

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 26, 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, Mark Farrell, Sandra Lee Fewer, Jane Kim, Aaron Peskin, Hillary Ronen, Ahsha Safai, Jeff Sheehy, Katy Tang, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, September 26, 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, Supervisors Cohen and Fewer were noted not present. There was a quorum.

COMMUNICATIONS

There were no communications.

AGENDA CHANGES

There were no agenda changes.

Supervisors Cohen and Fewer were noted present at 2:03 p.m.

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 Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Line 25, by adding 'and 415.7'; on Page 10, Lines 16-18, by adding 'if the principal housing project is a Rental Housing Project, or 33% if the principal housing project consists of Owned Units, or'; on Page 11, Line 18, by adding 'Sec. 415.7. Off-Site Affordable Housing.'; on Page 12, Lines 6-11, by adding 'affordable units as required by CDLAC and TCAC.', striking '25% of the units as affordable at 50% of area median income for off-site housing. The income table to be used for such projects when the units are priced at 50% of area median income is the income table used by MOHCD for the Inclusionary Housing Program, not that used by TCAC or CDLAC.', adding '(g)' after 'subsection', and adding '415.7' after 'Section'; 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

Recommendation 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)

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

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.

FINALLY PASSED by the following vote:

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

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.

FINALLY PASSED by the following vote:

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

Recommendations of the Public Safety and Neighborhood Services Committee

161065 [Police Code - Rental Car Disclosure Requirements]

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

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 Safai requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

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

170421 [Police Code - Rental Car Restrictions to Reduce Burglaries]**Sponsors: Yee; Ronen, Sheehy, Kim, Breed and Safai**

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

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

FINALLY PASSED by the following vote:

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

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.

FINALLY PASSED by the following vote:

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

Noes: 2 - Kim, Peskin

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 October 24, 2017. The motion carried by the following vote:

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

Recommendation 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.

FINALLY PASSED 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 Committee

170553 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]

Sponsor: Fewer

Ordinance retroactively waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy permits on certain City streets on Saturday, May 20, 2017, as part of Small Business Week sidewalk sales.

PASSED ON FIRST READING by the following vote:

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

170688 [Grant Agreement - Department of Public Health - Proposition 47 Grant Program]

Sponsor: Mayor

Resolution retroactively authorizing the Director of Health to execute a grant agreement, on behalf of the City and County of San Francisco, with the California Board of State and Community Corrections for participation in the Proposition 47 Grant Program for the period of June 16, 2017, through August 15, 2020.

ADOPTED by the following vote:

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

170736 [Designation Agreement - McAuley Adolescent Behavioral Health Unit - Dignity Health-St. Mary's Medical Center-San Francisco-Psychiatric Facility]

Resolution designating McAuley Adolescent Behavioral Health Unit at Dignity Health-St. Mary's Medical Center-San Francisco as an Evaluation and Treatment Facility, pursuant to California Welfare and Institutions Code, Sections 5150, 5585.50, and 5585.55, for minors; and authorizing the Director of Behavioral Health Services at the Department of Public Health to enter into a Designation Agreement with said facility. (Public Health Department)

ADOPTED by the following vote:

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

170831 [Lease Agreement - IDEO, LP - Pier 26 - Initial Total Monthly Base Rent of \$90,118.35]

Sponsor: Mayor

Resolution approving Lease No. L-16159 between IDEO, LP, and the Port for approximately 26,901 square feet of office space located at Pier 26 Annex Building, for a term of eight years to commence following Board approval, with an initial total monthly base rent of \$90,118.35 subject to an annual 3% increase. (Port)

ADOPTED by the following vote:

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

170947 [Accept and Expend Grant - National Endowment for the Arts Our Town - Market Street Prototyping Festival - \$75,000]

Sponsor: Farrell

Resolution retroactively authorizing the Arts Commission to accept and expend a grant from the National Endowment for the Arts Our Town for the Market Street Prototyping Festival in the amount of \$75,000 with a grant cycle from October 1, 2015, through September 30, 2017. (Arts Commission)

ADOPTED by the following vote:

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

Recommendation of the Government Audit and Oversight Committee**170663 [Board Response - Civil Grand Jury Report - The San Francisco Retirement System - Increasing Understanding and Adding Voter Oversight]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations in the 2016-2017 Civil Grand Jury Report entitled "The San Francisco Retirement System - Increasing Understanding and Adding Voter Oversight;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Lines 16-18, by striking 'will not be implemented because it is not warranted or reasonable; Trustees of the Retirement Board are obligated to act only in the fiduciary interests of the beneficiaries, and the current composition of the Retirement Board is sufficient' and adding 'requires further analysis as the Board of Supervisors needs to investigate the consequences of adding members to the Retirement Board, and will report back to the Civil Grand Jury by December 16, 2017'. The motion carried by the following vote:

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

ADOPTED AS AMENDED 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 Tang, seconded by Supervisor Farrell, 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 Tang introduced, welcomed, and presented a Certificate of Honor to Keith Crawford, CEO of the Give Life, Save Life Foundation, in recognition of his accomplishments educating and increasing awareness in African American communities of the importance and need to save lives through organ donations. Supervisor Yee shared in this commendation.

Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to Luby Aczel, on behalf of The Specialists Guild, in recognition of their many accomplishments working with people and companies so that individuals with Autism can earn a living doing meaningful and fulfilling work.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Jean Alexander, on the occasion of her retirement from the Office of the City Attorney, and in recognition of their many accomplishments and continued community support.

Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to Angelina Yu and Angie Xie, from the Office of Supervisor Fewer, in recognition of their accomplishments organizing the 2017 Autumn Moon Festival.

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 170808, 170809, 170810, and 170811 be called together.

170808 [Hearing - Appeal of Determination of Community Plan Evaluation - 1726-1730 Mission Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation issued by the Planning Department under the California Environmental Quality Act on May 24, 2017, for the proposed project at 1726-1730 Mission Street, approved on June 1, 2017, to demolish a 11,200 square foot, two-story industrial building, and to construct a six-story, 66-foot tall, 33,589 square foot mixed-use building with 40 dwelling units, approximately 2,250 square feet of ground floor Production, Distribution and Repair, and 22 off-street parking spaces within the urban mixed-use zoning district and a 68-X height and bulk district. (District 9) (Appellant: J. Scott Weaver, on behalf of Our Mission No Eviction) (Filed July 3, 2017) (Clerk of the Board)

President Breed opened the public hearing and Supervisor Ronen provided an overview of the project and indicated the appeal has been withdrawn. The President inquired as to whether any member of the public wished to address the Board. There were no speakers. President Breed closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

170809 [Affirming the Community Plan Evaluation - 1726-1730 Mission Street]

Motion affirming the determination by the Planning Department that a proposed project at 1726-1730 Mission Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Motion No. M17-151

Supervisor Ronen, seconded by Supervisor Safai, 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

170810 [Conditionally Reversing the Community Plan Evaluation - 1726-1730 Mission Street]

Motion conditionally reversing the determination by the Planning Department that a proposed project at 1726-1730 Mission Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Safai, 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

170811 [Preparation of Findings to Reverse the Community Plan Evaluation - 1726-1730 Mission Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 1726-1730 Mission Street is exempt from further environmental review. (Clerk of the Board)

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

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

SPECIAL ORDER 3:00 P.M.

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

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. (District 5) (Appellant: Sue Hestor, on behalf of Jason Henderson) (Filed July 17, 2017) (Clerk of the Board)

President Breed opened the public hearing, provided opening remarks, and indicated the appellant has withdrawn the appeal. The President then inquired as to whether any member of the public wished to address the Board. Jason Henderson (Appellant) provided an overview of the appeal, the subsequent withdraw of the appeal, and responded to questions raised throughout the discussion. Andy Thorton; Robin; Speaker; Daniel Wescan; Sasha Panamarian; Paul Olsen; Jim Warshell (Hayes Valley Neighborhood Association); Speaker; Tess Wellborn; Gayle Bogg; Sue Hestor; Speaker; spoke on various concerns relating to the appeal and the subsequent withdraw of the appeal. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

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)

Motion No. M17-150

Supervisor Peskin, seconded by Supervisor Kim, 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

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 Kim, 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

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 Kim, moved that this Motion be TABLED. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 170889, 170890, 170891, and 170892 be called together.

170889 [Hearing - Appeal of Determination of Revocation for a Flower-Vending Stand Permit - 250 Post Street]

Hearing of persons interested in or objecting to the determination of Public Works dated June 22, 2017, regarding the recommendation of revocation for the flower-vending stand permit allowing for the placement and operation of a flower-vending stand on the sidewalk at 250 Post Street. (District 3) (Appellant: Harold Hoogasian) (Filed July 3, 2017)

President Breed opened the public hearing and Supervisor Peskin provided opening remarks. The President then inquired as to whether any member of the public wished to address the Board. Harold Hoogasian (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Michael Lennon (Public Works) provided an overview of the decision of the Public Works Director and responded to questions raised throughout the discussion. Karin Flood (Union Square BID); Ted Plant (Edward Plant Company); Richard Lee (Cushman & Wakefield); spoke in support of the permit revocation and in opposition to the appeal. Harold Hoogasian (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

170890 [Approving the Decision of the Public Works Director to Revoke a Flower-Vending Stand Permit - 250 Post Street]

Motion approving the decision of the Public Works Director to revoke the Flower-Vending Stand Permit authorizing placement and operation of a flower-vending stand on the sidewalk at 250 Post Street, and rejecting the appeal of Harold Hoogasian. (Clerk of the Board)

Motion No. M17-149

Supervisor Peskin, seconded by Supervisor Yee, moved that this Motion be APPROVED. The motion carried by the following vote:

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

Noes: 1 - Sheehy

170891 [Conditionally Disapproving the Decision of the Public Works Director to Revoke a Flower-Vending Stand Permit - 250 Post Street]

Motion conditionally disapproving the decision of the Public Works Director to revoke the Flower-Vending Stand Permit authorizing placement and operation of flower-vending stand on sidewalk at 250 Post Street, and upholding the appeal of Harold Hoogasian, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Yee, moved that this Motion be TABLED. The motion carried by the following vote:

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

Noes: 1 - Sheehy

170892 [Preparation of Findings Related to Board's Disapproval of the Decision of Public Works Director to Revoke Flower-Vending Stand Permit - 250 Post Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the decision of Public Works Director to revoke the Flower-Vending Stand Permit authorizing placement and operation of flower-vending stand on sidewalk at 250 Post Street, and uphold the appeal of Harold Hoogasian. (Clerk of the Board)

Supervisor Peskin, seconded by Supervisor Yee, moved that this Motion be TABLED. The motion carried by the following vote:

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

Noes: 1 - Sheehy

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

171024 [Hearing - Committee of the Whole - Findings and Recommendations Regarding Law Enforcement Practices - Update - September 26, 2017]

Sponsors: Cohen; Ronen

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 26, 2017, to hear and receive updates on the final reports, findings, and recommendations of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement; the Department of Justice Initial Assessment Report of the San Francisco Police Department; the President's Task Force on 21st Century Policing; and the Civil Grand Jury's Report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings;" and requesting the Police Department, the Department of Human Resources, the Department of Police Accountability, and the Police Commission to report; scheduled pursuant to Motion No. M16-164, approved on November 15, 2016. (Clerk of the Board)

President Breed opened the public hearing and Supervisor Cohen provided background information and opening remarks. Chief William Scott (Police Department) provided an overview of the hearing matter and responded to questions raised throughout the discussion. Ray Hartz; Jennifer Friedenbach (Coalition on Homelessness); Magick; Speaker; Tess Wellborn; Kelley Cutler (Coalition on Homelessness); Darnell Boyd; Dayton Andrews (Coalition on Homelessness); Jackie Barschand; Julie Traun (Bar Association of San Francisco); Jenna; Speaker; Francis Holland; Graham; Trevor Martin; Barbara Hart; Tom Gilbert; Adriana; spoke on various concerns related to the hearing matter. There were no other speakers. President Breed closed public comment, declared the public hearing heard and filed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

COMMITTEE REPORTS

Recommendations of the Budget and Finance Committee

170945 [Adopting the Vision, Goals, and Objectives of The Bay Area Comprehensive Economic Development Strategy - Establish a County Regional Economic Development District]

Sponsors: Mayor; Yee

Resolution adopting the Vision, Goals and Objectives of The Bay Area Comprehensive Economic Development Strategy to establish a nine county regional Economic Development District recognized by the United States Economic Development Administration, to improve access to economic and workforce related grants and technical assistance from federal and state agencies and private foundations to foster greater public and private collaboration in addressing economic, workforce and equity issues that no single jurisdiction, organization or enterprise can solve alone.

ADOPTED by the following vote:

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

170948 [Issuance of Bonds - San Francisco Art Institute, a California Nonprofit Public Benefit Corporation - Not to Exceed \$20,000,000]

Sponsor: Farrell

Resolution approving (a) in accordance with Internal Revenue Code, Section 147(f) the issuance of revenue bonds or a tax-exempt loan by the California Municipal Finance Authority (the "Authority") in an aggregate issue price not to exceed \$7,000,000 (the "Tax-Exempt Bonds") to (i) refinance all or a portion of certain outstanding debt obligations that originally financed and refinanced the acquisition, construction, equipping and furnishing of facilities, within the City and County of San Francisco (the "City"), owned and managed by San Francisco Art Institute, a California nonprofit public benefit corporation (the "Borrower"), in connection with the provision of educational and other services in the City, including the instruction of students enrolled in its undergraduate and graduate fine arts degree programs, (ii) finance additional improvements to such facilities, (iii) pay capitalized interest on the Tax-Exempt Bonds, and (iv) pay certain expenses incurred in connection with the issuance of the Tax-Exempt Bonds; and (b) in accordance with the Joint Exercise of Powers Agreement, dated as of January 1, 2004, among the Authority and certain local agencies, including the City, as amended from time to time, the issuance of revenue bonds or a loan by the Authority in an aggregate issue price not to exceed \$13,000,000 (the "Taxable Bonds" and, together with the Tax-Exempt Bonds, the "Bonds") to (i) refinance all or a portion of certain outstanding debt obligations that originally financed and refinanced the construction, equipping and furnishing of facilities, within the City, leased and occupied by the Borrower, in connection with the provision of educational and other services in the City, including the instruction of students enrolled in its undergraduate and graduate fine arts degree programs, (ii) finance additional improvements to such facilities, (iii) pay capitalized interest on the Taxable Bonds, and (iv) pay certain expenses incurred in connection with the issuance of the Bonds.

ADOPTED by the following vote:

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

170950 [Approving Issuance of Bonds - California Statewide Communities Development Authority - San Francisco Museum of Modern Art - Not to Exceed \$30,000,000]**Sponsor: Kim**

Resolution approving in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, the issuance of tax-exempt obligations by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$30,000,000 for the financing or refinancing of various capital facilities owned or to be owned by San Francisco Museum of Modern Art.

ADOPTED by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Luke Bruner; spoke on various concerns regarding cannabis policies.

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

Barbara Unker; spoke on concerns regarding the Motion adopting findings for the project at 3516 and 3526 Folsom Street (File No. 171022).

Callie; spoke on concerns regarding the Motion adopting findings for the project at 3516 and 3526 Folsom Street (File No. 171022).

Merrill Waterman; spoke on concerns regarding the Motion adopting findings for the project at 3516 and 3526 Folsom Street (File No. 171022).

Herb Feltzenfeld; spoke on concerns regarding the Motion adopting findings for the project at 3516 and 3526 Folsom Street (File No. 171022).

Michael Petrelis; expressed concerns regarding the Sunshine Ordinance Task Force, and the reduction of HIV in San Francisco.

Speaker; expressed concerns regarding political contributions the eviction of a certain resident.

Tom Gilbert; shared concerns regarding development projects and tax revenues.

Ray Hartz; shared concerns regarding support of free speech and development projects.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**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.

ADOPTED by the following vote:

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

Supervisor Ronen requested that File No. 171022 be severed so that it may be considered separately.

Supervisor Safai Excused from Voting

Supervisor Safai requested to be excused from voting on File No. 171022, due to a possible conflict of interest.

Supervisor Peskin, seconded by Supervisor Kim, moved that Supervisor Safai be excused from voting on File No. 171022, due to a possible conflict of interest. The motion carried by the following vote:

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

Excused: 1 - Safai

171022 [Adopting Findings Reversing the Final Mitigated Negative Declaration - 3516 and 3526 Folsom Street]

Motion adopting findings reversing the approval by the Planning Commission of a final mitigated negative declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street. (Clerk of the Board)

Supervisor Ronen, seconded by Supervisor Kim, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 3-5, by adding 'FURTHER MOVED, That a site-specific Emergency Response and Evacuation Plan be prepared to ensure adequate access for emergency response and the ability for a safe and timely evacuation; and, be it', and Lines 7-9, by adding ', and the Emergency Response and Evacuation Plan shall be reviewed and approved by the Fire Department, Planning Department, and PG&E,'. The motion carried by the following vote:

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

Excused: 1 - Safai

Motion No. M17-152

APPROVED AS AMENDED by the following vote:

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

Excused: 1 - Safai

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

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 ORDINANCE

171004 [Settlement of Lawsuit - George Birmingham v. City and County of San Francisco - City to Receive \$1,500,000 For Sale of Surplus Parcels]

Ordinance authorizing settlement of the lawsuit filed by George Birmingham against the City and County of San Francisco; the lawsuit was filed on September 9, 2015, in San Francisco Superior Court, Case No. CGC 15-547835; entitled George Birmingham v. City and County of San Francisco, et al.; the lawsuit involves plaintiff's attempts to gain street access for his parcel that is separated from Burnett Avenue by a paper street parcel owned by Public Works and a vacant Public Utilities Commission parcel; the material terms of the settlement are the City will pursue the legislative approvals necessary to sell those parcels to plaintiff, and plaintiff will purchase those parcels from the City for \$1,500,000; and affirming the Planning Department's determination under the California Environmental Quality Act. (City Attorney)

09/18/17; RECEIVED FROM DEPARTMENT.

09/26/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

171005 [Settlement of Unlitigated Claim - Ronald Terry - \$89,500]

Resolution approving the settlement of the unlitigated claim filed by Ronald Terry against the City and County of San Francisco for \$89,500; the claim was filed on September 27, 2016; the claim involves an employment dispute. (City Attorney)

09/18/17; RECEIVED FROM DEPARTMENT.

09/26/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171006 [Land Mobile Radio System Purchase, Installation, and Maintenance Agreement - Motorola Solutions Inc. - Not to Exceed \$10,906,297]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1074 with Motorola Solutions Inc. for the purchase, installation, and maintenance of a land mobile radio system, for an amount not to exceed \$10,906,297, and with an anticipated term to commence December 1, 2017, through February 28, 2027. (Public Utilities Commission)

09/15/17; RECEIVED FROM DEPARTMENT.

09/26/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171007 [Amendment Agreement - Exchange Easements in Connection with the Bay Division Pipeline Reliability Upgrade Project-Bay Tunnel]

Resolution approving and authorizing a Second Amendment to an agreement to exchange interests in real property to grant the Midpeninsula Regional Open Space District a permanent, non-exclusive public trail easement in exchange for a quitclaim to the City and County of San Francisco of an open space easement over real property owned by the City and County of San Francisco, as part of the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade-Bay Tunnel; and authorizing the General Manager of the San Francisco Public Utilities Commission, or Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Public Utilities Commission)

09/18/17; RECEIVED FROM DEPARTMENT.

09/26/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 6:25 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: "To paraphrase Voltaire: I may not agree with what a person has to say, but, I will defend to the death their right to say it! In May, when members of the public challenged the lack of attention given by members of this BOS to public comment, they received a one word response: 'multitasking!' I believe this response was dismissive, disparaging, and frankly asinine! I consider it particularly egregious as it came from my representative on this board. As the rest of you sat silent, I will take that silence as an endorsement of his position by the full board! Just last week, once again challenged regarding your lack of attention to the people who put you in those seats, you again remained silent. The people standing at this podium are the people you represent. Show them the same respect that you expect!"