



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, May 23, 2017 - 2:00 PM

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

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Yee, Tang, Kim, Sheehy

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

Budget and Finance Sub-Committee
Supervisors Cohen, Yee, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Farrell, Peskin, Tang

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

Rules Committee
Supervisors Safai, Fewer, Yee

Meeting Days

Thursday
1:00 PM

2nd and 4th Thursday
1:05 PM

Thursday
10:00 AM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:30 AM

2nd and 4th Wednesday
1:00 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.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

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 and Chinese at all regular and special Board meetings, excluding Committee meetings. Currently, Filipino is available upon request if made at least 48 hours in advance of the meeting to help ensure availability. Additionally, requests for Board Committee meetings must be received 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.

所有常規及特別市參事委員會會議（Board meetings）除委員會會議（Committee meetings）之外，將予以提供西班牙文及中文的語言服務。目前，菲律賓文將根據所收到的請求予以提供，但須在會議前最少48小時作出請求，旨在確保服務屆時可予以提供。另外，向市參事委員會會議請求有關服務亦須預先在會議前最少48小時作出，也將有助於確保服務屆時可予以提供。更多資訊或請求有關服務，請致電 (415) 554-7719 聯絡 Linda Wong。

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español y en chino en todas las reuniones regulares y reuniones especiales de la Junta, excluyendo las reuniones de los Comités. Actualmente, el idioma Filipino está disponible de ser requerido si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Adicionalmente, las solicitudes para las Reuniones de los Comités de la Junta deben ser recibidas por lo menos 48 horas antes de la reunión con el fin de ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a Derek Evans (415) 554-7702.

PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol at Intsik para sa lahat ng mga regular at espesyal na pulong ng Board, pero wala para sa pulong ng mga Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Filipino na maaaring i-request sa minimum na di bababa sa 48 oras bago ang pulong upang matiyak na matutugunan and inyong kahilingan. Dagdag pa, ang mga request para sa pulong ng Komite ng Board ay kailangang matanggap sa minimum na di bababa sa 48 oras bago ang pulong upang matiyak ang pagkakaroon nito. Para sa karagdagang impormasyon o para mag-request ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

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

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>

ROLL CALL AND PLEDGE OF ALLEGIANCE

COMMUNICATIONS

APPROVAL OF MEETING MINUTES

Approval of the April 11, 2017, Board Meeting Minutes, and the April 13, 2017, Special Meeting Minutes at the Budget and Finance Committee Meeting, and April 13, 2017, Special Meeting Minutes at the Budget and Finance Federal Select Committee Meeting, which constituted quorums of the Board of Supervisors.

AGENDA CHANGES

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Cohen, Yee, Tang

1. [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)

05/02/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

05/02/2017; CONTINUED AS AMENDED.

05/09/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

05/09/2017; PASSED ON FIRST READING AS AMENDED.

05/16/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

05/16/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

2. [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)

05/09/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

05/09/2017; PASSED ON FIRST READING AS AMENDED.

05/16/2017; CONTINUED ON FINAL PASSAGE.

Question: Shall this Ordinance be FINALLY PASSED?

3. [170411](#) **[Appropriation - Wastewater Enterprise General Reserve - Claims Settlements and Related Expenses as a Result of Winter Storms - \$5,000,000 - FY2016-2017]**

Sponsor: Mayor

Ordinance appropriating \$5,000,000 from Wastewater Enterprise designated for general reserve in the Public Utilities Commission Wastewater Enterprise to pay the claims settlements, legal expenses and related costs due to the large volume of claims arising from the winter 2016-2017 storms in FY2016-2017; and placing \$3,000,000 on Budget and Finance Committee Reserve.

(Fiscal Impact)

05/16/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Referred Without Recommendation from the Land Use and Transportation Committee

Present: Supervisors Peskin, Tang, Safai

4. [150969](#) **[Planning Code - Affordable Housing Bonus Programs]**

Sponsors: Mayor; Tang and Safai

Ordinance amending Planning Code, Section 206, to amend the 100 Percent Affordable Housing Bonus Program to add the HOME-SF Program, the Analyzed State Density Bonus Program, and the Individually Requested State Density Bonus Program, to provide for development bonuses and zoning modifications for increased affordable housing, in compliance with, and above those required by the State Density Bonus Law, Government Code, Section 65915, et seq.; to establish the procedures in which the HOME-SF Program shall be reviewed and approved; adding a fee for applications under the Programs; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public convenience, necessity, 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.

05/16/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

05/16/2017; CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Cohen, Yee, Tang, Kim, Sheehy

5. [170581](#) **[Appropriation and De-Appropriation - Fund Balance and Expenditures of \$18,982,258 - Supporting Increased Overtime Expenditures - FY2016-2017]**
Sponsor: Mayor
Ordinance appropriating \$300,000 Water Enterprise Fund Balance, de-appropriating \$18,682,258 from permanent salaries, fringe benefit expenses, and non-personnel services, and appropriating \$18,982,258 to overtime in the Sheriff's Department, Department of Emergency Management, Fire Department, Department of Public Health, and the Public Utilities Commission operating budgets in order to support the Departments projected increases in overtime as required per Ordinance No. 194-11 in FY2016-2017; this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval of the Department of Public Health overtime appropriations, pursuant to Charter, Section 9.113(c).

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Cohen, Yee, Tang

6. [170321](#) **[Agreement Amendment - Positive Resource Center - Behavioral Health Services - Not to Exceed \$10,744,447]**
Resolution approving a third amendment to the Department of Public Health agreement for behavioral health services with Positive Resource Center, to increase the contract by \$2,649,515 for a total amount not to exceed \$10,744,447. (Public Health Department)
7. [170323](#) **[Prevailing Wage Rates - Security Guard Services]**
Resolution fixing prevailing wage rates for individuals engaged in security guard services at facilities or on property owned or leased by the City, and for events on City property. (Civil Service Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

8. [170488](#) **[Authorizing Expenditures - SoMa Community Stabilization Fund - \$1,249,999]**
Sponsor: Kim
Resolution authorizing the Mayor's Office of Housing and Community Development to expend SoMa Community Stabilization Fund dollars in the amount of \$1,249,999 to address various impacts of destabilization on residents and businesses in SoMa.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?
9. [170489](#) **[Authorizing Expenditures - SoMa Community Stabilization Fund - \$10,000,000]**
Sponsor: Kim
Resolution authorizing the Mayor's Office of Housing and Community Development to expend SoMa Community Stabilization Fund dollars in the amount of \$10,000,000 to provide acquisition and rehabilitation loans for projects that are eligible under the Mayor's Office of Housing and Community Development's Small Sites Program and are located within the boundaries of SoMa.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?
10. [170521](#) **[Accept and Expend Grant - State Transportation Development Act, Article 3 - Pedestrian and Bicycle Projects - \$991,150]**
Sponsor: Mayor
Resolution authorizing the acceptance and expenditure of State Transportation Development Act, Article 3, Pedestrian and Bicycle Project grant funding for FY2017-2018, in the amount of \$991,150 which includes \$495,575 for Public Works and \$495,575 for the Municipal Transportation Agency, for the term of July 1, 2017, through June 30, 2020. (Public Works)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

11. [170565](#) **[Resolution of Intention - Japantown Community Benefit District]**
Sponsor: Breed
Resolution declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) known as the "Japantown Community Benefit District" and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer's report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole on July 25, 2017, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Farrell, Peskin, Tang

12. **161310** **[Amending Ordinance No. 1061 - Sidewalk Width Change - Intersection of Mission Street and 22nd Street]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to narrow, from 21 feet to 15 feet, the official sidewalk width along a portion of the westerly side of Mission Street, between 23rd Street and 22nd Street, and a portion of the easterly side of Mission Street, between 22nd Street and 21st Street, both beginning at the intersection of Mission Street and 22nd Street; adopting the Planning Department's determination and making additional 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. (Public Works)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

SPECIAL ORDER 4:00 P.M.

(Pursuant to Board of Supervisors Rule 3.37)

Board of Supervisors Sitting as a Committee of the Whole

(Hearing scheduled pursuant to Motion No. M17-082 (File No. 170575) approved on May 16, 2017.)

- 13. [170614](#) **[Hearing - Committee of the Whole - Settlement of Lawsuit and Tolling Agreement with Airbnb, Inc. and HomeAway.com, Inc. - May 23, 2017]**
 Hearing of the Board of Supervisors sitting as a Committee of the Whole on May 23, 2017, at 4:00 p.m., to hold a public hearing to consider a proposed Resolution (File No. 170507) 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 in that lawsuit; scheduled pursuant to Motion No. M17-082, approved by the Board on May 16, 2017. (Clerk of the Board)

Question: Shall this Hearing be HEARD AND FILED?

Committee of the Whole Adjourn and Report

CLOSED SESSION

(Closed Session scheduled pursuant to Motion No. M17-082 (File No. 170575) approved on May 16, 2017.)

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

- 14. [170615](#) **[Closed Session - Settlement of Lawsuit and Tolling Agreement - Airbnb, Inc. and HomeAway.com, Inc. - May 23, 2017]**
 Closed Session for the Board of Supervisors to convene on May 23, 2017, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(2), for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation relating to the 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 in that lawsuit (File No. 170507). (Clerk of the Board)

:

[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.

Called from the Government Audit and Oversight Committee

15. [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)

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 5:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Hearing scheduled pursuant to Motion No. M17-058 (File No. 170335) approved on April 11, 2017.)

16. [170336](#) **[Hearing - Committee of the Whole - Report of Assessment Costs - Building Code Enforcement Violations - May 23, 2017]**
Hearing to consider objections to a report of delinquent charges for code enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Building Code, Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above, scheduled pursuant to Motion No. M17-058, approved April 11, 2017. (Clerk of the Board)

Question: Shall this Hearing be HEARD AND FILED?

Committee of the Whole Adjourn and Report

17. [170337](#) **[Report of Assessment Costs - Building Code Enforcement Violations]**
Resolution approving Report of Delinquent Charges for Assessment Costs submitted by the Director of the Department of Building Inspection for delinquent charges for code enforcement violations and associated fees pursuant to Building Code, Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, the costs thereof having accrued pursuant to code enforcement violations. (Building Inspection Department)

Question: Shall this Resolution be ADOPTED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Budget and Finance Sub-Committee at a Regular Meeting on Thursday, May 18, 2017, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as Committee Reports on Tuesday, May 23, 2017.

18. [170464](#) **[Appropriation - Proceeds from Certificates of Participation for \$321,765,000 to the General Service Agency - FY2016-17]**

Sponsor: Mayor

Ordinance appropriating \$321,765,000 of proceeds from Certificates of Participation to fund the development costs of the 1500 Mission Street office building development and related FF&E (furniture, fixture, or other equipment), technology, and moving costs in FY2016-17, and placing total \$321,765,000 of proceeds on Controller's Reserve pending sales of the Certificates of Participation.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. [170468](#) **[Ordinance Authorizing Certificates of Participation - 1500 Mission Project - Not to Exceed \$321,765,000]**

Sponsor: Mayor

Ordinance authorizing the execution and delivery of Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an aggregate principal amount of not to exceed \$321,765,000 to fund a portion of the development costs, including construction and improvement, and related FF&E (furniture, fixture, or other equipment), technology, and moving costs for the 1500 Mission Street office building; authorizing the issuance of commercial paper notes in advance of the delivery of the Certificates; approving the form of Trust Agreement between the City and County of San Francisco and the Trustee (including certain indemnities contained therein); authorizing the selection of the Trustee by the Director of Public Finance; approving respective forms of a Property Lease and a Lease Agreement, each between the City and the Trustee for the lease and lease back of certain property and facilities of the City; approving the forms of Purchase Contract, Official Notice of Sale, and Notice of Intention to Sell Certificates; directing the publication of the Notice of Intention to Sell Certificates; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of the Certificates; approving the form of the Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, execution, sale and delivery of the Certificates; approving modifications to documents and agreements; declaring the City's intent to reimburse certain expenditures; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. [170471](#) **[Conditional Purchase Agreement - City Office Project - 1500 Mission Street]**
Sponsor: Mayor
Resolution ratifying the Conditional Purchase Agreement for the City's Acquisition of an Office Project at 1500 Mission Street and authorizing the Director of Property and City staff to proceed with the Proposed Office Project; confirming the City's authorization to issue commercial paper and/or certificates of participation to pay for the land acquisition and complete the Proposed Office Project; adopting environmental findings under the California Environmental Quality Act; and making findings of consistency the General Plan, and with the eight priority policies of Planning Code, Section 101.1.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
21. [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)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
22. [170474](#) **[Application to Acquire Real Property - 1064-1068 Mission Street - Department of Health and Human Services Federal Property Assistance Program - Constructing Supportive Housing]**
Sponsors: Mayor; Kim
Resolution authorizing the Mayor's Office of Housing and Community Development to submit an application to the Department of Health and Human Services Federal Property Assistance Program, in order to acquire the real property located at 1064-1068 Mission Street for use in constructing supportive housing for homeless San Franciscans.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**

23. [170522](#) **[Real Property Acquisition - 772 Pacific Avenue - Shew Yick Trust One, Robert Yick Trust Two, and Robert Yick Non-Exempt Assets Trust - Affordable Housing Project - Below Fair Market Value Purchase of \$5,000,000]**

Sponsors: Mayor; Peskin

Resolution authorizing the Real Estate Division, on behalf of the Mayor's Office of Housing and Community Development, to acquire Real Property located at 772 Pacific Avenue from Shew Yick Trust One (Trustees Robert Yick and Andy Ting), Robert Yick Trust Two (Trustee Joseph Yick), and Robert Yick Non-Exempt Assets Trust (Trustee Mark Shustoff), for the purchase at below fair market value of \$5,000,000 for use in constructing affordable housing for San Franciscans.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

The following items will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, May 22, 2017, at 1:30 p.m. The Chair intends to request the Committee to send the following items to the Board as Committee Reports on Tuesday, May 23, 2017.

24. [161351](#) **[Planning Code - Inclusionary Affordable Housing Fee and Requirements]**

Sponsors: Kim; Peskin

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; adding reporting requirements for density bonus projects; affirming the Planning Department's determination under the California Environmental Quality Act; making findings 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?

25. [170208](#) **[Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]**

Sponsors: Safai; Breed and Tang

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; to require minimum dwelling unit mix in all residential districts; 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.

(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. [170240](#) **[Police, Building Codes - Lactation in the Workplace]**
Sponsors: Tang; Cohen, Ronen, Kim, Breed, Fewer and Yee
Ordinance amending the Police Code to require employers to provide employees breaks and a location for lactation and to have a policy regarding lactation in the workplace that specifies a process by which an employee will make a request for accommodation, defines minimum standards for lactation accommodation spaces, requires that newly constructed or renovated buildings designated for certain uses include lactation rooms, and outlines lactation accommodation best practices; amending the Building Code to specify the technical specifications of lactation rooms for new or renovated buildings designated for certain use; making findings, including environmental findings and findings regarding the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. 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.

28. 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 29 through 35

29. [170607](#) **[Approval of a 120-Day Extension for Planning Commission Review of Planning Code, Zoning Map - Establishment of Geary-Masonic Special Use District (File No. 161109)]**

Sponsor: Farrell

Resolution extending by 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 161109) amending the Planning Code by adding Section 249.20; and amending Sheet 4 SU03 of the Zoning Map, 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; 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.

05/16/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. [170608](#) **[Stephen T. Mather Day - July 4, 2017]**

Sponsor: Farrell

Resolution recognizing the accomplishments of Stephen T. Mather, the first director of the National Park Service and the namesake of San Francisco's family recreation camp, on his 150th birthday, and declaring July 4, 2017, as Stephen T. Mather Day in the City and County of San Francisco.

05/16/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. [170611](#) **[Expressing Support for the San Francisco-Oakland Bid to Host the 2020 International AIDS Conference]**

Sponsor: Sheehy

Resolution expressing the support of the San Francisco Board of Supervisors for the San Francisco-Oakland Bid to host the 2020 International AIDS Conference.

05/16/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [170591](#) **[Final Map 8254 - 923 Folsom Street]**
Motion approving Final Map 8254, a 115 Residential Unit and one Commercial Unit, Mixed-Use Condominium project, located at 923 Folsom Street, being a merger and subdivision of Assessor's Parcel Block No. 3753, Lot Nos. 106, 141, and 142; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/17/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

33. [170592](#) **[Final Map 8953 - 832 Sutter Street]**
Motion approving Final Map 8953, a 20 residential unit and one commercial unit, mixed-use condominium project, located at 832 Sutter Street, being a subdivision of Assessor's Parcel Block No. 0281, Lot No. 003; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/17/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

34. [170593](#) **[Final Map 8454 - 580-590 De Haro Street and 1900-1910-18th Street]**
Motion approving Final Map 8454, a seven lot subdivision, Lots 1, 2, 3, 4 and 5, each being a two-unit residential condominium project, located at 580-590 De Haro Street and 1900-1910-18th Street, being a subdivision of Assessor's Parcel Block No. 4008, Lot No. 003; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/17/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

35. [170594](#) **[Final Map 8995 - 1490 Ocean Avenue]**
Motion approving Final Map 8995, a 15 residential unit and three commercial unit, mixed-use condominium project, located at 1490 Ocean Avenue, being a subdivision of Assessor's Parcel Block No. 3197, Lot No. 010; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/17/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

36. 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 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**170582****[Settlement of Lawsuit - Peter Cuddihy and Joan Cuddihy - \$43,000]**

Ordinance authorizing settlement of the lawsuit filed by Peter Cuddihy and Joan Cuddihy against the City and County of San Francisco for \$43,000; the lawsuit was filed on July 1, 2016, in San Francisco Superior Court, Case No. CGC-16-552818; entitled Peter Cuddihy and Joan Cuddihy v. City and County of San Francisco; the lawsuit involves widespread flooding to the area surrounding the intersection of 15th Avenue and Wawona Street due to heavy rains on December 3, 2014. (City Attorney)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

170583**[Settlement of Lawsuit - Raymond Choy - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by Raymond Choy against the City and County of San Francisco for \$30,000; the lawsuit was filed on May 28, 2015, in San Francisco Superior Court, Case No. CGC-15-546044; entitled Raymond Choy v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

170584**[Settlement of Lawsuit - Jason Douglas and Carol Grindley - \$60,000]**

Ordinance authorizing settlement of the lawsuit filed by Jason Douglas and Carol Grindley against the City and County of San Francisco for \$60,000; the lawsuit was filed on April 27, 2016, in San Francisco Superior Court, Case No. CGC-16-551699; entitled Jason Douglas, Carol Grindley v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a motorcycle collision with a Police Department patrol car. (City Attorney)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

170585**[Settlement of Lawsuit - Devaughn Frierson - \$29,500]**

Ordinance authorizing settlement of the lawsuit filed by Devaughn Frierson against the City and County of San Francisco for \$29,500; the lawsuit was filed on June 9, 2015, in the United States District Court, Case No. 15-cv-02573; entitled Devaughn Frierson v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations; other material terms of the settlement are the dismissal of all defendants. (City Attorney)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

170586 [Novation Agreement - MWH Americas, Inc. to Stantec Consulting Services, Inc. - Planning and Engineering Services Contract - Central Bayside System Improvement Project]

Resolution approving the novation of the San Francisco Public Utilities Commission (SFPUC) Agreement No. CS-169, for planning and engineering services for the Central Bayside System Improvement Project, from MWH Americas, Inc. to Stantec Consulting Services, Inc., and authorizing the SFPUC General Manager to negotiate and execute a Novation Agreement, pursuant to Charter, Section 9.118. (Public Utilities Commission)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

170587 [Amendment to Memorandum of Understanding - San Francisco Local Agency Formation Commission - Not to Exceed \$2,100,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the third amendment to the Memorandum of Understanding with the San Francisco Local Agency Formation Commission, extending its duration by two years, for a total agreement duration of 11 years from FY2008-2009 through FY2018-2019, with no change to the total amount not to exceed \$2,100,000, pursuant to Charter, Section 9.118. (Public Utilities Commission)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

170588 [Settlement of Unlitigated Claim - Jessica Kennedy - \$375,000]

Resolution approving the settlement of the unlitigated claim filed by Jessica Kennedy against the City and County of San Francisco for \$375,000; the claim was filed on June 16, 2016; the claim involves an employment dispute. (City Administrator)

05/12/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

170589 [Contract Approval - Children's Council of San Francisco - Early Care and Education Integrated Services - \$204,233,857]

Resolution approving the contract between the City and County of San Francisco and Children's Council of San Francisco for the provision of Early Care and Education Integrated Services to support the City's implementation of the San Francisco Citywide Plan for Early Care and Education for the period of July 1, 2017, through June 30, 2020, in the amount of \$204,233,857. (Human Services Agency)

05/09/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

170590

[Contract Approval - Wu Yee Children's Services - Early Care and Education Integrated Services Contract - \$31,322,180]

Resolution approving the contract between the City and County of San Francisco and Wu Yee Children's Services for the provision of Early Care and Education Integrated Services to support the City's implementation of the San Francisco Citywide Plan for Early Care and Education for the period of July 1, 2017, through June 30, 2020, in the amount of \$31,322,180. (Human Services Agency)

05/09/2017; RECEIVED FROM DEPARTMENT.

05/23/2017; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

170616 [Petitions and Communications]

Petitions and Communications received from May 8, 2017, through May 15, 2017, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 23, 2017.

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 Clerk of the Board, reporting that the following individual submitted a Form 700 Statement: (1)

Justin Jones - Legislative Aide - Assuming

From the Public Utilities Commission, submitting a Declaration of Emergency for the Treasure Island and Yerba Buena Island's Generators. Copy: Each Supervisor. (2)

From the Planning Department, submitting the Housing Balance report No. 5 covering years January 1, 2007 - December 31, 2016. Copy: Each Supervisor. (3)

From the Office of the Treasurer and Tax Collector, pursuant to California State Government Code, Section 53646, submitting a Pooled Investment Report for the month of April 2017. Copy: Each Supervisor. (4)

From the Office of the Controller, submitting the Office of Economic Analyst Impact Report for File Nos. 161351 and 170208. Copy: Each Supervisor. (5)

From the SRO Hotel Coalition, submitting a Notice of Intent to Commence CEQA Action. File No. 161291. Copy: Each Supervisor. (6)

From the Capital Planning Committee, pursuant to the Administrative Code, Section 3.21, regarding Approval of the General Fund Department Capital Budget for Fiscal Years 2017-18 & FY 2018-19 in the amount not to exceed \$531,000,000. Copy: Each Supervisor. (7)

From the Sheriff's Department, pursuant to Administrative Code, Section 96A, submitting First Quarter Report summarizing arrests and uses of force across all three divisions of 2017 for the period of January 1, 2017, through March 31, 2017. Copy: Each Supervisor. (8)

From the Planning Department, submitting the 1629 Market Street Mixed-Use Project Draft Environmental Impact Report. Copy: Each Supervisor. (9)

From Theodore Randolph, regarding HOME SF. Copy: Each Supervisor. (10)

From Ryan Duncan, regarding an Impeachment Resolution. Copy: Each Supervisor. (11)

From Verna Miza, regarding the nomination of Marjan Philhour to the Commission on the Status of Women. File No. 170532. Copy: Each Supervisor. (12)

From Linda Stark, regarding Inclusionary Housing. File Nos. 161351 and 170208. Copy: Each Supervisor. (13)

From The San Francisco Chronicle, pursuant to Section 9206 of the Elections Code, submitting a Notice of Intent to Circulate Petition titled, "Expanding the Size and Duties of the Entertainment Commission". Copy: Each Supervisor. (14)

ADJOURNMENT