removed on November 22, 2016, to United States District Court, Case No. 16-cv-06762 JCS; entitled Patricia Burley vs. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

**FINALLY PASSED**

**Recommendations of the Land Use and Transportation Committee****171096 [Planning Code - Definition of Gross Floor Area]**

Ordinance amending the Planning Code to revise the definition of Gross Floor Area to delete the reference to accessory buildings, exempt required car-share spaces, remove redundant off-street loading provisions, and modify provisions regarding accessory and non-accessory parking; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302. (Planning Commission)

**FINALLY PASSED**

**171097 [Planning Code - Article 8 Corrections]**

Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302. (Planning Commission)

**FINALLY PASSED**

**171173 [Planning Code - Mission Street Neighborhood Commercial Transit District]**

**Sponsor: Ronen**

Ordinance amending the Planning Code to prohibit Non-Retail Professional Services uses, limit lot mergers, and allow Arts Activities and Catering uses within the Mission Street Neighborhood Commercial Transit District; affirming the Planning Commission'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 making findings of public necessity, convenience, and welfare under Planning Code, Section 302. (Planning Commission)

**FINALLY PASSED**

**Recommendation of the Rules Committee****180077 [Appointments, Ballot Simplification Committee - Scott Patterson and Betty Packard]**

Motion appointing Scott Patterson and Betty Packard, terms ending November 30, 2018, to the Ballot Simplification Committee. (Rules Committee)

**Motion No. M18-011**

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Rules Committee

#### **171306 [Charter Amendment - Appointed Board Members and Commissioners Seeking Elective Office]**

**Sponsors: Peskin; Kim, Safai and Yee**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that appointed members of boards and commissions under the Charter forfeit their offices upon filing a declaration of candidacy for state or local elective office; at an election to be held on June 5, 2018.

**ORDERED SUBMITTED by the following vote:**

Ayes: 7 - Fewer, Kim, Peskin, Ronen, Safai, Stefani, Yee

Noes: 4 - Breed, Cohen, Sheehy, Tang

#### **171307 [Charter Amendment - Retirement Board]**

**Sponsor: Peskin**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to reduce the Mayoral appointments to the Retirement Board from three to two members and to require that the City Attorney appoint one member; to require that the appointments of the Mayor and City Attorney be subject to a hearing and Board of Supervisors' approval within 60 days, but that if not acted upon become effective on the 61st day; to require that the term of any member appointed by the Mayor between December 1, 2014, and January 1, 2018, expire on September 1, 2018, with the City Attorney appointing a member to fill such a vacancy; and to require that the Retirement Board disclose certain investment information on a biannual basis; at an election to be held on June 5, 2018.

**Supervisor Peskin, seconded by Supervisor Cohen, moved that this Charter Amendment be RE-REFERRED to the Rules Committee. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

#### **171138 [Administrative Code - Indigenous Peoples Day]**

**Sponsor: Cohen**

Ordinance amending the Administrative Code to declare the second Monday in October to be Indigenous Peoples Day.

**Supervisor Peskin, seconded by Supervisor Yee, moved that this Ordinance be REFERRED to the Rules Committee. The motion FAILED by the following vote:**

Ayes: 2 - Peskin, Yee

Noes: 9 - Breed, Cohen, Fewer, Kim, Ronen, Safai, Sheehy, Stefani, Tang

**FINALLY PASSED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Noes: 1 - Peskin

## NEW BUSINESS

### Recommendation of the Public Safety and Neighborhood Services Committee

*Supervisor Safai was noted absent at 2:51 p.m.*

*Supervisor Kim was noted absent at 2:54 p.m.*

#### **171057 [Liquor License - 915 Stockton Street - Gum Hua Lee]**

Resolution determining that the premise-to-premise transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Jennie Jie Chen and Michael Jian Hua Ye, doing business as Gum Hua Lee located at 915 Stockton Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

*ADOPTED by the following vote:*

*Ayes: 9 - Breed, Cohen, Fewer, Peskin, Ronen, Sheehy, Stefani, Tang, Yee*

*Absent: 2 - Kim, Safai*

*Supervisor Safai, seconded by Supervisor Cohen, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee*

**ADOPTED by the following vote:**

*Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee*

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

**Supervisor Peskin, seconded by Supervisor Kim, MOTION by the following vote:**

*Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee*

*Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Enoch Yee-Ching Fung on the occasion of his retirement from the Chinatown Community Development Center and in recognition of his many accomplishments raising the quality of life and empowering low-income San Franciscans.*

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to James Spinello, Debra Benedict, Tim Figueras, Eric Lopez, Brendan Tobin, Alex Ludlum and Ryan Jackson of the SoMa West CBD Steering Committee in recognition of their efforts to improve the Western SoMa neighborhood's safety, health, economic vitality and esthetics.*

## COMMITTEE REPORT

### Recommendation of the Budget and Finance Committee

*Supervisors Kim and Safai were noted present at 2:56 p.m.*

#### **171288 [Real Property Lease - W.Y.L. Orion Properties, LLC - 125 Bayshore Blvd - \$489,000 in Initial Year]**

**Sponsor: Mayor**

Resolution approving a lease of a parcel of approximately 31,200 square feet, with buildings totaling approximately 22,965 square feet at 125 Bayshore Blvd, with W.Y.L. Orion Properties, LLC, a California limited liability company as Landlord, for an initial six month term (immediate occupancy upon full execution of lease) plus five one-year annual renewals thereafter, rent commencement from approximately April 1, 2018, to no later than September 30, 2023, for use by the Department of Homelessness and Supportive Housing for emergency shelter purposes at an initial annual rent of \$489,000 with 3% annual increases; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Wynship W. Hillier; requested that the members of the Board resign due to concerns regarding Citywide Case Management.*

*Speaker; shared various religious concerns.*

*Andrew Yip; shared his various thought and experiences with the Board.*

*Magick Altman; expressed concerns regarding the process used to appoint the successor Mayor.*

*Peter Warfield; expressed concerns regarding the Public Library and use of RFID.*

*John Finch; requested the resignation of the City Attorney and expressed concerns regarding the process used to appoint the successor Mayor.*

*Speaker; provided suggestions on naming Embarcadero Center.*

*Speaker; expressed support of allocating surplus funds citywide for street enhancements and cleaning.*

*Speaker; expressed support of allocating surplus funds citywide for street enhancements and cleaning.*

*Casey Asberry; expressed support of allocating surplus funds citywide for street enhancements and cleaning.*

*William Rivera; expressed support of allocating surplus funds citywide for street enhancements and cleaning.*

*Tom Gilberty; shared various music selections.*



## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

**180098 [Declaration of Support - XXIII Winter Olympics - PyeongChang, the Republic of Korea]**

**Sponsor: Kim**

Resolution declaring San Francisco's support of having the XXIII Winter Olympics hosted in PyeongChang, the Republic of Korea.

**ADOPTED**

**180099 [Enoch Yee-Ching Fung Day - February 2, 2018]**

**Sponsor: Peskin**

Resolution declaring February 2, 2018, as Enoch Yee-Ching Fung Day in the City and County of San Francisco.

**ADOPTED**

The foregoing items were acted upon by the following vote:

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## IMPERATIVE AGENDA

*There were no imperative agenda items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

**Introduced at the Request of a Department**

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

**PROPOSED ORDINANCE****180078 [Planning Code - Landmark Designation - Wall at the Intersection of Diamond Heights Boulevard and Clipper Street (aka Diamond Heights Safety Wall)]**

Ordinance amending the Planning Code to designate the wall located at the intersection of Diamond Heights Boulevard and Clipper Street (aka Diamond Heights Safety Wall), in Assessor's Parcel Block No. 7504, Lot No. 011, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

01/19/18; RECEIVED FROM DEPARTMENT.

01/30/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/1/2018.

**PROPOSED RESOLUTIONS****180079 [Lease Agreement - DFS Group, LP - Airport Concession - \$42,000,000 Minimum Annual Guarantee]**

Resolution approving the International Terminal Duty Free and Luxury Stores Lease No. 17-0303 between DFS Group, LP and the City and County of San Francisco, acting by and through its Airport Commission, for a 14-year term, to commence following Board approvals, and an initial Minimum Annual Guarantee of \$42,000,000. (Airport Commission)

01/19/18; RECEIVED FROM DEPARTMENT.

01/30/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**180080 [Contract Agreement - State Department of Health Care Services - Substance Abuse Prevention and Treatment Block Grant Services - FYs 2017-2020 - \$26,534,856]**

Resolution retroactively authorizing the San Francisco Department of Public Health, Behavioral Health Services to enter into Contract Agreement No. 17-94155 for the Substance Abuse Prevention and Treatment Block Grant Services for FYs 2017-2018 through 2019-2020, with the California Department of Health Care Services, in the amount of \$26,534,856 for a three-year term from July 1, 2017, through June 30, 2020; and authorizing and designating the Department of Public Health County Alcohol and Drug Administrator to sign said Contract and to approve amendments for less than 10% of the contracted amount. (Public Health Department)

01/22/18; RECEIVED FROM DEPARTMENT.

01/30/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 4:01 p.m.*