

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 19, 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.

Members Present: London Breed, Malia Cohen, Sandra Lee Fewer, Jane Kim, Aaron Peskin, Hillary Ronen, Jeff Sheehy, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, September 19, 2017, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:03 p.m. On the call of the roll, Supervisors Cohen, Farrell, Safai, and Tang were noted not present. There was a quorum.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of communications from Supervisors Mark Farrell, Ahsha Safai, and Katy Tang informing the Board of their absences and requesting to be excused from today's meeting.

President London Breed stated that Supervisor Malia Cohen requested that her colleagues excuse her attendance upon her arrival.

Supervisors Excused from Attendance

Supervisor Peskin, seconded by Supervisor Sheehy, moved that Supervisors Farrell, Safai, and Tang be excused from attending today's meeting, and Supervisor Cohen from attending until her arrival. The motion carried by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

170727 [Settlement of Lawsuit - Alfred Fred Pittman - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Alfred Fred Pittman against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 20, 2013, in United States District Court, Case No. 13-CV-02095; entitled Alfred Fred Pittman v. City and County of San Francisco; the lawsuit involves alleged civil rights violations. (City Attorney)

FINALLY PASSED

170752 [Settlement of Lawsuit - Zhen Qiang Zhang - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Zhen Qiang Zhang against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 13, 2014, in San Francisco Superior Court, Case No. CGC-14-542708; entitled Zhen Qiang Zhang v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

170754 [Settlement of Lawsuit - Stuart Kohler - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Stuart Kohler against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 8, 2016, in United States District Court, Case No. 16-CV-6502; entitled Stuart Kohler v. City and County of San Francisco et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

FINALLY PASSED

170796 [Settlement of Lawsuit - Bernard Sandoval - \$120,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard Sandoval against the City and County of San Francisco for \$120,000; the lawsuit was filed on June 25, 2015, in San Francisco Superior Court, Case No. CGC-15-546562; entitled Bernard Sandoval v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

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 clarify Inclusionary Housing requirements in the Transbay C-3 Special Use District; 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 Kim, seconded by Supervisor Ronen, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to the Board of Supervisors meeting of September 26, 2017. The motion carried by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

NEW BUSINESS

Recommendations of the Budget and Finance Committee

170862 [Setting Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2017-2018]

Sponsor: Mayor

Ordinance levying property taxes at a combined rate of \$1.1723 on each \$100 valuation of taxable property for the City and County of San Francisco, San Francisco Unified School District, San Francisco Community College District, Bay Area Rapid Transit District, and Bay Area Air Quality Management District, and establishing a pass-through rate of \$0.0890 per \$100 of assessed value for residential tenants pursuant to Administrative Code, Chapter 37, for the fiscal year ending June 30, 2018.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170821 [Accept and Expend Grant - Public Health Foundation Enterprises, Inc. - Zika Response Resources Grant - \$225,366]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$225,366 from Public Health Foundation Enterprises, Inc., to participate in a program entitled Zika Response Resources Grant, for the period of March 1, 2017, through July 31, 2018. (Public Health Department)

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170825 [Professional Service Agreement - Associated Right of Way Services, Inc. - Relocation Services - Not to Exceed \$1,250,000]

Sponsor: Kim

Resolution approving a Professional Services Contract for relocation services between Treasure Island Development Authority and Associated Right of Way Services, Inc., for a five year term to commence following Board approval through June 30, 2022, and two two-year options to extend, for an amount not to exceed \$1,250,000 over the initial five year term.

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170832 [Grant Approval - Low Income Investment Fund - Child Care Facilities Fund and Technical Assistance - \$25,377,250]

Resolution retroactively approving the grant between the City and County of San Francisco and Low Income Investment Fund for the purpose of administering the San Francisco Child Care Facilities Fund and providing technical assistance for the period of July 1, 2017, through June 30, 2020, in the amount of \$25,377,250. (Human Services Agency)

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170833 [Real Property Lease - T-Mobile West LLC - Zuckerberg San Francisco General Hospital and Trauma Center, Building 25 - 1001 Potrero Avenue - \$5,000 Per Month Base Rent Exempt]

Resolution authorizing and approving the lease of a portion of the equipment room at Zuckerberg San Francisco General Hospital and Trauma Center, Building 25, with T-Mobile West LLC, a Delaware limited liability company, at the monthly base rent of \$5,000 which shall be waived while participating in the Distributed Antenna System and providing enhanced cellular services to the City staff, UCSF staff, patients, and visitors within Building 25, for a five year term to commence upon approval by the Board of Supervisors and Mayor, with three five-year options to extend. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170874 [Professional Services Agreement - CH2M HILL Engineers, Inc. - Planning, Engineering, Environmental Services for the Seawall Resiliency Project - Not to Exceed \$39,984,714]

Sponsor: Mayor

Resolution approving and authorizing the Executive Director of the Port of San Francisco to execute a professional services agreement with CH2M HILL Engineers, Inc., for planning, engineering, and environmental services for the Seawall Resiliency Project, for an amount not to exceed \$39,984,714, and a term of ten years to commence on the later of October 2, 2017, or the effective date through October 1, 2027. (Port)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170875 [Apply for Grant - California Department of Housing and Community Development - No Place Like Home - Up to \$150,000]

Sponsor: Mayor

Resolution authorizing the Department of Homelessness and Supportive Housing to apply for a technical assistance grant in an amount up to \$150,000 from the California Department of Housing and Community Development to support the planning and implementation of No Place Like Home.

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

President Breed requested File Nos. 170876, 170877, and 170885 be called together.

170876 [Multifamily Housing Revenue Bonds - 1950 Mission Street - Not to Exceed \$95,000,000]

Sponsors: Mayor; Ronen and Fewer

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$95,000,000 for 1950 Mission Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$95,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170877 [Multifamily Housing Revenue Bonds - 490 South Van Ness Avenue - Not to Exceed \$65,000,000]**Sponsors: Mayor; Ronen**

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$65,000,000 for 490 South Van Ness Avenue; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$65,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170885 [Multifamily Housing Revenue Bonds - 1294 and 1296 Shotwell Street - Not to Exceed \$50,000,000]**Sponsor: Ronen**

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$50,000,000 for 1294 and 1296 Shotwell Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$50,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

Recommendations of the Land Use and Transportation Committee

170419 [Planning Code - North Beach, Telegraph Hill, Broadway and Chinatown Area Controls]

Sponsor: Peskin

Ordinance amending the Planning Code to support Legacy Businesses; expand the definition of historic buildings and impose additional requirements in the Broadway Neighborhood Commercial District (NCD) and North Beach Special Use District (SUD); prohibit certain uses in the North Beach SUD; reduce the lot size limit in the North Beach SUD; modify the requirements for approval of parking garages in the Telegraph Hill-North Beach Residential SUD, the North Beach NCD, and Chinatown Mixed Use Districts; reduce off-street parking spaces permitted for residential uses in the Telegraph Hill-North Beach Residential SUD, and the Broadway and North Beach NCDs; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Supervisor Peskin, seconded by Supervisor Fewer, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 5, Line 5, by adding 'Residential'; on Page 10, Line 6, by striking 'Commission' and adding 'City', and Line 11, by adding 'eliminate or'; and on Page 13, Lines 12-16, by adding 'Section 3. The proposed ordinance in Board File No. 170419 initially proposed to revise the definition of Formula Retail in Planning Code Section 303.1. On September 11, 2017, the Board of Supervisors' Land Use and Transportation Committee amended the proposed ordinance to remove the proposed changes to Section 303.1. Accordingly, Section 303.1 and the proposed changes to that Section have been deleted from this ordinance.' The motion carried by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170837 [Building Code - Mandatory Disability Access Improvements - Extension of Time For Compliance and Report to the Board of Supervisors]

Sponsor: Tang

Ordinance amending Chapter 11D of the Building Code to extend the time for compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170884 [Urging the Recreation and Parks Commission to Remove the Name of Justin Herman from the Plaza on The Embarcadero]

Sponsors: Peskin; Breed, Kim, Cohen, Ronen, Fewer, Yee, Sheehy, Farrell, Safai and Tang
Resolution urging the Recreation and Parks Commission to remove the name of Justin Herman from the plaza located at the intersection of The Embarcadero and Market Street.

ADOPTED by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

Recommendations of the Public Safety and Neighborhood Services Committee**161065 [Police Code - Rental Car Disclosure Requirements]**

Sponsors: Breed; Yee, Farrell, Ronen, Sheehy and Kim

Ordinance amending the Police Code to require rental car companies to provide written disclosures to customers advising them to remove valuables from the rental vehicle and lock the doors.

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

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

170421 [Police Code - Rental Car Restrictions to Reduce Burglaries]

Sponsors: Yee; Ronen, Sheehy, Kim and Breed

Ordinance amending the Police Code to restrict visible barcodes and advertising on rental cars rented in the City or at San Francisco International Airport.

Supervisors Kim and Breed requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Breed, Fewer, Kim, Peskin, Ronen, Sheehy, Yee

Excused: 4 - Cohen, Farrell, Safai, Tang

Supervisor Cohen was noted present at 2:35 p.m.

170442 [Public Works, Administrative Codes - Requirements for Surface-Mounted Facility Site Permits]**Sponsor: Cohen**

Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; to require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; to amend the requirement that a permittee maintain any required street tree; and to amend the Administrative Code to require that the mural "in-lieu" fees be deposited in the Public Works Street Beautification Fund to be used to fund murals and other beautification projects in the public right-of-way.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Breed, Cohen, Fewer, Ronen, Sheehy, Yee

Noes: 2 - Kim, Peskin

Excused: 3 - Farrell, Safai, Tang

170556 [Park Code - Using Glass Beverage Containers in Parks]**Sponsor: Sheehy**

Ordinance amending the Park Code to prohibit the use of glass beverage containers, with certain exceptions, in all City parks.

Supervisor Sheehy, seconded by Supervisor Kim, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of September 26, 2017. The motion carried by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

President Breed requested File Nos. 170643 and 170915 be called together.

170643 [Liquor License - 543-2nd Street - Zaza Nail Spa]

Resolution determining that the issuance of an extension on premise of a Type-42 on-sale beer and wine public premises license to Rachel Cheng for Zaza Nail Spa, located at 543-2nd Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

170915 [Liquor License - 195 Pine Street - 7-Eleven]

Resolution determining that the transfer of a Type-20 off-sale beer and wine liquor license to Jennifer Bernardo, dba 7-Eleven, Inc., located at 195 Pine Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy, Yee
Excused: 3 - Farrell, Safai, Tang

Recommendations of the Rules Committee**170741 [Business and Tax Regulations Code - Central Market Street and Tenderloin Area Citizen's Advisory Committee]**

Sponsor: Kim

Ordinance amending the Business and Tax Regulations Code to reduce the size of the Central Market Street and Tenderloin Area Citizen's Advisory Committee from eleven seats to five, set a sunset date for the Committee, prohibit the City Administrator from executing a Community Benefit Agreement subject to the Committee's review until the Committee has had an opportunity to review the proposed agreement and make recommendations; and make other administrative changes.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy, Yee
Excused: 3 - Farrell, Safai, Tang

170968 [Appointments, Bay Area Regional Interoperable Communications System Authority (BayRICS) - Chief William Scott and Lieutenant Michael Deely]

Motion appointing Chief William Scott and Lieutenant Michael Deely, for indefinite terms, to the Bay Area Regional Interoperable Communications System Authority (BayRICS). (Rules Committee)

Motion No. M17-136

APPROVED by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy, Yee
Excused: 3 - Farrell, Safai, Tang

170969 [Mayoral Reappointment, Entertainment Commission - Al Perez]

Motion approving the Mayor's reappointment of Al Perez to the Entertainment Commission, for a term ending July 1, 2021. (Rules Committee)

(Charter, Section 4.117, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: September 5, 2017.)

Motion No. M17-137

APPROVED by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

170970 [Appointments, Sugary Drinks Distributor Tax Advisory Committee - Vanessa Bohm, Kent Woo, Joi Jackson-Morgan, Roberto Ariel Vargas, Jonathan Butler, Areeya Chananudech, Janna Cordeiro, and Lyra Ng]

Motion appointing Vanessa Bohm, Kent Woo, Joi Jackson-Morgan (residency requirement waived), Roberto Ariel Vargas (residency requirement waived), Jonathan Butler, Areeya Chananudech, Janna Cordeiro, and Lyra Ng (residency requirement waived), terms ending December 31, 2018, to the Sugary Drinks Distributor Tax Advisory Committee. (Rules Committee)

APPROVED by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

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

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

Excused: 3 - Farrell, Safai, Tang

Motion No. M17-138

APPROVED by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

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

Supervisor Fewer, seconded by Supervisor Kim, 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 guest. The motion carried by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to Devi Joseph, caretaker of the Cabrillo Playground Dahlia Garden, in recognition of her time and efforts maintaining the beautiful Dahlia Garden as a space that brings the community together.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Ray Hartz; expressed concerns regarding the Sunshine Ordinance Task Force orders of determination, specifically, against the Clerk of the Board.

Steven; expressed concerns regarding the findings made for the Alameda Creek project.

Speaker; expressed opposition to the Comfort Women Day Resolution (File No. 170991).

Speaker; expressed opposition to the Comfort Women Day Resolution (File No. 170991).

Miyoko; expressed opposition to the Comfort Women Day Resolution (File No. 170991).

Junko; expressed opposition to the Comfort Women Day Resolution (File No. 170991).

Speaker; expressed opposition to the Comfort Women Day Resolution (File No. 170991).

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Francisco Da Costa; expressed concerns regarding public participation and representation by elected officials.

Tom Gilberty; expressed concerns regarding boxes at intersections, rent control, affordable housing, and equality.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

170990 [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 retroactively 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.

ADOPTED

170996 [Urging the U.S. Navy to Name a Ship in Honor of Joseph Rosenthal]

Sponsor: Peskin

Resolution urging the naming of a United States Navy Ship in honor of Joseph Rosenthal, whose Pulitzer Prize-winning photo of the raising of the American Flag at Iwo Jima captured the sacrifice of an entire generation of Americans.

ADOPTED

170974 [Final Map 9025 - 1450-15th Street]

Motion approving Final Map 9025, a 23 residential unit condominium project, located at 1450-15th Street, being a subdivision of Assessor's Parcel Block Number 3549, Lot No. 064, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-139

APPROVED

170975 [Final Map 9166 - 600 South Van Ness Avenue]

Motion approving Final Map 9166, a 27 residential unit and 3 commercial unit, mixed-use condominium project, located at 600 South Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 3575, Lot No. 070, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-140

APPROVED

170976 [Final Map 9192 - 750 Harrison Street]

Motion approving Final Map 9192, a 79 residential unit and 1 commercial unit, mixed-use condominium project, located at 750 Harrison Street, being a subdivision of Assessor's Parcel Block No. 3751, Lot No. 029, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-141

APPROVED

170977 [Final Map 8900 - 2347-2353 Lombard Street]

Motion approving Final Map 8900, a 21 residential unit and 3 commercial unit, mixed-use condominium project, located at 2347-2353 Lombard Street, being a subdivision of Assessor's Parcel Block No. 0512, Lot No. 061, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-142

APPROVED

170978 [Final Map 9193 - 22-24 Franklin Street]

Motion approving Final Map 9193, a 35 residential unit and 1 commercial unit, mixed-use condominium project, located at 22-24 Franklin Street, being a subdivision of Assessor's Parcel Block No. 0836, Lot No. 031, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-143

APPROVED

170979 [Final Map 8551 - 1230 Mason Street]

Motion approving Final Map 8551, a 6 residential unit condominium project, located at 1230 Mason Street, being a subdivision of Assessor's Parcel Block No. 0191, Lot No. 017, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-144

APPROVED

170980 [Final Map 8939 - 172-172A-172B-174-174A-174B Langton Street]

Motion approving Final Map 8939, a 6 residential unit condominium project, located at 172-172A-172B-174-174A-174B Langton Street, being a subdivision of Assessor's Parcel Block Number 3755, Lot No. 111, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M17-145

APPROVED

170998 [Issuance of Subpoena Duces Tecum - Derrick Roorda]

Sponsor: Peskin

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing of File No. 160975 and respond to questions regarding the design, engineering, and cost benefit analysis for the project at 301 Mission Street; and requiring him to produce documents, correspondence, records, and other materials in his possession related to that project.

Motion No. M17-146

APPROVED

The foregoing items were acted upon by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Fewer requested that File No. 170991 be severed so that it may be considered separately.

170991 [Comfort Women Day - September 22, 2017]

Sponsors: Fewer; Kim, Ronen and Yee

Resolution declaring September 22, 2017, as Comfort Women Day in the City and County of San Francisco.

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

Supervisor Fewer, seconded by Supervisor Yee, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 16-17, by striking 'WHEREAS, The Japanese government to this day has never officially apologized to those survivors; and'. The motion carried by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

ADOPTED AS AMENDED by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

President Breed requested that File No. 170999 be severed so that it may be considered separately.

170999 [Closed Session - Labor Negotiations - October 3, 2017]**Sponsor: Peskin**

Motion that the Board of Supervisors convene in closed session on October 3, 2017, with the Department of Human Resources under Administrative Code, Section 67.10(e), and California Government Code, Section 54957.6, regarding labor negotiations of the City's open labor contracts.

Supervisor Peskin, seconded by Supervisor Sheehy, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 4 and 11, by adding 'at 3:00 p.m.' The motion carried by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

Motion that the Board of Supervisors convene in closed session on October 3, 2017, at 3:00 p.m. with the Department of Human Resources under Administrative Code, Section 67.10(e), and California Government Code, Section 54957.6, regarding labor negotiations of the City's open labor contracts.

Motion No. M17-147**APPROVED AS AMENDED by the following vote:**

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

Excused: 3 - Farrell, Safai, Tang

Supervisor Peskin requested that File No. 171000 be severed so that it may be considered separately.

171000 [Adopting Findings Reversing the Final Environmental Impact Report Certification - Alameda Creek Recapture Project]

Motion adopting findings 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)

Supervisor Peskin, seconded by Supervisor Fewer, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 21-22, by adding 'and to present the results of such review to the Alameda Creek Fisheries Restoration Workgroup'. The motion carried by the following vote:

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

Excused: 3 - Farrell, Safai, Tang

Motion No. M17-148**APPROVED AS AMENDED by the following vote:**

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

Excused: 3 - Farrell, Safai, Tang

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

Ordinances

171010 [Ordinance Amendment - Increasing the Public Utilities Commission Water Revenue Bond Issuance - Not to Exceed \$286,730,430]

Sponsor: Mayor

Ordinance amending Ordinance No. 112-16, as amended by Ordinance 154-17, to authorize an increase of the issuance and sale of tax-exempt or taxable Water Revenue Bonds and other forms of indebtedness (as described below) by the San Francisco Public Utilities Commission (Commission) in an aggregate principal amount not to exceed \$286,730,430 to finance the costs of various capital water projects benefitting the Water Enterprise, including in addition to the purposes heretofore approved, certain Bioregional Habitat Restoration costs (as described below) 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; authorizing the issuance of Water Revenue Refunding Bonds; declaring the Official Intent of the Commission to Reimburse Itself with one or more issues of tax-exempt or taxable bonds or other forms of indebtedness; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)

09/19/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/19/2017.

171011 [Appropriation - Proceeds from Water Enterprise Revenue Bonds - Long Term Monitoring Permit Program - \$12,600,000 - FY2017-2018]

Sponsor: Mayor

Ordinance appropriating \$12,600,000 of proceeds from Water Enterprise Revenue Bonds to fund the Long-Term Monitoring Permit Program for the vegetation restoration of the Water System Improvement Program construction sites and the Bioregional Habitat Restoration projects as required by the related federal and state regulatory permits in FY2017-2018; and placing \$12,600,000 of proceeds on Controller's Reserve pending receipt of proceeds of indebtedness. (Public Utilities Commission)

09/19/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/19/2017.

171012 [Appropriation - Water Enterprise Fund Balance - Land Mobile Radio System - FY2017-2018 - \$6,814,850]

Ordinance appropriating \$6,814,850 Water Enterprise fund balance to fund the installation of a new Water Enterprise Land Mobile Radio System in FY2017-2018.

09/19/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/19/2017.

171013 [Planning Code, Zoning Map - Amend Zoning Map Pursuant to Settlement]**Sponsor: Sheehy**

Ordinance amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036 and AB 2719C, Lot No. 023 to RM-1; 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 necessity, convenience, and welfare under Planning Code, Section 302.

09/19/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/19/2017.

170763 [Environment Code - Antibiotic Use in Food Animals]**Sponsor: Sheehy**

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

06/20/17; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 7/20/2017.

06/26/17; REFERRED TO DEPARTMENT.

06/27/17; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee.

07/03/17; REFERRED TO DEPARTMENT.

09/06/17; RESPONSE RECEIVED.

09/19/17; SUBSTITUTED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Resolutions**171014 [Accept and Expend Grant - Association of Bay Area Governments - Energy Efficiency Program - \$447,370]****Sponsor: Mayor**

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$447,370 from the Association of Bay Area Governments to develop and test pilot software and perform energy technical assistance for deep energy retrofits in small commercial buildings for the period of October 1, 2016, through December 31, 2019.
(Environment)

09/19/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171015 [Draft Interim Zoning Controls - Off-Street Parking in the "Hub" Area]**Sponsor: Breed**

Draft Resolution imposing for 18 months interim zoning controls limiting off-street parking for new development to the principally-permitted parking ratios established under the Planning Code, and removing the possibility to apply for a conditional use authorization to increase such parking, in the area known as "the Hub" or the "Market Street Hub," which covers the eastern-most portions of the Market and Octavia Plan area, and is bounded generally by Fell and Hayes Streets to the north; Market and Howard Streets to the east; Highway 101 to the south and southeast; and Haight, Gough, Page, and Franklin Streets to the west; and making environmental findings and findings of consistency with the eight priority policies of Planning Code, Section 101.1.

09/19/17; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Land Use and Transportation Committee.

171016 [North of Market/Tenderloin Community Benefit District - Annual Report to the City - FY2015-2016]**Sponsor: Kim**

Resolution receiving and approving annual report for the North of Market/Tenderloin 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. (Department of Economic and Workforce Development)

09/19/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171017 [Transbay Joint Powers Authority - Authorizing the Addition of the California High Speed Rail Authority as a New Member]**Sponsor: Kim**

Resolution concurring with the recommendation of the Transbay Joint Powers Authority ("TJPA") to add the California High Speed Rail Authority ("CHSRA") as a New Member of the TJPA Board of Directors; authorizing the Mayor, or his/her designee, to execute an amendment to the TJPA Joint Powers Agreement and Bylaws to add the CHSRA as a new TJPA Board member; and authorizing the Mayor to appoint one additional director and one additional alternate director to serve on the Board of Directors of the TJPA. (Municipal Transportation Agency)

09/19/17; RECEIVED AND ASSIGNED to Rules Committee.

171018 [Street Name Change - "Odd Fellows Way"]**Sponsor: Kim**

Resolution to rename the 600 block of Stevenson Street to "Odd Fellows Way," in recognition to the historical significance of the architectural and cultural contributions by the Odd Fellows has made to the City and County of San Francisco.

09/19/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

171019 [Establishment of the LGBTQ Leather Cultural District]**Sponsors: Kim; Sheehy**

Resolution establishing the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Leather Cultural District with the intent of commemorating historical sites, preserving existing spaces, and planning for thriving and vibrant communities that are LGBTQ and Leather affirming.

09/19/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

171020 [Jean Alexander Day - September 26, 2017]**Sponsor: Peskin**

Resolution declaring September 26, 2017, as Jean Alexander Day in the City and County of San Francisco, in recognition of her many years of outstanding service in the City Attorney's Office and her well-deserved retirement.

09/19/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

171021 [Multifamily Housing Revenue Bonds - One Church Street, 45 Church Street, and One Webster Street - Not to Exceed \$45,000,000]**Sponsor: Sheehy**

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$45,000,000 for One Church Street, 45 Church Street, and One Webster Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$45,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

09/19/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions**Request for Hearing****Introduced by the President at the Request of a Department****PROPOSED ORDINANCES****170971 [Electrical Code - Low Voltage Lighting; Correction of Section Title]**

Ordinance amending the Electrical Code to correct the title for the Low Voltage Lighting section and conform it to the title in the California Electrical Code. (Building Inspection Commission)

09/06/17; RECEIVED FROM DEPARTMENT.

09/19/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/19/2017.

170972 [Building Code - Slope Protection Act]

Ordinance amending the Building Code to revise the scope section of the City's Slope Protection Act by deleting the reference to an obsolete map and re-enacting a paragraph that was omitted inadvertently in the adoption of the 2016 Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

09/06/17; RECEIVED FROM DEPARTMENT.

09/19/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/19/2017.

170973 [Plumbing Code - Circuit Venting]

Ordinance amending the Plumbing Code to prohibit the use of circuit venting unless approved as an alternative engineered design; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under 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. (Building Inspection Commission)

09/06/17; RECEIVED FROM DEPARTMENT.

09/19/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/19/2017.

PROPOSED RESOLUTION

170981 [Software License and Support Agreement Amendment - Oracle America, Inc. - Not to Exceed \$12,211,193.65]

Resolution authorizing the Controller to enter into the Fifteenth Amendment of a software license and support agreement between Oracle America Inc., and the City and County of San Francisco, to extend the contract term through November 30, 2022, and increase the maximum expenditure by \$4,183,659.87 for a total amount not to exceed \$12,211,193.65. (Controller)

09/11/17; RECEIVED FROM DEPARTMENT.

09/19/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 3:46 p.m.

ADDENDUM

The following information is provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted the following additional information during General Public Comment, as follows: "Freedom of Speech is not secure in the City and County of San Francisco! I'm living proof of that! Access to public records is not secure in the City and County of San Francisco! I'm living proof of that! These 34 Orders of Determination, all a matter of public record, from Sunshine Ordinance Task Force are proof of both!"