

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, December 13, 2016 - 2:00 PM**

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

**Regular Meeting**

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LONDON BREED, PRESIDENT  
JOHN AVALOS, DAVID CAMPOS, MALIA COHEN,  
MARK FARRELL, JANE KIM, ERIC MAR, AARON PESKIN, KATY TANG, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

<b>Budget and Finance Committee</b> Supervisors Farrell, Tang, Yee	Wednesday 10:00 AM
<b>Government Audit and Oversight Committee</b> Supervisors Peskin, Yee, Breed	1st and 3rd Thursday 9:30 AM
<b>Land Use and Transportation Committee</b> Supervisors Cohen, Peskin	Monday 1:30 PM
<b>Public Safety and Neighborhood Services Committee</b> Supervisors Kim, Avalos, Campos	2nd Thursday 2:30 PM
<b>Rules Committee</b> Supervisors Tang, Mar, Cohen	2nd and 4th Thursday 11:00 AM

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**Members Present:** John Avalos, London Breed, David Campos, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Aaron Peskin, Katy Tang, and Norman Yee  
**Members Present:** District 8

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, December 13, 2016, with President London Breed presiding.*

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*President Breed called the meeting to order at 2:06 p.m. On the call of the roll, Supervisor Mar was noted not present. There was a quorum.*

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from Mayor Lee communicating the Mayor's Veto of legislation contained in File No. 161093 regarding the Short-Term Residential limit of 60 days per year and revisions to the Private Right of Action. The Board may override this Veto if, within 30 days, not less than two-thirds of the Board votes in favor to reinstate the subject Ordinance; the 30th day falls on Saturday, January 7, 2017.*

*Clerk Calvillo further informed the Board of Supervisors that she was in receipt of correspondence, dated December 11, 2016, forwarded from the Mayor's Office, communicating Jason Chan's resignation from the Recreation and Park Commission.*

## APPROVAL OF MEETING MINUTES

*President Breed inquired whether any Board Member had any corrections to the Regular Board Meeting Minutes of November 1, 2016. There were no corrections.*

**Supervisor Yee, seconded by Supervisor Cohen, moved to approve the Regular Board Meeting Minutes of November 1, 2016. The motion carried by the following vote, following general public comment:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

## AGENDA CHANGES

*There were no agenda changes.*

*Supervisor Mar was noted present at 2:08 p.m.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

*President Breed informed the Board that she and the Mayor arranged for his monthly appearance to be rescheduled to the January 24, 2017, Board of Supervisors meeting, due to a conflict in the Mayor's schedule. There were no objections.*

## CONSENT AGENDA

### Recommendations of the Budget and Finance Committee

- 161194 [Appropriation - General Obligation Bond Proceeds - Public Health and Safety Projects - FY2016-2017 - \$176,000,000]**  
**Sponsors: Mayor; Breed, Farrell, Cohen and Peskin**  
Ordinance appropriating \$176,000,000 of the Series 2017A Health and Safety General Obligation Bond Proceeds to Public Works in FY2016-2017 for improvements and seismic strengthening of public health and safety facilities for critical community and mental health, emergency response and safety, and homeless shelter and service.  
(Fiscal Impact)  
**Ordinance No. 253-16**  
**FINALLY PASSED**
- 161237 [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.  
**Ordinance No. 254-16**  
**FINALLY PASSED**
- 161286 [Project Partnership Agreement - United States Army Corps of Engineers - Dredging of Central Basin by Pier 70 - Waiving Certain Requirements of Environment and Administrative Codes - Not to Exceed \$3,139,850]**  
**Sponsor: Mayor**  
Ordinance approving and authorizing the Executive Director of the Port of San Francisco ("Port") to execute a Project Partnership Agreement with the United States Army Corps of Engineers ("USACE") to allow federal dredging of the Central Basin adjacent to Pier 70 conditioned upon the Port providing a 25% matching share not to exceed \$2,242,750 for the initial project costs, and the Port providing a 10% matching share, not to exceed an additional \$897,100 for federal maintenance dredging of the Central Basin payable over the following 30 years, for a total matching share from the Port not to exceed \$3,139,850; exempting the Agreement from certain requirements of the Environment Code and Administrative Code except to the extent that the Agreement obligates USACE to satisfy any such requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.  
(Fiscal Impact)  
**Ordinance No. 244-16**  
**FINALLY PASSED**

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**Recommendations of the Government Audit and Oversight Committee****161158 [Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements]****Sponsor: Breed**

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for the City, San Francisco Community College District, San Francisco Unified School District, and Successor Agency to the Redevelopment Agency, by adding, deleting, and changing titles of designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for designated officials and employees.

**Ordinance No. 251-16**

**FINALLY PASSED**

**161238 [Settlement of Claims - Ronald and Patricia Martell - \$5,007,400.31 and Hold Harmless; Appropriating \$4,000,000 from the Water Enterprise Fund Balance - Waiver of Contract Requirements for Landslide Repair on Private Property Not to Exceed \$500,000]****Sponsor: Yee**

Ordinance authorizing final settlement of Claim No. 16-02314 filed by Ronald and Patricia Martell against the City and County of San Francisco by payment of \$4,469,637.02 establishing a third-party escrow account in the amount of \$537,763.29 as a Landslide Contingency Fund, for a total potential payment of \$5,007,400.31 and holding claimants harmless from third party claims for a limited period; the claim was filed on February 25, 2016; the claim involves alleged property damage arising from the January 25, 2016, landslide on Casitas Avenue; appropriating \$4,000,000 from the Water Enterprise fund balance for such purpose; and waiving Administrative Code contract requirements except for Administrative Code, Section 12B.1(a) (nondiscrimination) and Section 6.22(e) (prevailing wage), for San Francisco Public Utilities Commission (SFPUC) contracts to implement landslide stabilization measures at 256 Casitas Avenue prior to April 1, 2017, or to undertake landslide repairs on 266 Casitas Avenue, with an engineer or construction contractor, subject to approval by the applicable property owner at 256 Casitas Avenue and/or 266 Casitas Avenue, if the SFPUC's Commission President and General Manager determine such contract is necessary to protect public facilities or minimize or avoid City liability, not to exceed \$500,000 in total for any such contracts. (City Attorney)

**Ordinance No. 255-16**

**FINALLY PASSED**

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

### **161095 [Planning Code, Zoning Map - 1493-1497 Potrero Avenue]**

Ordinance amending the Planning Code to revise Sectional Map HT08 of the Zoning Map to rezone the height and bulk designation for 1493-1497 Potrero Avenue, Assessor's Parcel Block No. 4277, Lot No. 016, from Open Space (OS) to 40-X; 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. (Planning Commission)

**Ordinance No. 249-16**

**FINALLY PASSED**

### **161184 [General Plan Amendment - Downtown Area Plan Map 5]**

**Sponsor: Kim**

Ordinance amending the General Plan by revising the height designation for Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, on Map 5 of the Downtown Area Plan from 120-X to 200-X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with 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)

**Ordinance No. 252-16**

**FINALLY PASSED**

### **161285 [Real Property Acquisition - Sidewalks Along Portions of Van Ness Avenue and South Van Ness Avenue]**

**Sponsors: Mayor, Peskin, Breed, Farrell and Kim**

Ordinance authorizing the Director of Property to agree to acquire and accept the State of California's relinquishment of all its right, title, and interest in and to the sidewalks along portions of Van Ness Avenue (between Lombard Street and Market Street), portions of South Van Ness Avenue (between Market Street and Plum Street), and the underlying real property (if any and without warranty), except as otherwise excepted and reserved by the State of California; authorizing the placement of such sidewalks and real property, upon acquisition, under the jurisdiction of Public Works; authorizing additional official City actions required to consummate the relinquishment of the sidewalks, as defined herein; authorizing the Director of Public Works to amend an existing Delegated Maintenance Agreement with the State of California regarding shared maintenance of portions of Van Ness Avenue and maintenance cost allocation, upon relinquishment of the sidewalks; waiving fees and bonding requirements for the State of California that would be otherwise applicable to excavation permits; waiving the required 90-days' notice of intention to relinquish set forth in California Streets and Highways Code, Section 73; adopting the Planning Department's determination that such acquisition is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting the Planning Department's determination under the California Environmental Quality Act.

**Ordinance No. 243-16**

**FINALLY PASSED**

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

## REGULAR AGENDA

### NEW BUSINESS

#### Referred Without Recommendation from the Budget and Finance Committee

##### **161015 [Appropriation - Real Property Transfer Tax for Funding Community College Fund - FY2016-2017 - \$9,000,000]**

**Sponsors: Kim; Campos, Avalos, Yee, Mar and Peskin**

Ordinance appropriating a total of \$9,000,000 of Real Property Transfer Tax in FY2016-2017 for funding the Community College Fund to support students attending the City College of San Francisco and placing funds on Controller's Reserve pending the outcome of General Fund tax revenue measures in the November 8, 2016, Election.

(Fiscal Impact)

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

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

Ayes: 9 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Yee

Noes: 1 - Farrell

Vacant: 1 - District 8

#### Recommendations of the Budget and Finance Committee

##### **161094 [Contract Amendment - Dominion Voting Systems, Inc. - Voting System - Not to Exceed \$21,980,691.25]**

Ordinance authorizing the Department of Elections to enter into the Fourth Amendment to an agreement with Dominion Voting Systems, Inc., to extend the term of the agreement through December 31, 2018, and increase the total not-to-exceed amount by \$2,289,758 from \$19,690,933.25 to \$21,980,691.25. (Elections Department)

(Fiscal Impact)

*PASSED ON FIRST READING by the following vote:*

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

*Vacant: 1 - District 8*

*Supervisor Cohen, seconded by Supervisor Tang, moved to rescind the previous vote to allow privilege of the floor. The motion carried by the following vote:*

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

*Vacant: 1 - District 8*

*Privilege of the floor was granted unanimously to John Arntz, Director (Department of Elections), who responded to questions raised throughout the discussion.*

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161108 [Administrative Code - Library Fines and Fees]****Sponsors: Mayor; Mar**

Ordinance amending the Administrative Code to modify the fines and fees of the Public Library.

*Supervisor Mar requested to be added as a co-sponsor.***PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**160674 [Urging the Department of Homelessness and Supportive Housing to Adopt a Five Year Plan to Reduce Homelessness]****Sponsor: Farrell**

Resolution urging the San Francisco Department of Homelessness and Supportive Housing to adopt a five-year plan to reduce homelessness.

**Resolution No. 527-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161132 [Urging City Departments to Sanction Wells Fargo]****Sponsors: Avalos; Kim, Campos, Cohen, Yee, Peskin and Mar**

Resolution setting policy to sanction Wells Fargo consistent with recommendations from the Controller, urging City Departments to require Wells Fargo to provide a redress plan for San Francisco customers before engaging in future business with Wells Fargo, urging the Retirement Board to terminate all financial dealings with Wells Fargo, urging the City Attorney and District Attorney to investigate the practices of Wells Fargo and the other big banks, urging the Treasurer-Tax Collector to provide advice on establishing a responsible banking ordinance, and urging the United States Office of the Comptroller of the Currency to explore if Wells Fargo's national banking charter should be revoked.

*Supervisors Cohen, Yee, Peskin and Mar requested to be added as co-sponsors.*

**Supervisor Avalos, seconded by Supervisor Tang, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 16, by adding 'San Francisco' after 'Bank On'; on Page 3, Line 21, by striking 'of' after 'two years', and Line 23, by striking 'of' after 'remove'; on Page 4, Lines 5-11, by adding 'and WHEREAS, At the Budget and Finance subcommittee December 7, 2016 hearing on this resolution, Jim Foley, President of the Bay Area region for Wells Fargo stated that Wells Fargo "takes full responsibility for the fact that things went wrong" with the bank's practice of fraudulently opening consumer accounts, but that statement is belied by the fact that Wells Fargo still has not responded to requests from the Treasurer's office for information on San Franciscans who had accounts opened under their names without their consent', and Line 22, by changing 'Costumers' to 'Customers'; on Page 5, Lines 10-18, by adding 'FURTHER RESOLVED, That the Board of Supervisors requests the Treasurer to submit to the Board of Supervisors by July 1, 2017 a report describing if Wells Fargo has provided any evidence of their having undertaken any of the remedial actions described above; and, be it FURTHER RESOLVED, That if Wells Fargo is found to have not taken these remedial actions by July 1, 2017, the Board of Supervisors urges the Controller to place additional sanctions on Wells Fargo, such as suspending them from participation in the City's competitive bond sales or full debarment for up to five years as defined in Administrative Code Chapter 28; and, be it'. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**Resolution No. 530-16****ADOPTED AS AMENDED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

*President Breed requested File Nos. 161167, 161243, 161244, 161245, 161246, 161247, 161292, 161293, 161294 and 161296 be called together.*

**161167 [Accept and Expend Gift - Pastor Revocable Trust - Firefighting Equipment Purchase - \$72,400]****Sponsor: Farrell**

Resolution authorizing the Fire Department to accept and expend a donation of \$72,400 to purchase firefighting equipment, pursuant to the terms of the administration of the Pastor Revocable Trust and the estate of Russell Pastor.

**Resolution No. 531-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

*President Breed requested File Nos. 161180 and 161181 be called together.*

**161180 [Lease Agreement - MRG San Francisco, LLC - Terminal 3 Retail Marketplace - \$1,350,000 Minimum Annual Guarantee]**

Resolution approving Terminal 3 Retail Marketplace Lease No. 16-0256 between MRG San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a seven year term to commence following Board approval, with two one-year options to extend, and a Minimum Annual Guarantee of \$1,350,000. (Airport Commission)

**Resolution No. 532-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161181 [Airport Professional Services Contract - Hallmark Aviation Services, L.P. - Airport Information and Guest Assistance Services - Not to Exceed \$11,550,000]**

Resolution approving Airport Professional Services Contract No. 50052 with Hallmark Aviation Services, L.P., to provide Airport information and guest assistance services, in an amount not to exceed \$11,550,000 during an initial 18 month term from January 1, 2017, to June 30, 2018, and with three two-year options to extend. (Airport Commission)  
(Fiscal Impact)

**Resolution No. 533-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8



**161186 [Master License Agreement for Use of Concrete Poles - ExteNet Systems, LLC, New Cingular Wireless PCS, LLC, dba AT&T, and GTE Mobilnet of California, LP, dba Verizon Wireless]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute a Master License Agreement for Use of Concrete Poles between the City and County of San Francisco and ExteNet Systems, LLC, New Cingular Wireless PCS, LLC, dba AT&T, and GTE Mobilnet of California, LP, dba Verizon Wireless for a term of 12 years to commence following Board approval. (Public Utilities Commission)

**Resolution No. 534-16**

**ADOPTED by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Yee

Noes: 1 - Peskin

Vacant: 1 - District 8

**161242 [Successor Agency Affordable Housing Funding - Use of Redevelopment Property Tax Trust Fund to Secure Bonds - Funding Affordable Housing Development Enforceable Obligations]**

**Sponsors: Mayor; Cohen**

Resolution consenting to the use of outside increment deposited in the Redevelopment Property Tax Trust Fund for the exclusive purpose of funding affordable housing development that the Office of Community Investment and Infrastructure is required to build under its Enforceable Obligations.  
(Fiscal Impact)

**Resolution No. 538-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161243 [Accept and Expend Grant - State of California Department of Parks and Recreation, Division of Boating and Waterways, Surrendered and Abandoned Vessel Exchange Grant - \$100,600]**

**Sponsor: Mayor**

Resolution authorizing the Recreation and Park Department to accept and expend a grant of up to \$100,600 from the Surrendered and Abandoned Vessel Exchange (SAVE) grant program administered by the State of California Department of Parks and Recreation, Division of Boating and Waterways, to abate costs for hauling out and disposal of potential future abandoned vessels in the San Francisco Marina Small Craft Harbor and approving a grant agreement with the State of California Department of Parks and Recreation for acceptance and performance of the grant services for the project term of January 1, 2017, through September 30, 2018. (Recreation and Park Department)

**Resolution No. 539-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161244 [Accept and Expend Grant - Water Research Foundation; Water Environment and Reuse Foundation; U.S. Bureau of Reclamation - Implementation of a Decentralized Purified Water Pilot - \$400,000]**

**Sponsor: Mayor**

Resolution authorizing the San Francisco Public Utilities Commission General Manager to accept and expend grants in the amounts of \$100,000 from the Water Research Foundation, \$100,000 from the Water Environment and Reuse Foundation, and \$200,000 from the U.S. Bureau of Reclamation for a total of \$400,000 toward the implementation of a decentralized purified water pilot project in San Francisco. (Public Utilities Commission)  
(Fiscal Impact)

**Resolution No. 540-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161245 [Accept and Expend Grant - National Institutes of Health - Mid-Career Award in Patient-Oriented Substance Use Research Addressing Opioids, Chronic Pain, and HIV - \$157,235]**

**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$157,235 from National Institutes of Health to participate in a program entitled Mid-Career Award in Patient-Oriented Substance Use Research Addressing Opioids, Chronic Pain, and HIV for the period of September 1, 2016, through August 31, 2017. (Public Health Department)

**Resolution No. 541-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161246 [Accept and Expend Grant - State Water Resources Control Board, Division of Water Quality Beach Safety Program - Public Beach Safety Grant Program - \$30,000]**

**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$30,000 from the State Water Resources Control Board, Division of Water Quality Beach Safety Program, to participate in a program entitled "Public Beach Safety Grant Program" for the period of July 1, 2016, through June 30, 2017. (Public Health Department)

**Resolution No. 542-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161247 [Accept and Expend Grant - Association of Bay Area Governments - Bay Area Regional Energy Network Program Activities - \$201,000]****Sponsor: Mayor**

Resolution retroactively authorizing the Department of the Environment to accept and expend grant funds from the Association of Bay Area Governments in the amount of \$201,000 for a portion of 2015 and calendar year 2016, to perform various activities as part of a Bay Area Regional Energy Network program, an energy efficiency program for the term of July 31, 2015, through December 31, 2016. (Environment)

**Resolution No. 543-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161292 [Accept and Expend Grant - Centers for Disease Control and Prevention - Enhancing Health Resilience to Climate Change Through Adaptation - \$213,713]****Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$213,713 from Centers for Disease Control and Prevention to participate in a program entitled, Enhancing Health Resilience to Climate Change Through Adaptation for the period of September 1, 2016, through August 31, 2017. (Public Health Department)

**Resolution No. 545-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161293 [Accept and Expend Grant - United States Department of Energy - Advancing Fuel Cell Vehicles - \$249,970]****Sponsors: Mayor; Tang**

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$249,970 from the United States Department of Energy to harmonize local regulations and building codes to ease the siting and construction of hydrogen fueling stations for zero-emission Fuel Cell Electric Vehicles in San Francisco and the greater San Francisco Bay Area for the term of October 1, 2016, through September 30, 2018. (Environment)  
(Fiscal Impact; No Budget and Legislative Analyst Report)

**Resolution No. 546-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161294 [Accept and Expend Grant - California Public Utilities Commission - Energy Efficiency Program - \$20,790,000]****Sponsor: Mayor**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$20,790,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to continue an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco for the term of January 1, 2017, through December 31, 2019. (Environment)

**Resolution No. 547-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161296 [Accept and Expend Grant - Centers for Disease Control and Prevention - National HIV Behavioral Surveillance - San Francisco - Total Amount of \$558,933]****Sponsor: Farrell**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant increase of \$71,047 for a total amount of \$558,933 from Centers for Disease Control and Prevention to participate in a program entitled National HIV Behavioral Surveillance - San Francisco for the period of January 1, 2016, through December 31, 2016. (Public Health Department)

**Resolution No. 548-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**Recommendations of the Government Audit and Oversight Committee**

*President Breed requested File Nos. 161187 and 161188 be called together.*

**161187 [Settlement of Unlitigated Claim - Amy Scott - \$60,000]**

Resolution approving the settlement of the unlitigated claim filed by Amy Scott against the City and County of San Francisco for \$60,000; the claim was filed on February 24, 2016; the claim involves a personal injury on a City street. (City Attorney)

**Resolution No. 535-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161188 [Settlement of Unlitigated Claim - Seosamh Obriain - \$73,359.94]**

Resolution approving the settlement of the unlitigated claim filed by Seosamh Obriain against the City and County of San Francisco for \$73,359.94; claim was filed on January 28, 2015; the claim involves alleged property damage. (City Attorney)

**Resolution No.** 536-16

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**Recommendation of the Land Use and Transportation Committee****161157 [Planning Code - Inclusionary Housing Small Sites Program]**

**Sponsors: Mayor; Campos and Mar**

Ordinance amending the Planning Code to create an alternative for project sponsors of smaller market rate projects to direct the Affordable Housing Fee to Small Sites Projects; 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 a finding of public necessity, convenience, and welfare under Planning Code, Section 302.

*Supervisor Mar requested to be added as a co-sponsor.*

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**Recommendation of the Public Safety and Neighborhood Services Committee****161195 [Alex Nieto Memorial]**

**Sponsors: Avalos; Campos, Cohen and Mar**

Ordinance directing the Recreation and Park Department to install in Bernal Heights Park a memorial in honor of Alex Nieto; directing official acts in furtherance of this Ordinance; waiving permit and inspection fees for the installation; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

Ayes: 9 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Yee  
Noes: 1 - Farrell  
Vacant: 1 - District 8

*President Breed recessed the meeting at 4:43 p.m. and reconvened the meeting at 4:50 p.m.*

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

Supervisor Peskin, seconded by Supervisor Cohen, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

Supervisor Peskin introduced, welcomed, and presented Certificates of Honor to Firefighters John Vagenas, Matt Faris, Doug Mei, Eugene Adams and Robert Wong, and Medics Carla Beyer and James Litwin (Fire Department, Fire Stations 28 and 49), and Sergeant Steven Spagnuolo and Officers Troy Courtney, Jesus Nevarez, Thomas Caffaro, Micah Hope, George Raymond, Bryson Holbrook, James Frugoli, Christopher Galligan, Matthew Mroz, Ronald Kuchac, Nicholas Urbano and Salar Naderi (Police Department, Central Station), in recognition of their swift and heroic actions rescuing a 13-year old who collapsed at a Muni bus stop in the North Beach neighborhood. Chief Joanne Hayes-White (Fire Department) and Captain David Lazar (Police Department) shared in this commendation.

Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to the San Francisco Homeless Outreach Team (HOT Team) in recognition of their many accomplishments and excellent service providing outreach and case management to the homeless population throughout the City. Supervisors Campos, Avalos and Mar, and Jeff Kositsky, Director (Department of Homelessness and Supportive Housing), shared in this commendation.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the Shape Up SF Coalition in recognition of their accomplishments reducing health disparities in chronic diseases and continued support educating the community on healthy eating and active living.

Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to the Janitors of SEIU, United Service Workers West, who fought and won AB 1978, "The Property Services Worker Protection Act," that enacts reforms in an industry that leaves janitors uniquely vulnerable to rape and sexual harassment on the job.

## SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 141018, 141019, 141020 and 141021 be called together.

### **141018 [Public Hearing - Appeal of Tentative Map - 639 Peralta Avenue]**

Hearing of persons interested in or objecting to the decision of Public Works, dated September 18, 2014, approving a Tentative Map for a 2-Unit New Construction Condominium Project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014. (District 9) (Appellant: Alexander M. Weyand, on behalf of William H. Bradley) (Filed September 29, 2014). (Clerk of the Board)

President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.

Supervisor Campos, seconded by Supervisor Yee, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of October 3, 2017. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

President Breed CONTINUED the Hearing open to October 3, 2017.

**141019 [Approving Decision of Public Works and Approving the Tentative Parcel Map - 639 Peralta Avenue]**

Motion approving decision of Public Works and approving the Tentative Parcel Map for a 2-unit new construction condominium project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**141020 [Disapproving Decision of Public Works and Disapproving the Tentative Parcel Map - 639 Peralta Avenue]**

Motion disapproving decision of Public Works and disapproving the Tentative Parcel Map for a 2-unit new construction condominium project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**141021 [Preparation of Findings Related to the Tentative Parcel Map - 639 Peralta Avenue]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-unit new construction condominium project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 3, 2017. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

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

*President Breed requested File Nos. 161146, 161147, 161148, 161149, 161150, 161151, 161152 and 161153 be called together.*

*Supervisor Mar was noted absent at 3:40 p.m.*

**161146 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed Project at 2675 Folsom 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 Community Plan Exemption by the Planning Department on June 27, 2016, and approved by the Planning Commission on September 22, 2016, for the proposed project located at 2675 Folsom Street, to allow the demolition of three two-story warehouse and storage structures, and construction of a four-story, 40-foot tall residential building of approximately 109,917 square feet, within the UMU (Urban Mixed Use), RH-2 (Residential Housing, Two Family), and RH-3 (Residential Housing, Three Family) Zoning Districts and a 40-X Height and Bulk District. (District 9) (Appellant: J. Scott Weaver, on behalf of Calle 24 Latino Cultural District Community Council) (Filed October 21, 2016) (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Campos, seconded by Supervisor Yee, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

*President Breed CONTINUED the Hearing open to January 10, 2017.*

**161147 [Affirming the Community Plan Exemption Determination - Proposed Project at 2675 Folsom Street]**

Motion affirming the determination by the Planning Department that a proposed project at 2675 Folsom Street is exempt from further environmental review under a Community Plan Exemption. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8



**161148 [Conditionally Reversing the Community Plan Exemption Determination - Proposed Project at 2675 Folsom Street]**

Motion conditionally reversing the determination by the Planning Department that a proposed project at 2675 Folsom Street does not require further environmental review under a Community Plan Exemption, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

**161149 [Preparation of Findings to Reverse the Community Plan Exemption Determination - Proposed Project at 2675 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Exemption determination by the Planning Department that a proposed project at 2675 Folsom Street does not require further environmental review. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

**SPECIAL ORDER 3:00 P.M.****161150 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2675 Folsom Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 209.1 and 303, and Planning Commission Resolution No. 19548, for a proposed project at 2675 Folsom Street, Assessor's Parcel Block No. 3639, Lot Nos. 006, 007, and 024, identified in Case No. 2014-000601CUA, issued by the Planning Commission by Motion No. 19745 dated September 22, 2016, to allow dwelling unit density at a ratio of one dwelling unit per 1,000 square feet of lot area in the RH-3 (Residential Housing, Three Family) Zoning District, and allow the new construction of more than 75 dwelling units per the Mission 2016 Interim Zoning Controls, within the UMU (Urban Mixed Use), RH-2 (Residential Housing, Two Family), and RH-3 (Residential Housing, Three Family) Zoning Districts, and a 40-X Height and Bulk District. (District 9) (Appellant: J. Scott Weaver, on behalf of Calle 24 Latino Cultural District Community Council) (Filed October 24, 2016) (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. There were no speakers.*

**Supervisor Campos, seconded by Supervisor Yee, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

*President Breed CONTINUED the Hearing open to January 10, 2017.*

**161151 [Approving Conditional Use Authorization - Proposed Project at 2675 Folsom Street]**

Motion approving the decision of the Planning Commission by its Motion No. 19745, approving a Conditional Use Authorization identified as Planning Case No. 2014-000601CUA for a proposed project at 2675 Folsom Street, and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

**161152 [Disapproving Conditional Use Authorization - Proposed Project at 2675 Folsom Street]**

Motion disapproving the decision of the Planning Commission by its Motion No. 19745, approving a Conditional Use Authorization identified as Planning Case No. 2014-000601CUA for a proposed project at 2675 Folsom Street. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

**161153 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 2675 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2014-000601CUA for a proposed project at 2675 Folsom Street. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Yee, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Yee

Absent: 1 - Mar

Vacant: 1 - District 8

*Supervisor Mar was noted present at 3:42 p.m.*

## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 161278, 161279, 161280 and 161281 be called together.*

### **Supervisor Campos Excused from Voting**

*Supervisor Campos requested to be excused from voting on File Nos. 161278, 161279, 161280 and 161281 due to a conflict of interest.*

**Supervisor Tang, seconded by Supervisor Peskin, moved that Supervisor Campos be excused from voting on File Nos. 161278, 161279, 161280 and 161281. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Excused: 1 - Campos

Vacant: 1 - District 8

### **161278 [Hearing - Appeal of Categorical Exemption from Environmental Review - Proposed Project at 3516-3526 Folsom 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 July 8, 2016, approved on October 13, 2016, for a proposed project located at 3516-3526 Folsom Street, to allow the construction of two 3,000-square-foot single-family residences on two vacant lots. (District 9) (Appellant: Ryan J. Patterson, on behalf of the Bernal Heights South Slope Organization, Bernal Safe & Livable, Neighbors Against the Upper Folsom Street Extension, Gail Newman, and Marilyn Waterman) (Filed November 14, 2016) (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Ryan Patterson and Herb Felsenfeld, representatives of the appellant, answered questions raised throughout the discussions. There were no other speakers.*

*Supervisor Peskin, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of January 10, 2017. Before the vote was taken, Supervisor Peskin withdrew this motion.*

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of January 24, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Excused: 1 - Campos

Vacant: 1 - District 8

*President Breed CONTINUED the Hearing open to January 24, 2017.*

**161279 [Affirming the Categorical Exemption Determination - Proposed Project at 3516-3526 Folsom Street]**

Motion affirming the determination by the Planning Department that a proposed project at 3516-3526 Folsom Street is categorically exempt from further environmental review. (Clerk of the Board)

*Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. Before the vote was taken, Supervisor Peskin withdrew this motion.*

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 24, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Excused: 1 - Campos

Vacant: 1 - District 8

**161280 [Conditionally Reversing the Categorical Exemption Determination - Proposed Project at 3516-3526 Folsom Street]**

Motion conditionally reversing the determination by the Planning Department that a proposed project at 3516-3526 Folsom 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)

*Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. Before the vote was taken, Supervisor Peskin withdrew this motion.*

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 24, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Excused: 1 - Campos

Vacant: 1 - District 8

**161281 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed Project at 3516-3526 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that a proposed project at 3516-3526 Folsom Street is categorically exempt from further environmental review. (Clerk of the Board)

*Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 10, 2017. Before the vote was taken, Supervisor Peskin withdrew this motion.*

**Supervisor Peskin, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 24, 2017. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Excused: 1 - Campos

Vacant: 1 - District 8

## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 161332 and 161333 be called together.*

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

### **161332 [Hearing - Appointment, Recreation and Park Commission - Jason Chan]**

Hearing to consider the Mayor's appointment of Jason Chan to the Recreation and Park Commission, for the term ending July 24, 2018. (Clerk of the Board)  
(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date: December 7, 2016)

*President Breed restated Clerk Calvillo's previous communication that correspondence, dated December 11, 2016, has been received communicating Jason Chan's resignation from the Recreation and Park Commission.*

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

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8*

*Supervisor Yee, seconded by Supervisor Peskin, moved to rescind the previous vote in order to take public comment. The motion carried by the following vote:*

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8*

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to the Mayor's appointment of Jason Chan to the Recreation and Park Commission. There were no speakers. President Breed declared public comment closed.*

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

**Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8**

## Committee of the Whole Adjourn and Report

**161333 [Appointment, Recreation and Park Commission - Jason Chan]**

Motion approving/rejecting the Mayor's appointment of Jason Chan to the Recreation and Park Commission, for the term ending July 24, 2018. (Clerk of the Board)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date: December 7, 2016)

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

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

*Vacant: 1 - District 8*

*Supervisor Yee, seconded by Supervisor Peskin, moved to rescind the previous vote in order take public comment. The motion carried by the following vote:*

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

*Vacant: 1 - District 8*

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

**Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee**

**Vacant: 1 - District 8**

## COMMITTEE REPORTS

### Recommendations of the Government Audit and Oversight Committee

**160478 [Campaign and Governmental Conduct Code - Requiring Commissioners to File Behested Payment Reports]**

**Sponsor: Peskin**

Ordinance amending the Campaign and Governmental Conduct Code to require members of City boards and commissions to file behested payment reports regarding the solicitation of charitable contributions.

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

**Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee**

**Vacant: 1 - District 8**

**161299 [Issuance of Subpoena Duces Tecum - Jack P. Moehle]****Sponsor: Peskin**

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Jack P. Moehle, requiring him to appear at the Government Audit and Oversight Committee hearing on January 12, 2017, at 9:30 a.m., to provide oral information and respond to questions regarding the design, engineering, review, and approval process for the projects at 301 Mission Street and 80 Natoma Street; and requiring him to produce documents, records, and other materials in his possession related to those two projects.

**Motion No.** M16-178

**APPROVED** by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**Recommendations of the Land Use and Transportation Committee****140877 [Planning Code - Downtown Support Special Use District; Fees in Lieu of On-Site Open Space]****Sponsor: Kim**

Ordinance amending the Downtown Support Special Use District to authorize a monetary contribution (in lieu fee) to satisfy required on-site open space requirements, exclude certain features from floor area ratio and gross floor area calculations, and dedicate the monetary contribution for lighting and safety improvements at Victoria Manolo Draves Park; 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.

*This item was not sent as a Committee Report.*

**161067 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]****Sponsors: Kim; Peskin**

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; 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.

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8



**161239 [Resolution of Intent - San Francisco Public Utilities Commission Public Service Easement Vacation Order - Parkmerced Development Project]****Sponsor: Yee**

Resolution declaring the intent of the Board of Supervisors to 1) order the conditional vacation of certain San Francisco Public Utilities Commission public service easements that exist within the Subphases 1A and 1B of the Parkmerced Development Project area, an approximately 152 acre site located in the Lake Merced District in the southwest corner of San Francisco and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west; 2) reserve certain easement rights in favor of the SFPUC; 3) delegate authority to the Director of Real Estate to execute certain quit claim deeds; 4) adopt findings under the California Environmental Quality Act; 5) adopt findings that the vacations are consistent with the Parkmerced Development Agreement, the General Plan, and the eight priority policies of Planning Code, Section 101.1; 6) direct the Clerk of the Board of Supervisors to make certain transmittals; and 7) authorize actions by City officials in furtherance of this Ordinance; and setting a hearing date for all persons interested in the proposed vacation of said public service easements.

**Resolution No. 525-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**161283 [Extending Interim Zoning Controls - Medical Cannabis Dispensaries in Irving, Judah, Noriega and Taraval Neighborhood Commercial Districts]****Sponsor: Tang**

Resolution extending interim zoning controls that require conditional use authorization for Medical Cannabis Dispensaries in the Irving, Judah, Noriega and Taraval Street Neighborhood Commercial Districts and impose additional conditional use authorization criteria; and making environmental findings, including findings of consistency with the eight priority policies of Planning Code, Section 101.1.

**Resolution No. 544-16****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

## **Recommendations of the Public Safety and Neighborhood Services Committee**

### **161290 [Environment Code - Bottled Water and Packaged Free Ordinance]**

**Sponsors: Mar; Cohen and Farrell**

Ordinance amending the Environment Code to modify restrictions on the sale or distribution on City property of drinking water in single service containers, to educate City departments regarding the restrictions, and making environmental findings.

*Supervisors Cohen and Farrell requested to be added as co-sponsors.*

*Supervisor Mar, seconded by Supervisor Yee, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 2, by striking 'intended primarily for single service use', and Lines 2-3, by changing 'one liter' to 'five gallons'; and on Page 7, Lines 3-5, by striking '(d) Departments shall annually report all determinations of non-applicability made under subsections (b) and (c) to the Director of the Department of the Environment, and include the reason for each waiver.' Before the vote was taken, Supervisor Mar withdrew this motion.*

**Supervisor Mar, seconded by Supervisor Yee, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Lines 3-5, by striking '(d) Departments shall annually report all determinations of non-applicability made under subsections (b) and (c) to the Director of the Department of the Environment, and include the reason for each waiver.' The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

Ordinance amending the Environment Code to modify restrictions on the sale or distribution on City property of drinking water, to educate City departments regarding the restrictions, and making environmental findings.

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

*President Breed requested File Nos. 160818, 160914 and 160959 be called together.*

### **160818 [Liquor License Transfer - 1909 Union Street, Suite A]**

Resolution determining that the transfer of a Type 21 off-sale general license to The Epicurean Trader, LLC, dba The Epicurean Trader, located at 1909 Union Street, Suite A (District 2), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**Resolution No. 528-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**160914 [Liquor License Transfer - 1150 Ocean Avenue]**

Resolution determining that the transfer of a Type 21 off-sale general license to Whole Foods Market California, Inc., dba Whole Foods Market, located at 1150 Ocean Avenue (District 7), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**Resolution No. 502-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**160959 [Liquor License - 110 The Embarcadero]**

Resolution determining that the issuance of a Type 51 Club license to The Commonwealth Club of California, dba Commonwealth Club, located at 110 The Embarcadero (District 6), will serve the public convenience or necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control issue the license. (Public Safety and Neighborhood Services Committee)

**Resolution No. 529-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161205 [Urging that the San Francisco Police Chief Reside in the City and County of San Francisco]**

**Sponsors: Yee; Mar**

Resolution urging the Police Commission and the Mayor to require the Police Chief reside within the City and County of San Francisco.

**Resolution No. 537-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**Recommendations of the Rules Committee****161081 [Various Codes - Nonsubstantive Clean-Up Ordinance]**

Ordinance amending the Administrative, Campaign and Governmental Conduct, Environment, Health, Municipal Elections, Police, and Public Works Codes to make nonsubstantive changes. (City Attorney)

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161306 [Appointments, Citizens General Obligation Bond Oversight Committee - Brenda Kwee McNulty, Alexander Tonisson, and Kristin Chu]**

Motion appointing Brenda Kwee McNulty, Alexander Tonisson, Kristin Chu, terms ending November 21, 2018, to the Citizens General Obligation Bond Oversight Committee. (Rules Committee)

**Motion No. M16-179**

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

**161305 [Appointments, Balboa Park Station Community Advisory Committee - Tiffany Ng, Raffaella Falchi, Glenda Hope, Robert Muehlbauer, Faye-Denise Lacanilao, Aaron Goodman, Luis Licea, and Jesse Fernandez]**

Motion appointing Tiffany Ng, Robert Muehlbauer, Aaron Goodman, and Jesse Fernandez, terms ending February 28, 2019, and Raffaella Falchi, Glenda Hope, Faye-Denise Lacanilao, and Luis Licea, terms ending February 28, 2018, to the Balboa Park Station Community Advisory Committee. (Rules Committee)

**Motion No. M16-188**

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

## **Appointment of President Pro Tempore**

*At the request of President Breed, Supervisor Campos assumed the chair at 5:38 p.m. so the President could participate in the debate on File No. 161307 from the floor. President Breed resumed the chair at 5:53 p.m.*

### **161307 [Appointment, Police Commission - Bill Ong Hing]**

Motion confirming the Rules Committee's nomination of, and appointing, Bill Ong Hing, term ending April 30, 2018, to the Police Commission. (Rules Committee)  
(Supervisor Cohen dissented in committee.)

*Privilege of the floor was granted unanimously to Bill Ong Hing who responded to questions raised throughout the discussion.*

**Supervisor Cohen, seconded by Supervisor Avalos, moved that this Motion be AMENDED on Page 1, Lines 1, 3, 7, and 10, by changing 'Bill Ong Hing' to 'John Hamasaki.'** The motion **FAILED** by the following vote:

Ayes: 4 - Avalos, Breed, Cohen, Peskin  
Noes: 6 - Campos, Farrell, Kim, Mar, Tang, Yee  
Vacant: 1 - District 8

**Motion No. M16-181**

**APPROVED by the following vote:**

Ayes: 8 - Avalos, Campos, Farrell, Kim, Mar, Peskin, Tang, Yee  
Noes: 2 - Breed, Cohen  
Vacant: 1 - District 8

### **161313 [Appointments, Immigrant Rights Commission - Haregu Gaime, Ryan Khojasteh, Elahe Ensanni, and Michelle Wong]**

Motion appointing Haregu Gaime (residency requirement waived), Ryan Khojasteh, Elahe Ensanni, terms ending June 6, 2018, and Michelle Wong, term ending June 6, 2017, to the Immigrant Rights Commission. (Rules Committee)

**Motion No. M16-182**

**APPROVED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

## **ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**PUBLIC COMMENT**

*Ken Johnson; spoke on concerns regarding the Fillmore Jazz Heritage Center.*

*Frederick Jordan (SF African American Chamber of Commerce); shared concerns regarding the out-migration of African Americans in San Francisco.*

*Doug Parrish; shared various concerns affecting the African American community.*

*Otto Duffy; shared concerns regarding the Police Commission.*

*Karen Fleshman; expressed gratitude for the hard-work and service of the Supervisors and concerns regarding the Police Commission.*

*David Carlos Salisbury; expressed gratitude for the work done by the outgoing Supervisors and concerns regarding the Police Commission.*

*Male Speaker; shared various concerns regarding a newspaper article.*

*Julie Fisher; expressed support of the legislation being introduced regarding baby changing stations.*

*Scott Pfeiffer; shared concerns regarding displacement of unauthorized live/work spaces and entertainment venues.*

*Male Speaker; shared concerns regarding social change and expressed gratitude to the outgoing Supervisors.*

*Christopher Dahl; shared concerns regarding climate change.*

*Tom Gilberty; shared concerns regarding police reform, the establishment of a public bank, short-term rentals, and evictions.*

*Trina D'Amato; shared concerns regarding police reform.*

*Mel Bitto; expressed desire for the outgoing Supervisors to remain active in the matters of the City.*

## CLOSED SESSION

*President Breed requested File Nos. 161334 and 161110 be called together.*

## CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation

### **161334 [Closed Session - Anticipated Litigation - Police Code - Choice of Communications Services Providers in Multiple Occupancy Buildings (File No. 161110)]**

Closed Session for the Board of Supervisors to convene on December 13, 2016, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(2), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the anticipated litigation relating to the Ordinance amending the Police Code to prohibit owners of multiple occupancy buildings from interfering with the choice of communications services providers by occupants, establish requirements for communications services providers to obtain access to multiple occupancy buildings, and establish remedies for violation of the access requirement (File No. 161110). (Clerk of the Board)

*Although a motion was not required, given that a verbal Motion to Convene was previously approved during the December 6, 2016, Board of Supervisors meeting, Supervisor Campos, seconded by Supervisor Tang, moved that the Board of Supervisors convene in closed session with the City Attorney. The motion carried by the following vote:*

*Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

*Vacant: 1 - District 8*

#### CONVENED IN CLOSED SESSION

*The Board recessed at the hour of 7:11 p.m. to convene in closed session pursuant to a motion adopted by the Board on December 6, 2016.*

*The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

*Persons in attendance: Jon Givner and Bill Sanders (Office of the City Attorney), and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).*

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

#### RECONVENED IN OPEN SESSION

*The Board reconvened at the hour of 7:34 p.m.*

*The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee*

#### HEARD AND FILED

*[Elect Not to Disclose]*

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

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

## **Recommendation of the Budget and Finance Committee**

### **161110 [Police Code - Choice of Communications Services Providers in Multiple Occupancy Buildings]**

**Sponsors: Farrell; Mar**

Ordinance amending the Police Code to prohibit owners of multiple occupancy buildings from interfering with the choice of communications services providers by occupants, establish requirements for communications services providers to obtain access to multiple occupancy buildings, and establish remedies for violation of the access requirement.

**Ordinance No. 250-16**

**FINALLY PASSED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

### **161324 [Declaration of Election Results of the November 8, 2016, Consolidated General Election]**

**Sponsor: Breed**

Resolution declaring the results of the November 8, 2016, Consolidated General Election.

**Resolution No. 526-16**

**ADOPTED**

### **161325 [Recognizing the Youth Commission's 20th Anniversary]**

**Sponsors: Tang; Campos, Kim, Mar, Farrell, Avalos, Peskin, Cohen, Yee and Breed**

Resolution recognizing the Youth Commission's 20th Anniversary and honoring its 20 years of service to the City and County of San Francisco.

**Resolution No. 549-16**

**ADOPTED**



**161336 [Final Map 8182 - 950 Steiner Street]**

Motion approving Final Map 8182, a six residential unit condominium project, located at 950 Steiner Street, being a subdivision of Assessor's Parcel Block No. 0779, Lot No. 020, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-183**

**APPROVED**

**161337 [Final Map 8346 - 1045A-1047B Oak Street]**

Motion approving Final Map 8346, a six residential unit condominium project, located at 1045A-1047B Oak Street, being a subdivision of Assessor's Parcel Block No. 1217, Lot No. 034, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-184**

**APPROVED**

**161338 [Final Map 8380 - 178-188 Albion Street]**

Motion approving Final Map 8380, a six residential unit condominium project, located at 178-188 Albion Street, being a subdivision of Assessor's Parcel Block No. 3568, Lot No. 035, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-185**

**APPROVED**

**161339 [Final Map 8616 - 1170-1180 Green Street]**

Motion approving Final Map 8616, a six residential unit condominium project, located at 1170-1180 Green Street, being a subdivision of Assessor's Parcel Block No. 0122, Lot No. 012, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-186**

**APPROVED**

**161340 [Final Map 8631 - 1868 Van Ness Avenue]**

Motion approving Final Map 8631, a 35 residential unit and two commercial unit, mixed-use condominium project, located at 1868 Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 0619, Lot No. 012, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-187**

**APPROVED**

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

Vacant: 1 - District 8

## **Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Avalos requested that File No. 161323 be severed so that it may be considered separately.*

### **161323 [Urging the Evaluation and Allocation of Properties for Urban Agriculture]**

**Sponsors: Avalos; Tang and Mar**

Resolution reaffirming the Board of Supervisors' support for urban agriculture and urging the evaluation and allocation of appropriate properties for urban agriculture.

*Supervisors Tang and Mar requested to be added as a co-sponsor.*

**Supervisor Avalos requested this Resolution be REFERRED to the Land Use and Transportation Committee.**

*President Breed requested that File Nos. 161326, 161327 and 161328 be severed so that they may be considered separately.*

*President Breed requested File Nos. 161326, 161327 and 161328 be called together.*

### **161326 [Commending Supervisor John Avalos]**

**Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor John Avalos for his distinguished service as a Member of the San Francisco Board of Supervisors.

**Resolution No. 507-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

### **161327 [Commending Supervisor David Campos]**

**Sponsor: Board of Supervisors**

Resolution Commending and Honoring Supervisor David Campos for his distinguished service as a Supervisor of the City and County of San Francisco.

**Resolution No. 508-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

### **161328 [Commending Supervisor Eric Mar]**

**Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor Eric Mar for his distinguished service as a Member of the San Francisco Board of Supervisors.

**Resolution No. 509-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*

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

**Supervisor Avalos, seconded by Supervisor Farrell, moved ADOPTION of the commendatory finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

*[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.*

**Supervisor Avalos, seconded by Supervisor Farrell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

### **161341 [Paul Guisto Day - January 1, 2017]**

**Sponsor: Avalos**

Resolution declaring January 1, 2017, to be Paul Guisto Day in the City and County of San Francisco in appreciation for his contributions to the Excelsior and the San Francisco community, and 70 years of Giusto Service.

*President Breed inquired as to whether any member of the public wished to address the Board relating to Paul Guisto Day as referenced in File No. 161341. There were no speakers. The President declared public comment closed.*

**Resolution No. 550-16**

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

*[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."*

**Supervisor Avalos, seconded by Supervisor Farrell, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

*[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.*

**Supervisor Avalos, seconded by Supervisor Farrell, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

### **161342 [Promoting Safety and Minimizing Displacement of Unauthorized Live/Work Spaces and Entertainment Venues]**

**Sponsor: Avalos**

Resolution finding that unauthorized live/work spaces and entertainment venues are valuable and irreplaceable components of the City's housing stock and artistic communities; and urging various City departments to address safety issues in these unauthorized spaces, develop a legalization process that minimizes displacement, and identify resources to help property owners fund safety improvements and legalization.

*President Breed inquired as to whether any member of the public wished to address the Board relating to promoting safety and minimizing displacement of unauthorized live/work spaces and entertainment venues as referenced in File No. 161342. There were no speakers. The President declared public comment closed.*

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 19-22, by changing the first RESOLVED clause from 'That the Board of Supervisors of the City and County of San Francisco finds that unauthorized live/work spaces and entertainment venues that operate safely and responsibly are valuable and irreplaceable components of the City's housing stock and artistic communities' to 'That the Board of Supervisors of the City and County of San Francisco finds that communities formed in unauthorized live/work spaces and entertainment venues that operate safely and responsibly are valuable, and the loss of these spaces would adversely impact the City's housing stock'. The motion carried by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

**Resolution No. 551-16**

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

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee  
Vacant: 1 - District 8

## 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.*

### Ordinances

#### **161159 [Planning Code - Potrero HOPE SF Special Use District]**

**Sponsor: Cohen**

Ordinance amending the Planning Code to create the Potrero HOPE SF Special Use District to facilitate development of the Potrero HOPE SF project by modifying requirements related to permitted uses, dwelling unit density, building height and bulk standards, and parking and streetscape matters; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

10/25/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2016.

11/01/16; REFERRED TO DEPARTMENT.

11/17/16; RESPONSE RECEIVED.

12/13/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

#### **161162 [Planning Code - Sunnydale HOPE SF Special Use District]**

**Sponsor: Cohen**

Ordinance amending the Planning Code to create the Sunnydale HOPE SF Special Use District to facilitate development of the Sunnydale HOPE SF project by modifying specific requirements related to permitted uses, dwelling unit density, building height and bulk standards, and parking and streetscape matters; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

10/25/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/24/2016.

11/01/16; REFERRED TO DEPARTMENT.

12/13/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

**161343 [Appropriation - Proceeds from Lease Financing - Public Safety Radio System Project - FY2016-2017 - \$34,184,136]****Sponsor: Mayor**

Ordinance appropriating \$34,184,136 of lease financing to the Department of Emergency Management for Public Safety Radio System Project in FY2016-2017, and placing the total appropriation of \$34,184,136 on Controller's Reserve pending proceeds from the lease financing. (Fiscal Impact)

12/13/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/12/2017.

**161344 [Appropriation - General Reserve - Fund Immigration-Related Legal Services - FY2016-2017 - \$1,500,000]****Sponsor: Mayor**

Ordinance appropriating \$1,500,000 of Real Property Transfer Tax Revenue to the Mayor's Office of Housing and Community Development, City Administrator's Office of Civic Engagement and Immigrant Affairs, and Human Rights Commission to fund legal representation, pathways to citizenship, public outreach, and rapid response social services in FY2016-2017. (Fiscal Impact)

12/13/16; ASSIGNED to Budget and Finance Committee.

**161345 [Lease Disposition and Development Agreement and Ground Lease - Regents of the University of California, San Francisco - New Research Building at Zuckerberg San Francisco General Hospital - Initial Base Rent of \$180,000 per Year]****Sponsor: Mayor**

Ordinance approving a Lease Disposition and Development Agreement and 75 year Ground Lease (with option to extend to 99 years) with the Regents of the University of California, San Francisco ("UCSF") for a new research building at the Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center, with an initial base rent to be paid by UCSF of \$180,000 per year; authorizing the Department of Public Health to accept a \$10,000,000 parking reimbursement contribution upon delivery of the Ground Lease to UCSF; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); waiving certain provisions of the Administrative Code and Environment Code; and ratifying certain actions taken in connection therewith, as defined herein.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/12/2016.

**161346 [De-Appropriation - General Fund Expenditure Budget - Various Departments for Funding Services at the Department of Homelessness and Supportive Housing and General City Responsibilities - FYs 2016-2017 and 2017-2018 - \$38,057,546]****Sponsor: Fewer**

Ordinance de-appropriating \$38,057,546 of salary and benefit expenditures in Adult Probation, the Asian Art Museum, the Assessor/Recorder, the City Attorney, the Office of Economic and Workforce Development, the City Administrator, the Department of Public Works, the Department of Technology, the Health Service System, the Human Rights Commission, the Human Services Agency, the Juvenile Probation Department, the Law Library, the Department of Public Health, the Commission on the Status of Women, and the Treasurer/Tax Collector, and \$1,698,298 of overtime in the Police Department in FY2016-2017 to fund services at the Department of Homelessness and Supportive Housing and General City Responsibilities in FYs 2016-2017 and 2017-2018.

(Fiscal Impact; No Budget and Legislative Analyst Report.)

12/13/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/12/2017.

**161347 [Planning Code - Illegal and Unauthorized Dwelling Units; Demolition of Single-Family Homes]****Sponsor: Avalos**

Ordinance amending the Planning Code by revising Section 207.3 to delete the limits on the number of illegal dwelling units allowed to be legalized on a single lot, to provide that the exceptions to Code requirements require a discretionary waiver by the Zoning Administrator if more than one dwelling unit on a single lot is being legalized, and to delete the prohibition on legalization of dwelling units in buildings with an eviction history; by revising Section 317 to clarify that the demolition of a single-family home determined to be unsound is exempt from the Conditional Use authorization requirement; 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 making a finding of public necessity, convenience, and welfare under Planning Code, Section 302. (Economic Impact; No Office of Economic Analysis Report)

12/13/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/12/2017.

**161348 [Administrative Code - Reentry Council]****Sponsor: Breed**

Ordinance amending the Administrative Code to require that the Department of Homelessness and Supportive Housing appoint one member to the Reentry Council, increasing the membership from 23 to 24; increase the time that one Board appointed former inmate member can be free from custody from a maximum of two years to a maximum of three years; and require that the Council submit its report to the Board of Supervisors recommending whether the Council should continue by July 1, 2018.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/12/2017.

**161349 [Planning Code - Scooter Parking]****Sponsor: Breed**

Ordinance amending the Planning Code to allow scooter parking in certain designated parking spaces; 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 findings under Planning Code, Section 302.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/12/2017.

**161350 [Administrative Code - Dignity Fund Oversight and Advisory Committee]****Sponsors: Cohen; Yee**

Ordinance amending the Administrative Code to set the structure, functions, terms, and administrative support for the Dignity Fund Oversight and Advisory Committee, as required by Charter, Section 16.128-11, adopted as part of Proposition I at the November 8, 2016, general municipal election.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/12/2017.

**161351 [Planning Code - Inclusionary Affordable Housing Fee and Requirements]****Sponsors: Kim; Peskin**

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; affirming the Planning Department's determination under the California Environmental Quality Act; making findings 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.

(Economic Impact; No Office of Economic Analysis Report)

12/13/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/12/2016.

**161352 [Health Code - Sale of Domestic Dogs and Cats]****Sponsor: Tang**

Ordinance amending the Health Code to prohibit pet stores from selling dogs or cats not obtained from animal rescue organizations or shelters, and prohibiting the sale of puppies or kittens under eight weeks old.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 1/12/2016.

**161353 [Various Codes - Baby Diaper-Changing Accommodations]****Sponsors: Tang; Yee**

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are accessible to the public to install and maintain at least one baby diaper-changing accommodation that is accessible to women and one that is accessible to men, or a single diaper-changing accommodation that is accessible to all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom accessible to women to also install and maintain a baby diaper-changing accommodation in a restroom accessible to men or accessible to all genders; amending the Building Code to require that new public-serving establishments, and substantially renovated public-serving establishments, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this ordinance to the California Building Standards Commission upon final passage.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 1/12/2017.

**Resolutions****161354 [Apply for Grants - 2017 Emergency Preparedness Grants]****Sponsor: Mayor**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco any actions necessary for the purpose of obtaining State and Federal financial assistance under various grant programs, including: the Federal Fiscal Year 2017 Urban Areas Security Initiative Grant, the Federal Fiscal Year 2017 State Homeland Security Grant Program, the 2017 Emergency Management Performance Grant, and the 2017 Local Government Oil Spill Contingency Plan Grant Program.

12/13/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.



**161355 [Master Development Agreement - BRIDGE Potrero Community Associates, LLC - Potrero HOPE SF Project]****Sponsors: Cohen; Farrell**

Resolution authorizing the execution of the Master Development Agreement between the Housing Authority of the City and County of San Francisco, BRIDGE Potrero Community Associates, LLC, a California limited liability company, and the City and County of San Francisco, for the Potrero HOPE SF Project at the approximately 38-acre irregularly shaped site bounded by 23rd Street and Missouri Street to the north, Texas Street to the east, 25th Street and 26th Street to the south and Wisconsin Street to the south; and making findings under the California Environmental Quality Act, and findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b).

12/13/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**161356 [Master Development Agreement - Sunnydale Development Co., LLC - Sunnydale HOPE SF Project]****Sponsors: Cohen; Farrell**

Resolution authorizing the execution of the Master Development Agreement between the Housing Authority of the City and County of San Francisco, Sunnydale Development Co., LLC, a California limited liability company and the City and County of San Francisco, for the Sunnydale HOPE SF Project at the approximately 50-acre site located in Visitacion Valley and generally bounded by McLaren Park to the north, Crocker Amazon Park on the west, Hahn Street on the east, and Velasco on the south; and making findings under the California Environmental Quality Act, and findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b).

12/13/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**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****161308 [General Plan Amendments - Potrero HOPE SF Project]**

Ordinance amending the General Plan in connection with the Potrero HOPE SF project; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

12/02/16; RECEIVED FROM DEPARTMENT.

12/13/16; ASSIGNED to Land Use and Transportation Committee.

**161309 [General Plan Amendments - Sunnydale HOPE SF Project]**

Ordinance amending the General Plan in connection with the Sunnydale HOPE SF project; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

12/02/16; RECEIVED FROM DEPARTMENT.

12/13/16; ASSIGNED to Land Use and Transportation Committee.

**161310 [Amending Ordinance No. 1061 - Sidewalk Width Change - Intersection of Mission Street and 22nd Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to narrow, from 21 feet to 15 feet, the official sidewalk width along a portion of the westerly side of Mission Street, between 23rd Street and 22nd Street, and a portion of the easterly side of Mission Street, between 22nd Street and 21st Street, both beginning at the intersection of Mission Street and 22nd Street; adopting the Planning Department's determination and making additional findings 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. (Public Works)

12/05/16; RECEIVED FROM DEPARTMENT.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/12/2017.

**161311 [Waiving Fiscal Feasibility Study and Determination Requirements - Airport Development Plan, Except for Individual Projects as Required by Administrative Code, Chapter 29]**

Ordinance exempting the proposed Airport Development Plan from Administrative Code, Chapter 29, including from the requirements for a fiscal feasibility study and a Board of Supervisors fiscal feasibility determination prior to initiating environmental review, but retaining requirements for possible future individual projects under the Recommended Airport Development Plan which would otherwise be subject to Administrative Code, Chapter 29. (Airport Commission)  
(Fiscal Impact)

12/02/16; RECEIVED FROM DEPARTMENT.

12/13/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/12/2017.

## PROPOSED RESOLUTION

**161312 [Emergency Declaration - Repair Hetch Hetchy Power Kirkwood Generator Bypass System - Total Estimated Cost of Work and Contract \$590,000]**

Resolution approving an emergency declaration of the San Francisco Public Utilities Commission pursuant to Administrative Code, Section 21.15(c), to repair dissipater valve of the Hetch Hetchy Power Kirkwood Generator Bypass System; with a total estimated cost not to exceed \$700,000. (Public Utilities Commission)  
(Fiscal Impact)

12/05/16; RECEIVED FROM DEPARTMENT.

12/13/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**In Memoriams**

*La Vaughn Kelly - Board President Breed  
Anita Wing Suen Fong - Supervisors Yee and Tang*

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 9:04 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on January 24, 2017.*

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Angela Calvillo, Clerk of the Board