

## Board of Supervisors



City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689  
Tel. No. 554-5184  
TDD No. 554-5227

### Legislation Introduced at Roll Call

Tuesday, February 5, 2019

#### 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

**190140 [Administrative Code - Displaced Tenant Preference in City Affordable Housing]**

**Sponsors:** Brown; Peskin

Ordinance amending the Administrative Code to expand the Displaced Tenant Preference in City Affordable Housing Programs to cover tenants where the tenant's unit is no longer restricted by a regulatory agreement or other affordable housing restriction and the landlord has increased the rent to be more than 40% of the tenant's gross household income. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**190141 [Administrative Code - Programs and Fund for Vehicularly Housed Persons]**

**Sponsors:** Brown; Safai

Ordinance amending the Administrative Code to establish the Relocation Assistance Fund for the Vehicularly Housed and to allow eligible vehicularly housed persons to receive financial assistance from the Fund for up to six months; require the Department of Homelessness and Supportive Housing ("HSH") to establish a Safe Overnight Parking Program to provide eligible vehicularly housed persons a place to park and sleep in their vehicles overnight, case management, and other services; require HSH to collaborate with Municipal Transportation Agency to develop an On-Street Parking Citation and Tow-and-Storage-Fee Abatement Program to provide eligible vehicularly housed persons with waivers or reduced parking fines and fees; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

**190142 [Environment Code - Existing Buildings Energy Performance and Benchmarking]**

**Sponsors:** Brown; Peskin

Ordinance amending the Environment Code to require owners of certain nonresidential and residential buildings to annually measure and disclose energy performance; to require the Department of the Environment to collect and make public summary statistics about the energy performance of such buildings; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

- 190143 [Administrative Code - Harvey Milk Terminal Signage at San Francisco International Airport]**  
**Sponsors:** Ronen; Mandelman  
Ordinance amending the Administrative Code to set the minimum size of lettering for exterior signage for the Harvey Milk Terminal, Terminal 1 of the San Francisco International Airport. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

## **RESOLUTIONS**

- 190144 [Loan Agreement - 735 Davis Senior, L.P. - 100% Affordable Housing at 735 Davis Street - Not to Exceed \$19,583,557]**  
**Sponsor:** Mayor  
Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development to execute a Loan Agreement with 735 Davis Senior, L.P., a California limited partnership, in an amount not to exceed \$19,583,557 for a minimum term of 57 years to finance the construction of a 100% affordable, 52-unit multifamily rental housing development (plus one staff unit) for low and moderate income senior households ("Davis Project"); and adopting findings that the Loan Agreement is consistent with the adopted Mitigation Monitoring and Reporting Program under the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190145 [Multifamily Housing Revenue Note - 735 Davis Senior LP - Not to Exceed \$21,885,000]**  
**Sponsor:** Mayor  
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 \$21,885,000 for the purpose of providing financing for the construction of a 53-unit multifamily rental housing project known as "735 Davis Senior Apartments;" 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, as defined herein; and granting general authority to City officials to take actions necessary to implement this Resolution, and related matters, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190146 [Loan Agreement - 88 Broadway Family, L.P. - 100% Affordable Housing at 88 Broadway - Not to Exceed \$31,020,739]**  
**Sponsor:** Mayor  
Resolution approving and authorizing the Director of the Mayor's Office of Housing and Community Development to execute a Loan Agreement with 88 Broadway Family, L.P., a California limited partnership, in an amount not to exceed \$31,020,739 for a minimum term of 57 years to finance the construction of a 100% affordable, 124-unit multifamily rental housing development (plus one staff unit) for low and moderate income households ("Broadway Project"); and adopting findings that the Loan Agreement is consistent with the adopted Mitigation Monitoring and Reporting Program under the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 190147 [Multifamily Housing Revenue Note - 88 Broadway Family Apartments - Not to Exceed \$55,280,000]**  
**Sponsor:** Mayor  
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 \$55,280,000 for the purpose of providing financing for the construction of a 125-unit multifamily rental housing project known as "88 Broadway Family Apartments;" 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, as defined herein; and granting general authority to City officials to take actions necessary to implement this Resolution, and related matters, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190148 [Multifamily Housing Revenue Bonds - 22, 102, and 106 South Park Street - Not to Exceed \$40,000,000]**  
**Sponsors:** Mayor; Haney  
Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$40,000,000 for 22, 102, and 106 South Park Street; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$40,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190149 [Apply for Grant Application - Noncompetitive Alternative Process County Designation - California Department of Housing and Community Development - No Place Like Home Grant Program]**  
**Sponsor:** Mayor  
Resolution authorizing and delegating to the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to apply for the county noncompetitive allocation award under the California Department of Housing and Community Development No Place Like Home Program, which provides funding for counties to develop multifamily housing specifically for persons with serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 190150 [Apply for Grant Application - Alternative Process County Competitive Allocation Funds - California Department of Housing and Community Development - No Place Like Home Grant Program]**  
**Sponsor:** Mayor  
Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to apply for and accept the county competitive allocation award under the California Department of Housing and Community Development No Place Like Home Program, which provides funding for counties to develop multifamily housing specifically for persons with serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190151 [Authorizing the Director of Public Works to Execute Agreements - Jefferson Street Improvements, Phase II - \$6,782,000]**  
**Sponsors:** Mayor; Peskin  
Resolution authorizing the Director of Public Works to execute agreements with the California Department of Transportation pertaining to the Jefferson Street Improvements, Phase II Project, for the amount of \$6,782,000. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190152 [Accept and Expend Grant - California Department of Public Health - HIV Prevention State Grant No. 18-10590 - \$467,082]**  
**Sponsor:** Mandelman  
Resolution retroactively authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$467,082 from the California Department of Public Health to participate in a program, entitled "HIV Prevention State Grant No. 18-10590," for the period of July 1, 2018, through June 30, 2019. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190153 [Approval of a 90-Day Extension for Planning Commission Review of Planning, Building Codes - Controls on Residential Demolition, Merger, Conversion, and Alteration (File No. 181216)]**  
**Sponsor:** Peskin  
Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 181216) amending the Planning Code to increase penalties for violations of the Planning Code; provide new definitions for Residential Demolitions and Residential Flats, revise definitions for Alterations and Removal, require additional notice and impose new conditional use criteria for Residential Demolitions, Mergers, and Conversions; establish criteria for Major Expansions of Existing Residential Buildings; amending the Building Code to conform the definition of Residential Demolition, require pre-permit inspections and additional application requirements; affirming the Planning Department's California Environmental Quality Act determination; 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. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 190154 [Accept and Expend Grant - California Department of Rehabilitation - State Vocational Rehabilitation Services Program - \$271,200]**  
**Sponsor:** Walton  
Resolution authorizing the Department of Public Health to accept and expend a grant in the amount of \$271,200 from the California Department of Rehabilitation to participate in a program, entitled "State Vocational Rehabilitation Services Program," for the period of July 1, 2019, through June 30, 2022, and waiving indirect costs. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**190158 [Supporting the Naming of Oscar Grant Way at Fruitvale BART Station]**  
**Sponsor:** Walton  
Resolution supporting the naming of the unnamed road on the west side of Fruitvale BART Station between 33rd Avenue and 35th Avenue, to Oscar Grant Way in Oakland, California. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**190155 [Supporting California State Assembly Bill 50 (Kalra) - Expansion of the State Assisted Living Waiver Program]**  
**Sponsor:** Yee  
Resolution urging the Board of Supervisors to support California State Assembly Bill 50, Medi-Cal: Assisted Living Waiver program expansion statewide and advocate for greater slots to be allocated to San Francisco residents, authored by Assembly Member Ash Kalra. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **MOTION**

**190160 [Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - February 26, 2019]**  
Motion that the Board of Supervisors convene in closed session on February 26, 2019, pursuant to California Government Code, Section 54956.9(a) and Administrative Code, Section 67.10(d)(1) for the purpose of conferring with, or receiving advice from, the City Attorney regarding the existing litigation in which the City is a defendant and appellee, American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association v. City and County of San Francisco, Ninth Circuit Court of Appeals Case Nos. 16-16072 and 16-16073, filed in the United States District Court for the Northern District of California on July 24, 2015. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **REQUESTS FOR HEARING**

**190156 [Hearing - Department Subversion of Board of Supervisors Authority to Approve Contracts Pursuant to Charter, Section 9.118]**  
**Sponsors:** Peskin; Yee  
Hearing to inquire into the circumstances surrounding the retroactive nature of the Board of Supervisors' approval on January 29, 2019, of the Grant Agreement between the City and County of San Francisco and Tenderloin Housing Clinic, and of the First Amendment to that Grant Agreement; a review of any other contracts to which the City and County of San Francisco are a party and which were not proactively made subject to approval by the Board of Supervisors in spite of the explicit contract and lease limitations set forth in Section 9.118 of the Charter of the City and County of San Francisco; and requesting the Department of Homelessness and Supportive Housing and Human Services Agency to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**190157 [Hearing - Shelter Monitoring Committee Annual Report]**  
**Sponsor:** Ronen  
Hearing on the annual report of the Shelter Monitoring Committee; and requesting the Shelter Monitoring Committee to report. RECEIVED AND ASSIGNED to Rules 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**

- 190101 [Settlement of Lawsuit - Satinder Singh - \$425,000]**  
Ordinance authorizing settlement of the lawsuit filed by Satinder Singh against the City and County of San Francisco for \$425,000; the lawsuit was filed on January 23, 2014, in San Francisco Superior Court, Case No. CGC-14-536941; entitled Satinder Singh v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 190102 [Settlement of Lawsuit - Brandon Simpson - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Brandon Simpson against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 11, 2017, in the United States District Court, Northern District of California, Case No. 17-CV-00133 KAW; entitled Brandon Simpson v. City and County of San Francisco, et al.; the lawsuit involves alleged damages stemming from civil rights violations; other material terms of the settlement are that Mr. Simpson's court ordered criminal restitution will be paid from the settlement proceeds. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **PROPOSED RESOLUTIONS**

- 190103 [Donation of Retired Ambulance to the San Francisco Unified School District]**  
Resolution authorizing the Fire Department to donate a retired ambulance to the San Francisco Unified School District's Health Academy at John O'Connell High School. (Fire Department). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 190104 [Public Auction - Tax-Defaulted Real Property]**  
Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property, as defined herein. (Treasurer-Tax Collector). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 190105 [Agreement Amendment - Community Awareness and Treatment Services - Behavioral Health Fiscal Intermediary Services - Not to Exceed \$23,186,920]**  
Resolution approving Amendment No. 1 to the agreement between Community Awareness and Treatment Services and the Department of Public Health for behavioral health services, to increase the agreement amount by \$14,363,136 for an amount not to exceed \$23,186,920; and to extend the term by three years, from June 30, 2019, for a total agreement term of July 1, 2017, through June 30, 2022. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**190106 [Agreement Amendment - Conard House - Behavioral Health Fiscal Intermediary Services - Not to Exceed \$44,862,764]**

Resolution approving Amendment No. 1 to the agreement between Conard House and the Department of Public Health for behavioral health services, to increase the agreement amount by \$36,323,985 for an amount not to exceed \$44,862,764; and to extend the term by four years, from June 30, 2019, for a total agreement term of July 1, 2018, through June 30, 2023. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**\*REVISED Clerk to Act - February 5, 2019**

**Board Meeting Minutes for December 18, 2018**

**Requests Granted**

From: Supervisors Walton and Brown

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft an ordinance requiring health warnings on soda ads.

From: Supervisor Peskin

To: All City Departments

Requesting/Inquiring: Inquiry into the circumstances surrounding the retroactive nature of the Board of Supervisors' approval on January 29, 2019 of the Grant Agreement between the City and County of San Francisco and Tenderloin Housing Clinic, and of the First Amendment to that Grant Agreement; and a review of any other contracts to which the City and County of San Francisco are a party and which were not proactively made subject to approval by the Board of Supervisors in spite of the explicit contract and lease limitations set forth in Section 9.118 of the Charter of the City and County of San Francisco.

From: Supervisor Peskin

To: All City Departments

Requesting/Inquiring: Supervisor Peskin inquires of each department, board or commission of the City and County of San Francisco a list of any contract(s), including any amendments to any contract(s), the names of the parties to the contract(s), amount of the contract(s), term of the contract(s) and any options, that are subject to the requirements of Charter Section 9.118 and have been entered into without approval of the Board of Supervisors.

**In Memoriams**

Kenneth Scudder - Supervisor Peskin

Thomas Murphy - Supervisor Safai

Patricia Earby-Banks - Supervisor Walton