

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, May 9, 2017 - 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, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN,  
HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

##### **Budget and Finance Committee**

Supervisors Cohen, Yee, Tang, Kim, Sheehy

Thursday

1:00 PM

##### **Budget and Finance Federal Select Committee**

Supervisors Cohen, Sheehy, Fewer

2nd and 4th Thursday

1:05 PM

##### **Budget and Finance Sub-Committee**

Supervisors Cohen, Yee, Tang

Thursday

10:00 AM

##### **Government Audit and Oversight Committee**

Supervisors Kim, Peskin, Breed

1st and 3rd Wednesday

10:00 AM

##### **Land Use and Transportation Committee**

Supervisors Farrell, Peskin, Tang

Monday

1:30 PM

##### **Public Safety and Neighborhood Services Committee**

Supervisors Ronen, Sheehy, Fewer

2nd and 4th Wednesday

10:30 AM

##### **Rules Committee**

Supervisors Safai, Fewer, Yee

2nd and 4th Wednesday

1:00 PM

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

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, May 9, 2017, with President London Breed presiding.*

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

*President Breed called the meeting to order at 2:00 p.m. On the call of the roll, Supervisors Fewer and Kim were noted not present. There was a quorum.*

*Supervisors Fewer and Kim were noted present at 2:02 p.m.*

## **COMMUNICATIONS**

*There were no communications.*

## **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 Edwin Lee addressed the Board of Supervisors regarding the first City Hall Popup Shop, and various concerns regarding the homeless in San Francisco, including the City's efforts to provide services and programs to reduce chronic homelessness. Following public comment this matter was filed. No further action was taken.*

## **CONSENT AGENDA**

### **Recommendations of the Government Audit and Oversight Committee**

#### **170317 [Settlement of Lawsuit - Laurie Kassel - \$102,915.40]**

Ordinance authorizing settlement of the lawsuit filed by Laurie Kassel against the City and County of San Francisco for \$102,915.40; the lawsuit was filed on December 27, 2016, in San Francisco Superior Court, Case No. CGC 16-556160; entitled Laurie Kassel v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

**PASSED, ON FIRST READING**

**170318 [Settlement of Lawsuit - Protect Our Benefits - \$750,000]**

Ordinance authorizing settlement of the plaintiff's claim for attorney's fees and costs in the lawsuit filed by Protect Our Benefits against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 25, 2013, in San Francisco Superior Court, Case No. CPF-13-512788; entitled Protect Our Benefits v. City & County of San Francisco; the lawsuit involves Supplemental Cost of Living Adjustment pension benefits payable to San Francisco Employees' Retirement System retirees. (City Attorney)

**PASSED, ON FIRST READING**

**170319 [Settlement of Lawsuit - Yelp Inc. - \$599,000]**

Ordinance authorizing settlement of the lawsuit filed by Yelp Inc. against the City and County of San Francisco for \$599,000; the lawsuit was filed on February 23, 2017, in San Francisco Superior Court, Case No. CGC-17-557250; entitled Yelp Inc. v. City and County of San Francisco et al.; the lawsuit involves a refund of payroll expense taxes and gross receipts taxes. (City Attorney)

**PASSED, ON FIRST READING**

**170320 [Settlement of Lawsuit - Leslie Stewart - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Leslie Stewart against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 10, 2015, in San Francisco Superior Court, Case No. CGC-15-547872; entitled Leslie Stewart v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

**PASSED, ON FIRST READING**

**170389 [Settlement of Lawsuit - Maryam Mozafari - \$70,000]**

Ordinance authorizing settlement of the lawsuit filed by Maryam Mozafari against the City and County of San Francisco for \$70,000; the lawsuit was filed on June 16, 2015, in San Francisco Superior Court, Case No. CGC-15-546389; entitled Maryam Mozafari v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park. (City Attorney)

**PASSED, ON FIRST READING**

**170324 [Settlement of Unlitigated Claim - The University Club - \$287,500]**

Resolution approving the settlement of the unlitigated claim filed by The University Club against the City and County of San Francisco for \$287,500; claim was filed on November 28, 2016; the claim involves a transfer tax refund. (City Attorney)

**ADOPTED**

**170325 [Settlement of Unlitigated Claim - Credit Suisse Securities (USA) LLC - \$1,068,909]**

Resolution approving the settlement of the unlitigated claim filed by Credit Suisse Securities (USA) LLC against the City and County of San Francisco for \$1,068,909; the claim was filed on May 12, 2016; the claim involves a refund of payroll expense taxes. (City Attorney)

**ADOPTED**

**170431 [Settlement of Unlitigated Grievance - Sheriff's Managers and Supervisors Association - \$542,546.95]**

Resolution approving the settlement of the unlitigated grievance filed by the Sheriff's Managers and Supervisors Association, on behalf of its members, against the City and County of San Francisco for \$542,546.95; the grievance was filed on September 25, 2015; the grievance involves an employment dispute. (City Attorney)

**ADOPTED**

The foregoing items were acted upon by the following vote:

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

**170200 [Appropriation - Capital Improvement Projects - \$4,832,455,418 - FY2016-2017]**

**Sponsor: Mayor**

Ordinance appropriating \$4,832,455,418 of proceeds from the sale of revenue bonds or commercial paper for capital improvement projects to the Airport Commission for FY2016-2017, and placing the total appropriation of \$4,832,455,418 on the Board of Supervisors' Reserve pending receipt of proceeds of indebtedness.

(Fiscal Impact)

*Privilege of the floor was granted unanimously to Cathy Widener (San Francisco International Airport), and Ben Rosenfield, Controller (Office of the City Controller), who responded to questions raised throughout the discussion.*

**Supervisor Peskin, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by placing \$2,100,000,000 on Controller's reserve, pending receipt of proceeds of indebtedness, and leaving \$2,732,455,418 on Board of Supervisors reserve. The motion carried by the following vote:**

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

Ordinance appropriating \$4,832,455,418 of proceeds from the sale of revenue bonds or commercial paper for capital improvement projects to the Airport Commission for FY2016-2017; placing \$2,100,000,000 of those proceeds on Controller's reserve, pending receipt of proceeds of indebtedness; and placing the remaining \$2,732,455,418 on Board of Supervisors' reserve.

(Fiscal Impact)

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

**170210 [Administrative, Environment Codes - Zero Emission Vehicle Requirements for City Fleet]****Sponsors: Tang; Farrell**

Ordinance amending the Administrative and Environment Codes to require that any new passenger vehicle procured for the City fleet be a Zero Emission Vehicle, absent a waiver, and that all passenger vehicles in the City fleet be Zero Emission Vehicles by December 31, 2022; and to encourage selection of Zero Emission Vehicles in other vehicle classes as technology improves. (Fiscal Impact)

*Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) and Adam Nguyen (Office of the City Administrator) who responded to questions raised throughout the discussion.*

*Supervisor Peskin, seconded by Supervisor Fewer, moved that this Ordinance be AMENDED on Page 2, Lines 11-13, by striking '(c) By December 31, 2022, all light duty vehicles in the City fleet must be Zero Emission Vehicles in compliance with Environment Code Section 404, unless there is a waiver, exemption, or applicable exception, detailed in Environment Code Chapter 4.'; and on Page 6, Lines 3-6, by striking '(4) Ensure that the composition of the City's Light Duty Passenger Vehicle fleet is entirely Zero Emission Vehicles consistent with Section 404 by December 31, 2022, and seek out new and emerging technologies to upgrade the City's other fleet classes such as trucks and vans to zero emission standards; and'. Before the vote was taken, Supervisor Peskin withdrew this motion.*

*Supervisor Yee, seconded by Supervisor Tang, moved that this Ordinance be AMENDED on Page 2, Line 13, by adding 'or if prohibited by inadequate funding' after 'Chapter 4'. Before the vote was taken, Supervisor Yee withdrew this motion.*

**Supervisor Tang, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 14-16, by adding '(d) By July 1, 2017, the City Administrator shall develop policies to require City departments acquiring light-duty passenger vehicles that will be regularly stationed on non-City-owned property to acquire the vehicles from other City departments.'; on Page 7, Lines 1-3, by adding '(c) Replacement of Older Light-Duty Vehicles. Vehicles shall be replaced in order of age, such that oldest light duty vehicles in a department's fleet are replaced when the department purchases replacement light-duty vehicles.'; and on Page 8, Lines 14-16, by adding '(6) for Light-Duty Passenger vehicles, adequate funds have not been appropriated in the department's budget to purchase Zero Emission Vehicles sufficient to meet the requirements of this Chapter 4.' The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
(Fiscal Impact)

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

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**Recommendations of the Land Use and Transportation Committee**

*Supervisors Farrell, Kim, and Safai were noted absent at 4:00 p.m.*

*Supervisors Farrell and Safai were noted present at 4:07 p.m.*

*Supervisor Kim was noted present at 4:08 p.m.*

**160281 [Planning Code - Dwelling Unit Mix Requirements]****Sponsors: Yee; Farrell and Fewer**

Ordinance amending the Planning Code to add an additional option for the dwelling unit mix of large buildings in specified zoning districts to allow developers to have a mix of two- and three-bedroom units that results in no less than 35% of the total number of proposed units having two or three bedrooms with at least 10% of the total number of proposed units having three bedrooms; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

*FINALLY PASSED by the following vote:*

*Ayes: 8 - Breed, Cohen, Fewer, Peskin, Ronen, Sheehy, Tang, Yee*

*Absent: 3 - Farrell, Kim, Safai*

*Supervisor Peskin, seconded by Supervisor Yee, moved to rescind the previous vote to allow additional discussions on this matter. The motion carried by the following vote:*

*Ayes: 8 - Breed, Cohen, Fewer, Peskin, Ronen, Sheehy, Tang, Yee*

*Absent: 3 - Farrell, Kim, Safai*

**FINALLY PASSED by the following vote:**

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

**170206 [Planning Code - Off-Street Parking and Loading Requirements]****Sponsor: Farrell**

Ordinance amending the Planning Code to clarify and consolidate language, delete redundancies and outdated provisions, correct typographical errors and erroneous cross-references, base required or allowed off-street parking and loading areas on Occupied Floor Area rather than Gross Floor Area, and consolidate and update the multiple provisions for establishing the maximum quantities of accessory parking that in some cases would result in a reduction in parking; affirming the Planning Department's California Environmental Quality Act determination; 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.

**FINALLY PASSED by the following vote:**

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

**170466 [Planning Code - Noriega, Irving, Taraval, and Judah NCDs; Conditional Use Authorization for Bars, Liquor Stores, Personal Services, and Medical Cannabis Dispensaries]****Sponsor: Tang**

Ordinance amending the Planning Code to require in the Noriega, Irving, Taraval, and Judah Neighborhood Commercial Districts a Conditional Use authorization for Bars, Liquor Stores, and Medical Cannabis Dispensaries on the first story and for Personal Services on the second story; 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**FINALLY PASSED by the following vote:**

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

**170467 [Temporary Housing for Homeless People During Shelter Crisis - LMC San Francisco I Holdings, LLC - 1515 South Van Ness Avenue]****Sponsors: Mayor; Ronen**

Ordinance approving an agreement between the City and LMC San Francisco I Holdings, LLC, to allow the City to use the property at 1515 South Van Ness Avenue to utilize and operate a facility to provide temporary housing and services to homeless persons; directing the City Administrator, Public Works, Department of Homelessness and Supportive Housing, Department of Building Inspection, and other City departments to make repairs or improvements, consistent with health and safety standards, to use the property for temporary housing to address encampments in the Mission District; authorizing Public Works, Department of Homelessness and Supportive Housing, and Department of Public Health to enter into contracts without adhering to competitive bidding and other requirements for construction work, procurement, and personal services at the facility; and affirming the Planning Department's determination under the California Environmental Quality Act.

**Supervisor Ronen, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 12-13, by striking 'have entered an agreement', and adding 'intend to enter one or more agreements', Line 13, by adding 'collectively,' Lines 13-14, by adding 'to the Property', and Line 14, by adding 'thereafter to', and Lines 22-23, by adding 'including bifurcation into a construction access agreement and an operations agreement'. The motion carried by the following vote:**

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

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

#### **170271 [Administrative Code - Transfer of Moscone Center Garage and Performing Arts Garage to Municipal Transportation Agency]**

Ordinance amending the Administrative Code to transfer the Moscone Center Garage (255-3rd Street) and the Performing Arts Garage (360 Grove Street) from the Parking Authority to the Municipal Transportation Agency; assigning a ground lease for certain Public Works property for access between the Performing Arts Garage and Gough Street; affirming the 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. (Municipal Transportation Agency)

Supervisor Kim, seconded by Supervisor Fewer, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 22, by adding a new subsection '(d) The Municipal Transportation Agency has affirmed, in correspondence in Board of Supervisors File No. 170271, that it will provide at a minimum semi-annual written reports to the Board of Supervisors on any studies and plans to develop the Moscone Center Garage and the Performing Arts Garage, and will also provide to the Board of Supervisors a public outreach plan to engage the community on potential development alternatives, and any completed studies by third-party consultants shall be made immediately available to the Board of Supervisors.' The motion carried by the following vote:

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

**PASSED ON FIRST READING AS AMENDED by the following vote:**

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

#### **170274 [Accept and Expend Grant - Federal Emergency Management Agency - Adequate Fire and Emergency Response Grant Program - Amend the Annual Salary Ordinance - \$8,533,872]**

**Sponsor: Sheehy**

Ordinance retroactively authorizing the Fire Department to accept and expend a grant in the amount of \$8,533,872 from the Federal Emergency Management Agency for staffing for the Adequate Fire and Emergency Response Grant Program; and amending Ordinance No. 146-16 (Annual Salary Ordinance FYs 2016-2017 and 2017-2018) to reflect the addition of 36 grant-funded Class H002 Firefighters at 36.00 FTE for July 1, 2016, through June 30, 2017, and 36.00 FTE for July 1, 2017, through June 30, 2018. (Fire Department)  
(Fiscal Impact)

**PASSED, ON FIRST READING by the following vote:**

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

#### **170298 [Administrative Code - Animal Shelter Fund]**

**Sponsor: Tang**

Ordinance amending the Administrative Code to create a gift fund for the construction and furnishing of the new animal shelter.

**PASSED, ON FIRST READING by the following vote:**

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



**170243 [Real Property Lease Renewal - WCPI Commercial, LLC - 1449 Webster Street - Maximum Rent of \$157,300 in Initial Year]****Sponsor: Breed**

Resolution authorizing the exercise of an option to extend the lease of 3,900 square feet at 1449 Webster Street with WCPI Commercial, LLC, as Landlord, for three years, subject to City's right to terminate, for the Office of Economic and Workforce Development's Western Addition employment assistance programs, for \$13,000 monthly with annual increases between 2% and 5%, for a maximum rent of \$157,300 in the initial year of the lease extension term of September 1, 2017, through August 31, 2020; and adding one further option to extend the term with the same terms and conditions for an additional three year term.

**ADOPTED by the following vote:**

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

**170309 [Accept and Expend Grant - San Francisco Parks Alliance - Community Events, Staff Development, Recreational Programming - FY2015-2016 - \$217,282]****Sponsor: Sheehy**

Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant in the amount of approximately \$217,282 from the San Francisco Parks Alliance to fund community events, staff development, recreation programming, and other activities for FY2015-2016; and waiving indirect costs. (Recreation and Park Department)

*Privilege of the floor was granted unanimously to Nathan Tinclair (Recreation and Park Department) who responded to questions raised throughout the discussion.*

**ADOPTED by the following vote:**

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

**170344 [Planning and Engineering Services Agreement - Brown and Caldwell - Southeast Plant Biosolids Digester Facilities - Not to Exceed \$153,500,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 1 to Planning and Engineering Design Services Agreement No. CS-235, for specialized planning and engineering services for the proposed new Southeast Plant Biosolids Digester Facilities, between the City and County of San Francisco and Brown and Caldwell, increasing the agreement by \$73,500,000 for a total amount not to exceed \$153,500,000 and extend the term by two and one half years, for a total agreement duration of twelve and one half years from August 5, 2013, through December 31, 2025, pursuant to Charter, Section 9.118. (Public Utilities Commission)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**170424 [Accept and Expend Gift - San Francisco General Hospital Foundation - Public Health/Community Outreach Campaign - \$664,567]****Sponsor: Sheehy**

Resolution retroactively authorizing the Department of Public Health to accept and expend a gift in the amount of \$664,567 from the San Francisco General Hospital Foundation, to participate in a program entitled Public Health/Community Outreach Campaign, for the period of February 1, 2017, through January 31, 2019, and waiving indirect costs. (Public Health Department)

*Privilege of the floor was granted unanimously to Rachel Hagen (Department of Public Health) who responded to questions raised throughout the discussion.*

*ADOPTED by the following vote:*

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

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

*Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Yee*

*Excused: 1 - Tang*

**Supervisor Peskin, seconded by Supervisor Sheehy, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of May 16, 2017. The motion carried by the following vote:**

**Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Yee**

**Excused: 1 - Tang**

**170450 [Multifamily Housing Revenue Bonds - 1150-3rd Street (also known as Mission Bay South Block 3 East) - Not to Exceed \$90,000,000]****Sponsor: Kim**

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$90,000,000 for 1150-3rd Street (Assessor's Parcel Block No. 8711, Lot No. 026); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$90,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein. (Mayor's Office of Housing and Community Development)

**ADOPTED by the following vote:**

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

**Recommendations of the Government Audit and Oversight Committee**

- 170123 [Public Works Code - Construction Site Runoff on Port Property - Enforcement]**  
Ordinance amending the Public Works Code to authorize the Port Executive Director to impose penalties for failure to comply with requirements relating to construction site runoff on property within Port Commission jurisdiction. (Port)

**PASSED, ON FIRST READING by the following vote:**

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

*President Breed requested File Nos. 170278 and 170355 be called together.*

- 170278 [Civic Center Community Benefit District - Annual Report for FY2015-2016]**  
**Sponsor: Kim**  
Resolution receiving and approving an annual report for the Civic Center Community Benefit District for FY2015-2016, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4.

**ADOPTED by the following vote:**

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

- 170355 [Central Market Community Benefit District - Annual Report for Calendar Year 2015]**  
**Sponsor: Kim**  
Resolution receiving and approving an annual report for the Central Market Community Benefit District for calendar year 2015, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

**ADOPTED by the following vote:**

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

**Recommendations of the Land Use and Transportation Committee**

- 161014 [Planning Code - Exempting Certain Historic Landmarks from Requirement to Obtain Conditional Use and Replace Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses]**  
**Sponsor: Kim**  
Ordinance amending Planning Code, Section 202.8 to exempt certain designated historic landmarks from obtaining conditional use authorization to remove certain Production, Distribution, and Repair, Institutional Community, and Arts Activities Uses, and providing replacement space for such uses; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**PASSED ON FIRST READING by the following vote:**

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

**170156 [Planning Code, Zoning Map - Production, Distribution, and Repair Controls; Eliminating the Transit-Oriented Retail Special Use District, and Correcting Height Limits in the UMU District]****Sponsors: Mayor; Ronen**

Ordinance amending the Planning Code and Zoning Map to prohibit Gym and Massage uses in the Production, Distribution, and Repair (PDR) zoning districts, eliminate the Transit-Oriented Retail Special Use District, which includes all parcels in PDR districts along 16th Street from Mission Street to Potrero Avenue, and correct the height limits on certain parcels in the Urban Mixed Use (UMU) District to allow for groundfloor PDR uses; affirming the Planning Commission'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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**PASSED, ON FIRST READING by the following vote:**

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

**Recommendations of the Rules Committee****170460 [Mayoral Appointment, Police Commission - Robert Hirsch]**

Motion approving the Mayor's nomination for the appointment of Robert Hirsch to the Police Commission, for a term ending April 30, 2020. (Rules Committee)  
(Charter, Section 4.109, 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, then the nominee shall be deemed approved. Transmittal date: April 18, 2017.)

(Supervisor Fewer dissented in committee.)

**APPROVED by the following vote:**

Ayes: 10 - Breed, Cohen, Farrell, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Noes: 1 - Fewer

**170501 [Appointment, Peninsula Corridor Joint Powers Board - Gillian Gillett]**

Motion appointing Gillian Gillett, for an indefinite term, to the Peninsula Corridor Joint Powers Board. (Rules Committee)

**APPROVED by the following vote:**

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

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

Supervisor Yee, seconded by Supervisor Cohen, 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, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

### *ASIAN PACIFIC AMERICAN HERITAGE MONTH*

*President Breed opened the special commendation period and Supervisor Yee provided opening remarks regarding Asian Pacific American Heritage Month; Claudine Cheng presented additional information and shared in the commendations. Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Asian Pacific American Heritage Month, their accomplishments, and their continued community support as referenced below:*

*Supervisor Yee recognized Sophia Cheng (Peek-a-Boo Factory);  
Supervisor Peskin recognized Bill Sugaya, former Planning Commissioner;  
Supervisor Breed recognized Rodney Chin, Executive Director (Buchanan YMCA);  
Supervisor Cohen recognized Michael Panglinan (Filipino American Democratic Club);  
Supervisor Fewer recognized Community Youth Center's Community Engagement Program, presented by Supervisor Kim on her behalf;  
Supervisor Ronen recognized Qing Zhi Deng, Member Leader (Community Tenants Association);  
Supervisor Safai recognized Al Perez, Entertainment Commissioner;  
Supervisor Farrell recognized Belinda Leong (B. Patisserie);  
Supervisor Tang recognized Dorena Lee, Teacher (Wah Mei School);  
Supervisor Kim recognized Siu Han Cheung, Community Leader (Tenderloin Neighborhood Development Corporation, Tenderloin Chinese Association, and Tenderloin People's Congress);  
and  
Supervisor Sheehy recognized Lance Toma (API Wellness).*

## **Appointment of President Pro Tempore**

*At the request of President Breed, Supervisor Cohen assumed the chair at 3:17 p.m. The President resumed the chair at 3:23 p.m.*

**SPECIAL ORDER 4:00 P.M.**

*President Breed requested File Nos. 161146, 161147, 161148, and 161149 be called together.*

**161146 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed Project at 2675 Folsom 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 Community Plan Exemption by the Planning Department on June 27, 2016, and approved by the Planning Commission on September 22, 2016, for the proposed project located at 2675 Folsom Street, to allow the demolition of three two-story warehouse and storage structures, and construction of a four-story, 40-foot tall residential building of approximately 109,917 square feet, within the UMU (Urban Mixed Use), RH-2 (Residential Housing, Two Family), and RH-3 (Residential Housing, Three Family) Zoning Districts and a 40-X Height and Bulk District. (District 9) (Appellant: J. Scott Weaver, on behalf of Calle 24 Latino Cultural District Community Council) (Filed October 21, 2016) (Clerk of the Board)

*President Breed opened the public hearing and Supervisor Ronen indicated the appellant has withdrawn their appeal. The President inquired as to whether any member of the public wished to address the Board. Kristin Martin; Male Speaker; Fran Taylor; Tom Gilbert; spoke on various concerns regarding the appeal. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**161147 [Affirming the Community Plan Exemption Determination - Proposed Project at 2675 Folsom Street]**

Motion affirming the determination by the Planning Department that a proposed project at 2675 Folsom Street is exempt from further environmental review under a Community Plan Exemption. (Clerk of the Board)

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

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

**161148 [Conditionally Reversing the Community Plan Exemption Determination - Proposed Project at 2675 Folsom Street]**

Motion conditionally reversing the determination by the Planning Department that a proposed project at 2675 Folsom Street does not require further environmental review under a Community Plan Exemption, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

**161149 [Preparation of Findings to Reverse the Community Plan Exemption Determination - Proposed Project at 2675 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Exemption determination by the Planning Department that a proposed project at 2675 Folsom Street does not require further environmental review. (Clerk of the Board)

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

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

**SPECIAL ORDER 5:00 P.M.**

*President Breed requested File Nos. 170333 and 170334 be called together.*

**Board of Supervisors Sitting as a Committee of the Whole****170333 [Hearing - Committee of the Whole - Report of Assessment Costs - Blighted Properties]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties, ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for by the City and County out of a blight abatement fund, scheduled pursuant to Motion No. M17-057, approved April 11, 2017. (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to assessments as referenced in File No. 170334. John Riley (Public Works) provided an overview of the assessments. President Breed closed public comment, declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

**Committee of the Whole Adjourn and Report****170334 [Report of Assessment Costs - Blighted Properties]**

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

**ADOPTED by the following vote:**

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

## COMMITTEE REPORTS

*President Breed requested File Nos. 170408 and 170348 be called together.*

### **170408 [General Plan Amendments - 1500 Mission Street Project]**

Ordinance amending the General Plan by revising the height and bulk designations for the 1500 Mission Street project, Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

**PASSED ON FIRST READING by the following vote:**

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

### **170348 [Planning Code, Zoning Map - 1500 Mission Street Special Use District]**

**Sponsor: Mayor**

Ordinance amending the Planning Code to create the 1500 Mission Street Special Use District to facilitate development of the 1500 Mission Street (Assessor's Parcel Block No. 3506, Lot Nos. 006 and 007) project, to regulate bulk controls in the Special Use District, to modify Zoning Map SU07 to place the project site into this Special Use District, and Zoning Map HT07 to establish the height and bulk district designations for the project site; adopting findings 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 necessity, convenience, and welfare under Planning Code, Section 302. (Planning Commission)

**PASSED ON FIRST READING by the following vote:**

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

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdalla Megahed; shared concerns regarding police misconduct and personal experiences.*

*Female Speaker; expressed support of an applicant for the Police Commission.*

*Andre Yip; shared his various thoughts and experiences with the Board.*

*Tom Gilberty; shared concerns regarding taxis and transportation network companies.*

*Male Speaker; shared various religious concerns.*

## Appointment of President Pro Tempore

*At the request of President Breed, Supervisor Peskin assumed the chair at 5:58 p.m. The President resumed the chair at 6:03 p.m.*

*Supervisor Tang was noted absent at 6:02 p.m. and for the remainder of the meeting.*



**Supervisor Tang Excused from Attendance**

Supervisor Peskin, seconded by Supervisor Cohen, moved to excuse Supervisor Tang beginning at 6:02 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Yee  
Excused: 1 - Tang

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****170523 [Supporting the Caltrain Peninsula Corridor Electrification Project]**

**Sponsors: Breed; Peskin, Ronen and Sheehy**

Resolution supporting the Caltrain Peninsula Corridor Electrification Project, and urging the Federal Transportation Administration to approve the full funding grant agreement for the project.

**ADOPTED**

**170524 [Supporting the She Decides Initiative and Opposing the Enactment of the Mexico City Policy]**

**Sponsors: Kim; Safai, Fewer, Cohen and Ronen**

Resolution supporting the She Decides Global Initiative spearheaded by the Netherlands which aims to support women's fundamental rights around the world to decide if, when, and how many children they have, by filling any gaps in funding resulting from the U.S. President's reinstatement of the Mexico City Policy (also referred to as the "Gag Rule"), which bans financial support to foreign organizations that provide access to safe abortion or any information about abortion, even if they do so with non-U.S. funding.

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

**ADOPTED**

**170525 [Opposing the Budget Change Proposal of the California Department of Fish and Wildlife on Commercial Fishing Landing Taxes]**

**Sponsor: Peskin**

Resolution urging the California State Senate and Assembly to oppose the Budget Change Proposal of the California Department of Fish and Wildlife that would increase commercial fishing landing taxes in the California State Budget FY2017-2018.

**ADOPTED**

**170527 [Tom "Red" McGarvey Day - May 7, 2017]**

**Sponsor: Sheehy**

Resolution commending Tom McGarvey on the occasion of his 90th birthday, honoring his dedication to San Francisco's small businesses, and declaring May 7, 2017, as Tom "Red" McGarvey Day in the City and County of San Francisco.

**ADOPTED**

**170508 [Final Map 9024 - 241-10th Street]**

Motion approving Final Map 9024, a 28 Residential Unit and one Commercial Unit, Mixed-Use Condominium Project, located at 241-10th Street, being a merger and re- subdivision of Assessor's Parcel Block No. 3518, Lot Nos. 020 and 038, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**APPROVED**

The foregoing items were acted upon by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Yee

Excused: 1 - Tang

**Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Peskin requested that File No. 170526 be severed so that it may be considered separately.*

**170526 [Supporting California State Assembly Bill 1129 (Stone) - Coastal Access and Protection]****Sponsor: Peskin**

Resolution urging the California State Legislature to support and pass California State Assembly Bill 1129, introduced by Assembly Member Stone, in recognition of San Francisco's commitment to ensuring environmental protection of and public access to California's coastline in the face of anticipated sea level rise.

**Supervisor Peskin, seconded by Supervisor Fewer, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 11, by adding 'WHEREAS, San Francisco Public Utilities Commission staff are working with Assembly Member Stone to ensure existing infrastructure at Ocean Beach will not be adversely impacted, consistent with past California Coastal Commission permit precedent; now, therefore, be it'. The motion carried by the following vote:**

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Yee

Excused: 1 - Tang

**ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Yee

Excused: 1 - Tang

**IMPERATIVE AGENDA**

*There were no imperative agenda items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

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

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

### Introduced at the Request of a Department

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

## PROPOSED RESOLUTIONS

### **170470 [Increase of Wastewater Enterprise Commercial Paper Program - Not to Exceed \$750,000,000]**

Resolution authorizing an increase of the principal amount of the Wastewater Enterprise's Commercial Paper Program by \$250,000,000 from a principal amount not to exceed \$500,000,000 to a principal amount not to exceed \$750,000,000 such Commercial Paper to be issued from time to time by the San Francisco Public Utilities Commission to finance on an interim basis various capital projects benefitting the Wastewater Enterprise, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith, as defined herein. (Public Utilities Commission)

04/28/17; RECEIVED FROM DEPARTMENT.

05/09/17; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**170507 [Settlement of Lawsuit and Tolling Agreement - Airbnb, Inc. and HomeAway.com, Inc. - City to Receive \$80,000 plus \$10,000 Annually]**

Resolution endorsing settlement of the lawsuit filed by Airbnb, Inc. and HomeAway.com, Inc. against the City and County of San Francisco and authorizing a Tolling Agreement; the lawsuit was filed on June 27, 2016, in the United States District Court for the Northern District of California, Case No. 16-cv-03615; entitled Airbnb, Inc., et al. v. City and County of San Francisco; the lawsuit involves a challenge to Ordinance Nos. 104-16 and 178-16, which regulate hosting platforms that provide booking services for short-term residential rentals; material terms of the settlement include a framework for Airbnb and HomeAway to take reasonable care to verify that short-term rental listings are lawfully registered before offering booking services, Airbnb and HomeAway's agreement to remove unregistered listings on their websites, Airbnb and HomeAway's payment of \$40,000 each to the City plus \$5,000 each annually to establish an Application Program Interface, and the City's agreement to toll statutes of limitation. (City Attorney)

05/01/17; RECEIVED FROM DEPARTMENT.

05/09/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 6:13 p.m.*