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, October 24, 2017 - 2:00 PM

Regular Meeting

LONDON BREED, PRESIDENT MALIA COHEN, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee	Thursday
Supervisors Cohen, Yee, Tang	10:00 AM
Budget and Finance Federal Select Committee	Thursday
Supervisors Cohen, Sheehy, Fewer	1:00 PM
Government Audit and Oversight Committee	1st and 3rd Wednesday
Supervisors Kim, Peskin, Breed	10:00 AM
Land Use and Transportation Committee	Monday
Supervisors Farrell, Peskin, Tang	1:30 PM
Public Safety and Neighborhood Services Committee	2nd and 4th Wednesday
Supervisors Ronen, Sheehy, Fewer	10:00 AM
Rules Committee	1st and 3rd Wednesday
Supervisors Safai, Fewer, Yee	1:00 PM

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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AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr.Carlton B Goodlett Place, Room 244, or on the internet at http://www.sfbos.org/meetings. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

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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AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

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 September 19, 2017, 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 15

Recommendations of the Budget and Finance Committee

Present: Supervisors Cohen, Tang

1. <u>170739</u> [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.

10/17/2017; PASSED ON FIRST READING.

2. <u>170921</u> [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)

10/17/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. <u>170944</u> [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.

10/17/2017: PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

4. <u>170903</u> [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)

10/17/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. 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)

10/17/2017; PASSED ON FIRST READING.

6. 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)

10/17/2017: PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. 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)

10/17/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 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)

10/17/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. <u>171033</u> [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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. <u>171034</u> [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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. 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)

Question: Shall this Resolution be ADOPTED?

12. <u>171036</u> [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)

Question: Shall this Resolution be ADOPTED?

13. 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)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Farrell, Peskin, Tang

14. <u>170782</u> [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.

10/17/2017; PASSED ON FIRST READING.

15. <u>170835</u> [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."

10/17/2017; PASSED ON FIRST READING.

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

170834

16.

[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.

07/18/2017; DUPLICATED.

07/18/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/18/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/18/2017; PASSED ON FIRST READING AS AMENDED.

07/25/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/25/2017; PASSED ON FIRST READING AS AMENDED.

09/05/2017; CONTINUED ON FINAL PASSAGE.

09/12/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

09/12/2017; PASSED ON FIRST READING AS AMENDED.

09/19/2017: CONTINUED ON FINAL PASSAGE.

09/26/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

09/26/2017; PASSED ON FIRST READING AS AMENDED.

10/03/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/03/2017; PASSED ON FIRST READING AS AMENDED.

10/17/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/17/2017; PASSED ON FIRST READING AS AMENDED.

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Farrell, Peskin, Tang

17. <u>170418</u>

[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.

10/17/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/17/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

18. 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.

10/17/2017; PASSED ON FIRST READING.

Recommendations of the Public Safety and Neighborhood Services Committee

Present: Supervisors Ronen, Sheehy, Fewer

19. <u>170556</u> [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.

09/19/2017; CONTINUED ON FIRST READING.

09/26/2017; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. <u>170867</u> [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.

10/17/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/17/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

21. <u>170993</u> [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.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Safai, Fewer, Yee

22. <u>171017</u> [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.)

Question: Shall this Resolution be ADOPTED?

23. <u>171044</u> [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)

Question: Shall this Motion be APPROVED?

24. <u>171052</u> [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)

Question: Shall this Motion be APPROVED?

Present: Supervisors Safai, Yee

25. <u>171086</u> [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)

Question: Shall this Motion be APPROVED?

26. <u>171087</u> [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)

Question: Shall this Motion be APPROVED?

Present: Supervisors Safai, Fewer, Yee

27. <u>171088</u> [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)

Question: Shall this Motion be APPROVED?

28. <u>171089</u> [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)

Question: Shall this Motion be APPROVED?

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

29. 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)

10/17/2017; CONTINUED.

Question: Shall this Hearing be HEARD AND FILED?

Committee of the Whole Adjourn and Report

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.

30. <u>171047</u> [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)

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)

31. <u>171048</u> [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)

Question: Shall this Motion be APPROVED?

32. <u>171049</u> [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)

Question: Shall this Motion be APPROVED?

33. <u>171050</u> [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)

Question: Shall this Resolution be ADOPTED?

CLOSED SESSION

(Scheduled pursuant to Motion No. M17-161 (File No. 171084) approved on October 17, 2017.)

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

34. 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)

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.

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Budget and Finance Committee at a Rescheduled Meeting on Thursday, October 19, 2017, at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as Committee Reports on Tuesday, October 24, 2017.

35. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

36. <u>171011</u> [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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

37. <u>171012</u> [Appropriation - Water Enterprise Fund Balance - 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

38. [Software License and Support Agreement Amendment - Oracle America, Inc. 170981 - Not to Exceed \$12.211.193.651

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)

Question: Shall this Resolution be ADOPTED?

The following items will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, October 23, 2017, at 1:30 p.m. The Chair intends to request the Committee to send the following items to the Board as Committee Reports on Tuesday, October 24, 2017.

39. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

40. 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

41. 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.

Question: Shall this Resolution be ADOPTED?

42. 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.

43. 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.

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 and 45

44. 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.

10/17/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. <u>171120</u>

[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.

10/17/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 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

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)

10/10/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

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)

10/13/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

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)

10/13/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the 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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

<u>171100</u> [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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

<u>171101</u> [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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the 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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the 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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

<u>171104</u> [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)

10/11/2017: RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the 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)

10/11/2017; RECEIVED FROM DEPARTMENT.

10/24/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

<u>171126</u> [Petitions and Communications]

Petitions and Communications received from October 6, 2017 to October 16, 2017 through for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 24, 2017.

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.

Office of the Treasurer & Tax Collector, submitting a Pooled Investment plan for September 2017. Copy: Each Supervisor. (1)

From the Office of the Controller, submitting audits of Mama Franceschi, L.P., dba Capurro's and Pier 23 Café Inc. for 2011 through 2013. Copy: Each Supervisor. (2)

From concerned citizens, regarding the proposed bicycle chop shop legislation. 9 letters. File No. 170095. Copy: Each Supervisor. (3)

From Justin Oldfield, Vice President of Government Affairs at California Cattlemen's Association, regarding the proposed legislation on antibiotics use in Food Animals. File No. 170763. Copy: Each Supervisor. (4)

From concerned citizens, regarding the proposed legislation to ban the sale of furniture and children's products with flame retardant. File No. 170867. 6 letters. Copy: Each Supervisor. (5)

From Kaleda Walling, Director of the Richmond Senior Center, regarding the proposed legislation for Autonomous Delivery Devices from Sidewalks and Right-of-Ways. File No. 170599. 11 letters. Copy: Each Supervisor. (6)

From Chloe Jager, regarding Vision Zero. Copy: Each Supervisor. (7)

ADJOURNMENT