

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, February 12, 2019 - 2:00 PM

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

Regular Meeting

NORMAN YEE, PRESIDENT

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

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Fewer, Stefani, Mandelman

Budget and Finance Federal Select Committee
Supervisors Fewer

Government Audit and Oversight Committee
Supervisors Mar, Brown, Peskin

Land Use and Transportation Committee
Supervisors Peskin, Safai, Haney

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

Rules Committee
Supervisors Ronen, Walton, Mar

Meeting Days

Wednesday
10:00 AM

2nd and 4th Thursday
1:15 PM

1st and 3rd Thursday
10:00 AM

Monday
1:30 PM

2nd and 4th Thursday
10:00 AM

Monday
10:00 AM

Members Present: Vallie Brown, Sandra Lee Fewer, Matt Haney, Rafael Mandelman, Gordon Mar, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Shamann Walton, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, February 12, 2019, with President Norman Yee presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Yee called the meeting to order at 2:02 p.m. On the call of the roll, Supervisors Fewer and Haney were noted not present. There was a quorum.

COMMUNICATIONS

There were no communications.

Supervisor Haney was noted present at 2:04 p.m.

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Board Member had any corrections to the January 8, 2019, Board Inaugural Meeting Minutes. There were no corrections.

Supervisor Mandelman, seconded by Supervisor Walton, moved to approve the January 8, 2019, Board Inaugural Meeting Minutes. The motion carried by the following vote, following general public comment:

Ayes: 10 - Brown, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee
Absent: 1 - Fewer

AGENDA CHANGES

There were no agenda changes.

Supervisor Fewer was noted present at 2:05 p.m.

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

190159 [Formal Policy Discussions - February 12, 2019]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topics submitted from the Supervisors representing Districts 5 and 8. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.

1. Use of city and county-owned properties for emergency shelters to temporarily shelter the homeless during periods of severe environmental and weather conditions (District 5)
2. Public transit (District 8)

Mayor London Breed addressed the Board of Supervisors regarding the need for housing in San Francisco, the programs being implemented to expedite affordable housing projects, and the issuance of an Executive Directive to streamline the creation of in-law units. Mayor Breed then discussed the above referenced topics submitted by the District 5 and 8 Supervisors.

Supervisor Brown began the discussions by asking the following question: How can the Board of Supervisors work with you to better maximize the uptake for emergency and pop-up shelter beds? Also, would be supportive of opening severe weather pop-up shelters in appropriate City-owned properties in areas not currently well served by established pop-up locations? Mayor Breed provided information on the number of emergency shelters and severe weather pop-up shelters that were recently opened and indicated that - while regular shelter services are heavily utilized - emergency pop-up shelters are consistently underutilized when they are executed. Supervisor Brown then followed up with the following question: Are there other creative ways we can get people into these emergency shelters? Mayor Breed responded with possible ideas to make these shelters more accessible and the need to increase the overall number of shelter beds and housing. Mayor Breed did not ask any follow-up questions related to this topic.

Supervisor Mandelman began the discussions by asking the following question: How do you envision closing the gaps in our transit system, and moving from the reality of our congested present toward a truly transit-first future? Mayor Breed indicated Muni needs to be made faster and more reliable by addressing the major issues by tracking the City's deferred maintenance backlog, hiring more drivers, extend the system, creating operational efficiencies, and improving the infrastructure of the transit system. She continued by highlighting that ensuring that the transit system is reliable, there would be more people inclined to use the system. Supervisor Mandelman then followed up with the following question: If there was additional money to come in for ERAF, would you use it to help close the gap for Light Rail Vehicles? Mayor Breed indicated always. Mayor Breed then asked Supervisor Mandelman: Will you make an amendment to put the ERAF money back where it belongs to get the trains moving faster? Supervisor Mandelman indicated the only option was to send back to the MTA Board and if there is future ERAF money available he would evaluate that need. Mayor Breed did not ask a follow-up question related to this topic.

Following public comment this matter was filed. No further action was taken.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

181151 [Appropriation from 2006 and 2007 Lease Revenue Bond Reserves - Rossi Pool Project - \$4,000,000 - De-Appropriation and Re-Appropriation - Rossi Pool Project - GGP Golf Course Clubhouse Project - \$4,000,000 - Recreation and Park Department - FY2018-2019]

Sponsor: Mayor

Ordinance appropriating \$4,000,000 consisting of other non-operating revenue from 2006 and 2007 Lease Revenue Bond Reserves to the Recreation and Park Department to support the Rossi Pool Project, and de-appropriating \$4,000,000 of Open Space funding from the Rossi Pool Project and re-appropriating \$4,000,000 to the Golden Gate Park Golf Course Clubhouse Project in FY2018-2019.

(Fiscal Impact)

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

181155 [Public Works Code - Major Encroachment Permit Revocation Hearings]

Sponsor: Peskin

Ordinance amending the Public Works Code to allow five members of the Board of Supervisors to schedule an administrative hearing before the Board regarding potential revocation of a major encroachment permit when the Director of Public Works has not taken timely steps to schedule and hold a hearing or issue a decision regarding the revocation; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED

181175 [Planning Code - Landmark Designation - 22 Beaver Street (Benedict-Gieling House)]

Sponsor: Mandelman

Ordinance amending the Planning Code to designate 22 Beaver Street (Benedict-Gieling House), Assessor's Parcel Block No. 3561, Lot No. 060, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

Only one of the following two Motions should be approved.

181238 [Approving Conditional Use Authorization - 3637-3657 Sacramento Street]

Motion approving the decision of the Planning Commission by its Motion No. 20336, approving a Conditional Use Authorization identified as Planning Case No. 2007.1347CUA for a proposed project located at 3637-3657 Sacramento Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

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

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

181239 [Conditionally Disapproving Conditional Use Authorization and Approving with Additional Conditions - 3637-3657 Sacramento Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20336, approving a Conditional Use Authorization identified as Planning Case No. 2007.1347CUA for a proposed project at 3637-3657 Sacramento Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding conditions on the project for the design modifications; medical office space size and use limitations; assessment of nearby structures and properties; a noise control plan; a dust control plan; parking during construction; construction equipment; hours of construction; procurement of a community liaison; and assistance for affected businesses in the 3600 block of Sacramento and including any other businesses within 150 feet of the project site. The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee
Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20336, approving a Conditional Use Authorization identified as Planning Case No. 2007.1347CUA for a proposed project at 3637-3657 Sacramento Street; and conditionally approving a Conditional Use Authorization for the same Planning Case and property with different conditions, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

181240 [Preparation of Findings Related to Conditional Use Authorization Appeal - 3637-3657 Sacramento 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. 2007.1347CUA for a proposed project located at 3637-3657 Sacramento Street. (Clerk of the Board)

Supervisor Stefani, seconded by Supervisor Peskin, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Recommendation of the Budget and Finance Committee**181133 [Agreement Amendment - State Department of Health Care Services - Substance Use Disorder Services - FYs 2017-2019 - \$144,811,227]**

Resolution retroactively authorizing the Department of Public Health, Behavioral Health Services, to enter into Amendment No. A02 to a multi-year organized delivery system intergovernmental agreement for substance use disorder services with the State Department of Health Care Services, in the amount of \$144,811,227 for the term of June 15, 2017, through June 30, 2019; and authorizing and designating the Department of Public Health County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount. (Public Health Department)

Privilege of the floor was granted unanimously to Greg Wagner (Department of Public Health) who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Committee

President Yee requested File Nos. 181180, 190017, and 190018 be called together.

181180 [Lease Agreement - Elevate Gourmet Brands, Inc., and Aimhigh ESG, LLC, a Joint Venture dba Elevate Gourmet Brands - SFO Group - Terminal 3 Coffee and Quick Serve Concession - \$375,000 Minimum Annual Guarantee]

Resolution approving the Terminal 3 Coffee and Quick Serve Concession Lease - Lease No. 18-0346, between Elevate Gourmet Brands, Inc., and Aimhigh ESG, LLC, a joint venture dba Elevate Gourmet Brands - SFO Group, as joint tenants, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of eight years, to commence following Board approval, with two one-year options to extend, and a minimum annual guarantee of \$375,000 for the first year of the Lease. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190017 [Airport Professional Services Agreement Modification - WCME JV - Project Management Support Services - Terminal 3 West Modernization Project - Not to Exceed \$50,000,000]

Resolution approving Modification No. 6 to Contract No. 10071.41, Project Management Support Services for the Terminal 3 West Modernization Project, with WCME JV to extend the term by four and a half years, from April 5, 2019, through October 4, 2023; and to increase the Contract amount by \$36,000,000 for a new total contract amount not to exceed \$50,000,000 pursuant to Charter, Section 9.118(b). (Airport Commission)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190018 [2011 Airport Lease and Use Agreement - Icelandair ehf]

Resolution approving the terms of 2011 Lease and Use Agreement No. 18-0322 between Icelandair ehf, and the City and County of San Francisco, acting by and through its Airport Commission, with joint use space rent and landing fees, for the lease term to commence following Board approval and expiring on June 30, 2021. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Recommendations of the Land Use and Transportation Committee

181108 [Police, Housing Codes - Required Disclosure of Storm Flood Risks]

Sponsor: Yee

Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190050 [Street Encroachment Permit - Dogpatch Arts Plaza on a Portion of 19th Street]

Sponsors: Mayor; Walton

Resolution granting revocable permission to 650 Indiana Street LLC, the property owner of 650 Indiana Street (Assessor's Parcel Block No. 4041, Lot No. 009), to occupy and maintain a portion of the 19th Street public right-of-way, between Indiana Street and Interstate Highway 280, with an arts-focused public pedestrian plaza; accepting an offer of public improvements and dedicating the improvements to public use; adopting environmental findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190053 [Street Encroachment Permit - Eagle Plaza on a Portion of 12th Street at Harrison Street]

Sponsors: Mayor; Haney and Mandelman

Resolution granting revocable permission to 1532 Harrison Owner, LLC, the property owner of 1532 Harrison Street (Assessor's Parcel Block No. 3521, Lot No. 055-056), to install, occupy, and maintain a portion of the 12th Street public right-of-way, between Harrison Street and Bernice Street, with a LGBTQ leather-focused public pedestrian plaza space and a two-lane roadway; conditionally accepting an offer of public improvements and dedicating the improvements to public use; adopting environmental findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Recommendations of the Rules Committee**190128 [Appointment, In-Home Supportive Services Public Authority - Michael Pappas]**

Motion appointing Michael Pappas, term ending March 1, 2021, to the In-Home Supportive Services Public Authority. (Rules Committee)

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190129 [Appointment, Bicycle Advisory Committee - Kisai Henriquez]

Motion appointing Kisai Henriquez, term ending November 19, 2020, to the Bicycle Advisory Committee. (Rules Committee)

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190130 [Appointment, Park, Recreation, and Open Space Advisory Committee - Karen Rhodes]

Motion appointing Karen Rhodes, term ending February 1, 2021, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190132 [Appointment, Pedestrian Safety Advisory Committee - Cyndi Bakir]

Motion appointing Cyndi Bakir, term ending March 31, 2021, to the Pedestrian Safety Advisory Committee. (Rules Committee)

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190133 [Reappointment, Elections Commission - Christopher Jerdonek]

Motion reappointing Christopher Jerdonek, term ending January 1, 2024, to the Elections Commission. (Rules Committee)

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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

Supervisor Peskin, seconded by Supervisor Brown, 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 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Kary Schulman, former Director of the San Francisco Grants for the Arts Program, on the occasion of her retirement after 38 years with the agency and in recognition of her many accomplishments securing funding for arts, events and festivals throughout San Francisco. Supervisor Brown shared in this commendation.

Supervisor Brown introduced, welcomed, and presented a Certificate of Honor to Kimiah Tucker, former Executive Director of Mo' Magic, in recognition of her many accomplishments leading a community collaborative creating safe places and opportunities for everyone. Supervisor Walton shared in this commendation.

Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to World Central Kitchen in recognition of their chefs that work in the kitchen to improve health, increase education rates, provide career skills, create food businesses, and most recently concluded their operation to feed federal government workers during the government shutdown. Chef Tyler Florence and Dan Bernal, on behalf of Speaker of the House Nancy Pelosi, shared in this commendation.

Supervisor Mar introduced, welcomed, and presented a posthumous Certificate of Honor in memory of Kim Bok-dong, a former "comfort woman," in recognition of her many accomplishments as a strong activist, advocating to stop violence against women and for a formal apology and compensation from the Japanese government. Supervisor Fewer shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 190093, 190094, 190095, 190096, 190097, 190098, 190099, and 190100 be called together.

Supervisor Safai Excused from Voting

Supervisor Stefani, seconded by Supervisor Fewer, moved that Supervisor Safai be excused from voting on File Nos. 190093, 190094, 190095, 190096, 190097, 190098, 190099, and 190100. The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

190093 [Hearing - Appeal of Determination of Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on December 11, 2018, for the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, approved on December 20, 2018, to demolish the existing buildings on the project site, merge three lots into a single lot, and construct a new seven-story, approximately 64 feet and six inches tall, 59,000-gross-square-foot mixed use building with 63 dwelling units (four units designated as replacement for four existing rent-controlled units, 15 units would be designated as below market rate units, the remaining 44 dwelling units would be market rate), and approximately 2,800 square feet of ground floor retail use. (District 6) (Appellant: Sue Hestor, on behalf of the South of Market Community Action Network) (Filed January 22, 2019) (Clerk of the Board)

President Yee opened the public hearings and Supervisor Haney indicated that, at the request of the appellant and project sponsor, he would be making a motion to continue these matters to a later date. The President then inquired as to whether any individual wished to address the Board. Sue Hestor (Appellant) confirmed the appellant's request that the Board waive the deadlines contained in Planning Code, Section 308.1(c), and that these matters be continued to April 9, 2019. Alice Suet Yee Barkley (Project Sponsor) confirmed the project sponsor's request that the Board waive the deadlines contained in Planning Code, Section 308.1(c), and that these matters be continued to April 9, 2019. Jon Givner (Office of the City Attorney) provided additional information and answered questions raised throughout the discussion. There were no other speakers. President Yee closed public on the continuance.

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

190094 [Affirming the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion affirming the determination by the Planning Department, that a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

190095 [Conditionally Reversing the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion conditionally reversing the determination by the Planning Department, that the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

190096 [Preparation of Findings to Reverse the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

SPECIAL ORDER 3:00 P.M.

190097 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 1052-1060 Folsom Street and 190-194 Russ Street]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 121.1, 121.7, 303, and 317, for a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, Assessor's Parcel Block No. 3731, Lot Nos. 021, 023, and 087, identified in Planning Case No. 2016.004905CUA, issued by the Planning Commission by Motion No. 20361, dated December 20, 2018, for the development of a lot greater than 10,000 square feet, merger of lots that result in a street frontage greater than 50 feet, and the demolition of four existing dwelling units for the project involving the demolition of five existing buildings, merger of three lots, and the construction of a seven-story mixed-use building containing 2,832 square feet of ground floor commercial retail use and 55,887 square feet of residential use for 63 dwelling units, and a ground floor garage with access from a new driveway on Russ Street, within the SoMa NCT (Neighborhood Commercial Transit) and RED (Residential, Enclave) Zoning Districts, and the SoMa Youth and Family Special Use District, a 65-X height and bulk district. (District 6) (Appellant: Sue Hestor, on behalf of the South of Market Community Action Network) (Filed January 22, 2019) (Clerk of the Board)

President Yee opened the public hearings and Supervisor Haney indicated that, at the request of the appellant and project sponsor, he would be making a motion to continue these matters to a later date. The President then inquired as to whether any individual wished to address the Board. Sue Hestor (Appellant) confirmed the appellant's request that the Board waive the deadlines contained in Planning Code, Section 308.1(c), and that these matters be continued to April 9, 2019. Alice Suet Yee Barkley (Project Sponsor) confirmed the project sponsor's request that the Board waive the deadlines contained in Planning Code, Section 308.1(c), and that these matters be continued to April 9, 2019. Jon Givner (Office of the City Attorney) provided additional information and answered questions raised throughout the discussion. There were no other speakers. President Yee closed public on the continuance.

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

190098 [Approving Conditional Use Authorization - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion approving the decision of the Planning Commission by its Motion No. 20361, approving a Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project located at 1052-1060 Folsom Street and 190-194 Russ Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

190099 [Conditionally Disapproving Conditional Use Authorization - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20361, approving a Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

190100 [Preparation of Findings Related to Conditional Use Authorization Appeal - 1052-1060 Folsom Street and 190-194 Russ 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. 2016.004905CUA for a proposed project located at 1052-1060 Folsom Street and 190-194 Russ Street. (Clerk of the Board)

Supervisor Haney, seconded by Supervisor Mandelman, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of April 9, 2019, pursuant to the request of the appellant and project sponsor to waive the deadlines of Planning Code, Section 308.1(c). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Excused: 1 - Safai

COMMITTEE REPORTS

Recommendations of the Budget and Finance Committee

181186 [Appropriation - Educational Revenue Augmentation Fund Property Tax \$220,551,322 - Rainy Day One-Time Reserve Funds \$52,000,000 - SFPUC Revenue Bonds \$10,000,000 - Various Services - FY2018-2019]

Sponsors: Peskin; Fewer, Mandelman, Yee, Mar, Ronen, Haney, Walton, Brown, Safai and Stefani

Ordinance appropriating \$220,551,322 of excess Educational Revenue Augmentation Fund Property Taxes and \$52,000,000 of Rainy Day One-Time Reserve funds for affordable housing small site, single residence occupancy hotel, and behavioral health acquisition and renovation, homelessness and behavioral health services, early care and SFUSD educator funding, for a utility distribution acquisition assessment, various mandatory baseline contributions, and to establish a Teacher and Early Care Educator Unappropriated Emergency Reserve, and \$10,000,000 from San Francisco Public Utilities Commission Revenue Bonds for a utility substation.
(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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

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

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Reuben Goodman; shared concerns regarding criminal activity by staff at a shelter facility.
Francisco Da Costa; shared concerns regarding shelter services in San Francisco.
Lavonne Arnold; shared concerns regarding Section 8 and the Housing Authority.
Tom Gilbert; shared concerns regarding PG&E and climate change.
Speaker; shared various religious concerns.
Speaker; shared concerns regarding the need for affordable housing.
Ahne; shared concerns regarding the Tenderloin and drug usage.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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.

ADOPTED

190155 [Supporting California State Assembly Bill 50 (Kalra) - Expansion of the State Assisted Living Waiver Program]

Sponsors: Yee; Mandelman

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.

ADOPTED

190158 [Supporting the Naming of Oscar Grant Way at Fruitvale BART Station]

Sponsors: Walton; Ronen

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.

Supervisor Ronen requested to be added as a co-sponsor.

ADOPTED

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)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

Introduced at the Request of a Department

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

PROPOSED ORDINANCES**190136 [Various Department of Building Inspection Codes - Technical Corrections to Existing Code]**

Ordinance amending various sections of the Building, Existing Building, Plumbing, Electrical, and Housing Codes to correct or clarify existing Code language, re-enact a longstanding permit requirement for fences with the finding required by the California Health and Safety Code, and add enforcement provisions for the Building Facade Inspection and Maintenance Program; affirming the Planning Department's determination under the California Environmental Quality Act; adopting a finding under the California Health and Safety Code; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

01/29/19; RECEIVED FROM DEPARTMENT.

02/12/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/7/2019.

190137 [Settlement of Lawsuit - Logan Rachel Ury - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Logan Rachel Ury against the City and County of San Francisco for \$80,000; the lawsuit was filed on February 14, 2017, in San Francisco Superior Court, Case No. CGC-17-557062; entitled Logan Rachel Ury v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in Golden Gate Park. (City Attorney)

01/31/19; RECEIVED FROM DEPARTMENT.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS**190138 [Settlement of Unlitigated Claim - Antrea Investments & Trading LLC - \$41,163.13]**

Resolution approving the settlement of the unlitigated claim filed by Antrea Investments & Trading LLC against the City and County of San Francisco for \$41,163.13; the claim was filed on September 21, 2008; the claim involves alleged property damage arising from a six-inch water main break. (City Attorney)

01/31/19; RECEIVED FROM DEPARTMENT.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190139 [Real Property Lease Extension - SF Industrial 1 - 1740 Cesar Chavez Street - \$419,760 Initial Annual Base Rent]

Resolution authorizing the Director of Real Estate to exercise a Lease Extension for the real property located at 1740 Cesar Chavez Street with SF Industrial 1, as Landlord, for a five-year term to commence on April 1, 2019, through March 31, 2024, and a five-year option to extend at the monthly base rent of \$34,980 for a total initial annual base rent of \$419,760 with a 3% annual increase. (Human Resources Department)

02/04/19; RECEIVED FROM DEPARTMENT.

02/12/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:43 p.m.