

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, September 5, 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

Thursday

10:00 AM

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

Supervisors Cohen, Sheehy, Fewer

Thursday

1:00 PM

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

Supervisors Kim, Peskin, Breed

1st and 3rd Wednesday

10:00 AM

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

Supervisors Farrell, Peskin, Tang

Monday

1:30 PM

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

Supervisors Ronen, Sheehy, Fewer

2nd and 4th Wednesday

10:00 AM

##### **Rules Committee**

Supervisors Safai, Fewer, Yee

2nd and 4th Wednesday

2:00 PM

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, September 5, 2017, with President London Breed presiding.*

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

*President Breed called the meeting to order at 2:02 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.*

## **COMMUNICATIONS**

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from the Department of Elections, dated August 4, 2017, certifying the Referendum against Ordinance No. 140-17 (File No. 170441) relating to amending the Health Code to prohibit tobacco retailers from selling flavored tobacco products, including menthol cigarettes. This matter has been scheduled for a Committee of the Whole hearing on today's agenda (File Nos. 170913 and 170441).*

## **APPROVAL OF MEETING MINUTES**

*President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of June 27, 2017, July 11, 2017, July 18, 2017, or July 25, 2017. There were no corrections.*

**Supervisor Cohen, seconded by Supervisor Safai, moved to approve the Board Meeting Minutes of June 27, 2017, July 11, 2017, July 18, 2017, and July 25, 2017. The motion carried by the following vote, following general public comment:**

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

## **AGENDA CHANGES**

*There were no agenda changes.*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

#### **170834 [Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]**

**Sponsors: Breed; Kim, Peskin, Safai 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 most 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.

**Supervisor Safai, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

### **Recommendation of the Budget and Finance Committee**

#### **170859 [Administrative Code - Establishing an Office of Cannabis and Extending the Term of the Cannabis State Legalization Task Force]**

**Sponsors: Sheehy; Cohen**

Ordinance amending the Administrative Code to establish an Office of Cannabis; to authorize the Director of the Office of Cannabis to issue permits to cannabis-related businesses; to direct the Director of the Office of Cannabis to collect permit application and annual license fees following the enactment of a subsequent ordinance establishing the amounts of those fees; and to extend the term of the Cannabis State Legalization Task Force.

(Fiscal Impact)

**FINALLY PASSED 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**

### **170516 [Planning Code - Medical Cannabis Dispensaries in Supervisorial District 11]**

**Sponsor: Safai**

Ordinance amending the Planning Code to limit the number of medical cannabis dispensaries in Supervisorial District 11 to three at any given time; 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 making a finding of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

**FINALLY PASSED by the following vote:**

Ayes: 9 - Breed, Cohen, Farrell, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Noes: 2 - Fewer, Kim

### **170693 [Planning Code - Child Care Facilities]**

**Sponsors: Yee; Tang, Ronen, Farrell, Safai, Kim, Sheehy, Cohen, Breed and Fewer**

Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G), and Industrial (Light Industrial) (M-1) zoning districts where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2), and Industrial (Heavy Industrial) (M-2) zoning districts where they would not be permitted; remove certain notice requirements for Child Care Facilities; make other conforming changes to references to the definition of Child Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

*Supervisors Cohen, Breed, and Fewer requested to be added as co-sponsors.*

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

**Supervisor Yee, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 16-25, by adding a new 'Section 2' that references previously passed Ordinance Nos. 129-17 and 166-17 and how their recent passage affects this proposed Ordinance; and making other clarifying and conforming changes. 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**

*President Breed requested File Nos. 170480, 170481, 170482, 170483, 170484, 170485, and 170486 be called together. Privilege of the floor was granted unanimously to Rich Chien (Department of the Environment) who responded to questions raised throughout the discussion on these items.*

#### **170480 [Authorizing New Program Administrators - California Statewide Communities Development Authority Open Property-Assessed Clean Energy Program - Soft Story and Renewable Energy Financing]**

**Sponsor: Farrell**

Resolution authorizing new program administrators in the California Statewide Communities Development Authority ("CSCDA") Open Property-Assessed Clean Energy Program; authorizing the CSCDA to accept applications from property owners, conduct contractual assessment proceedings, and levy contractual assessments within the territory of the City and County of San Francisco; and authorizing related actions as defined in this Resolution.

**ADOPTED by the following vote:**

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

#### **170481 [Execution of Member Acknowledgement Addendums - Regional Collaborative Services Agreement - Association of Bay Area Governments]**

**Sponsor: Farrell**

Resolution authorizing the execution of member acknowledgement addendums of the Regional Collaborative Services Agreement with the Association of Bay Area Governments to safeguard consumer interest of San Francisco residents' participation in residential Property-Assessed Clean Energy ("PACE") Programs.

**ADOPTED by the following vote:**

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

#### **170482 [Authorizing Inclusion of City Properties in Golden State Finance Authority Property-Assessed Clean Energy Program]**

**Sponsor: Farrell**

Resolution authorizing inclusion of properties within the City and County of San Francisco in the Golden State Finance Authority Property-Assessed Clean Energy Program to finance renewable energy generation, energy and water efficiency improvements, electric vehicle charging infrastructure, and other authorized improvements.

**ADOPTED by the following vote:**

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

**170483 [Authorizing Inclusion of City Properties in Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy) Property-Assessed Clean Energy Programs]**

**Sponsor: Farrell**

Resolution authorizing inclusion of properties within the City and County of San Francisco's territory in the Golden State Finance Authority Community Facilities District No. 2014-1 (Clean Energy) Property-Assessed Clean Energy Program to finance renewable energy improvements, energy efficiency and water conservation improvements, electric vehicle charging infrastructure, and other authorized improvements.

**ADOPTED by the following vote:**

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

**170484 [Authorizing Inclusion of Figtree Property-Assessed Clean Energy ("PACE") Program in California Enterprise Development Renewable PACE Programs]**

**Sponsor: Farrell**

Resolution authorizing the inclusion of the Figtree Property-Assessed Clean Energy ("PACE") Program in the City and County of San Francisco's Renewable PACE Program through the California Enterprise Development Authority; and authorizing the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments within the territory of the City and County of San Francisco; and authorizing related actions, as defined herein.

**ADOPTED by the following vote:**

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

**170485 [Authorizing Inclusion of City Properties in California Municipal Finance Authority Open Property-Assessed Clean Energy Programs]**

**Sponsor: Farrell**

Resolution authorizing the inclusion of properties within the territory of the City and County of San Francisco in the California Municipal Finance Authority Open Property-Assessed Clean Energy ("PACE") Programs; authorizing the California Municipal Finance Authority to accept applications from City property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City and County of San Francisco; and authorizing related actions, as defined herein.

**ADOPTED by the following vote:**

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

**170486 [Authorizing Agreement for Collection of Special Taxes and Contractual Assessments - San Francisco Property-Assessed Clean Energy Program]**

**Sponsor: Farrell**

Resolution approving and authorizing execution of an agreement for collection of special taxes and contractual assessments between the City and County of San Francisco and the Golden State Finance Authority for residential, commercial, industrial and agricultural properties to address high up-front costs for property owners who wish to improve their properties through installation of measures that will generate renewable energy or reduce their energy and water use through a Property-Assessed Clean Energy ("PACE") Program; and authorizing related actions, as defined herein.

**ADOPTED by the following vote:**

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

**170694 [Real Property Lease - Raul and Denise Arriaza and The Olson Family Trust - 1315, 1319 Evans St. - \$40,608 Annual Base Rent]**

Resolution authorizing the lease of approximately 1,128 square feet at 1315, 1319 Evans Street with one parking stall, with Raul and Denise Arriaza as to an undivided 50% interest, and The Olson Family Trust, dated October 16, 2014, as to an undivided 50% interest, for a five year term commencing upon approval by the Board of Supervisors and Mayor, with one five-year option to extend, at the monthly base rent of \$3,384 for a total annual base rent of \$40,608. (Adult Probation)

**ADOPTED by the following vote:**

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

**170801 [Contract Modification - Allied Universal Security - Security Services - Total Contract Amount of \$22,802,311]**

Resolution approving a modification of the contract between the City and County of San Francisco and Allied Universal Security, for the provision of Security Services for the period of February 1, 2014, through January 31, 2018, with no change to the term, to increase the amount by \$3,016,919 resulting in a total contract amount of \$22,802,311. (Human Services Agency) (Fiscal Impact)

**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****170610 [Top of Broadway Community Benefit District - Annual Report for FY2015-2016]  
Sponsor: Peskin**

Resolution receiving and approving an annual report for the Top of Broadway 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

**170824 [Accept Gift - Playworld Systems Inc. - Treasure Island Development Authority - New Playground Equipment - Valued at \$110,000]****Sponsor: Kim**

Resolution authorizing the Treasure Island Development Authority to enter into a gift agreement with Playworld Systems Inc. for the installation of new playground equipment at Treasure Island valued at \$110,000.

**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**

### **170552 [Amending Ordinance No. 1061 - Sidewalk Width Change - Masonic Avenue at Fulton and Turk Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to reduce the official sidewalk width of certain locations along Masonic Avenue at the southwest corner of the intersection of Masonic Avenue and Fulton Street, and the northeast corner of the intersection of Masonic Avenue and Turk Street; 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. (Public Works)

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

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

### **170130 [Street Encroachment Permit - 45 Lansing Development, LLC - Shared Public Way on Lansing Street Fronting 45 Lansing Street]**

**Sponsor: Kim**

Resolution granting revocable permission to 45 Lansing Development, LLC, to occupy and maintain the Lansing Street Shared Public Way on Lansing Street between Guy Place and 1st Street fronting 45 Lansing Street (Assessor's Parcel Block No. 3749, Lot No. 059); 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.

**ADOPTED by the following vote:**

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

## **Recommendations of the Rules Committee**

### **170849 [Reappointment, Entertainment Commission - Laura Thomas]**

Motion reappointing Laura Thomas, for a term ending July 1, 2021, to the Entertainment Commission. (Rules Committee)

**Motion No. M17-118**

**APPROVED by the following vote:**

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

### **170850 [Reappointment, Graffiti Advisory Board - Amy Landgraf]**

Motion reappointing Amy Landgraf (residency requirement waived), term ending April 10, 2019, to the Graffiti Advisory Board. (Rules Committee)

**Motion No. M17-119**

**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 Fewer, seconded by Supervisor Sheehy, 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

*Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to Pete Mulvihill, on behalf of Green Apple Books, on the occasion of Green Apple Books' 50 Year Anniversary and in recognition of their many accomplishment providing a wide variety of quality books in all subject areas.*

*Supervisor Sheehy introduced, welcomed, and presented a Certificate of Honor to Claudia Arevalo and Lan Fun Lau, homecare workers, in honor of Labor Day and in recognition of their many accomplishments and continued community support providing care to residents in need throughout San Francisco.*

*Supervisor Safai introduced, welcomed, and presented a Certificate of Honor to Neha Gupta and Victoria Weatherford (Office of the City Attorney); Enrique Ovando, Major David Pierce, and Major Mark Nelson (Salvation Army); Sam Dodge (Department of Homelessness); Alicia Sandoval (Housing Rights Committee); Rosemary Bosque (Department of Building Inspection); Benjamin Amyes (Human Services Agency); Jeff Buckley (Mayor's Office); and Olivia Scanlon (Fire Department) in recognition of their efforts and accomplishments finding housing and providing solutions for numerous individuals and families that were residing in certain untenable underground living quarters.*

## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 170812, 170813, 170814, and 170815 be called together.*

*Supervisor Safai was noted absent at 3:39 p.m.*

### **170812 [Hearing - Appeal of Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed project at 1500-1540 Market Street (One Oak Street) identified in Planning Case No. 2009.0159E, certified by the Planning Commission through Motion No. 19938 dated June 15, 2017. (Appellant: Sue Hestor, on behalf of Jason Henderson) (Filed July 17, 2017) (Clerk of the Board)

*President Breed opened the public hearing and indicated she would be entertaining a motion to continue this appeal to a later date. The President then inquired as to whether any member of the public wished to address the Board on the proposed continuance. Jason Henderson (Appellant) provided a brief overview of the appeal and in support of the continuance. Mike Anderson; Sasha; Jim Morshell; Marc Salomon; Depy Darb; Tony Robles; Eric Brooks; Andy Thorton; Tess Welborn; Maurie Nelson; Laurie Lederman; Mary Corrine; Norm Dabelman; Denise Ceblo; Peter Mackelman; Mike Welch; David Woo; Angel Orfint; Robin; Marlene Morgan; David Berstein; Jiro Yamamoto; Richard; Rufus Watkins; Howard; Female Speaker; Jennifer Kiebler; Male Speaker; Male Speaker; Todd David; Sue Hestor; spoke on various concerns relating to the appeal and the proposed continuance. There were no other speakers. President Breed closed public comment on the continuance.*

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

### **170813 [Affirming the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street). (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

### **170814 [Conditionally Reversing the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street), subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

**170815 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report for the proposed project at 1500-1540 Market Street (One Oak Street). (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

Absent: 1 - Safai

**Referred Without Recommendation from the Land Use and Transportation Committee**

*Supervisor Safai was noted present at 3:42 p.m.*

*President Breed requested File Nos. 170750 and 170751 be called together.*

**170750 [General Plan Amendments - One Oak Street Project]**

Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, 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)

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

**170751 [Planning Code, Zoning Map - One Oak Street Project]**

Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Assessor's Parcel Block No. 0836, portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No. 001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of September 12, 2017. The motion carried by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 170893, 170894, 170895, and 170896 be called together.*

### **170893 [Hearing - Appeal of Final Environmental Impact Report Certification - Alameda Creek Recapture Project]**

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project, identified in Planning Case No. 2015-004827ENV, certified by the Planning Commission through Motion No. 19952 dated June 22, 2017. (Appellants: Robert Shaver of Alameda County Water District) (Filed July 24, 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. Robert Shaver (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Jeff Miller; spoke in support of the appeal. Chris Kern (Planning Department), Ellen Levin (Public Utilities Commission), and John Millsap (Office of the City Attorney) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Thomas Elson (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Brett Radstone; Thomas Francis; spoke in support of the project and in opposition to the appeal. Robert Shaver (Appellant) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

### **170894 [Affirming the Final Environmental Impact Report Certification - Alameda Creek Recapture Project]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Yee, 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

### **170895 [Conditionally Reversing the Final Environmental Impact Report Certification - Alameda Creek Recapture Project]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Motion No. M17-120**

**Supervisor Peskin, seconded by Supervisor Yee, 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

**170896 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - Alameda Creek Recapture Project]**

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project. (Clerk of the Board)

**Motion No. M17-121**

**Supervisor Peskin, seconded by Supervisor Yee, moved that this Motion be APPROVED, and to direct the findings be based on significant new information provided by the National Marine Fisheries Service that additional environmental analysis is required on the operational impacts of the project on steelhead in the lower watershed as a result of project-induced effects on streamflow in Alameda Creek, and to require the Planning Department enlist an independent third party review of the groundwater/surface water model to determine if the current model adequately and accurately analyzes the fisheries issues as required by CEQA. The motion carried by the following vote:**

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

**Appointment of President Pro Tempore**

*At the request of President Breed, Supervisor Peskin assumed the chair at 4:16 p.m. The President resumed the chair at 4:20 p.m.*

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

*President Breed recessed the meeting at 4:26 p.m. and reconvened at 4:36 p.m.*

**170802 [California Environmental Quality Act Findings - San Francisco Public Utilities Commission Water System Improvement Program, Alameda Creek Recapture Project]**

Resolution adopting findings under the California Environmental Quality Act related to modifications to the San Francisco Public Utilities Commission Water System Improvement Program, Alameda Creek Recapture Project, located in Sunol Valley in Alameda County, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

**Supervisor Peskin, seconded by Supervisor Tang, moved that this Resolution be TABLED. The motion carried by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 170917, 170918, 170919, 170920, 170898, 170899, 170900, and 170901 be called together.*

### **170917 [Hearing - Appeal of Determination of Exemption From Environmental Review - 2505 Noriega Street]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on July 2, 2017, for the proposed project at 2505 Noriega Street, approved on July 13, 2017, to change the use from retail pharmacy to Medical Cannabis Dispensary, interior tenant improvements, and repair/in-kind replacement of storefront material finishes. (District 4) (Appellant: Wilson Chu, on behalf of Zhiming Bi) (Filed August 14, 2017) (Clerk of the Board)

*President Breed opened the public hearing. Supervisor Tang provided opening remarks and indicated she would be making a motion to continue this appeal matter to a later date. The President then inquired as to whether any member of the public wished to address the Board on the proposed continuance. Ray Hacke; Andrew Yip; Female Speaker; Stella Cahill; Mary Kane; Female Speaker; Suzanne Cachill; Sherry; Mary Ha; Peter; Alice Hong; Female Speaker; Male Speaker; Female Speaker; Sonya Ng; Dewig; spoke on various concerns relating to the appeal and the proposed continuance. There were no other speakers. President Breed closed public comment on the continuance.*

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

### **170918 [Affirming the Categorical Exemption Determination - 2505 Noriega Street]**

Motion affirming the determination by the Planning Department that a proposed project at 2505 Noriega Street is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

### **170919 [Conditionally Reversing the Categorical Exemption Determination - 2505 Noriega Street]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2505 Noriega Street is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

**170920 [Preparation of Findings to Reverse the Categorical Exemption Determination - 2505 Noriega Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2505 Noriega Street is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.****170898 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2505 Noriega Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303, 739.84, and formerly pursuant to Planning Code, Section 306.7, and interim zoning controls established under Resolution Nos. 179-15 and 544-16, for a proposed project located at 2505 Noriega Street, Assessor's Parcel Block No. 2069, Lot No. 012, identified in Case No. 2014-003153CUA, issued by the Planning Commission by Motion No. 19961, dated July 13, 2017, to establish a medical cannabis dispensary (MCD) (dba "The Apothecarium") within the Noriega Street Neighborhood Commercial District and a 40-X height and bulk district; and adopting findings under the California Environmental Quality Act. (District 4) (Appellant: Ray Hacke of Pacific Justice Institute, on behalf of Ark of Hope Preschool) (Filed July 27, 2017) (Clerk of the Board)

*President Breed opened the public hearing. Supervisor Tang provided opening remarks and indicated she would be making a motion to continue this appeal matter to a later date. The President then inquired as to whether any member of the public wished to address the Board on the proposed continuance. Ray Hacke; Andrew Yip; Female Speaker; Stella Cahill; Mary Kane; Female Speaker; Suzanne Cachill; Sherry; Mary Ha; Peter; Alice Hong; Female Speaker; Male Speaker; Female Speaker; Sonya Ng; Dewig; spoke on various concerns relating to the appeal and the proposed continuance. There were no other speakers. President Breed closed public comment on the continuance.*

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

**170899 [Approving Conditional Use Authorization - Proposed Project at 2505 Noriega Street]**

Motion approving the decision of the Planning Commission by its Motion No. 19961, approving a Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed project located at 2505 Noriega Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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



**170900 [Conditionally Disapproving Conditional Use Authorization - Proposed Project at 2505 Noriega Street]**

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 19961, approving a Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed project located at 2505 Noriega Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

**170901 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 2505 Noriega Street]**

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed project located at 2505 Noriega Street. (Clerk of the Board)

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017, at 4:30 p.m. The motion carried by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****170913 [Referendum Hearing - Health Code - Banning the Sale of Flavored Tobacco Products]**

Hearing of persons interested in or objecting to repealing Ordinance No. 140-17 (File No. 170441) amending the Health Code to prohibit tobacco retailers from selling flavored tobacco products, including menthol cigarettes; scheduled pursuant to an initiative petition entitled "Referendum Against the City and County of San Francisco's Ordinance Prohibiting the Sale of Flavored Tobacco Products, Including Menthol Cigarettes," certified by the Department of Elections on August 4, 2017.

*President Breed opened the public hearing and Supervisor Cohen provided opening remarks. The President then inquired as to whether any member of the public wished to address the Board on the Referendum and Ordinance No. 140-17 (Health Code, Prohibiting the Sale of Flavored Tobacco Products). Abdalla Megahed; Peter; Boma Bautiste; Angela Lavalley; Carole Gruber; Female Speaker; Brian Davis; Ted Guggenheim; Liz Williams; Randy Wong; Dr. Valerie Gerber; spoke in opposition to repealing the Ordinance. Steven Niya; Miriam Zouzounis; Bradley; Star Child; Male Speaker; spoke in support of repealing the Ordinance. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**Committee of the Whole Adjourn and Report**



## **Referendum Reconsideration**

### **170441 [Health Code - Banning the Sale of Flavored Tobacco Products]**

**Sponsors:** Cohen; Safai, Breed, Farrell, Sheehy, Tang and Yee

Ordinance amending the Health Code to prohibit tobacco retailers from selling flavored tobacco products, including menthol cigarettes.

(Economic Impact)

**NOT REPEALED by the following vote:**

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

## **ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

## **PUBLIC COMMENT**

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

*Peter; shared concerns regarding vaccines, the 45th President's repeal of DACA, and the Antifa.*

*Female Speaker; shared concerns regarding Jim Jones and the mass suicide at Jonestown.*

*Male Speaker; shared concerns regarding cannabis.*

*Tom Gilberty; shared concerns regarding climate change.*

*Star Child; provided suggestions on open government practices and accountability.*

*Male Speaker; shared various religious concerns.*

*Ace Washington; shared concerns regarding the out-migration of African Americans in San Francisco.*

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

### **170933 [Committee of the Whole - Disclosure Responsibilities of Board of Supervisors Under Federal Securities Laws - October 17, 2017]**

**Sponsor:** Breed

Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing on October 17, 2017, at 3:00 p.m. for the Members of the Board of Supervisors to receive educational training on their legal obligations under Federal and State securities laws with respect to any Official Statement (OS) approvals.

**Motion No.** M17-122

**APPROVED**

**170928 [Final Map 8883 - 1545 Pine Street]**

Motion approving Final Map 8883, a 100 residential unit and three commercial unit, mixed-use condominium project, located at 1545 Pine Street, being a subdivision of Assessor's Parcel Block No. 0667, Lot Nos. 016, 017, 018, 018A, and 019; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M17-123**

**APPROVED**

**170929 [Final Map 9072 - 800 Indiana Street]**

Motion approving Final Map 9072, a 326 residential unit condominium project, located at 800 Indiana Street, being a subdivision of Assessor's Parcel Block No. 4105, Lot No. 009, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M17-124**

**APPROVED**

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

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

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

*Supervisor Farrell requested that File No. 170888 be severed so that it may be considered separately.*

**170888 [Committee of the Whole - Tax Sale of Presidio Terrace Common Area - November 28, 2017]**

Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing on October 31, 2017, at 3:00 p.m. to consider rescission of the tax sale of the Presidio Terrace Common Area, pursuant to California Revenue and Taxation Code, Section 3731; and establishing the process and conduct of the hearing. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Ronen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing the scheduled Committee of the Whole hearing date from October 31, 2017, to November 28, 2017. The motion carried by the following vote:**

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

Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing on November 28, 2017, at 3:00 p.m. to consider rescission of the tax sale of the Presidio Terrace Common Area, pursuant to California Revenue and Taxation Code, Section 3731; and establishing the process and conduct of the hearing. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Ronen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 5-8, by adding 'FURTHER MOVED, That the petitioner or its representative shall submit the names and addresses of interested parties to be notified of the hearing to the Office of the Clerk of the Board no later than 12:00 noon on Friday, October 6, 2017, and those parties will be notified in addition the purchaser of the property or successor of interest; and, be it;'** and Lines 17-24, by adding 'FURTHER MOVED, That the petitioner or its representative and the purchaser or successor of interest shall submit any written briefs and documentation they want available to the Board members prior to the hearing and included in the packet materials no later than 12:00 noon on Friday, November 17, 2017, and the Tax Collector and City departments shall submit their responses to the petitioner, any written briefs and documentation no later than Monday, November 20, 2017; any written briefs and documentation received after these deadlines may not be a part of the hearing packet materials and the submitting party shall be responsible for distribution; and, be it'. The motion carried by the following vote:

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

**Motion No. M17-125**

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

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

*Supervisor Peskin requested that File No. 170914 be severed so that it may be considered separately.*

#### **170914 [Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 824 Hyde Street]**

Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 19926, regarding the Conditional Use Authorization identified as Planning Case No. 2016-010544CUA for a proposed project located at 824 Hyde Street. (Clerk of the Board)

**Supervisor Peskin, seconded by Supervisor Safai, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 5-7, by striking 'in fact, there are currently no tourist hotels on Hyde Street between Fisherman's Wharf and Market Street, and the proposed project would be the first' and adding 'and that replacing rent controlled housing with any other type of development or use that does not serve working families and individuals creates harmful precedent for the rest of the City's at-risk rent controlled housing stock'. The motion carried by the following vote:**

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

**Motion No. M17-126**

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

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

Supervisor Sheehy was noted absent at 6:19 p.m.

### **Supervisor Sheehy Excused from Attendance**

Supervisor Kim, seconded by Supervisor Yee, moved that Supervisor Sheehy be excused beginning at 6:19 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, Tang, Yee

Excused: 1 - Sheehy

## **IMPERATIVE AGENDA**

*[Serious Injury Finding]*

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

Supervisor Safai, seconded by Supervisor Ronen, moved **ADOPTION** of the serious injury finding. The motion carried by the following vote:

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

Excused: 1 - Sheehy

*[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.*

Supervisor Safai, seconded by Supervisor Ronen, moved **ADOPTION** of the Brown Act finding. The motion carried by the following vote:

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

Excused: 1 - Sheehy

### **170936 [Committee of the Whole - Closing of Skilled Nursing and Sub-Acute Unit at St. Luke's Hospital - September 12, 2017]**

**Sponsor: Safai**

Motion directing the Clerk of the Board of Supervisors to schedule a Committee of the Whole hearing on September 12, 2017, at 3:00 p.m., for the Members of the Board of Supervisors to discuss the closing of the skilled nursing and sub-acute units at St. Luke's Hospital, as well as legislative solutions; and requesting the Department of Public Health, Human Services Agency, and Office of Economic and Workforce Development to report.

*President Breed inquired as to whether any member of the public wished to address the Board relating to the Motion to Sit as a Committee of the Whole to discuss the closing of skilled nursing and sub-acute units at St. Luke's Hospital as referenced in File No. 170936. Tom Gilberty; shared concerns regarding the closing of certain units at St. Luke's Hospital. The President declared public comment closed.*

**Motion No. M17-127**

**APPROVED** by the following vote:

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

## 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 ORDINANCES

### 170830 [Transportation Code - Motorized Scooter and Moped Parking Restrictions]

Ordinance amending the Transportation Code to permit motorized scooters and mopeds to park in designated motorcycle parking spaces; and affirming the Planning Department's determination under the California Environmental Quality Act. (Municipal Transportation Agency)

08/28/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.

### 170921 [Administrative Code - Establish a Trial Local Business Enterprise Joint Venture and Core Discipline Incentive Program]

Ordinance amending the Administrative Code to establish a trial Local Business Enterprise (LBE) incentive program that would allow an LBE joint venture rating bonus on professional services and design-build contracts over \$20 million, and allow departments to use the amount of LBE subcontractor participation in core disciplines as selection criteria in professional services contract procurements. (Public Utilities Commission)

07/19/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/5/2017.

**170922 [Planning Code - Landmark Designation of 2731-2735 Folsom Street (aka Gaughran House)]**

Ordinance amending the Planning Code to designate 2731-2735 Folsom Street (aka Gaughran House), Lot No. 031 in Assessor's Parcel Block No. 3640, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

07/26/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.

**170923 [Planning Code - Landmark Designation of 1399 McAllister Street (aka Third Baptist Church Complex)]**

Ordinance amending the Planning Code to designate 1399 McAllister Street (aka Third Baptist Church Complex), in Assessor's Parcel Block No. 0778, Lot No. 013, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

08/24/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.

**170924 [Settlement of Lawsuit - Linda Chen - \$350,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Chen against the City and County of San Francisco for \$350,000; the lawsuit was filed on November 7, 2014, in San Francisco Superior Court, Case No. CGC 14-542604; entitled Linda Chen v. San Francisco Police Department, et al.; the lawsuit involves an employment dispute. (City Attorney)

07/21/17; RECEIVED FROM DEPARTMENT.

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

**170925 [Settlement of Lawsuit - Peter Firestone - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Peter Firestone against the City and County of San Francisco for \$50,000; the lawsuit was filed on October 24, 2014, in San Francisco Superior Court, Case No. CGC-14-542359; entitled Peter Firestone v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from vehicle collision; other material terms of the settlement are co-defendants to pay \$60,000. (City Attorney)

07/31/17; RECEIVED FROM DEPARTMENT.

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

**170926 [Settlement of Lawsuit - Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing - \$259,800]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing against the City and County of San Francisco for \$259,800; the lawsuit was filed on July 24, 2014, in the United States District Court for the Northern District of California, Case No. 3:14-cv-3352-CRB; entitled Daniel Levin et al. v. City and County of San Francisco; the lawsuit involves whether Ordinance No. 54-14, which required landlords to provide increased relocation payments to displaced tenants following certain types of evictions, unlawfully took plaintiffs' property. (City Attorney)

08/03/17; RECEIVED FROM DEPARTMENT.

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

**170927 [Settlement of Lawsuit - Pacific Rod & Gun Club - City to Receive \$8,250,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Rod & Gun Club for \$8,250,000; the lawsuit was filed on March 27, 2014, in San Francisco Superior Court, Case No. CGC-14-538294; entitled City and County of San Francisco v. Pacific Rod & Gun Club; the City sued its former tenant Pacific Rod & Gun Club for nuisance and breach of contract to recover the City's hazardous material remediation expenses resulting from the Club's use of shotgun shells containing lead and arsenic and targets containing asphalt compounds at a gun range that it operated on City property on Lake Merced from 1933 to 2015. (City Attorney)

08/18/17; RECEIVED FROM DEPARTMENT.

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

**170930 [General Plan - Pier 70 Mixed-Use District Project]**

Ordinance amending the General Plan to revise Maps 4 and 5 of the Urban Design Element to refer to the Pier 70 Mixed-Use Project Special Use District; adopting findings under the California Environmental Quality Act, and Planning Code, Section 340; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

08/28/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.

**170931 [Transportation Code - Shared Vehicle Parking Restrictions]**

Ordinance amending the Transportation Code to change the term "Car Share Vehicle" to "Shared Vehicle" and permit Shared Vehicles to park in designated parking spaces; and affirming the Planning Department's determination under the California Environmental Quality Act. (Municipal Transportation Agency)

08/28/17; RECEIVED FROM DEPARTMENT.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.



## PROPOSED RESOLUTIONS

### **170668 [Lease Agreement - Alliance Ground International, LLC - Airport Building 648 - Estimated Rent of \$4,219,299.66]**

Resolution approving Lease Agreement No. 17-0112 between Alliance Ground International, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for exclusive use of approximately 40,778 square feet of space in Airport Building 648, for an estimated total minimum rent of \$4,219,299.66 and a projected term of three years and nine months. (Airport Commission)

07/21/17; RECEIVED FROM DEPARTMENT.

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

### **170669 [Software License and Maintenance Agreement - Mythics Inc. - Oracle Licenses and Software Support - Not to Exceed \$11,832,968.89]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1090 with Mythics Inc. for the purchase of certain as-needed Oracle licenses and software support, for an amount not-to-exceed \$11,832,968.89, and with an anticipated term to commence November 30, 2017, through March 22, 2023. (Public Utilities Commission)

08/11/17; RECEIVED FROM DEPARTMENT.

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

### **170670 [Settlement of Unlitigated Claim - 1fb.net, Inc. - \$37,740.98]**

Resolution approving the settlement of the unlitigated claim filed by 1fb.net, Inc. against the City and County of San Francisco for \$37,740.98; the claim was filed on March 13, 2017; the claim involves a refund of payroll expense taxes. (City Attorney)

07/31/17; RECEIVED FROM DEPARTMENT.

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

### **170932 [Adopting Public Works' Report - Implementation of Contractor Performance Database - Chapter 6 Public Works Departments]**

Resolution adopting a report from the Department of Public Works, on behalf of Chapter 6 public works departments, on the implementation of the contractor performance evaluation program and database. (Public Works)

08/28/17; RECEIVED FROM DEPARTMENT.

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

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 6:27 p.m.*