

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 13, 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, Fewer, Stefani

Thursday
10:00 AM

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

2nd and 4th 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, Kim, Safai

Monday
1:30 PM

Public Safety and Neighborhood Services Committee
Supervisors Sheehy, Ronen, Peskin

2nd and 4th Wednesday
10:00 AM

Rules Committee
Supervisors Safai, Yee, Stefani

2nd and 4th Wednesday
2:00 PM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

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

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, February 13, 2018, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:03 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.

COMMUNICATIONS

There were no communications.

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the January 9, 2018, Board Meeting Minutes. There were no corrections.

Supervisor Tang, seconded by Supervisor Yee, moved to approve the January 9, 2018, Board Meeting Minutes. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

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

There were no questions submitted from Supervisors representing the even districts. Mayor Mark Farrell addressed the Board of Supervisors regarding his appointment by the Board and reiterated his desire to work efficiently and effectively with all members of Board. He further reviewed the priorities he will be working on over the next several months, including the condition of the streets, homelessness, and property crimes that are plaguing City neighborhoods. Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

171275 [Appropriation and De-Appropriation - Airport NARC Forfeiture and Asset Seizure Fund Balance - Police Training Support Facility Capital Project - FY2017-2018 - \$1,100,000]

Ordinance appropriating \$1,100,000 consisting of \$333,163 from fund balance in the Airport NARC Forfeiture and Asset Seizure Fund; and \$766,837 de-appropriated from Programmatic Projects - Budget in the Airport NARC Forfeiture and Asset Seizure Fund, and re-appropriated to Building, Structures, & Improvements Project - Budget; to support the Airport Commission's Police Training Support Facility capital project. (Airport Commission)
(Fiscal Impact)

FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

180023 [Settlement of Lawsuit - Mikaela Anna Merchant - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Mikaela Anna Merchant against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 29, 2016, in San Francisco Superior Court, Case No. CGC-16-555561; entitled Mikaela Anna Merchant v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

180024 [Partial Settlement of Lawsuit - Cesar and Fe Ponferrada - \$34,000]

Ordinance authorizing settlement of the lawsuit filed by Cesar and Fe Ponferrada against the City and County of San Francisco for \$34,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs Cesar and Fe Ponferrada, by the payment of \$34,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

PASSED ON FIRST READING

180025 [Partial Settlement of Lawsuit - Rizaldi Gache - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Rizaldi Gache against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Rizaldi Gache, by the payment of \$65,000, and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

PASSED ON FIRST READING

180028 [Partial Settlement of Lawsuit - David Alfaro and Jessica Alfaro - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by David Alfaro and Jessica Alfaro against the City and County of San Francisco for \$75,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs David Alfaro and Jessica Alfaro, by the payment of \$75,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

PASSED ON FIRST READING

180029 [Partial Settlement of Lawsuit - Baikonur 1701 LLC - \$34,284.59]

Ordinance authorizing settlement of the lawsuit filed by Baikonur 1701 LLC against the City and County of San Francisco for \$34,284.59; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Baikonur 1701 LLC, by the payment of \$34,284.59 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

PASSED ON FIRST READING

180030 [Settlement of Lawsuit - Elyse Duckett - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Elyse Duckett against the City and County of San Francisco for \$250,000; the lawsuit was filed on May 9, 2014, in San Francisco Superior Court, Case No. CGC-14-539201; entitled Elyse Duckett vs. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

PASSED ON FIRST READING

180068 [Settlement of Lawsuit - MBIA Inc., MBIA Insurance Corp., MBIA Insurance Corp. of Illinois, and Jason Kissane - City to Receive \$388,591]

Ordinance authorizing a settlement of the lawsuit filed by the City and County of San Francisco against MBIA Inc., its affiliates, MBIA Insurance Corp. and MBIA Insurance Corp. of Illinois, and its former employee, Jason Kissane, for \$388,591; the lawsuit was filed on October 8, 2008, in San Francisco Superior Court, Case No. CGC-08-480708; entitled City and County of San Francisco v. Ambac Financial Group Inc., et al.; the lawsuit involves breach of contract, fraud and antitrust claims against bond insurance companies; this settlement applies to claims against the last remaining defendants in the case, the MBIA entities. (City Attorney)

PASSED ON FIRST READING

Recommendations of the Land Use and Transportation Committee

171193 [Planning Code - Inclusionary Affordable Housing Program]

Sponsors: Peskin; Kim

Ordinance amending the Planning Code to amend the Inclusionary Housing Ordinance to remove the requirement that on-site and off-site inclusionary units within a new development be ownership units rather than rental units, or alternatively, that the project sponsor submit a contract demonstrating the proposed on-site or off-site units are exempt from the Costa-Hawkins Rental Housing Act; making conforming amendments to Planning Code, Section 124; updating references in Planning Code, Section 406; 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.

FINALLY PASSED

171285 [Housing Code - All-Gender Bathrooms in Hotels]

Sponsors: Mayor; Ronen, Kim, Sheehy, Peskin, Fewer, Safai, Breed, Cohen and Stefani

Ordinance amending the Housing Code to require that single-stall bathroom facilities in hotels be made available for the use of all residents, regardless of gender or gender identity, and to require that signage be posted to indicate the same; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

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

FINALLY PASSED

Recommendation of the Rules Committee

180104 [Appointments, Eastern Neighborhoods Citizens Advisory Committee - Irma Lewis and Jolene Lee]

Motion appointing Irma Lewis and Jolene Lee, terms ending October 19, 2019, to the Eastern Neighborhoods Citizens Advisory Committee. (Rules Committee)

Motion No. M18-013

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

Recommendation of the Land Use and Transportation Committee

171251 [Underground District - Second Street]

Sponsor: Kim

Ordinance creating Underground District No. 361 on Second Street from Bryant Street to Townsend Street; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Supervisor Safai dissented in Committee.)

FINALLY PASSED by the following vote:

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

Recommendation of the Rules Committee

171308 [Charter Amendment - Revenue Bonds for Public Utilities Commission Clean Power, Water, and Clean Water Facilities]

Sponsors: Peskin; Tang and Safai

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors, and to clarify the scope of the Commission's bond authority with regard to the City's water and clean water utilities; at an election to be held on June 5, 2018.

ORDERED SUBMITTED by the following vote:

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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

180032 [Shelter and Transitional Housing During Shelter Crisis - Selection of Sites; Waiver of Certain Requirements Regarding Contracting]

Sponsors: Mayor; Kim, Ronen, Sheehy and Cohen

Ordinance authorizing Public Works, the Department of Homelessness and Supportive Housing, and the Department of Public Health to enter into contracts without adhering to the Administrative Code or Environment Code provisions regarding competitive bidding and other requirements for construction work, procurement, and personal services relating to identified Shelter Crisis Sites (1601 Quesada Avenue; 149-6th Street; 125 Bayshore Boulevard; 13th Street and South Van Ness Avenue, southwest corner; 5th Street and Bryant Street, northwest corner; Caltrans Emergency Shelter Properties; and existing City Navigation Centers and Shelters) that will provide emergency shelter or transitional housing to persons experiencing homelessness; authorizing the Director of Property to enter into and amend leases or licenses for the Shelter Crisis Sites without adherence to certain provisions of the Administrative Code; authorizing the Director of Public Works to add sites to the list of Shelter Crisis Sites subject to expedited processing, procurement, and leasing upon compliance with conditions relating to environmental review and neighborhood notice, and approval by resolution of the Board of Supervisors; 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.

(Fiscal Impact)

Supervisor Peskin, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 18-19, by adding 'except that no resolution shall be required where the proposed site is located in a supervisorial district that has no Shelter Crisis Sites'; and on Page 7, Line 23, through Page 8, Line 2, by adding ', provided, however, that no resolution shall be required if the additional Shelter Crisis Site identified under subsection (a) is located in a supervisorial district that does not already have a Shelter Crisis Site within its boundaries'. The motion carried by the following vote:

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

Ordinance authorizing Public Works, the Department of Homelessness and Supportive Housing, and the Department of Public Health to enter into contracts without adhering to the Administrative Code or Environment Code provisions regarding competitive bidding and other requirements for construction work, procurement, and personal services relating to identified Shelter Crisis Sites (1601 Quesada Avenue; 149-6th Street; 125 Bayshore Boulevard; 13th Street and South Van Ness Avenue, southwest corner; 5th Street and Bryant Street, northwest corner; Caltrans Emergency Shelter Properties; and existing City Navigation Centers and Shelters) that will provide emergency shelter or transitional housing to persons experiencing homelessness; authorizing the Director of Property to enter into and amend leases or licenses for the Shelter Crisis Sites without adherence to certain provisions of the Administrative Code; authorizing the Director of Public Works to add sites to the list of Shelter Crisis Sites subject to expedited processing, procurement, and leasing upon compliance with conditions relating to environmental review and neighborhood notice, and approval by resolution of the Board of Supervisors, except that no resolution shall be required when the proposed site is located in a supervisorial district that has no Shelter Crisis Sites; 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.
(Fiscal Impact)

PASSED ON FIRST READING AS AMENDED by the following vote:

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

171218 [Real Property License - AT&T Mobility National Accounts LLC, - Zuckerberg San Francisco General Hospital and Trauma Center, Building 25 - 1001 Potrero Avenue - \$5,000 Per Month Base Rent Exempt]

Resolution authorizing and approving the license of a portion of the equipment room at Zuckerberg San Francisco General Hospital and Trauma Center, Building 25, at 1001 Potrero Avenue with AT&T Mobility National Accounts LLC, a Delaware limited liability company, at the monthly base rent of \$5,000 which shall be waived while participating in the Distributed Antenna System and providing enhanced cellular services to the City staff, UCSF staff, patients and visitors within Building 25, to commence upon approval by the Board of Supervisors and Mayor. (Real Estate Department)

ADOPTED by the following vote:

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

**171321 [Accept and Expend Grant - The Trust for Public Land - Sergeant John Macaulay Children's Play Area Renovation Project - Up to \$500,000 of In-Kind Grant]
Sponsor: Kim**

Resolution retroactively authorizing the Recreation and Park Department to accept an in-kind grant of up to \$500,000 from the Trust for Public Land for project management, design services, and community engagement for the Sergeant John Macaulay children's play area renovation project for the project term of December 30, 2017, through July 1, 2018. (Recreation and Park Department)

ADOPTED by the following vote:

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

President Breed requested File Nos. 180009 and 180010 be called together.

180009 [Airport Lease Modification - American Airlines, Inc. - Recapture of Certain Land at Plot 40 of the SuperBay Hangar - Total Reduced Annual Rent of \$4,621,912.79]

Resolution approving Modification No. 2 of Lease No. L13-0071 between American Airlines, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for the recapture of certain land at Plot 40 of the SuperBay Hangar to accommodate the demand for the Airport's construction contractors' parking at the San Francisco International Airport ("Airport"), adjusting the annual rent by \$120,470.88 from \$4,742,383.67 to \$4,621,912.79, with no change to the length of term, to be effective on the first day of the month following approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

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

180010 [Airport Lease Modification - United Airlines, Inc. - Exchange of Certain Land at Plot 40 of the Superbay Hangar - Total Reduced Annual Rent of \$3,860,232.58]

Resolution approving Modification No. 2 of Lease No. L04-0058 between United Airlines Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for the exchange of certain land at Plot 40 of the SuperBay Hangar to accommodate the demand for the Airport's construction contractors' parking at the San Francisco International Airport ("Airport"), and the reduction in annual rent of approximately \$25,918.29 from \$3,886,150.87 to an adjusted annual rent of \$3,860,232.58, with no change to the length of term, to commence on the first day of the month following approval of the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

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

180069 [Contract Amendment - Allied Universal Security - Security Services - Total Contract Amount \$26,062,288]

Resolution approving Amendment No. 2 of the contract between the City and County of San Francisco and Allied Universal Security for the provision of Security Services, extending the term for five months for the total period of February 1, 2014, to June 30, 2018, and an increase in the amount of \$3,259,977 resulting in a revised total contract amount not to exceed \$26,062,288. (Human Services Agency)
(Fiscal Impact)

ADOPTED by the following vote:

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

Recommendations of the Government Audit and Oversight Committee

President Breed requested File Nos. 180026 and 180027 be called together.

Supervisor Sheehy informed the Board that he was previously employed with the University of California, San Francisco (UCSF), and has been advised by the City Attorney that he has no conflict of interest on these matters; however, due to receiving a pension from UCSF, a full disclosure was made before the vote was taken on File Nos. 180026 and 180027.

180026 [Settlement of Lawsuit - Donald Spadini - \$120,600]

Ordinance authorizing settlement of the lawsuit filed by Donald Spadini against the City and County of San Francisco for \$120,600; the lawsuit was filed on September 13, 2016, in San Francisco Superior Court, Case No. CGC-16-554218; entitled Donald Spadini v. City and County of San Francisco, et al.; the lawsuit involves alleged negligence of doctors, nurses and staff; other material terms of the settlement are Co-Defendant The Regents of the University of California is paying \$59,400. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

180027 [Settlement of Lawsuit - David Zeller (Deceased) - \$290,000]

Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City and County of San Francisco for \$290,000; the lawsuit was filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice; other terms of the settlement are UC Regents to pay \$200,245 and upon approval by the probate court and Plaintiff's acceptance of the probate court's allocation of funds, California Department of Health Care Services to disgorge \$65,300 paid for MediCal lien to be paid to plaintiff. (City Attorney)

PASSED ON FIRST READING by the following vote:

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

Recommendations of the Land Use and Transportation Committee

170761 [Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits]

Sponsor: Mayor

Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

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

170942 [Building Code - Third Party Expert Fees]**Sponsor: Peskin**

Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act. (Building Inspection Commission)

PASSED ON FIRST READING 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 Kim, seconded by Supervisor Fewer, 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: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Dinh Tran in recognition of his performance in the junior men's competition at the U.S. Figure Skating Championships, earning the silver medal with 199.95 points.

Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to William von Eichhorn, District 1's youngest adopt-a-drain leader at 5 years old, in recognition of his outstanding service and pledge to keep his drain free of leaves and debris to protect the environment, manage storm water and minimize flooding.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Michael V. Rios in recognition of his many artistic accomplishments and inspirational work, crossing boundaries with power, vision, and color. Supervisor Ronen shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 180013, 180014, 180015, and 180016 be called together.

180013 [Hearing - Appeal of Determination of Exemption From Environmental Review - 1526 Wallace Avenue]

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on November 29, 2017, approved on November 30, 2017, for the proposed project at 1526 Wallace Avenue to process and sell small livestock in a PDR-2 Processing, Distribution, and Repair Zoning District, (d.b.a. Saba Live Poultry). (District 10) (Appellant: Cristina Stella, on behalf of the Animal Legal Defense Fund) (Filed December 26, 2017) (Clerk of the Board)

President Breed opened the public hearing and Supervisor Cohen provided opening remarks. President Breed inquired as to whether any individual wished to address the Board. Cristina Stella, on behalf of the Animal Legal Defense Fund (Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Brian Butler; Danielle White; Deundra Hundon; Mary Beth D'Alonzo; Iwa Dang; Leia Brownson; Jane Tobin; Paul Dening; Donna Turner; Jonathan Frownmeyer; Jason Oliver; spoke in support of the appeal. Laura Lynch (Planning Department); Tomio Takeshita (Public Utilities Commission); Patrick Fosdahl (Department of Public Health); and Matthew Chandler, Lisa Gibson, and Richard Sucre (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Daniel Frattin (Reuben, Junius & Rose LLP), on behalf of Saba Live Poultry (Project Sponsor), provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Salah Eddy Elbakri; Sam A Sanad; Hesham Hussain; Fawaz Alriashi; Afzab Choudhry; Abdullah Mohamed; Fayoz Sharif; Amin Nage; Faris Alsourhelah; Tareq Alali; Speaker; Mohammed; Olga Miranda (SEIU Local 87); Mohammed Al-Kaheli; Otto Duffy; Abdalla Megahed; spoke in support of the project and in opposition to the appeal. Cristina Stella, on behalf of the Animal Legal Defense Fund (Appellant), provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

180014 [Affirming the Categorical Exemption Determination - 1526 Wallace Avenue]

Motion affirming the determination by the Planning Department that a proposed project at 1526 Wallace Avenue is categorically exempt from further environmental review. (Clerk of the Board)

Motion No. M18-014

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

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

180015 [Conditionally Reversing the Categorical Exemption Determination - 1526 Wallace Avenue]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 1526 Wallace Avenue is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

180016 [Preparation of Findings to Reverse the Categorical Exemption Determination - 1526 Wallace Avenue]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 1526 Wallace Avenue is categorically exempt from further environmental review. (Clerk of the Board)

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

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

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 180019, 180020, 180021, and 180022 be called together.

180019 [Hearing - Appeal of Determination of Community Plan Evaluation - 2918-2924 Mission Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation issued by the Planning Department under the California Environmental Quality Act on August 30, 2017, for the proposed project at 2918-2924 Mission Street, approved on November 30, 2017, to demolish an approximately 5,200 square-foot, one-story, commercial building and adjacent 6,400 square-foot surface parking lot to construct an eight-story, 85 foot-tall, residential building with ground floor retail. (District 9) (Appellant: J. Scott Weaver of West Bay Law, on behalf of Calle 24 Latino Cultural District Council) (Filed January 2, 2018) (Clerk of the Board)

President Breed opened the public hearing and Supervisor Ronen provided opening remarks and indicated she would be making a motion to continue this hearing and associated Motions to a later date. President Breed inquired as to whether any individual wished to address the Board regarding the proposed continuance.

There were no speakers. President Breed closed public comment on the continuance.

Supervisor Ronen, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of June 19, 2018. The motion carried by the following vote:

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

180020 [Affirming the Community Plan Evaluation - 2918-2924 Mission Street]

Motion affirming the determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of June 19, 2018. The motion carried by the following vote:

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

180021 [Conditionally Reversing the Community Plan Evaluation - 2918-2924 Mission Street]

Motion conditionally reversing the determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of June 19, 2018. The motion carried by the following vote:

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

180022 [Preparation of Findings to Reverse the Community Plan Evaluation - 2918-2924 Mission Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of June 19, 2018. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 171312 and 171280 be called together.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor Cohen was noted absent at 4:40 p.m.

Supervisor Safai was noted absent at 4:45 p.m.

171312 [Hearing - Committee of the Whole - Amendments to the Mission Bay South Redevelopment Plan - January 23, 2018]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on January 23, 2018, at 3:00 p.m., to hold a public hearing to consider the following amendments to the Mission Bay South Redevelopment Plan (the legal description for the existing Redevelopment Plan Area boundaries was recorded with the San Francisco Office of the Assessor-Recorder on November 18, 1998, as Document No. 98-G470337- 00) as authorized by Assembly Bill 2796 (Chapter 529, Statutes 2016): an Ordinance approving amendments to the Mission Bay South Redevelopment Plan to remove a 0.3 acre parcel known as P20 from the Mission Bay South Redevelopment Plan Area, making findings 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 (File No. 171280); scheduled pursuant to Motion No. M17-206, approved on December 12, 2017. (Clerk of the Board)

President Breed opened the public hearing and Supervisor Kim provided opening remarks. President Breed inquired as to whether any individual wished to address the Board. Michael Martin (Port of San Francisco); Jack Bair and Fran Weld (San Francisco Giants); and Marc Slutzkin (Office of Community Investment and Infrastructure) provided an overview of the amendments to the Mission Bay South Redevelopment Plan and responded to questions raised throughout the discussion. Denise McCarthy; spoke in support of the proposed amendments to the Mission Bay South Redevelopment Plan. Tom Gilbert; spoke in opposition to the proposed amendments to the Mission Bay South Redevelopment Plan. There were no other speakers. President Breed closed public comment, declared the public hearing heard and filed, adjourned as a Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

171280 [Redevelopment Plan Amendments - Mission Bay South] Sponsors: Mayor; Kim

Ordinance approving amendments to the Mission Bay South Redevelopment Plan to remove a 0.3 acre parcel known as P20 from the Mission Bay South Redevelopment Plan Area; making findings 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: 9 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Stefani, Tang, Yee

Absent: 2 - Cohen, Safai

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 171247, 171314, and 171315 be called together.

Supervisors Cohen and Safai were noted present at 4:55 p.m.

Board of Supervisors Sitting as a Committee of the Whole

171247 [Hearing - Committee of the Whole - Project Area I (Mission Rock), and Sub-Project Areas I-1 Through I-13, Infrastructure Financing District No. 2 - January 23, 2018]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on January 23, 2018, at 3:00 p.m., to hold a public hearing to consider the following to establish Project Area I (Mission Rock), and Sub-Project Areas I-1 through I-13 therein, of Infrastructure Financing District No. 2 (Port of San Francisco): an Ordinance establishing Project Area I, and Sub-Project Areas I-1 through I-13 therein, of Infrastructure Financing District No. 2, affirming the Planning Department's determination and making findings under the California Environmental Quality Act, and approving other matters in connection therewith (File No. 171314); and a Resolution approving issuance of Bonds in an amount not to exceed \$1,378,000,000 for Project Area I, and Sub-Project Areas I-1 through I-13 therein, of Infrastructure Financing District No. 2, approving Indenture of Trust and Pledge Agreement, and approving other matters in connection therewith (File No. 171315); scheduled pursuant to Resolution Nos. 426-17 and 427-17, approved on November 30, 2017. (Clerk of the Board)

President Breed opened the public hearing and Supervisor Kim provided opening remarks. President Breed inquired as to whether any individual wished to address the Board. Rebecca Benassini (Port of San Francisco); Carli Paine (Municipal Transportation Agency); Adam Van de Water (Office of Economic and Workforce Development); and Jack Bair (San Francisco Giants) provided an overview of the project and Infrastructure Financing District No. 2, and responded to questions raised throughout the discussion. Chris Kelton; Charles Deffarges (San Francisco Bicycle Coalition); Daniel Turner; Drew Becker (San Francisco Parks Alliance); Michael Theriault (San Francisco Building Trades); Anabel Ibanez and Ken Tray (United Educators of San Francisco); Katy Liddell and Alice Rogers (South Beach/Rincon/Mission Bay Neighborhood Association); Bruce Agid; Toby Levine (Central Waterfront Advisory Group); Takaja Garner; Karen Halschener; Otto Duffy; Reverend Arnold G. Townsend; Shelly Carol; spoke in support of the project and Infrastructure Financing District No. 2. Speaker; spoke in opposition to the project and Infrastructure Financing District No. 2. Tom Gilberty; spoke neither in support nor against the project and Infrastructure Financing District No. 2. There were no other speakers. President Breed closed public comment, declared the public hearing heard and filed, adjourned as a Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Appointment of President Pro Tempore

At the request of President Breed, Supervisor Safai assumed the chair at 5:23 p.m. The President resumed the chair at 5:49 p.m.

Supervisor Safai was noted absent at 6:10 p.m. and for the remainder of the meeting.

Supervisor Cohen was noted absent at 6:17 p.m. and for the remainder of the meeting.

Supervisors Cohen and Safai Excused from Attendance

Supervisor Yee, seconded by Supervisor Ronen, moved that Supervisors Cohen and Safai be excused beginning at 6:17 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 9 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Stefani, Tang, Yee
Excused: 2 - Cohen, Safai

Committee of the Whole Adjourn and Report**171314 [Establishing Project Area I (Mission Rock), and Sub-Project Areas I-1 Through I-13 Therein - Adopting Appendix I to Infrastructure Financing Plan (Port of San Francisco)]**

Sponsors: Mayor; Kim

Ordinance establishing Project Area I (Mission Rock), and Sub-Project Areas I-1 through I-13 therein, of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco); affirming the Planning Department's determination and making findings under the California Environmental Quality Act; and approving other matters in connection therewith. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Stefani, Tang, Yee
Excused: 2 - Cohen, Safai

171315 [Bond Issuance - Port Infrastructure Financing District - Project Area I (Mission Rock) and Sub-Project Areas I-1 Through I-13 Therein - Not to Exceed \$1,378,000,000]

Sponsors: Mayor; Kim

Resolution approving issuance of Bonds in an amount not to exceed \$1,378,000,000 for Project Area I (Mission Rock), and Sub-Project Areas I-1 through I-13 therein, of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco); approving Indenture of Trust and Pledge Agreement; and approving other matters in connection therewith. (Fiscal Impact)

ADOPTED by the following vote:

Ayes: 9 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Stefani, Tang, Yee
Excused: 2 - Cohen, Safai

Recommendations of the Land Use and Transportation Committee

171286 [California Environmental Quality Act Findings - Mission Rock Project - Seawall Lot 337 and Pier 48]

Sponsors: Mayor; Kim

Resolution affirming the Planning Department's certification of the Final Environmental Impact Report and adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, including findings of fact, findings regarding significant impacts and significant and unavoidable impacts, evaluation of mitigation measures and alternatives, a statement of overriding considerations, and adoption of a mitigation monitoring and reporting program related to the approvals for the proposed Mission Rock mixed-use project located at Seawall Lot 337 and Pier 48.

ADOPTED by the following vote:

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

President Breed requested File Nos. 170940, 180093, 171313, 180092, 180094, and 180095 be called together.

170940 [Planning Code, Zoning Map - Mission Rock Special Use District]

Sponsors: Mayor; Kim

Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock Special Use District, generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; to amend other related provisions; making findings 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 Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

Excused: 2 - Cohen, Safai

180093 [Lease Agreement - China Basin Ballpark Company, LLC - Pier 48 - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Lease Agreement between the Port and China Basin Ballpark Company, LLC ("CBBC") for Pier 48; with a Base Rent of \$55,416.47 per month from April through September and \$2,916.67 per month from October through March, in recognition of increased parking demand by ballpark patrons during the baseball season, with 66% of gross revenues for all parking operations less parking taxes and authorized, substantiated extraordinary expenses, as further defined in the Lease, to be paid by CBBC, for a ten-year term to commence following approval by the Board and the Mayor, for the proposed Mission Rock Project; and adopting findings under the California Environmental Quality Act.

ADOPTED by the following vote:

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

Excused: 2 - Cohen, Safai

Recommendations of the Government Audit and Oversight Committee

171313 [Development Agreement - Seawall Lot 337 Associates, LLC - Seawall Lot 337 - Mission Rock Project]

Sponsors: Mayor; Kim

Ordinance approving a Development Agreement between the City and County of San Francisco and Seawall Lot 337 Associates, LLC, for 28 acres of real property known as Seawall Lot 337, located east of Third Street between China Basin Channel and Mission Rock Street, China Basin Park and the portion of Terry A. Francois Boulevard abutting the park, Pier 48, the marginal wharf between Pier 48 and Pier 50, and Parcel P20; for the proposed Mission Rock Mixed-Use Project; waiving certain provisions of the Administrative Code, Planning Code, and Subdivision Code; and adopting findings under the California Environmental Quality Act, public trust findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

(Economic Impact)

PASSED ON FIRST READING by the following vote:

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

Excused: 2 - Cohen, Safai

180092 [Disposition and Development Agreement - Seawall Lot 337 Associates, LLC - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Disposition and Development Agreement between the Port and Seawall Lot 337 Associates, LLC, for 28 acres of real property known as Seawall Lot 337, located east of Third Street between China Basin Channel and Mission Rock Street, China Basin Park, and the portion of Terry A. Francois Boulevard abutting the park, Pier 48, the marginal wharf between Pier 48 and Pier 50, and Parcel P20, for the proposed Mission Rock Project; adopting findings under the California Environmental Quality Act; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); and adopting public trust consistency findings.

(Fiscal Impact)

ADOPTED by the following vote:

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

Excused: 2 - Cohen, Safai

180094 [Memorandum of Understanding Regarding Interagency Cooperation - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Memorandum of Understanding between the Port and other City Agencies regarding Interagency Cooperation for the proposed Mission Rock Project; adopting findings under the California Environmental Quality Act; and adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

ADOPTED by the following vote:

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

Excused: 2 - Cohen, Safai

180095 [Memorandum of Understanding - Port Commission - Mission Rock Special Use District Financing Districts - Mission Rock Project]**Sponsors: Breed; Kim**

Resolution approving a Memorandum of Understanding relating to and appointing Port Commission as agent of Mission Rock Special Use District financing districts; approving related matters, as defined herein, for the proposed Mission Rock Project; and adopting findings under the California Environmental Quality Act.

ADOPTED by the following vote:

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

Excused: 2 - Cohen, Safai

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Abdalla Megahed; shared concerns regarding the Winter Olympics, South Korea and a residential housing situation.

Speaker; shared various religious concerns.

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

Speaker; expressed concerns regarding the cleanliness of the City and homelessness.

Otto Duffy; shared concerns regarding affordable housing.

Tom Gilberty; shared photographs and items related to various City events, places, and the cannabis industry.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**180134 [Calling and Consolidation of Elections Scheduled for June 5, 2018]****Sponsor: Breed**

Resolution calling and providing for a special election on behalf of the Bay Area Toll Authority regarding Regional Measure 3, directing the Director of Elections to conduct that special election, and consolidating that special election with the State of California Statewide Direct Primary Election and the City and County of San Francisco Municipal Election, all of which will occur on June 5, 2018; and providing that the election precincts, voting places, and officers for these elections shall be the same as for the Statewide Direct Primary Election.

ADOPTED

180140 [Closed Session - Labor Negotiations - February 27, 2018]**Sponsor: Peskin**

Motion that the Board of Supervisors convene in closed session on February 27, 2018, at 3:00 p.m. with the Department of Human Resources under Administrative Code, Section 67.10(e), and California Government Code, Section 54957.6, regarding labor negotiations of the City's closed labor contracts.

Motion No. M18-015

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 2 - Cohen, Safai

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Peskin requested that File No. 180136 be severed so that it may be considered separately.

180136 [Michael Rios - San Francisco Artist Emeritus]

Sponsors: Peskin; Ronen

Resolution designating Michael Rios an Artist Emeritus of the City and County of San Francisco.

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

ADOPTED by the following vote:

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

Excused: 2 - Cohen, Safai

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or the Mayor**

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

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

PROPOSED ORDINANCES

180130 [Settlement of Lawsuit - Elizabeth Loomis - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Elizabeth Loomis against the City and County of San Francisco for \$275,000; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550880; entitled Elizabeth Loomis v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury due to a trip and fall. (City Attorney)

01/31/18; RECEIVED FROM DEPARTMENT.

02/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180131 [Settlement of Lawsuit - Mark Johnson, Franco S. Calzolari, Michael Bryant - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Mark Johnson, Franco S. Calzolari, and Michael Bryant against the City and County of San Francisco for \$175,000; the lawsuit was filed on November 20, 2009, in the United States District Court for the Northern District of California, Case No. CV 09-5503 JSW; entitled Mark Johnson, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/31/18; RECEIVED FROM DEPARTMENT.

02/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 6:51 p.m.