

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, October 24, 2017 - 2:00 PM**

**Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

**Regular Meeting**

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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

1st and 3rd Wednesday

1:00 PM

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

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, October 24, 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, Supervisor Sheehy was noted not present. There was a quorum.*

## COMMUNICATIONS

*There were no communications.*

## APPROVAL OF MEETING MINUTES

*President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of September 19, 2017. There were no corrections.*

**Supervisor Fewer, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of September 19, 2017. The motion carried by the following vote, following general public comment:**

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

Absent: 1 - Sheehy

## AGENDA CHANGES

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

#### **170739 [Waiver of Banner Fee - APA Family Support Services]**

**Sponsor: Cohen**

Ordinance retroactively authorizing the installation of up to six banners on City-owned utility poles by APA Family Support Services under Public Works Code, Section 184.78, at 1652 Sunnydale Avenue between August 1, 2017, and January 31, 2018; and waiving the fees for those banners.

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**170944 [Waiver of Banner Fee - Office of Economic and Workforce Development - Shop and Dine in the 49 Campaign]**

**Sponsor: Tang**

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for up to 300 banners to be placed by the Office of Economic and Workforce Development to publicize the City's "Shop and Dine in the 49" campaign, beginning on November 20, 2017, and for one year.

**FINALLY PASSED**

**Recommendations of the Government Audit and Oversight Committee****170903 [Settlement of Lawsuit - Andre Price, Kenneth Farris, Jr., Abdelaziz Aineb - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Andre Price, Abdelaziz Aineb, and Kenneth Farris, Jr. against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 22, 2014, in San Francisco Superior Court, Case No. CGC-14-543349; entitled Andre Price, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**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)

**FINALLY PASSED**

**171033 [Settlement of Lawsuit - Dora Delfi Mejia Jacobo - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Dora Delfi Mejia Jacobo against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 19, 2015, in San Francisco Superior Court, Case No. CGC-15-545823; entitled Dora Delfi Mejia Jacobo v. Greg Suhr in his official capacity, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

**PASSED ON FIRST READING**

**171034 [Settlement of Lawsuit - Tasha Spencer - \$160,000]**

Ordinance authorizing settlement of the lawsuit filed by Tasha Spencer against the City and County of San Francisco for \$160,000; the lawsuit was filed on September 27, 2016, in San Francisco Superior Court, Case No. CGC 16-554523; entitled Tasha Spencer v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

**PASSED ON FIRST READING**

**171035 [Settlement of Unlitigated Claim - Kelli Grotzke - \$78,193]**

Resolution approving the settlement of the unlitigated claim filed by Kelli Grotzke against the City and County of San Francisco for \$78,193; the claim was filed on September 24, 2013; the claim involves an employment dispute. (City Attorney)

**ADOPTED**

**171036 [Settlement of Unlitigated Claim - Kacey Christie - \$62,500]**

Resolution approving the settlement of the unlitigated claim filed by Kacey Christie against the City and County of San Francisco for \$62,500; the claim was filed on May 31, 2017; the claim involves a personal injury on a City street. (City Attorney)

**ADOPTED**

- 171037 [Settlement of Unlitigated Claim - UBS Financial Services, Inc. - \$125,266.48]**  
Resolution approving the settlement of the unlitigated claim filed by UBS Financial Services against the City and County of San Francisco for \$125,266.48; the claim was filed on February 17, 2017; the claim involves personal property tax refund. (City Attorney)  
**ADOPTED**

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

- 170782 [Planning Code, Zoning Map - Rezoning 1990 Folsom Street]**  
**Sponsor: Ronen**  
Ordinance amending the Planning Code by revising the Zoning Map to change the zoning designation of 1990 Folsom Street from a use designation of Production, Distribution, and Repair-General and a height and bulk designation of 58-X to a use designation of Urban Mixed Use and a height and bulk designation of 90-X; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.  
**FINALLY PASSED**

- 170835 [Amending Ordinance No. 49-17 - 180 Jones Street Affordable Housing Fund]**  
**Sponsor: Kim**  
Ordinance amending Ordinance No. 49-17 to change the timeline, for the first payment of \$1,500,000 from the project sponsor of 950-974 Market Street to the 180 Jones Street Affordable Housing Fund, from "the issuance of the first construction document for that project or July 1, 2017, whichever comes first," to "the issuance of the first construction document."  
**FINALLY PASSED**

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

*Supervisor Sheehy was noted present at 2:05 p.m.*

#### **170834 [Planning Code - Inclusionary Affordable Housing Fee and 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.

**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**

### **170418 [Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; 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

### **170860 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]**

**Sponsor: Mayor**

Ordinance amending the Administrative Code to remove reference to a ten year residency requirement for the Displaced Tenant Preference in City Affordable Housing Programs; 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.

**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**

### **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 Peskin, moved that this Ordinance be RE-REFERRED to the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:**

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

**170867 [Environment Code - Flame Retardant Chemicals in Upholstered Furniture and Juvenile Products]****Sponsors: Farrell; Peskin, Sheehy, Ronen, Fewer, Yee, Safai and Tang**

Ordinance amending the Environment Code to ban the sale in San Francisco of upholstered furniture and juvenile products made with or containing an added flame retardant chemical.

**FINALLY PASSED by the following vote:**

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

**NEW BUSINESS****Recommendation of the Government Audit and Oversight Committee****170993 [Lower Polk Community Benefit District - Annual Report for FY2015-2016]****Sponsor: Peskin**

Resolution receiving and approving an annual report for the Lower Polk 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

**Recommendations of the Rules 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 Board of Supervisors to appoint one additional Director and one additional Alternate Director to serve on the Board of Directors of the TJPA. (Municipal Transportation Agency)

(Supervisor Safai dissented in committee.)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 22-24, by adding 'and, be it FURTHER RESOLVED, That the additional director and alternate director appointed by the Board of Supervisors shall have expertise in large, complex infrastructure funding, policy, and/or project delivery.' The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
(Supervisor Safai dissented in committee.)

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

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

*President Breed requested File Nos. 171044 and 171052 be called together.*

**171044 [Confirming Appointment, Redevelopment Successor Agency Oversight Board - Kenneth Bukowski]**

Motion confirming the mayoral appointment of Kenneth Bukowski to the Redevelopment Successor Agency Oversight Board (commonly known as the Commission on Community Investment and Infrastructure), term ending January 24, 2020. (Rules Committee) (Ordinance No. 215-12, Section 6(b), provides that this member shall be appointed by the Mayor and subject to confirmation by the majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: September 26, 2017)

**APPROVED by the following vote:**

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

**171052 [Confirming Appointment, Redevelopment Successor Agency Oversight Board - Lisa Motoyama]**

Motion confirming the mayoral appointment of Lisa Motoyama to the Redevelopment Successor Agency Oversight Board (commonly known as the Commission on Community Investment and Infrastructure), term ending January 24, 2020. (Rules Committee) (Ordinance No. 215-12, Section 6(b), provides that this member shall be appointed by the Mayor and subject to confirmation by the majority of the Board of Supervisors. There is no deadline for confirmation and the appointment is not effective until the Board takes action. Transmittal date: September 26, 2017)

**APPROVED by the following vote:**

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

*President Breed requested File Nos. 171086 and 171088 be called together.*

**Supervisor Fewer Excused from Voting**

Supervisor Farrell, seconded by Supervisor Kim, moved that Supervisor Fewer be excused from voting on File Nos. 171086 and 171087. The motion carried by the following vote:

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

Excused: 1 - Fewer

**171086 [Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Sandra Lee Fewer]**

Motion appointing Supervisor Sandra Lee Fewer, term ending January 31, 2019, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

**APPROVED by the following vote:**

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

Excused: 1 - Fewer

**171087 [Appointment, Children and Families First Commission - Supervisor Sandra Lee Fewer]**

Motion appointing Supervisor Sandra Lee Fewer, for an indefinite term, to the Children and Families First Commission. (Clerk of the Board)

**APPROVED by the following vote:**

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

**Supervisor Cohen Excused from Voting**

Supervisor Peskin, seconded by Supervisor Yee, moved that Supervisor Cohen be excused from voting on File No. 171088. The motion carried by the following vote:

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

**171088 [Appointment, California State Association of Counties - Supervisor Malia Cohen]**

Motion appointing Supervisor Malia Cohen, term ending December 2, 2018, to the California State Association of Counties. (Clerk of the Board)

**APPROVED by the following vote:**

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

**Supervisor Kim Excused from Voting**

Supervisor Ronen, seconded by Supervisor Yee, moved that Supervisor Kim be excused from voting on File No. 171089. The motion carried by the following vote:

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

**171089 [Appointment, City College Financial Assistance Fund Oversight Committee - Supervisor Jane Kim]**

Motion appointing Supervisor Jane Kim, for an indefinite term, to the City College Financial Assistance Fund Oversight Committee. (Clerk of the Board)

**APPROVED by the following vote:**

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

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

Supervisor Tang, seconded by Supervisor Safai, 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 Captain Denise Flaherty, Taraval Police Station (Police Department), on the occasion of her reassignment to the Police Academy and in recognition of her many accomplishments protecting the public safety of the community.

Supervisor Safai presented a posthumous Certificate of Honor for May Wong in recognition of her many accomplishments and community advocacy.

Supervisor Safai introduced, welcomed, and presented a Certificate of Honor to Captain Joseph McFadden, Ingleside Police Station (Police Department), on the occasion of his reassignment to the General Crimes Unit and in recognition of his many accomplishments protecting the public safety of the community. Supervisors Sheehy, Ronen, Yee, Cohen, Kim, and Tang shared in this commendation.

Supervisor Sheehy introduced, welcomed, and presented a Certificate of Honor to Bonnie Ross, Executive Producer (F&B: Voices from the Kitchen), in recognition of her many accomplishments sharing the voices and stories from cooks and kitchens.

Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to North East Medical Services in recognition of their accomplishments providing health services to the underserved populations in San Francisco.

## **SPECIAL ORDER 3:00 P.M.**

### **Board of Supervisors Sitting as a Committee of the Whole**

#### **170964 [Hearing - Committee of the Whole - Disclosure Responsibilities of Board of Supervisors Under Federal Securities Laws - October 24, 2017]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on October 24, 2017, at 3:00 p.m., to receive educational training on the Board's legal obligations under Federal and State securities laws with respect to any Official Statement (OS) approvals; scheduled pursuant to Motion No. M17-122, approved by the Board on September 5, 2017. (Clerk of the Board)

President Breed opened the public hearing and inquired as to whether any individual wished to address the Board relating to the disclosure responsibilities of the Board of Supervisors under Federal Securities Laws. Mark Blake (Office of the City Attorney), Sean Tierney, Disclosure Counsel (Hawkins Delafield & Wood LLP), and Jon Givner (Office of the City Attorney) provided an overview and responded to questions raised throughout the discussion. Tom Gilbert; spoke on various concerns regarding 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**

#### **Appointment of President Pro Tempore**

At the request of President Breed, Supervisor Safai assumed the chair at 3:25 p.m. The President resumed the chair at 3:29 p.m.

## Committee of the Whole Adjourn and Report

### SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 171047, 171048, 171049, and 171050 be called together.*

#### **171047 [Hearing - Appeal of Final Environmental Impact Report Certification - Pier 70 Mixed-Use District]**

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed Pier 70 Mixed-Use District Project, identified in Planning Case No. 2014-001272ENV, certified by the Planning Commission through Motion No. 19976 dated August 24, 2017. (District 10) (Appellant: J.R. Eppler of the Potrero Boosters Neighborhood Association) (Filed September 25, 2017) (Clerk of the Board)

*President Breed opened the public hearing, informed the Board that the appeal has been withdrawn, and Supervisor Cohen provided additional remarks. President inquired as to whether any individual wished to address the Board. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

#### **171048 [Affirming the Final Environmental Impact Report Certification - Pier 70 Mixed-Use District]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Pier 70 Mixed-Use District Project. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Farrell, 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

#### **171049 [Conditionally Reversing the Final Environmental Impact Report Certification - Pier 70 Mixed-Use District]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Pier 70 Mixed-Use District Project, subject to the adoption of written findings of the Board of Supervisors in support of this determination. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Farrell, 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

#### **171050 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - Pier 70 Mixed-Use District]**

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 Pier 70 Mixed-Use District Project. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Farrell, 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

## CLOSED SESSION

### CONFERENCE WITH CITY ATTORNEY - Existing Litigation

#### **171127 [Closed Session - Existing Litigation - October 24, 2017]**

Closed Session for the Board of Supervisors to convene on October 24, 2017, for the purpose of conferring with, or receiving advice from, the City Attorney, under California Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), regarding the existing litigation in which the City is a defendant and appellee, American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association v. City and County of San Francisco, Ninth Circuit Court of Appeals Case Nos. 16-16072 and 16-16073, filed in the United States District Court for the Northern District of California on July 24, 2015; scheduled pursuant to Motion No. M17-161, approved October 17, 2017. (Clerk of the Board)

*Although a motion was not required, Supervisor Yee, seconded by Supervisor Ronen, moved to convene in closed session. The motion carried by the following vote:*

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

*President Breed inquired as to whether any member of the public wished to address the Board regarding the closed session. Tom Gilberty; spoke on various concerns related to the closed session hearing. The President declared public comment closed.*

#### CONVENED IN CLOSED SESSION

*The Board recessed at the hour of 4:19 p.m. to convene in closed session pursuant to Motion No. M17-161, approved on October 17, 2017.*

*The following Supervisors were noted present: Supervisors Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee*

*Persons in attendance: Jon Givner, Christine Van Aken, and Jeremy Goldman (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).*

*Matter was heard in closed session, no action was taken, and the hearing was filed.*

#### RECONVENED IN OPEN SESSION

*The Board reconvened at the hour of 4:37 p.m.*

*The following Supervisors were noted present: Supervisors Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Sheehy, Tang, Yee*

#### HEARD IN CLOSED SESSION

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

**Supervisor Tang, seconded by Supervisor Farrell, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:**

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

## COMMITTEE REPORTS

### Recommendations of the Budget and Finance Committee

#### **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 No. 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)  
(Fiscal Impact)

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

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

#### **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)  
(Fiscal Impact)

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

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

#### **171012 [Appropriation and De-Appropriation - Water Enterprise Fund Balance and Operating Budget - Land Mobile Radio System - FY2017-2018 - \$6,814,850]**

**Sponsor: Mayor**

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.  
(Fiscal Impact)

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

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

**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)  
(Fiscal Impact)

(Supervisor Peskin dissented in Committee.)

*Privilege of the floor was granted unanimously to Ben Rosenfield, City Controller (Office of the City Controller), who responded to questions raised throughout the discussion.*

**ADOPTED by the following vote:**

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

Noes: 2 - Kim, Peskin

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

*President Breed requested File Nos. 170930, 170864, and 170987 be called together.*

**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)

**Supervisor Cohen, seconded by Supervisor Safai, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of October 31, 2017. The motion carried by the following vote:**

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

**170864 [Planning Code, Zoning Map - Pier 70 Special Use District]**

**Sponsors: Mayor; Cohen**

Ordinance amending the Planning Code and the Zoning Map to add the Pier 70 Special Use District; making findings under the California Environmental Quality Act, and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.  
(Economic Impact)

**Supervisor Cohen, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 6-10, by adding verbiage to describe the full affordable housing program established by the Disposition and Development Agreement; on Page 8, Lines 18-19, by adding 'Hospital' and 'Automotive Retail' as 'Non-Permitted Uses', and Lines 20-25, by setting a 1/75 million square feet cap on 'Office' uses; on Page 18, Lines 6-12, by requiring Developers provide informational Phase hearings to the Planning Commission and Historic Preservation Commission when requested; on Page 19, Lines 9-13, by striking the automatic completeness verbiage; on Page 20, Lines 12, through Page 21, Line 18, by clarifying 'Off-Street Parking' verbiage; on Page 21, Line 20, by changing the timing for District approval from '10' to '20' days; on Page 22, Line 10, by requiring the public hearing to be scheduled within 20 days or at the next meeting thereafter, and Line 20, by changing the mailing notice requirement from '10' to '20' days prior to the hearing; 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

(Economic Impact)

**Supervisor Cohen, seconded by Supervisor Peskin, moved that this Ordinance be RE-REFERRED AS AMENDED to the Land Use and Transportation Committee meeting of October 30, 2017. The motion carried by the following vote:**

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

**170987 [Public Trust Exchange Agreement - California State Lands Commission - Pier 70 Project]**

**Sponsors: Mayor; Cohen**

Resolution approving the Compromise Title Settlement and Land Exchange Agreement for Pier 70 between the City and the California State Lands Commission in furtherance of the Pier 70 Mixed Use Project located at Pier 70; and adopting findings under the California Environmental Quality Act.

**Supervisor Cohen, seconded by Supervisor Safai, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of October 31, 2017. The motion carried 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

*Male Speaker; shared concerns regarding Citywide Case Management and it's assertive treatment.*

*Charlie Peters; shared concerns regarding transportation issues and consideration on various government levels.*

*Tom Gilberty; shared concerns regarding the One Oak Project and affordable housing.*

*Male Speaker; shared various religious concerns.*

*Mahogany; expressed support of establishing cultural districts.*

*Andrea Horn; expressed support of establishing cultural districts.*

*Shannon; expressed support of establishing cultural districts.*

*C. Brown; expressed support of the newly introduced Resolution calling for the impeachment of the 45th "President."*

*Speaker; expressed support of the newly introduced Resolution calling for the impeachment of the 45th "President."*

*Katy Cameron; expressed support of the newly introduced Resolution calling for the impeachment of the 45th "President."*

*Patrick Hunt; expressed support of establishing cultural districts.*

*Kendra Dunson; expressed support of establishing cultural districts.*

*Bresla Cruz; expressed support of establishing cultural districts.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **171115 [Approval of an Additional 180-Day Extension for Planning Commission Review of Inclusionary Affordable Housing Program (File No. 150911)]**

**Sponsors: Mayor; Farrell and Tang**

Resolution extending by an additional 180 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150911) amending the Planning Code to provide revised geographic, timing, pricing and other requirements for the off-site alternative to the Inclusionary Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing Fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed "dialing up;" revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; 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 the Planning Code, Section 101.1.

**ADOPTED**

### **171120 [Approval of a 120-Day Extension for Planning Commission Review of Planning Code, Zoning Map - Establishment of Geary-Masonic Special Use District (File No. 161109)]**

**Sponsor: Farrell**

Resolution extending by 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 161109) amending the Planning Code by adding Section 249.20; 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**

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

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

## IMPERATIVE AGENDA

*There were no imperative agenda items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

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

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

### Introduced at the Request of a Department

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

## PROPOSED ORDINANCES

### **171095 [General Plan Amendment - Western Shoreline Area Plan (Local Coastal Plan)]**

Ordinance amending the Western Shoreline Area Plan of the General Plan, San Francisco's Local Coastal Program Land Use Plan, to add an objective to preserve, enhance, and restore the Ocean Beach shoreline while protecting public access, scenic quality, natural resources, critical public infrastructure, and existing development from coastal hazards; 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)

10/10/17; RECEIVED FROM DEPARTMENT.

10/24/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/23/2017.

### **171096 [Planning Code - Definition of Gross Floor Area]**

Ordinance amending the Planning Code to revise the definition of Gross Floor Area to delete the reference to accessory buildings, exempt required car-share spaces, remove redundant off-street loading provisions, and modify provisions regarding accessory and non-accessory parking; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302. (Planning Commission)

10/13/17; RECEIVED FROM DEPARTMENT.

10/24/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/23/2017.

**171097 [Planning Code - Article 8 Corrections]**

Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302. (Planning Commission)

10/13/17; RECEIVED FROM DEPARTMENT.

10/24/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/23/2017.

## PROPOSED RESOLUTIONS

**171098 [Mills Act Historical Property Contract - 215 and 229 Haight Street, Formerly 55 Laguna Street]**

Resolution approving an historical property contract between Alta Laguna, LLC, the owners of 215 and 229 Haight Street, formerly 55 Laguna Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171099 [Mills Act Historical Property Contract - 56 Potomac Street]**

Resolution approving an historical property contract between Jason Monberg and Karli Sager, the owners of 56 Potomac Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171100 [Mills Act Historical Property Contract - 60-62 Carmelita Street]**

Resolution approving an historical property contract between Patrick Mooney and Stephen G. Tom, the owners of 60-62 Carmelita Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171101 [Mills Act Historical Property Contract - 101 Vallejo Street]**

Resolution approving an historical property contract between 855 Front Street LLC, the owners of 101 Vallejo Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171102 [Mills Act Historical Property Contract - 627 Waller Street]**

Resolution approving an historical property contract between John Hjelmstad and Allison Bransfield, the owners of 627 Waller Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171103 [Mills Act Historical Property Contract - 940 Grove Street]**

Resolution approving an historical property contract between Smith-Hantas Family Trust, the owners of 940 Grove Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171104 [Mills Act Historical Property Contract - 973 Market Street]**

Resolution approving an historical property contract between Raintree 973 Market Newco LLC, the owners of 973 Market Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**171105 [Mills Act Historical Property Contract - 1338 Filbert Street]**

Resolution approving an historical property contract between 1338 Filbert LLC, the owners of 1338 Filbert Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 4:39 p.m.*