



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA

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

Tuesday, February 27, 2018 - 2:00 PM

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

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BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

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

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

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

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
1:00 PM

2nd and 4th Thursday
1:00 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
2:00 PM

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

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AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Peggy Nevin at (415) 554-5184.

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Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

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ROLL CALL AND PLEDGE OF ALLEGIANCE

COMMUNICATIONS

APPROVAL OF MEETING MINUTES

Approval of the January 23, 2018, Board Meeting Minutes.

AGENDA CHANGES

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

Items 1 through 11

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

1. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Tang, Safai, Peskin

8. [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.
- 07/18/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 07/18/2017; PASSED ON FIRST READING AS AMENDED.
- 07/25/2017; CONTINUED ON FINAL PASSAGE.
- 09/12/2017; RE-REFERRED to the Land Use and Transportation Committee.
- 02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. [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)
- 02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Safai, Stefani

10. [180148](#) **[Appointment, Ballot Simplification Committee - Ashley Raveche]**
Motion appointing Ashley Raveche, term ending November 30, 2018, to the Ballot Simplification Committee. (Rules Committee)

Question: Shall this Motion be APPROVED?

11. [180149](#) **[Appointments, Transbay Joint Powers Authority - Nadia Sesay and Tilly Chang]**
Motion appointing Nadia Sesay and Tilly Chang (alternate member), for indefinite terms, to the Transbay Joint Powers Authority. (Rules Committee)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

12. [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.

01/23/2018; CONTINUED.

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?
13. [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)

01/23/2018; CONTINUED.

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

14. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Tang, Kim, Safai

15. [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.

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Budget and Finance Committee

Present: Supervisors Cohen, Fewer, Stefani

16. **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, 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)

02/13/2018; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

02/13/2018; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

17. **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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

18. [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)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Fewer, Stefani

19. [171164](#) **[Authorizing the Community Corrections Partnership Executive Committee to Spend Local Innovation Subaccount Funds]**

Sponsor: Fewer

Resolution authorizing the Community Corrections Partnership Executive Committee to develop funding recommendations for Local Innovation Subaccount Funds for pre-trial services and/or transitional reentry housing for justice-involved people between the ages of 18 to 35.

Question: Shall this Resolution be ADOPTED?

20. [180011](#) **[Airport Professional Services Agreement Modification - Bombardier Transportation (Holdings) USA, Inc.- AirTrain System Operation and Maintenance Services - Not to Exceed \$130,299,196]**

Resolution approving Modification No. 4 to Contract No. 8838, AirTrain Operations and Maintenance, with Bombardier Transportation (Holdings) USA, Inc., exercising the last one-year option to commence on March 1, 2018, for a total term of March 1, 2009, through February 28, 2019, and increasing the contract amount by \$14,854,228 for a new total contract amount not to exceed \$130,299,196, pursuant to Charter, Section 9.118(b). (Airport Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

21. [180012](#) **[Real Property Sublease - HealthRIGHT 360 - 1563 Mission Street - Central City Older Adults Program - \$93,242 Initial Annual Base Rent]**
Resolution authorizing the sublease of approximately 1,668 square feet at 1563 Mission Street with HealthRIGHT 360, a California nonprofit corporation, for a five year initial term to commence March 1, 2018, through February 28, 2023, with one three-year optional term, at the monthly base rent of \$7,770.10 for a total initial base rent of \$93,242 with 3% annual increases, reimbursement up to \$38,000 to landlord for tenant improvements, additional charge for utilities and services per month and First Right of Refusal to purchase the building. (Real Estate Department)
- Question: Shall this Resolution be ADOPTED?**
22. [180070](#) **[Real Property Lease Renewal and Amendment - BRCP 1390 Market, LLC - 1390 Market Street - Initial Annual Base Rent of \$1,801,119.96]**
Resolution authorizing the potential three year renewal and amendment of a lease of approximately 27,826 square feet of space at 1390 Market Street with BRCP 1390 Market, LLC, as Landlord, for use by the Department of Public Health at the initial annual cost of \$1,801,119.96 (or \$150,093.33 monthly) and 3% annual increases thereafter, for a three year term from December 1, 2018, through November 30, 2021, subject to the City's right to terminate early, and two five-year options to extend. (Real Estate Department)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
23. [180071](#) **[Site License Agreement Amendment - TriStar Investors LLC - Communications Services Facilities in Modesto, California - Total Annual License Fee \$25,758]**
Resolution retroactively authorizing the General Manager of the San Francisco Public Utilities Commission to execute a second amendment to a site license agreement with TriStar Investors LLC, as Licensor for the installation of an additional microwave communications antenna at a telecommunications facility located on a portion of Stanislaus County Assessor's Parcel No. 081-012-004-000, with an increase of \$6,600 in the annual rent from \$19,158 to \$25,758 effective June 1, 2017; and making findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code, Chapter 31. (Public Utilities Commission)
- Question: Shall this Resolution be ADOPTED?**
24. [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)
- Question: Shall this Resolution be ADOPTED?**

Present: Supervisors Cohen, Fewer, Stefani

25. [180097](#) **[Real Property Lease - HV Partners Block 10, L.P. - 901 Fairfax Avenue, Hunters View Phase 2B, Block 10 - \$0 Monthly Base Rent with Reimbursement to Landlord Up to \$100,000]**

Sponsor: Cohen

Resolution authorizing the lease of approximately 794 square feet at 901 Fairfax Avenue, Hunters View Phase IIB - Block 10 with HV Partners Block 10, L.P., a California limited partnership, at the monthly base rent of \$0 with reimbursement up to \$100,000 to the landlord for tenant improvements, furniture, fixtures, and equipment, and additional \$800 charge for utilities and services per month, for a 15-year term with options to extend for one-year terms commencing upon approval by the Board of Supervisors and Mayor; adopting findings under the California Environmental Quality Act, Public Resources Code, Section 21000 et seq.; and finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Question: Shall this Resolution be ADOPTED?

26. [180100](#) **[Accept and Expend Grant - Association of Bay Area Governments - Bay Area Regional Network - Energy Efficiency Program Implementation - \$511,017]**

Sponsor: Yee

Resolution retroactively authorizing the Department of the Environment to accept and expend grant funds from the Association of Bay Area Governments in the amount of \$511,017 to perform energy efficiency program implementation, as part of a Bay Area Regional Energy Network program, an energy efficiency program, for the term from January 1, 2018, to December 31, 2018.

Question: Shall this Resolution be ADOPTED?

Referred Without Recommendation from the Budget and Finance Committee

Present: Supervisors Cohen, Fewer, Stefani

27. [180058](#) **[Initiative Ordinance - Business and Tax Regulations and Administrative Codes - Commercial Rents Tax - Early Child Care and Education]**

Sponsors: Kim; Yee, Ronen, Fewer and Peskin

Motion ordering submitted to the voters, at an election to be held on June 5, 2018, an Ordinance amending the Business and Tax Regulations Code and Administrative Code to impose an additional tax on the gross receipts from the lease of commercial space in the City, in the amount of 1% for warehouses and 3.5% for other commercial uses, to fund the Babies and Families First Fund for quality early care and education for children from birth through five years of age and the General Fund; exempting from the additional tax rents from industrial, artist, non-formula retail, nonprofit, and government uses; increasing the City's appropriations limit by the amount collected under the new tax for four years from June 5, 2018; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Economic Impact)

Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Tang, Safai, Peskin

28. [161109](#) [Planning Code, Zoning Map - Establishment of Geary-Masonic Special Use District]

Sponsors: Stefani; Safai

Ordinance amending the Planning Code to establish the Geary-Masonic Special Use District in the area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east, and Assessor's Parcel Block No. 1071, Lot Nos. 001 and 004, to the north and west, respectively, amending Sheet SU03 of the Zoning Map; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Question: Shall this Ordinance be PASSED ON FIRST READING?

29. [171108](#) [Planning Code - Restaurant and Bar Uses in Jackson Square, Broadway and North Beach, and Pacific Avenue Office Uses]

Sponsor: Peskin

Ordinance amending the Planning Code to regulate restaurant and bar uses in the Jackson Square Special Use District, Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, and North Beach Special Use District; amending the Jackson Square Special Use District to require a conditional use permit for Office Uses, Business Services, and Institutional Uses fronting on Pacific Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Public Safety and Neighborhood Services Committee

Present: Supervisors Sheehy, Ronen, Peskin

30. [171244](#) [Liquor License - 2358 Fillmore Street - Verve]

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits liquor license to Verve Holdings CA, LLC, doing business as Verve located at 2358 Fillmore Street (District 2), 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)

Question: Shall this Resolution be ADOPTED?

31. [180137](#) **[Special On-Sale General Liquor License - Verifying Completion of Preapplication Meeting - 1701 Yosemite Avenue - Café Envy]**
Sponsor: Cohen
Motion verifying that Café Envy LLC, doing business as Café Envy, located at 1701 Yosemite Avenue, has completed the preapplication meeting requirement under California Business and Professions Code, Section 23826.13, for the issuance of a new, non-transferable, Type-87 neighborhood-restricted special on-sale general liquor license.
- Question: Shall this Motion be APPROVED?**

Recommendations of the Rules Committee

Present: Supervisors Safai, Yee, Stefani

32. [171066](#) **[Campaign and Governmental Conduct Code - Failure to File Form 700s, Sunshine Ordinance Declarations, and Certificates of Ethics Training]**
Sponsor: Peskin
Ordinance amending the Campaign and Governmental Conduct Code to disqualify members of City boards and commissions who have not filed their Form 700s (Statements of Economic Interests), Sunshine Ordinance Declarations, and Certificates of Ethics Training from participating in or voting on matters before their boards and commissions, and to modify the Ethics Commission's reporting requirements regarding the filing of Form 700s. (Ethics Commission)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Present: Supervisors Safai, Stefani

33. [180146](#) **[Mayoral Appointment, Planning Commission - Milicent Johnson]**
Motion approving the Mayoral nomination of Milicent Johnson to the Planning Commission, for a term ending June 30, 2018. (Clerk of the Board)
- (Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: February 6, 2018.)
- Question: Shall this Motion be APPROVED?**

Present: Supervisors Safai, Yee, Stefani

34. [180147](#) **[Reappointment, Small Business Commission - Kathleen Dooley]**
Motion reappointing Kathleen Dooley, term ending January 6, 2022, to the Small Business Commission. (Rules Committee)
- (Supervisor Stefani dissented in Committee.)
- Question: Shall this Motion be APPROVED?**

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

SPECIAL ORDER 3:00 P.M.

APPEAL PROCEDURES

Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 3:00 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 3:00 p.m.:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 3:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.

(Hearing continued from January 9, 2018.)

35. [171299](#) [Hearing - Appeal of Determination of Exemption From Environmental Review - 401 Main Street]

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 October 24, 2017, approved on November 23, 2017, for the proposed project for ExteNet Systems Inc. - T-Mobile Cell Sites to install wireless service facilities on an existing Joint Pole Association-owned wooden pole at the approximate address of 401 Main Street. (District 6) (Appellant: Stephen Williams of the Law Offices of Stephen M. Williams, on behalf of Portside Homeowners Association) (Filed November 30, 2017) (Clerk of the Board)

01/09/2018; CONTINUED.

Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two Motions should be approved.)

36. [171301](#) **[Affirming the Categorical Exemption Determination - 401 Main Street]**
Motion affirming the determination by the Planning Department that a proposed project at 401 Main Street is categorically exempt from further environmental review. (Clerk of the Board)

01/09/2018; CONTINUED.

Question: Shall this Motion be APPROVED?

37. [171302](#) **[Conditionally Reversing the Categorical Exemption Determination - 401 Main Street]**
Motion conditionally reversing the determination by the Planning Department that the proposed project at 401 Main Street 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)

01/09/2018; CONTINUED.

Question: Shall this Motion be APPROVED?

38. [171303](#) **[Preparation of Findings to Reverse the Categorical Exemption Determination - 401 Main Street]**
Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 401 Main Street is categorically exempt from further environmental review. (Clerk of the Board)

01/09/2018; CONTINUED.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:00 P.M. - CLOSED SESSION

(Scheduled pursuant to Motion No. M18-015 (File No. 180140) approved on February 13, 2018.)

CONFERENCE WITH LABOR NEGOTIATORS

39. [180169](#) **[Closed Session - Labor Negotiations - February 27, 2018]**
Closed Session for the Board of Supervisors to convene 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 negotiations with labor unions representing City employees; scheduled pursuant to Motion No. M18-015, approved February 13, 2018. (Clerk of the Board)

Closed Session: The Board of Supervisors shall confer with labor negotiators.

[Elect To Disclose]

Motion that the Board finds it is in the best interest of the public that the Board elect at this time to disclose its closed session deliberations.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

After a closed session, if one occurs, pending approval of above action to disclose, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

40. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

41. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

Items 42 and 43

42. [180174](#) **[Urging the United States Environmental Protection Agency to Continue Implementing the United States' Clean Power Plan]**
Sponsor: Breed
Resolution opposing the repeal of the Clean Power Plan and urging the United States Environmental Protection Agency to continue implementing the Plan's critical policies that require states to reduce harmful greenhouse gas emissions and generate cleaner energy.

02/20/2018; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
43. [180173](#) **[Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 5, 2018, Consolidated Primary Election]**
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 5, 2018, Consolidated Primary Election. (Clerk of the Board)

02/21/2018; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

44. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

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**180151 [General Plan Amendment - San Francisco Conservatory of Music Project - 200-214 Van Ness Avenue]**

Ordinance amending the General Plan to revise the Map of Proposed Height and Bulk Districts in the Downtown Area Plan for the San Francisco Conservatory of Music Project at 200-214 Van Ness Avenue; 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. (Planning Commission)

02/12/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

180171 [Administrative Code - Treasury Oversight Committee]

Ordinance amending the Administrative Code to modify the composition of the Treasury Oversight Committee. (Treasurer-Tax Collector)

02/12/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

PROPOSED RESOLUTIONS**180152 [Settlement of Unlitigated Claim - 8x8, Inc. - \$485,000]**

Resolution approving the settlement of the unlitigated claim filed by 8x8, Inc. against the City and County of San Francisco for \$485,000; the claim was filed on May 2, 2017; the claim involves a refund of telephone users tax. (City Attorney)

02/12/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

180153 [Declaration of Restrictions - Creeks to Peaks Trail Project - Twin Peaks Open Space]

Resolution authorizing the Director of Real Estate to file a Declaration of Restrictions with the Assessor-Recorder against the property designated as Assessor's Parcel Block No. 2643, Lot Nos. 017 and 023, known as Twin Peaks Open Space, in support of a Habitat Conservation Fund Grant from the California Department of Parks and Recreation, and providing that the use restrictions contained in the Habitat Conservation Fund Grant Agreement will be covenants, conditions, and restrictions on the use of the properties until June 30, 2033. (Recreation and Park Department)

02/08/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

180154 [Ground Lease - United States Postal Service - Plot 10F - \$1,497,000 Initial Annual Rent]

Resolution retroactively approving a Ground Lease between the United States Postal Service, and the City and County of San Francisco, acting by and through its Airport Commission, for occupancy of approximately 8.61 acres of land, at an initial annual rent of \$1,497,000 and four five-year options to extend the term, for the period of September 1, 2017, through August 31, 2022. (Airport Commission)

02/05/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

180155 [Real Property Lease Renewal and Amendment - HLS 2, LLC. and 716 Sacramento, LLC. - 720 Sacramento Street - Initial Annual Base Rent \$471,750]

Resolution authorizing a five year extension and approving a Third Amendment to a Lease for approximately 9,250 square feet of space at 720 Sacramento Street, San Francisco, with HLS 2, LLC. (26.6%), and 716 Sacramento, LLC. (73.4%), as Landlord, for use by the Department of Public Health for the period of July 1, 2018, through June 30, 2023, at an initial monthly base rent of \$39,312.50 for a total cost of \$471,750 in the initial year, with 3% annual increases thereafter, and one five-year option to extend. (Real Estate Department)

02/09/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

180172 [Professional Services Agreement - Parsons Water & Infrastructure Group, Inc. - Southeast Water Pollution Control Plant Program Construction Management Services Project - Not to Exceed \$35,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Professional Services Agreement No. PRO.0104, Southeast Water Pollution Control Plant (SEP) Program Construction Management (CM) Services, with Parsons Water & Infrastructure Group, Inc., to provide program-level CM oversight and supervision at the SEP, for an amount not-to-exceed \$35,000,000 over a term of ten years to commence following Board approval through April 2028. (Public Utilities Commission)

02/14/2018; RECEIVED FROM DEPARTMENT.

02/27/2018; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

180175 [Petitions and Communications]

Petitions and Communications received from February 5, 2017, through February 16, 2018, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 27, 2018.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Office of the Mayor, pursuant to Charter, Section 3.100(18), making the following reappointments. 3 letters. Copy: Each Supervisor. (1)

Joseph Arellano - Juvenile Probation Commission - term ending January 15, 2022

Toye Moses - Juvenile Probation Commission - term ending January 15, 2022

Mary Wardell Ghirarduzzi - Library Commission - term ending January 15, 2022

Zoe Dunning - Library Commission - term ending January 15, 2022

John Lee - Library Commission - term ending January 15, 2022

Francee Covington - Fire Commission - term ending January 15, 2022

From the Office of the Mayor, submitting State Legislation Committee approved Bill Positions from the February 14, 2018, meeting. Copy: Each Supervisor. (2)

From Department of Elections, regarding certification of the following petitions. Copy Each Supervisor. (3)

Parcel Tax for San Francisco Unified School District

No Eviction Without Representation Act

Tax on Commercial Rents to Fund Child Care and Education

Use of Tasers By San Francisco Police Officers

From the Department of Recreation and Parks, pursuant to Resolution No. 157-99, submitting the 2nd Quarter report of FY2017-2018 regarding Lead Poisoning Prevention. Copy: Each Supervisor. (4)

From the Planning Department, submitting a Notice of Preparation of an Environmental Impact Report for the 30 Otis Street Project. (5)

From the Office of the Sheriff, pursuant to Administrative Code, Chapter 96A.3, submitting a 2017 Fourth Quarter Report. Copy: Each Supervisor. (6)

From Anthony J. Martorana, regarding proposed project at 2918-2924 Mission Street. File No. 180019. Copy: Each Supervisor. (7)

From Northern California Carpenters Regional Council, regarding proposed amendment to the Housing Code. Copy: Each Supervisor. (8)

From David Lewis, Executive Director of Save the Bay, regarding Mission Rock project. File Nos. 171247 and 171312. Copy: Each Supervisor. (9)

From Mary Jane Gordon, of the Ingleside Presbyterian Church, regarding the 2018-2023 Ingleside Community Center Proposal. Copy: Each Supervisor. (10)

From concerned citizens, regarding budget cuts to art programs. 2 letters. Copy: Each Supervisor. (11)

From the Office of the Controller, submitting an audit of the Sheriff's Department's Information Technology and Support Services Unit. Copy: Each Supervisor. (12)

From concerned citizens, regarding Senate Bill 827, authored by Senator Scott Wiener, which would significantly limit San Francisco's local ability to recapture critical public value of development projects citywide and override local planning process. File No. 180162. 3 letters. Copy: Each Supervisor. (13)

From concerned citizens, regarding the reappointment to Kathleen Dooley to the Small Business Commission. File 180147. 3 letters. Copy: Each Supervisor. (14)

From Pearl Vermilyea, regarding Prop. 6145. Copy: Each Supervisor. (15)

From Julie Mastrine, Manager of Brand Marketing & PR, Care2, submitting a petition asking San Francisco to decriminalize certain types of street art, reducing them from misdemeanors to infractions. 12,000 signatures. (16)

From West Area California Public Utilities Commission, submitting CPUC Notification regarding Verizon Wireless Haight and Ashbury 019 & 020. Copy: Each Supervisor. (17)

From concerned citizens, regarding the project at 1526 Wallace Avenue (Saba Meats). 2 letters. Copy: Each Supervisor. (18)

From concerned citizens, regarding the proposed legislation at Mission Rock. File Nos. 171280, 171314, 171313, and 170940. 3 letters. Copy: Each Supervisor. (19)

From Allen Jones, regarding political donors disclosing holdings to SF Ethics Commission. Copy: Each Supervisor. (20)

From Rosa Rivera Keel, regarding Low and Middle Income Housing on 9th St. Copy: Each Supervisor. (21)

From The Office of the Controller, pursuant to Charter, Section 16.109, submitting an Open Hours Assessment Summary Report. Copy: Each Supervisor. (22)

From Sarah C. Abbott, regarding syringes found in the Phoebe Hearst Preschool playground. Copy: Each Supervisor. (23)

ADJOURNMENT