



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, February 26, 2019 - 2:00 PM

Regular Meeting

NORMAN YEE, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN,
GORDON MAR, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI,
SHAMANN WALTON

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Fewer, Stefani, Mandelman

Budget and Finance Federal Select Committee
Supervisors Fewer

Government Audit and Oversight Committee
Supervisors Mar, Brown, Peskin

Land Use and Transportation Committee
Supervisors Peskin, Safai, Haney

Public Safety and Neighborhood Services Committee
Supervisors Mandelman, Stefani, Walton

Rules Committee
Supervisors Ronen, Walton, Mar

Meeting Days

Wednesday
10:00 AM

2nd and 4th Thursday
1:15 PM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

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LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Peggy Nevin at (415) 554-5184.

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PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Intsik at Tagalog para sa lahat ng mga regular at espesyal na pulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Filipino na maaaring i-request sa pinakmababa na di bababa sa 48 oras bago ang pulong upang matiyak na matutugunan and inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Disability Access

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

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

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

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

COMMUNICATIONS

APPROVAL OF MEETING MINUTES

Approval of the [January 15, 2019](#), Board Meeting Minutes.

AGENDA CHANGES

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

Items 1 through 10

Recommendations of the Budget and Finance Committee

Present: Supervisors Fewer, Stefani, Mandelman

1. [181186](#) **[Appropriation - Educational Revenue Augmentation Fund Property Tax \$220,551,322 - Rainy Day One-Time Reserve Funds \$52,000,000 - SFPUC Revenue Bonds \$10,000,000 - Various Services - FY2018-2019]**
Sponsors: Peskin; Fewer, Mandelman, Yee, Mar, Ronen, Haney, Walton, Brown, Safai and Stefani
Ordinance appropriating \$220,551,322 of excess Educational Revenue Augmentation Fund Property Taxes and \$52,000,000 of Rainy Day One-Time Reserve funds for affordable housing small site, single residence occupancy hotel, and behavioral health acquisition and renovation, homelessness and behavioral health services, early care and SFUSD educator funding, for a utility distribution acquisition assessment, various mandatory baseline contributions, and to establish a Teacher and Early Care Educator Unappropriated Emergency Reserve, and \$10,000,000 from San Francisco Public Utilities Commission Revenue Bonds for a utility substation.

(Fiscal Impact)

02/12/2019; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [190044](#) **[Appropriation - Educational Revenue Augmentation Fund Property Tax - New Light Rail Vehicles, Energy Efficiency Audits, Small Business Mitigation Fund, and Mandatory City Services Auditor Baseline - SFMTA - \$38,124,000 - FY2018-2019]**

Sponsor: Mayor

Ordinance appropriating \$38,124,000 in excess Educational Revenue Augmentation Fund Property Taxes to the San Francisco Municipal Transportation Agency (SFMTA), including \$19,247,904 to purchase Light Rail Vehicles, \$13,800,000 to conduct energy efficiency audits and improvements at SFMTA facilities, \$5,000,000 to a Small Business Impact Mitigation Fund and a mandatory City Services Auditor baseline in FY 2018-2019; and placing \$38,124,000 on Controller's Reserve pending confirmation of cash flow timing from the State of California.

(Fiscal Impact)

02/12/2019; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Brown, Haney

3. [190002](#) **[Settlement of Lawsuit - Small Property Owners of San Francisco Institute - \$110,000]**

Ordinance authorizing settlement of the lawsuit filed by Small Property Owners of San Francisco Institute against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513453; entitled Small Property Owners of San Francisco Institute v. City and County of San Francisco, et al.; the lawsuit involves a claim for attorney's fees and costs following Petitioner's challenge to Ordinance No. 286-13 on the grounds, in part, that Section 181(c)(3) is preempted by the state Ellis Act. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

4. [190003](#) **[Settlement of Unlitigated Claim - Sambou Makalou - \$124,523.97 - Appropriation - Wastewater Enterprise Fund Balance]**

Ordinance approving the settlement of the unlitigated claim filed by Sambou Makalou against the City and County of San Francisco for \$124,523.97; the claim was filed on June 27, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$124,523.97 from the San Francisco Public Utilities Commission Wastewater Enterprise fund balance for payment of settlement. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

5. [190004](#) **[Partial Settlement of Lawsuit - Susan Garduno - \$105,000]**
Ordinance authorizing settlement of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$105,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Susan Garduno, by the payment of \$105,000 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
6. [190005](#) **[Settlement of Lawsuit - Winfield International, Inc. - \$500,000]**
Ordinance authorizing settlement of the lawsuit filed by Winfield International, Inc. against the City and County of San Francisco for a payment by Winfield International, Inc. of \$500,000; the lawsuit was filed on March 20, 2017, in San Francisco Superior Court, Case No. CPF-17-515532 (Appeal No. A153209); entitled Winfield International, Inc. v. City and County of San Francisco; the lawsuit challenges the City's enforcement of the Below Market Rate housing conditions of approval applicable to Petitioner's real property located at 3000 23rd Street; other material terms of the settlement include recording a notice of special restrictions reflecting the Below Market Rate conditions of approval applicable to the real property; and a 12-month extension and related lease terms for the current tenant of Unit No. 205. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
7. [190006](#) **[Settlement of Lawsuit - N.C., a Minor - \$45,000]**
Ordinance authorizing settlement of the lawsuit filed by N.C., a minor against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 17, 2017, in United States District Court, Case No. 17-cv-4016; entitled N.C., a minor v. City and County of San Francisco, et al.; the lawsuit involves allegations of civil rights violations. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
8. [190008](#) **[Settlement of Lawsuit - Rocio Guarniz Palacios - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by Rocio Guarniz Palacios against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 4, 2017, in San Francisco Superior Court, Case No. CGC-17-556267; entitled Rocio Guarniz Palacios v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
9. [190010](#) **[Settlement of Unlitigated Claim - CSAA Insurance Exchange - \$34,000]**
Resolution approving the settlement of the unlitigated claim filed by CSAA Insurance Exchange against the City and County of San Francisco for \$34,000; the claim was filed on June 20, 2018; the claim involves alleged property damage from vehicle collision. (City Attorney)
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Peskin, Safai, Haney

10. [181108](#) **[Police, Housing Codes - Required Disclosure of Storm Flood Risks]**
Sponsor: Yee
Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission’s 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection’s Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department’s determination under the California Environmental Quality Act. (Public Utilities Commission)
- 02/12/2019; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Fewer, Stefani, Mandelman

11. [190015](#) **[Airport Professional Services Agreement Modification - PGH Wong Engineering, Inc. - AirTrain Extension and Improvements Program - Not to Exceed \$16,325,000]**
Resolution approving Modification No. 4 to Contract No. 10504.41, Project Management Support Services for the AirTrain Extension and Improvements Program, with PGH Wong Engineering, Inc. to extend the term by 555 calendar days, from April 25, 2019, through October 31, 2020; and to increase the Contract amount by \$6,333,000 for a total not to exceed amount of \$16,325,000 pursuant to Charter, Section 9.118(b). (Airport Commission)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**

12. [190016](#) **[Airport Professional Services Agreement Modification - ACJV - Terminal 1 Center Renovation Project - Not to Exceed \$61,325,000]**
Resolution approving Modification No. 9 to Airport Contract No. 10011.41, Project Management Support Services for the Terminal 1 Center Renovation Project, with ACJV, to extend the term by four years and eight months, from May 1, 2019, through December 31, 2023; and to increase the Contract to a not to exceed amount of \$61,325,000 pursuant to Charter, Section 9.118(b). (Airport Commission)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
13. [190025](#) **[Emergency Declaration - Substructure Support, Inc. - Repairs for Damaged Storm Sewer System - Third Street, between Berry Street and Third Street Bridge - Not to Exceed \$700,000]**
Resolution approving the emergency declaration of the Director of Public Works, pursuant to Administrative Code, Section 6.60(b), to repair the damaged sewer system in the vicinity of Third Street, between Berry Street and the Third Street Bridge, for a cost not to exceed \$700,000. (Public Works)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
14. [190061](#) **[Accept and Expend Grant - United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance - San Francisco Crime Gun Investigations Center - \$800,000]**
Sponsor: Stefani
Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$800,000 from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to help improve the collection, management, and analysis of crime gun evidence for the project period of October 1, 2018, through September 30, 2021. (Police Commission)
- Question: Shall this Resolution be ADOPTED?**
15. [190062](#) **[Accept and Expend Grant - United States Department of Justice, Office of Justice Programs, National Institute of Justice - FY 2018 DNA Capacity Enhancement and Backlog Reduction Program Grant Increase: Budget Revision - \$61,170]**
Sponsor: Stefani
Resolution retroactively authorizing the Police Department to accept and expend an increase to FY 2018 DNA Capacity Enhancement and Backlog Reduction Program grant funds in the amount of \$61,170 for a total of \$366,678 from the United States Department of Justice, Office of Justice Programs, National Institute of Justice, to be used to upgrade software, purchase laboratory equipment, and provide continuing education training for DNA analysts during the project period of January 1, 2019, through December 31, 2020.
- Question: Shall this Resolution be ADOPTED?**

Present: Supervisors Fewer, Stefani

16. [190070](#) **[Grant Agreement Amendment - San Francisco Marin Food Bank - Food Assistance Program - Not to Exceed \$11,338,162]**
Resolution approving Amendment No. 2, authorizing the Executive Director of the Human Services Agency to execute an amendment to the Grant Agreement between the City and County of San Francisco, by and through its Human Services Agency, and the non-profit San Francisco Marin Food Bank, to provide the Food Assistance Program to older adults and adults with disabilities for the total agreement term of July 1, 2017, to June 30, 2022, by increasing the agreement amount to \$1,225,831 with a contingent amount of \$858,058 for a total not to exceed amount of \$11,338,162. (Human Services Agency)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Fewer, Stefani, Mandelman

17. [190104](#) **[Public Auction - Tax-Defaulted Real Property]**
Resolution authorizing the Tax Collector to sell at public auction certain parcels of tax-defaulted real property, as defined herein. (Treasurer-Tax Collector)

Question: Shall this Resolution be ADOPTED?

18. [190113](#) **[Multifamily Housing Revenue Bonds - Parcel E2 on Pier 70 - 185 Maryland Street - Not to Exceed \$160,000,000]**

Sponsors: Mayor; Walton

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 \$160,000,000 for Parcel E2 on Pier 70 with a current address of 185 Maryland 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 \$160,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Question: Shall this Resolution be ADOPTED?

19. [190114](#) **[Multifamily Housing Revenue Bonds - 710-760 La Playa Street (Ocean Beach Apartments) - Not to Exceed \$48,000,000]**

Sponsors: Mayor; 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 \$48,000,000 for 710-760 La Playa Street (Ocean Beach Apartments); 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 \$48,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Question: Shall this Resolution be ADOPTED?

20. [190148](#) **[Multifamily Housing Revenue Bonds - 22, 102, and 106 South Park Street - Not to Exceed \$40,000,000]**

Sponsors: Mayor; Haney

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 \$40,000,000 for 22, 102, and 106 South Park 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 \$40,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Question: Shall this Resolution be ADOPTED?

21. [190115](#) **[Authorization to Apply for State Grant Funding - California Cannabis Equity Act of 2018 - Office of Cannabis]**

Sponsors: Mayor; Walton

Resolution authorizing the Office of Cannabis, on behalf of the City and County of San Francisco, to apply for state grant funding under the California Cannabis Equity Act of 2018.

Question: Shall this Resolution be ADOPTED?

22. [190116](#) [Apply for Payment Programs - California Department of Resources Recycling and Recovery Funds (CalRecycle)]

Sponsor: Mayor

Resolution authorizing the City and County of San Francisco to submit applications for Payment Programs and related authorizations by California Department of Resources Recycling and Recovery, for the purpose of safely managing and reducing household hazardous waste and used motor oil and promoting opportunities for beverage containers recycling and litter cleanup.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Fewer, Stefani

(Due to a pending appeal of the categorical exemption under the California Environmental Quality Act for the amendment, the below matter (File No. 190117) cannot be acted upon until the appeal is resolved. The President may entertain a motion to refer this matter to a later date or have it re-referred back to committee.)

23. [190117](#) [Permit Amendment - Outside Lands Music Festival - Ten Year Extension - Permit Fee]

Sponsors: Fewer; Mar

Resolution approving and authorizing a second amendment to the existing Permit with Another Planet Entertainment LLC, for the production of the annual Outside Lands Music Festival to extend the term ten additional years until 2031, pursuant to Charter, Section 9.118, and to modify provisions of the Permit related to the permit fee and rent payments and outreach and similar matters; affirming a categorical exemption under the California Environmental Quality Act for the amendment; and ratifying prior actions, as defined herein.

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Fewer, Stefani, Mandelman

24. [190151](#) [Authorizing the Director of Public Works to Execute Agreements - Jefferson Street Improvements, Phase II - \$6,782,000]

Sponsors: Mayor; Peskin

Resolution authorizing the Director of Public Works to execute agreements with the California Department of Transportation pertaining to the Jefferson Street Improvements, Phase II Project, for the amount of \$6,782,000.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Brown, Haney

25. [190051](#) **[Labor-Management Agreement - San Francisco Firefighters' Association, Local 798 - Workers' Compensation Alternative Dispute Resolution Program]**
Sponsor: Mayor
Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Firefighters' Association, Local 798, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter, in one-year terms.
Question: Shall this Resolution be ADOPTED?
26. [190052](#) **[Labor-Management Agreement - San Francisco Police Officers Association - Workers' Compensation Alternative Dispute Resolution Program]**
Sponsor: Mayor
Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Police Officers Association, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter in one-year terms.
Question: Shall this Resolution be ADOPTED?
27. [190075](#) **[Response to the Partial Federal Government Shutdown]**
Sponsors: Haney; Ronen, Walton, Mar and Yee
Resolution responding to the partial federal government shutdown, affirming San Francisco's solidarity with federal workers, and urging the Mayor and city departments to assist those impacted by the shutdown.
Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Peskin, Safai, Haney

28. [180003](#) **[Planning Code - Landmark Designation - 460 Arguello Boulevard (aka Theodore Roosevelt Middle School)]**
Ordinance amending the Planning Code to designate 460 Arguello Boulevard (aka Theodore Roosevelt Middle School), in Assessor's Parcel Block No. 1061, Lot No. 049, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)
Question: Shall this Ordinance be PASSED ON FIRST READING?

29. [180005](#) **[Planning Code - Landmark Designation - 2728 Bryant Street (aka Sunshine School)]**
Ordinance amending the Planning Code to designate 2728 Bryant Street (aka Sunshine School), Assessor's Parcel Block No. 4273, Lot No. 008, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
30. [181045](#) **[Planning Code, Zoning Map - 170 Valencia Street]**
Sponsor: Mandelman
Ordinance amending the Planning Code by amending the Zoning Map to rezone a portion of 170 Valencia Street from RTO (Residential Transit Oriented District) to NCT-3 (Moderate-Scale Neighborhood Commercial Transit District) to establish a uniform zoning for the site; 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 general welfare under Planning Code, Section 302.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
31. [181083](#) **[Salina Lam Commemorative Plaque - 810 Silver Avenue, Hillcrest Elementary School]**
Sponsor: Ronen
Ordinance waiving permit and inspection fees and Public Works hearing, under the Commemorative Street Plaque Ordinance in the Public Works Code, for the installation of a plaque at one location on the Silver Avenue sidewalk, commemorating former Hillcrest Elementary School student Salina Lam; accepting a plaque in honor of Salina Lam as a gift to the City, and directing official acts in furtherance of this Ordinance, as defined herein; and affirming the Planning Department's determination under the California Environmental Quality Act.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
32. [190108](#) **[Planning Code - Conversion of Medical Cannabis Dispensary Uses to Cannabis Retail Uses]**
Ordinance amending Section 191 of the Planning Code to deem a Grandfathered Medical Cannabis Dispensary (MCD) that receives a permit to operate as an MCD from the Department of Public Health before December 31, 2019, a Temporary Cannabis Sales Use and extending the expiration date of Section 191 to January 1, 2021; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and welfare findings under Planning Code, Section 302. (City Administrator)
- 01/29/2019; DUPLICATED.
01/29/2019; REFERRED.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendations of the Public Safety and Neighborhood Services Committee

Present: Supervisors Mandelman, Stefani, Walton

33. [181158](#) **[Police Code - Police Department Relationship to National Rifle Association]**
Sponsor: Stefani
Ordinance amending the Police Code to rescind the authorization for the Police Department to be a member of the National Rifle Association or to collect tournament fees for the National Rifle Association.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
34. [181228](#) **[Supporting California State Senate Bill No. 23 (Wiener) - Unlawful Entry of a Vehicle]**
Sponsors: Brown; Stefani, Yee, Mar, Safai and Mandelman
Resolution supporting California State Senate Bill No. 23, authored by Senator Scott Wiener and co-authored by Assembly Members Joaquin Arambula, Sabrina Cervantes, Phillip Chen, David Chiu, Jordan Cunningham, Tom Lackey, Freddie Rodriguez, and Phil Ting, to expand the definition of vehicle burglary to include any unlawful entry.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Rules Committee

Present: Supervisors Ronen, Walton, Mar

35. [181217](#) **[Administrative Code - Police Officers Questioning Youth]**
Sponsors: Ronen; Brown, Peskin, Mar, Walton and Haney
Ordinance amending the Administrative Code to prohibit police officers from questioning persons 17 years of age or younger, in custody, unless certain conditions are met, providing for legal representation of the youth in connection with the interrogation, and mandating that responsible adults be given access to youth while police officers question youth.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
36. [190161](#) **[Appointments, Commission of Animal Control and Welfare - AnneMarie Fortier, Bunny Elizabeth Rosenberg, Brian VanHorn, and Nina Irani]**
Motion appointing AnneMarie Fortier, Bunny Elizabeth Rosenberg, and Brian VanHorn, terms ending April 30, 2020, and Nina Irani, term ending April 30, 2021, to the Commission of Animal Control and Welfare. (Rules Committee)
- Question: Shall this Motion be APPROVED?**

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

Black History Month

SPECIAL ORDER 3:00 P.M.

APPEAL PROCEDURES

Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 3:00 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 3:00 p.m.:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 3:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.

37. [181247](#) [Hearing - Appeal of Determination of Exemption From Environmental Review - 2831-2833 Pierce Street]

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on May 10, 2018, for the proposed project at 2831-2833 Pierce Street, to remodel a three-story two-unit building and construct the addition of a fourth floor. (District 2) (Appellant: Genevieve Anderson) (Filed December 26, 2018) (Clerk of the Board)

Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

(Only one of the following two Motions should be approved.)

38. [181248](#) [Affirming the Categorical Exemption Determination - 2831-2833 Pierce Street]
Motion affirming the determination by the Planning Department that the proposed project at 2831-2833 Pierce Street is categorically exempt from further environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

39. [181249](#) **[Conditionally Reversing the Categorical Exemption Determination - 2831-2833 Pierce Street]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2831-2833 Pierce Street is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

40. [181250](#) **[Preparation of Findings to Reverse the Categorical Exemption Determination - 2831-2833 Pierce Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2831-2833 Pierce Street is categorically exempt from further environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

41. **ROLL CALL FOR INTRODUCTIONS**

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

42. **PUBLIC COMMENT**

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

CLOSED SESSION

(Scheduled pursuant to Motion No. M19-032 (File No. 190160) approved on February 12, 2019.)

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

43. [190185](#) **[Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - February 26, 2019]**
Closed Session for the Board of Supervisors to convene on February 26, 2019, 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 following 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. M19-032, approved February 12, 2019. (Clerk of the Board)

Closed Session: The Board of Supervisors shall confer with the City Attorney.

[Elect To Disclose]

Motion that the Board finds it is in the best interest of the public that the Board elect at this time to disclose its closed session deliberations.

[Elect Not to Disclose]

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

After a closed session, if one occurs, pending approval of above action to disclose, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

Items 44 through 47

44. [190173](#) **[Adopting the Vision, Goals and Objectives of The Bay Area Comprehensive Economic Development Strategy - Establish a Bay Area Regional Economic Development District]**
Sponsors: Mayor; Haney
Resolution adopting the Vision, Goals and Objectives of The Bay Area Comprehensive Economic Development Strategy to establish an eight 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.
- 02/12/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
45. [190174](#) **[Urging San Francisco Public Utilities Commission to Report on a Plan for Building Renewable Power Facilities on City-Owned Property]**
Sponsors: Fewer; Peskin
Resolution urging the San Francisco Public Utilities Commission to include in their preliminary report to the Mayor regarding PG&E, a plan to build out renewable power facilities on City-owned property.
- 02/12/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
46. [190175](#) **[Supporting California State Senate Bill No. 233 (Wiener) - Immunity From Arrest]**
Sponsors: Haney; Ronen
Resolution supporting California State Senate Bill No. 233, authored by Senator Scott Wiener and co-authored by Assembly Members Bill Quirk and Laura Friedman, establishing protections for sex workers when reporting a crime and preventing condoms from being used as probable cause to arrest those suspected of sex work.
- 02/12/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

47. [190176](#) **[Urging Plan Approval - Interdepartmental Staff Committee on Traffic and Transportation - How Weird Street Faire Admission Fee]**

Sponsor: Haney

Resolution urging the Interdepartmental Staff Committee on Traffic and Transportation to approve a proposed plan to allow the How Weird Street Faire to charge an admission fee.

02/12/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

48. **IMPERATIVE AGENDA**

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

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

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

Introduced at the Request of a Department

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

PROPOSED ORDINANCES**190188 [Planning Code - Amending Landmark Designation - 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church)]**

Ordinance amending the Landmark Designation for Landmark No. 204, 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church), Assessor's Parcel Block No. 0149, Lot No. 009, under Article 10 of the Planning Code, to confirm the exterior features that should be preserved or replaced in kind, and to add interior features to the designation; 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 necessity, convenience, and welfare findings under Planning Code, Section 302. (Historic Preservation Commission)

02/13/2019; RECEIVED FROM DEPARTMENT.

02/26/2019; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

190189 [Settlement of Lawsuit - Jamal Rashid Trulove - \$13,100,000]

Ordinance authorizing settlement of the lawsuit filed by Jamal Rashid Trulove against the City and County of San Francisco for \$13,100,000; the lawsuit was filed on January 7, 2016, in United States District Court, Case No. 16-cv-00050; entitled Jamal Rashid Trulove v. Maureen D'Amico et al.; the lawsuit involves alleged unlawful prosecution and incarceration. (City Attorney)

02/14/2019; RECEIVED FROM DEPARTMENT.

02/26/2019; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS**190190 [Settlement of Unlitigated Claim - One Nob Hill Associates, LLC - \$65,250]**

Resolution approving the settlement of the unlitigated claim filed by One Nob Hill Associates, LLC against the City and County of San Francisco for \$65,250; the claim was filed on February 28, 2018; the claim involves an alleged overpayment of real property transfer tax. (City Attorney)

02/08/2019; RECEIVED FROM DEPARTMENT.

02/26/2019; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

190191 [Lease Agreement - Hudson Group (HG) Retail, LLC, RDJ Enterprises, LLC, and Stewart Manhattan Investments, Inc., a JV dba HG SFO Retailers 2017 JV - Boarding Area C Retail Concession Lease No. 1 - Lease No. 18-0367 - \$1,800,000 Minimum Annual Guarantee]

Resolution approving the Boarding Area C Retail Concession Lease No. 1 - Lease No.18-0367, between Hudson Group (HG) Retail, LLC, RDJ Enterprises, LLC, and Stewart Manhattan Investments, Inc., a Joint Venture dba HG SFO Retailers 2017 JV, as joint tenants, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and a minimum annual guarantee of \$1,800,000 for the first year of the Lease, to commence upon Board approval. (Airport Commission)

02/11/2019; RECEIVED FROM DEPARTMENT.

02/26/2019; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

190192 [Contract Approval - Dominion Voting Systems, Inc. - Voting System - Not to Exceed \$12,660,000]

Resolution retroactively approving a contract agreement between the City and County of San Francisco, by and through its Department of Elections, and Dominion Voting Systems, Inc., for the lease of a voting system, a license to use the voting system software, and related maintenance and support services, for four years for a contract term from January 1, 2019, through March 31, 2023, in an amount not to exceed \$8,460,000 and with two one-year options to extend, in a total contract amount not to exceed \$12,660,000. (Elections Department)

02/14/2019; RECEIVED FROM DEPARTMENT.

02/26/2019; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

190193 [Termination of Lease - Orchard Supply Company, LLC - 900 El Camino Real, Millbrae - \$1,304,915]

Resolution approving the terms and conditions of, and authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute a Termination of Lease between the City and County of San Francisco, through its Public Utilities Commission as Landlord, and Orchard Supply Company, LLC as Tenant, for a portion of SFPUC Parcel 29, representing approximately 4.438 acres of land, in Millbrae, California at a ground rental rate of approximately \$1,304,915 per year over the remaining five-year term of the Lease, with a termination date of April 30, 2019. (Public Utilities Commission)

02/11/2019; RECEIVED FROM DEPARTMENT.

02/26/2019; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

190196 [Petitions and Communications]

Petitions and Communications received from February 4, 2019, through February 15, 2019, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 26, 2019.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Police Department, pursuant to Administrative Code, Section 96A, submitting the 2018 fourth quarter report. Copy: Each Supervisor. (1)

From the Office of the Controller, pursuant to Ordinance No. 87-11, regarding Stock-based Compensation Payroll Expense Tax Exclusion. File No. 110337. Copy: Each Supervisor. (2)

From the Recreation and Park Department, pursuant to Administrative Code, Section 6.60(b), regarding the North Beach Pool Water Heating System Project Emergency Contract. Copy: Each Supervisor. (3)

From California Fish and Game, pursuant to California Government Code, Section 11346.1(a)(2), submitting Notice of Proposed Emergency Action regarding Klamath River Basin Spring Chinook Salmon Sport Fishing. Copy: Each Supervisor. (4)

From Don Frisbie, Head of People at Charlotte Russe, pursuant to the Federal WARN Act and California WARN Act, submitting notice of plant closure and/or mass layoff. Copy: Each Supervisor. (5)

From Richard Drury, Lozeau Drury LLP, submitting an appeal of the CEQA Categorical Exemption issued for Outside Lands Music Festival. File No. 190117. Copy: Each Supervisor. (6)

From concerned citizens, regarding the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street. File Nos. 190093 and 190097. 2 Letters. Copy: Each Supervisor. (7)

From Patrick Monette-Shaw, regarding expansion of the AB 50 ALW Program. File No. 190155. Copy: Each Supervisor. (8)

From concerned citizens, regarding the Treasure Island Marina. 3 Letters. File No. 181225. Copy: Each Supervisor. (9)

From L. Higa, regarding SoMa West Community Benefit District. File No. 190028. Copy: Each Supervisor. (10)

From Michael F. Denny, regarding waiving of the word count and time of adoption rules used for Proposition A. Copy: Each Supervisor. (11)

From concerned citizens, regarding homeless sweeps throughout San Francisco. 31 letters. Copy: Each Supervisor. (12)

From concerned citizens, regarding ERAF refund. 2 letters. Copy: Each Supervisor. (13)

From Sid Castro, regarding foreclosed taxi medallions. File No. 190119. Copy: Each Supervisor. (14)

From James Cortesos, regarding MTA taxi ban at SFO. File No. 190119. Copy: Each

Supervisor. (15)

From John Paar, regarding public safety on the N Judah. Copy: Each Supervisor. (16)

ADJOURNMENT