

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, November 29, 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, SCOTT WIENER,  
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, Wiener, 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

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, November 29, 2016, with President London Breed presiding.*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*President Breed called the meeting to order at 2:05 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.*

## **COMMUNICATIONS**

*There were no communications.*

*Supervisor Kim was noted present at 2:06 p.m.*

## **APPROVAL OF MEETING MINUTES**

*President Breed inquired whether any Board Member had any corrections to the Special Board Meeting Minutes of October 18, 2016, or the Regular Board Meeting Minutes of October 18, 2016. There were no corrections.*

**Supervisor Campos, seconded by Supervisor Farrell, moved to approve the Special Board Meeting Minutes of October 18, 2016, and the Regular Board Meeting Minutes of October 18, 2016. The motion carried by the following vote, following general public comment:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## **AGENDA CHANGES**

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

#### **161053 [Settlement of Lawsuit and Supplemental Appropriation - State Farm General Insurance Company - \$875,000]**

Ordinance authorizing settlement of the lawsuit filed by State Farm General Insurance Company against the City and County of San Francisco for \$875,000; the lawsuit was filed on January 21, 2014, in San Francisco Superior Court, Case No. CGC-14-536896; entitled State Farm General Insurance Company v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$875,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

**Ordinance No. 237-16**

**FINALLY PASSED**

#### **161054 [Settlement of Lawsuit and Supplemental Appropriation - Christopher Pollino and Cindy Coyne - \$525,000]**

Ordinance authorizing settlement of the lawsuit filed by Christopher Pollino and Cindy Coyne against the City and County of San Francisco for \$525,000; the lawsuit was filed on October 17, 2014, in San Francisco Superior Court, Case No. CGC-14-542240; entitled Christopher Pollino, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$525,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

**Ordinance No. 238-16**

**FINALLY PASSED**

#### **161055 [Settlement of Lawsuit and Supplemental Appropriation - Theodore A. Bowie, II - \$500,000]**

Ordinance authorizing settlement of the lawsuit filed by Theodore A. Bowie, II against the City and County of San Francisco for \$500,000; the lawsuit was filed on October 17, 2014, in San Francisco Superior Court, Case No. CGC-14-542235; entitled Theodore A. Bowie, II v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$500,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

**Ordinance No. 239-16**

**FINALLY PASSED**

**161056 [Settlement of Lawsuit - Fosco Zilli and Silvia Vojtkova-Zilli - \$60,000]**

Ordinance authorizing settlement of the lawsuit filed by Fosco Zilli and Silvia Vojtkova-Zilli against the City and County of San Francisco for \$60,000; the lawsuit was filed on April 1, 2015, in San Francisco Superior Court, Case No. CGC-15-545063; entitled Fosco Zilli and Silvia Vojtkova-Zilli v. City and County of San Francisco, et al.; the lawsuit involves plaintiffs' vehicle allegedly being rear-ended by a City vehicle. (City Attorney)

**Ordinance No. 240-16**

**FINALLY PASSED**

**161057 [Settlement of Lawsuit - Leland Castro - \$200,000]**

Ordinance authorizing settlement of the lawsuit filed by Leland Castro against the City and County of San Francisco for \$200,000; the lawsuit was filed on May 7, 2015, in San Francisco Superior Court, Case No. CGC-15-545729; entitled Leland Castro v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

**Ordinance No. 241-16**

**FINALLY PASSED**

**161083 [Settlement of Lawsuit - In and Out Drain Cleaning, Inc. - City to Receive \$38,500]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against In and Out Drain Cleaning, Inc. for \$38,500; the lawsuit was filed on March 24, 2015, in San Francisco Superior Court, Case No. CGC-15-544912; entitled City and County of San Francisco v. In and Out Drain Cleaning, Inc., et al.; the lawsuit involves a ruptured water main. (City Attorney)

**Ordinance No. 242-16**

**FINALLY PASSED**

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Government Audit and Oversight Committee

#### Supervisor Farrell Excused from Voting

Supervisor Campos, seconded by Supervisor Mar, moved that Supervisor Farrell be excused from voting on File No. 161093. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener, Yee  
Excused: 1 - Farrell

#### 161093 [Administrative Code - Short-Term Residential Rental Limit of 60 Days per Year and Private Right of Action]

**Sponsors: Breed; Peskin, Campos and Kim**

Ordinance amending the Administrative Code to revise the Residential Unit Conversion Ordinance to limit short-term rental of a residential unit to no more than 60 days per calendar year if the unit was registered on or after November 15, 2016; prohibit neighbors outside the building at issue from filing a private right of action; allow certain nonprofit organizations to file a private right of action prior to a final determination of a violation by the Director of the Planning Department; and shorten the waiting period for certain interested parties to file a private right of action; and affirming the Planning Department's determination under the California Environmental Quality Act.

**FINALLY PASSED** by the following vote:

Ayes: 7 - Avalos, Breed, Campos, Kim, Mar, Peskin, Yee  
Noes: 3 - Cohen, Tang, Wiener  
Excused: 1 - Farrell

### Recommendation of the Land Use and Transportation Committee

#### 160222 [Administrative Code - Prohibition on Leasing for the Extraction of Fossil Fuels]

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

Ordinance amending the Administrative Code to prohibit the City from entering into or extending leases for the extraction of fossil fuel from City-owned land, and requiring inspections of any such land and evaluation of constructive future uses for such land.  
(Fiscal Impact)

**Ordinance No. 236-16**

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*President Breed requested File Nos. 161070, 161074, and 161130 be called together.*

**161070 [Accept and Expend Grants - United States Environmental Protection Agency, Brownfield Cleanup Cooperative Agreements - \$400,000 - 900 Innes Property]**

**Sponsor: Mayor**

Resolution authorizing the Recreation and Park Department to accept and expend two United States Environmental Protection Agency, Brownfield Cleanup Cooperative Agreement grants, for a combined total of \$400,000 for the development of a remediation action plan and site remediation activities for 900 Innes Property.

**Resolution No. 491-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161074 [Accept and Expend Grant - Metropolitan Transportation Commission - San Francisco Safe Routes to School Program - \$360,000]**

**Sponsor: Tang**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$360,000 in Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvements Funds through Metropolitan Transportation Commission's Safe Routes to School Grant Program for the period of October 1, 2016, through August 31, 2017, and waiving indirect costs.

**Resolution No. 492-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161116 [Approving Infrastructure and Revitalization Financing Plan - Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]**

**Sponsor: Mayor**

Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith.

(Fiscal Impact)

**Supervisor Kim, seconded by Supervisor Tang, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of December 6, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161130 [Accept and Expend Grant - California Victim Compensation and Government Claims Board - Criminal Restitution Compact - Not to Exceed \$267,372]****Sponsor: Cohen**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$89,124 from the California Victim Compensation and Government Claims Board for the period of July 1, 2016, through June 30, 2017; authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$89,124 for the period of July 1, 2017, through June 30, 2018; and an amount of \$89,124 for the period of July 1, 2018, through June 30, 2019, for a total not to exceed amount of \$267,372 to continue the Criminal Restitution Compact should the parties agree to an amendment as allowed under the provisions of the grant agreement.

**Resolution No. 495-16****ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161166 [Term Sheet Endorsement and Exemption from Competitive Bidding Policy - National Park Service - Alcatraz Island Embarkation at Piers 31-33]****Sponsors: Mayor; Peskin and Farrell**

Resolution endorsing the term sheet between National Park Service (NPS) and the Port Commission for a Memorandum of Understanding outlining the business terms for an Alcatraz Island Ferry Embarkation site located at Piers 31-33 on The Embarcadero at Bay Street including a form lease for ferry service to Alcatraz Island with a future concessioner selected by NPS and a form lease with the Golden Gate National Parks Conservancy to provide associated amenities, and exempting the Memorandum of Understanding and leases from the competitive bidding policy set forth in Administrative Code, Section 2.6-1.

**Resolution No. 497-16****ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161198 [Authorizing Certificates of Participation - Animal Care and Control Renovation Project - Not to Exceed \$60,500,000]****Sponsors: Mayor; Tang, Campos and Farrell**

Resolution authorizing the execution and delivery of Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an aggregate principal amount not to exceed \$60,500,000 to finance the costs of acquisition, construction, and improvement of an animal care and control facility to be located on property within the City; authorizing the issuance of commercial paper notes in advance of the delivery of the Certificates; approving the form of Trust Agreement between the City and County of San Francisco and the Trustee (including certain indemnities contained therein); authorizing the selection of the Trustee by the Director of Public Finance; approving respective forms of a Property Lease and a Lease Agreement, each between the City and the Trustee for the lease and lease back of all or a portion of certain City real property and hospital property and facilities; approving the forms of Purchase Contract, Official Notice of Sale, and Notice of Intention to Sell Certificates; directing the publication of the Notice of Intention to Sell Certificates; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of the Certificates; approving the form of the Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, execution, sale and delivery of the Certificates, as defined herein; approving modifications to documents and agreements, as defined herein; declaring the City's intent to reimburse certain expenditures; and ratifying previous actions taken in connection therewith, as defined herein.

(Fiscal Impact)

**Resolution No. 498-16****ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*President Breed requested File Nos. 161199 and 161201 be called together.*

**161199 [Multifamily Housing Revenue Note - 1101 Connecticut Street ("Potrero Block X") - Not to Exceed \$49,454,000]****Sponsor: Cohen**

Resolution authorizing the execution and delivery of a multifamily housing revenue note in one or more series in an aggregate principal amount not to exceed \$49,454,000 for the purpose of providing financing for the construction of a 72-unit multifamily rental housing project known as "Potrero Block X," located in the City at 1101 Connecticut Street; approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the loan from the funding lender to the City and the execution and delivery of the note; approving the form of and authorizing the execution of a borrower loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters, as defined herein.

**Resolution No. 499-16****ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee



**161201 [Multifamily Housing Revenue Bond - 500-510 Folsom ("Transbay Block 9") - Not to Exceed \$132,000,000]****Sponsor: Kim**

Resolution authorizing the issuance and sale of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$132,000,000 for the purpose of providing financing for the construction of a 311-unit multifamily rental housing project known as "Transbay Block 9," located in the City at 500-510 Folsom Street; approving the form of and authorizing the execution of an indenture of trust providing the terms and conditions of the bonds and authorizing the issuance thereof; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of a bond purchase agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.

**Resolution No. 500-16****ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**Recommendations of the Government Audit and Oversight Committee***President Breed requested File Nos. 161141, 161142, and 161144 be called together.***161141 [Settlement of Lawsuit and Supplemental Appropriation - First National Insurance Company of America - \$405,000]**

Ordinance authorizing settlement of the lawsuit filed by First National Insurance Company of America against the City and County of San Francisco for \$405,000; the lawsuit was filed on February 13, 2015, in San Francisco Superior Court, Case No. CGC-15-544117; entitled First National Insurance Company of America v. City and County of San Francisco, et al.; the lawsuit involves alleged water main break and flooded property; and appropriating \$405,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161142 [Settlement of Lawsuit - Beresford Corporation, a California Corporation - \$52,500]**

Ordinance authorizing settlement of the lawsuit filed by Beresford Corporation, a California Corporation, against the City and County of San Francisco for \$52,500; the lawsuit was filed on October 30, 2014, in San Francisco Superior Court, Case No. CGC-14-542440; entitled Beresford Corporation, A California Corporation v. City and County of San Francisco, DOE 1 - 10, Inclusive; the lawsuit involves a demand for tax refund. (City Attorney)

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161099 [Mills Act Historical Property Contract - 361 Oak Street]****Sponsor: Breed**

Resolution approving a historical property contract between Christopher J. Ludwig and Liesl Ludwig, the owners of 361 Oak Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Planning Department)

**Resolution No.** 493-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161144 [Settlement of Unlitigated Claim - BHR Operations, LLC - \$169,263.18]**

Resolution approving the settlement of the unlitigated claim filed by BHR Operations, LLC against the City and County of San Francisco for \$169,263.18; claim was filed on March 14, 2016; the claim involves a refund of Transient Occupancy Tax, Tourist Improvement District Fees and Moscone Expansion District fees. (City Attorney)

**Resolution No.** 496-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161191 [Appointment, Parks, Recreation and Open Space Advisory Committee - Natalie Dillon]**

Motion appointing Natalie Dillon, term ending February 1, 2017, to the Park, Recreation and Open Space Advisory Committee. (Government Audit and Oversight Committee)

**Motion No.** M16-165

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161206 [Setting the Budget and Legislative Analyst Services Audit Plan - Department of Technology - FY2016-2017]****Sponsor: Peskin**

Motion directing the Budget and Legislative Analyst to conduct a performance audit of the Department of Technology in FY2016-2017, with a focus on the following areas: 1) staffing, recruitment, and retention, 2) information security, 3) strategic planning and project management, 4) customer service and performance management, and 5) financial management.

**Motion No.** M16-166

**APPROVED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

### **160510 [Planning Code - Student Housing Exemption from Inclusionary Housing Requirements]**

**Sponsor: Wiener**

Ordinance amending the Planning Code to change the requirement from five to two years that Student Housing be owned or leased by an educational institution to be exempt from the Inclusionary Housing Program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302, and 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: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **161069 [Health Code - Definition of Projects and Responsibilities for Alternate Water Sources]**

**Sponsor: Wiener**

Ordinance amending the Health Code to revise the definition of development projects subject to the requirements for an Alternate Water Source system and the definitions of large and small residential projects subject to specific requirements for such a system, and providing authorization for the review and approval of alternative means of compliance; and affirming the Planning Department's determination under the California Environmental Quality Act.

**Supervisor Wiener, seconded by Supervisor Mar, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 9-10, by adding 'Development Project does not include rehabilitation of buildings constructed prior to the effective date of this Article 12C.'; on Page 3, Lines 24-25, by striking 'owner' and adding 'operator'; on Page 3, Line 25, through Page 4, Line 2, by adding 'including, but not limited to, a third – party contractor obtained for the purpose of operating and maintaining all or any portion of the Alternate Water Source System.'; on Page 4, Lines 4-12, by adding 'Responsible Party: The Project Applicant, or any subsequent owners, assignees, successors in interest or any other transferees responsible for compliance with this Article 12C. Responsible Party includes, but is not limited to, the owner of the common areas within a District Development Project and any homeowners association or similar entity that maintains the common areas within a District Development Project. Responsible Party does not include the Project Applicant, subsequent owners, assignees, successors in interests, transferees, owners of common area, homeowners associations, or any other person or entity associated with a Development Project serviced by an Alternative District System as described in Section 12C.4(d).'; and on Page 6, Lines 11-12, by striking 'ownership and', Line 15, by adding 'and Development Projects', Lines 17-22, by adding 'except when the water users or other purposes are located on property contiguous to, or across a public right of way from the boundaries of the District or approved Development Project, and the total amount of Nonpotable Water produced by the Alternate Water Source System will not exceed 125% of the District System's or approved Development Project's Non-potable Water demands for toilet and urinal flushing and irrigation, as determined by the approved Water Budget Documentation.', Line 23, by adding 'For District Systems', and Lines 23-24, by striking 'a completed District System' and adding 'the Responsible Party'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160840 [Official Naming of Unnamed Street - Martin Avenue]**

Resolution approving the street name of "Martin Avenue" for an unnamed street laying within Assessor's Parcel Block Nos. 5535 and 5557, and generally bounded by Brewster Street to the south and Mullen Avenue to the north. (Public Works)

**Resolution No.** 490-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**Recommendations of the Public Safety and Neighborhood Services Committee****160184 [Liquor License - 1092 Post Street Including 1104 Polk Street]**

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Real Drinks Inc., dba Jackalope, located at 1104 Polk Street (District 3), will not serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and requesting that the Department of Alcoholic Beverage Control deny the application. (Public Safety and Neighborhood Services Committee)

**Resolution No.** 487-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*President Breed requested File Nos. 160681, 160825, and 160836 be called together.*

**160681 [Liquor License Transfer - 10-4th Street]**

Resolution determining that the transfer of a Type 21 off-sale general license to Trader Joe's Company, dba Trader Joe's 225, located at 10-4th Street, Basement LVL (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 impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

**Resolution No.** 485-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160825 [Liquor License Transfer - 5601 Geary Boulevard]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license to Mainland Market Co., dba Mainland Market Co., located at 5601 Geary Boulevard (District 1), 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.** 488-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160836 [Liquor License Transfer - 507 Columbus Avenue]**

Resolution determining that the transfer of a Type 21 off-sale general license Najwa Inc., dba Alimento, located at 507 Columbus Avenue (District 3), 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.** 489-16

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to the Richmond District Neighborhood Center in recognition of their accomplishments developing and providing high quality youth, adult, and family programs that address community needs.*

*Supervisor Tang introduced, welcomed, and presented a Certificate of Honor to Sophie Hayward of the Mayor's Office of Housing and Community Development in recognition of their many accomplishments and continued community support. John Rahaim, Director (Planning Department), Olson Lee, Director (Mayor's Office of Housing and Community Development), Supervisors Farrell, Yee, Cohen, Avalos, Mar, Wiener, Campos, Kim, Peskin, and Breed shared in this commendation.*

## SPECIAL ORDER 3:00 P.M.

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

*Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney), and John Rahaim, Director (Planning Department), who responded to questions raised throughout the discussion.*

### **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 Mar, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*President Breed CONTINUED the Hearing open to December 13, 2016.*

### **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 Mar, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **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 Mar, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**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 Mar, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**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 Mar, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*President Breed CONTINUED the Hearing open to December 13, 2016.*

**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 Mar, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**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 Mar, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**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 Mar, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 13, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**SPECIAL ORDER 3:00 P.M.****161212 [Hearing - Appeal of Tentative Map Approval - 875 California Street/770 Powell Street]**

Hearing of persons interested in or objecting to the decision of Public Works dated October 24, 2016, approving a Tentative Map for a 44-unit new construction project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017. (District 3) (Appellant: Sandra S. Pershing) (Filed November 2, 2016) (Clerk of the Board)

*President Breed informed the Board of Supervisors that the Appellant, Sandra S. Pershing, submitted a correspondence, dated November 28, 2016, withdrawing the appeal without prejudice and inquired whether any member of the public wished to address the Board relating to the withdrawn appeal. Joe Alioto; Valentino Juarez; spoke on various concerns relating to the withdrawn appeal.*

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161213 [Approving Decision of Public Works and Approving the Tentative Map - 875 California Street/770 Powell Street]**

Motion approving decision of Public Works and approving the Tentative Map for a 44-unit new construction condominium project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017; 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 Cohen, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee



**161214 [Disapproving Decision of Public Works and Disapproving the Tentative Map - 875 California Street/770 Powell Street]**

Motion disapproving decision of Public Works and disapproving the Tentative Map for a 44-unit new construction condominium project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017. (Clerk of the Board)

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**161215 [Preparation of Findings Related to the Tentative Map - 875 California Street/770 Powell Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Map for a 44-unit new construction condominium project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017. (Clerk of the Board)

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****161211 [Hearing - Committee of the Whole - Resolution of Necessity to Acquire a Lease by Eminent Domain - Central Shops Relocation - 1975 Galvez Avenue]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on November 29, 2016, at 3:00 p.m., to hold a public hearing on a Resolution of Necessity (File No. 161101) authorizing the acquisition of a lease at the real property commonly known as 1975 Galvez Avenue, Assessor's Parcel Block No. 5250, Lot No. 016, by eminent domain for the public purpose of completing and constructing the Central Shops Relocation, scheduled pursuant to Motion No. M16-155, approved by the Board on November 1, 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 the acquisition of various properties as referenced in File No. 161101. Supervisors Peskin and Cohen made opening remarks. John Updike, Director (Real Estate Division), provided an overview of the project and responded to questions raised throughout the discussion. There were no other speakers. President Breed declared public comment closed and adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

**Committee of the Whole Adjourn and Report**

**161101 [Authorizing the Acquisition of a Lease by Eminent Domain - Central Shops Relocation - 1975 Galvez Avenue]**

Resolution authorizing the acquisition of a lease at the real property commonly known as 1975 Galvez Avenue, Assessor's Parcel Block No. 5250, Lot No. 016, by eminent domain for the public purpose of completing and constructing the Central Shops Relocation; affirming the Planning Department's Categorical Exemption 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. (Public Utilities Commission)  
(Fiscal Impact)

**Resolution No.** 494-16

**ADOPTED by the following vote:**

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

Noes: 2 - Breed, Peskin

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**PUBLIC COMMENT**

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

*Male Speaker; shared various religious concerns.*

*Martin Reed; expressed concerns regarding equality and activism.*

*Dan Flanagan; shared concerns regarding tree upkeep and maintenance.*

*Christopher Dahl; shared concerns regarding racism and equality.*

*Patsy; shared concerns and experiences with housing.*

*Female Speaker; expressed support of the legislation to establish a legal unit to defend immigrants from deportation.*

*Male Speaker; expressed support of the legislation to establish a legal unit to defend immigrants from deportation.*

*Claire Sylvan; expressed support of the legislation to establish a legal unit to defend immigrants from deportation.*

*Female Speaker; expressed support of the legislation to establish a legal unit to defend immigrants from deportation.*

*Abdul Kalen; expressed support of the legislation to establish a legal unit to defend immigrants from deportation.*

*Male Speaker; expressed support of the legislation to establish a legal unit to defend immigrants from deportation.*

*Tom Gilberty; shared concerns regarding access on public transportation, the 8 Washington project, and the Navigation Centers.*

*Devon Warner; expressed support of the Ghost Bike Memorials Resolution contained in File No. 161250.*

*Bert Hill; expressed support of the Ghost Bike Memorials Resolution contained in File No. 161250.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****161256 [Final Map 4640 - 2350-19th Avenue]**

Motion approving Final Map 4640, a five-lot subdivision project, located at 2350-19th Avenue, being a subdivision of Assessor's Parcel Block No. 2347, Lot No. 004G, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-167**

**APPROVED**

**161257 [Final Map 8088 - 545 Ashbury Street]**

Motion approving Final Map 8088, a five residential unit condominium project, located at 545 Ashbury Street, being a subdivision of Assessor's Parcel Block No. 1231, Lot No. 008, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-168**

**APPROVED**

**161258 [Final Map 8734 - 427-431 14th Street]**

Motion approving Final Map 8734, a five residential unit condominium project, located at 427-431 14th Street, being a subdivision of Assessor's Parcel Block No. 3546, Lot No. 029, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-169**

**APPROVED**

**161259 [Final Map 8789 - 510 Folsom Street]**

Motion approving Final Map 8789, a 73 lot vertical subdivision and 436 residential unit and two commercial unit, mixed-use condominium project, located at 510 Folsom Street, being a subdivision of Assessor's Parcel Block No. 3736, Lot No. 120, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-170**

**APPROVED**

**161260 [Final Map 8891 - 1201 Tennessee Street]**

Motion approving Final Map 8891, a 263 residential unit and two commercial unit, mixed-use condominium project, located at 1201 Tennessee Street, being a subdivision of Assessor's Parcel Block No. 4172, Lot No. 022, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-171**

**APPROVED**

**161261 [Final Map 8881 - 520-9th Street]**

Motion approving Final Map 8881 a 12 residential unit condominium project, located at 520-9th Street, being a subdivision of Assessor's Parcel Block No. 3526, Lot No. 005, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No.** M16-172

**APPROVED**

**161276 [Final Map 8593 - Mission Bay Blocks 29-32]**

**Sponsor:** Kim

Motion approving Final Map 8593, a merger and eight-lot subdivision, including a 100 commercial unit condominium project within vertical subdivision lots 1-5, located at Mission Bay South Blocks 29-32, also referred to as 1601-1799 3rd Street, being a subdivision of Assessor's Parcel Block No. 8722, Lot Nos. 001 and 008; approving a public improvement agreement for this map; and acknowledging findings pursuant to the Mission Bay South Redevelopment Plan, the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No.** M16-173

**APPROVED**

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

*Supervisor Yee requested that File No. 161250 be severed so that it may be considered separately.*

**161250 [Urging Public Works and the San Francisco Municipal Transportation Agency to Preserve Ghost Bikes as Memorials and in Support of Vision Zero]**

**Sponsors:** Yee; Kim and Mar

Resolution urging Public Works and the San Francisco Municipal Transportation Agency (SFMTA) to work with the Bicycle Advisory Committee, other appropriate departments, and advocates to create a plan and procedures permitting Ghost Bikes or other appropriate memorials at locations in and around San Francisco to raise awareness of safety, and to memorialize those killed on San Francisco streets.

**Resolution No.** 501-16

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Supervisor Campos requested that File No. 161277 be severed so that it may be considered separately.

**161277 [Rescinding Motion Reversing the Community Plan Exemption Determination and Requesting Additional Information - Proposed Project at 1515 South Van Ness Avenue]**

Motion adopting findings reversing the Planning Department's determination that a proposed project at 1515 South Van Ness Avenue does not require further environmental review under a Community Plan Exemption. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Cohen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the 'adopting findings' language, rescind Motion No. M16-156, remove the Motion contained in File No. 161002 from the table, and require an additional appeal hearing once the Planning Department report is received. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee  
Motion rescinding Board of Supervisors Motion No. 16-156 reversing the Planning Department's determination that a proposed project at 1515 South Van Ness Avenue does not require further environmental review under a Community Plan Exemption; removing the motion in Board File No. 161002 from the table; and requesting further information from the Planning Department related to the potential environmental impacts of the proposed project. (Clerk of the Board)

**Supervisor Campos, seconded by Supervisor Mar, moved that this Motion be CONTINUED AS AMENDED to the Board of Supervisors meeting of December 6, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## IMPERATIVE AGENDA

*[Purely Commendatory Finding]*

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

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **161284 [Commending Chuck Nevius]**

**Sponsors: Peskin; Farrell**

Resolution commending Chuck Nevius.

*President Breed inquired as to whether any member of the public wished to address the Board relating to commending Chuck Nevius, as referenced in File No. 161284. There were no speakers. The President declared public comment closed.*

**Supervisor Farrell, seconded by Supervisor Wiener, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of December 6, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*[Purely Commendatory Finding]*

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

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **161275 [Commending Supervisor Scott Wiener]**

**Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor Scott Wiener for his distinguished service as a Member of the Board of Supervisors for the City and County of San Francisco, representing District Eight.

*President Breed inquired as to whether any member of the public wished to address the Board relating to the commendation of Supervisor Scott Wiener, as referenced in File No. 161275. Tom Gilbert; Male Speaker; shared various thoughts and stories relating to Supervisor Wiener. The President declared public comment closed.*

**Resolution No. 486-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## 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

#### **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.

11/29/16; ASSIGNED to Land Use and Transportation Committee.

#### **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.

11/29/16; ASSIGNED to Budget and Finance Committee.



**161287 [Environment Code - Green Building Requirements for City Buildings]****Sponsors: Mayor; Breed**

Ordinance amending the Environment Code to update the green building requirements for the design, construction, and operation of City buildings; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/29/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/29/2016.

**161288 [Appropriation - General Reserve - Establishing a Legal Unit to Defend Immigrants from Deportation in FYs 2016-2017 and 2017-2018 - \$6,945,965]****Sponsors: Fewer; Kim**

Ordinance appropriating \$6,945,965 of General Reserve to the Office of Public Defender, to create a legal unit to defend immigrants from deportation in FYs 2016-2017 and 2017-2018. (Fiscal Impact; No Budget and Legislative Analyst Report)

11/29/16; ASSIGNED to Budget and Finance Committee.

**161289 [Public Employment - Amendment to the Annual Salary Ordinance for the Office of Public Defender - Legal Unit to Defend Immigrants from Deportation - FYs 2016-2017 and 2017-2018]****Sponsors: Fewer; Kim**

Ordinance amending Ordinance No. 146-16 (Annual Salary Ordinance FYs 2016-2017 and 2017-2018) to reflect the addition of 17 new positions (7.08 FTEs in FY2016-2017 and 17 FTEs in FY2017-2018) at Office of Public Defender for establishing a legal unit to defend immigrants from deportation.

(Fiscal Impact; No Budget and Legislative Analyst Report)

11/29/16; ASSIGNED to Budget and Finance 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.

11/29/16; ASSIGNED to Public Safety and Neighborhood Services Committee.

**161291 [Administrative Code - Update Hotel Conversion Ordinance]****Sponsors: Peskin; Kim, Sheehy, Cohen and Safai**

Ordinance amending the Administrative Code to update the Hotel Conversion Ordinance, including: adding or refining definitions of tourist and transit use, comparable unit, conversion, and low-income household; revising procedures for permits to convert residential units; harmonizing fees and penalty provisions with the Building Code; eliminating seasonal short-term rentals for residential hotels that have violated provisions of the Hotel Conversion Ordinance in the previous year; authorizing the Department of Building Inspection to issue administrative subpoenas; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/29/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/29/2016.

## **Resolutions**

### **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)

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **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)

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **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)

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **161295 [Accept In-Kind Grant - San Francisco Parks Alliance - John McLaren Bike Park, Phase I - \$147,268]**

**Sponsor: Mayor**

Resolution authorizing the San Francisco Recreation and Park Department to accept an in-kind grant of \$147,268 from the San Francisco Parks Alliance to support the John McLaren Bike Park. (Recreation and Park Department)

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**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)

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**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.

11/29/16; ASSIGNED to Land Use and Transportation Committee.

**161297 [Approval of an Additional 120-Day Extension for Planning Commission Review of Inclusionary Affordable Housing Program (File No. 150911)]****Sponsors: Mayor; Farrell and Tang**

Resolution extending by an additional 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150911) amending the Planning Code to provide revised geographic, timing, pricing, and other requirements for the off-site alternative to the Inclusionary Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing Fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed "dialing up;" revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of the Planning Code, Section 101.1.

11/29/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161298 [Tom Owen Day - December 8, 2016]****Sponsors: Peskin; Farrell and Mar**

Resolution declaring December 8, 2016, as Tom Owen Day in the City and County of San Francisco, in recognition of his many years of outstanding service in the City Attorney's Office and his well-deserved retirement.

11/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161284 [Commending Chuck Nevius]****Sponsors: Peskin; Farrell**

Resolution commending Chuck Nevius.

11/29/16; CONTINUED.

11/29/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Motions****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.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**161282 [Board of Supervisors Regular Meeting Schedule - 2017]**

Motion establishing the 2017 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1 by cancelling the Board meetings of January 3, January 17, February 21, May 30, July 4, October 10, and November 7 and 21, 2017; and all Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2017, through January 5, 2018; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

11/29/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing****161300 [Hearing - Update on the City's Budget]****Sponsor: Farrell**

Hearing on recent updates regarding the City's financial position, including the Mayor's budget instructions to departments for FYs 2017-2018 and 2018-2019; and requesting the Mayor's Budget Director and the Controller to report.

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161301 [Hearing - Future of Tenant Security and Affordability at 737 Post Street]****Sponsor: Peskin**

Hearing on the transition plans for the units of Below Market Rate housing pending the February 2017 termination of the Sequoia Equities' participation in the Low Income Housing Program; and requesting the Mayor's Office of Housing and Community Development and the private owners of 737 Post Street, Sequoia Equities, to report.

11/29/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**161302 [Hearing - San Francisco Municipal Transportation Agency On-Street Car Sharing Program]****Sponsor: Peskin**

Hearing to receive presentations from the San Francisco Municipal Transportation Agency (SFMTA) on the City's On-Street Car Sharing program, including an overview of the permitting process, neighborhood outreach, cost to taxpayers, and potential alternatives; and requesting the SFMTA to report.

11/29/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**161303 [Hearing - Review and Approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines - FYs 2016-2017 and 2017-2018]**

Hearing to consider the review and approval of the Budget Guidelines for the Board of Supervisors/Clerk of the Board Annual Budget for FYs 2017-2018 and 2018-2019. (Clerk of the Board)

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance 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****161262 [Administrative Code - Delegating Tax Collector Authority to Administer Excess Proceeds Claims]**

Ordinance amending the Administrative Code to delegate authority from the Board of Supervisors to the Tax Collector under California Revenue and Taxation Code, Section 4765.1, to administer excess proceeds claims after the completion of tax sales of real property. (Treasurer-Tax Collector)

11/16/16; RECEIVED FROM DEPARTMENT.

11/29/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/29/2016.

**161263 [Business and Tax Regulations Code - Revenue Control Equipment, Software Applications, and Valet Parking Operators Certificates of Authority]**

Ordinance amending the Business and Tax Regulations Code to allow operators to use Revenue Control Equipment in the form of software applications, establish criteria for its use, and to allow valet parking operators to obtain one certificate of authority to collect the parking tax at all locations. (Treasurer-Tax Collector)

11/16/16; RECEIVED FROM DEPARTMENT.

11/29/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/29/2016.

**161264 [Business and Tax Regulations Code - Estimated Payments, Filing Extensions, and Refunds]**

Ordinance amending the Business and Tax Regulations Code to modify the quarterly filing and payment requirements for payroll expense taxes and gross receipts taxes, to clarify the requirements for obtaining a return filing extension, and to expressly permit taxpayers to apply refunds of the business registration fee, the payroll expense tax, and the gross receipts tax to subsequent tax periods. (Treasurer-Tax Collector)

11/17/16; RECEIVED FROM DEPARTMENT.

11/29/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/29/2016.

**161265 [Settlement of Lawsuit - 501 Folsom Street, LLC - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by 501 Folsom Street, LLC, against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 27, 2013, in San Francisco Superior Court, Case No. CGC-13-535767; entitled 501 Folsom Street LLC v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

11/14/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**161269 [Settlement of Lawsuit - Roy Korobi - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Roy Korobi against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 26, 2014, in San Francisco Superior Court, Case No. CGC-14-541881; entitled Roy Korobi v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk; other material terms of the settlement are Co-Defendant Impark Pacific Parking, LLC will pay plaintiff \$75,000. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**161270 [Settlement of Lawsuit - Bradley Bishop - \$750,000]**

Ordinance authorizing settlement of the lawsuit filed by Bradley Bishop against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 9, 2015, in San Francisco Superior Court, Case No. CGC-15-544028; entitled Bradley Bishop v. City and County of San Francisco, et al.; the lawsuit involves a medical malpractice claim; other material terms of the settlement are: City and County of San Francisco to waive offset of \$13,891.80 for unpaid services, and Regents of the University of California to pay \$1,750,000. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**161271 [Settlement of Lawsuit - Suzanne Davis-Hornby - \$200,000]**

Ordinance authorizing settlement of the lawsuit filed by Suzanne Davis-Hornby against the City and County of San Francisco for \$200,000; the lawsuit was filed on July 9, 2015, in San Francisco Superior Court, Case No. CGC-15-546768; entitled Suzanne Davis-Hornby v. City and County of San Francisco; the lawsuit involves personal injury from alleged dangerous condition of public property. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**161272 [Settlement of Lawsuits and Supplemental Appropriation - Coral Construction, Inc., and Schram Construction, Inc. - \$1,432,098 Settlement - \$716,049 Appropriation]**

Ordinance authorizing settlement of attorneys' fees claims in the consolidated lawsuits filed by Coral Construction, Inc., and Schram Construction, Inc., against the City and County of San Francisco for \$1,432,098; the Coral lawsuit was filed on September 12, 2000, in San Francisco Superior Court, Case No. CPF-01-319549; entitled Coral Construction Inc. v. John L. Martin, et al.; the Schram lawsuit was filed on June 10, 2003, in San Francisco Superior Court, Case No. CGC-03-421249; entitled Schram Construction, Inc. v. City & County of San Francisco, et al.; the lawsuits challenged whether Administrative Code, Chapter 12D.A, complies with the California Constitution; and appropriating \$716,049 from the Wastewater Enterprise fund balance for this purpose. (City Attorney)

(Supervisor Breed dissented in committee.)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

**161266 [Airport Professional Services Agreement Modification No. 3 - Operation and Maintenance Services for the AirTrain System - Not to Exceed \$115,444,968]**

Resolution approving Modification No. 3 to Professional Services Agreement, Airport Contract No. 8838, between Bombardier Transportation (Holdings) USA, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, to exercise the first of two one-year options from March 1, 2017, through February 28, 2018, to provide operation and maintenance services for the AirTrain System, and cover the replacement of obsolete AirTrain parts and equipment, for a new not-to-exceed amount of \$115,444,968 pursuant to Charter, Section 9.118(b). (Airport Commission)

(Fiscal Impact)

11/17/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161267 [Agreement Amendment - Harris & Associates, Inc. - Extending Term to May 11, 2020]**

Resolution retroactively approving the Fifth Amendment to the Agreement between Harris & Associates, Inc., and the City and County of San Francisco, for financial consulting in acquisition reimbursement and cost allocations in conjunction with Mission Bay Development - Community Facilities District Nos. 4 and 6, extending the term of the agreement by three years and nine months to commence August 11, 2016, for a total term of August 15, 2006, through May 11, 2020, at no additional cost. (Public Works)

11/14/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161273 [Settlement of Unlitigated Claim - Danielle Barnett - \$90,000]**

Resolution approving the settlement of the unlitigated claim filed by Danielle Barnett against the City and County of San Francisco for \$90,000; the claim was filed on January 21, 2016; the claim involves a personal injury on a City street. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **In Memoriams**

*Norman Edgar Bray - Supervisor Tang  
Comelia Brown - Full Board  
Catalina Grijalva Valles - Supervisor Campos  
Amanda Church Hayne Kirkwood - Supervisor Farrell*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 5:27 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