

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 4, 2018 - 2:00 PM

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

Regular Meeting

MALIA COHEN, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, JANE KIM, RAFAEL MANDELMAN,
AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI, KATY TANG,
NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Brown

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Public Safety and Neighborhood Services Committee
Supervisors Mandelman, Ronen, Peskin

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
10:00 AM

2nd and 4th Thursday
1:15 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
2:00 PM

Members Present: Vallie Brown, Malia Cohen, Sandra Lee Fewer, Jane Kim, Rafael Mandelman, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Katy Tang, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, September 4, 2018, with President Malia Cohen presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Cohen called the meeting to order at 2:02 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.

Supervisor Kim was noted present at 2:03 p.m.

COMMUNICATIONS

There were no communications.

APPROVAL OF MEETING MINUTES

President Cohen inquired whether any Board Member had any corrections to the July 10, 2018, July 17, 2018, July 24, 2018, or July 31, 2018, Board Meeting Minutes. There were no corrections.

Supervisor Kim, seconded by Supervisor Yee, moved to approve the July 10, 2018, July 17, 2018, July 24, 2018, and July 31, 2018, Board Meeting Minutes. The motion carried by the following vote, following general public comment:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Land Use and Transportation Committee

180389 [Planning Code, Zoning Map - Amend Zoning Map and Abolish Legislated Setback on 19th Avenue Between Quintara and Rivera Streets]

Sponsor: Tang

Ordinance amending the Planning Code by abolishing a nine-foot legislated setback on the west side of 19th Avenue between Quintara Street and Rivera Street, and revising the Zoning Map to rezone from RH-1 (Residential, House; One-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 031 (1021 Quintara Street), and to rezone from RH-2 (Residential, House; Two-Family) to RM-2 (Residential, Mixed; Moderate Density) Assessor's Parcel Block No. 2198, Lot No. 001 (located at the intersection of 19th Avenue and Quintara Street), Lot No. 033 (2121-19th Avenue), Lot No. 034 (2145-19th Avenue), and Lot No. 037 (2115-19th Avenue); adopting 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED

180556 [Planning Code - Hours of Operation for Limited Nonconforming Uses]

Ordinance amending the Planning Code to allow limited nonconforming uses in specified zoning districts to operate between the hours of 10:00 p.m. and 12:00 a.m. with Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302. (Planning Commission)

FINALLY PASSED

Recommendations of the Rules Committee

170738 [Administrative Code - Disclosure of Spending in Retirement Board, Health Service Board and Retiree Health Care Trust Fund Board Elections]

Sponsor: Cohen

Ordinance amending the Administrative Code to require disclosure of candidate and third-party spending in Retirement Board, Health Service Board and Retiree Health Care Trust Fund Board elections; set late filing fees and penalties for violations; and specify that the Ethics Commission will enforce the related disclosure requirements.

FINALLY PASSED

180547 [Administrative Code - Prioritizing 100% Affordable Housing Projects]**Sponsors: Ronen; Fewer**

Ordinance amending the Administrative Code to require the Department Building Inspection, Public Works, Fire Department, Mayor's Office on Disability, and Planning Department to prioritize the processing of 100% affordable housing projects as each department's or office's highest priority; to require those departments to identify a staff person responsible for 100% affordable housing projects; and to require the Mayor's Office of Housing and Community Development to provide the Board of Supervisors and the Mayor with quarterly reports about the status of pending 100% affordable housing projects.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Severed from the Consent Agenda

Supervisor Ronen requested that File No. 180480 be severed so that it may be considered separately.

Recommendation of the Budget and Finance Sub-Committee**180480 [Administrative Code - Office of Sexual Harassment and Assault Response and Prevention]****Sponsors: Ronen; Stefani, Kim, Fewer, Cohen, Tang, Safai, Yee, Peskin, Brown and Mandelman**

Ordinance amending the Administrative Code to establish, and to set rules governing the appointment of the Director and the qualifications and duties of employees of the Office of Sexual Harassment and Assault Response and Prevention (Office) as a City department under the direction and oversight of the Human Rights Commission, which Office shall be responsible for: 1) receiving complaints concerning the manner in which any City department has responded or failed to respond to allegations of sexual assault or sexual harassment, and assisting complainants in navigating within City government to resolve those complaints; 2) compelling the attendance of City officers or employees at meetings with complainants; 3) notifying relevant City departments of any failure, in connection with a complaint of sexual assault or sexual harassment, to perform a duty imposed by law, or to perform a promised act, or to respond reasonably to the complainant's or Office's requests, or to otherwise fully and conscientiously respond to the complainant's or the Office's concerns, and reporting to the Mayor and the Board of Supervisors if any City department so notified fails to take timely and adequate corrective action; 4) in certain cases, referring City officers and employees to appropriate disciplinary authorities for possible professional or administrative discipline; 5) requiring City departments to report aggregated or otherwise de-identified information concerning the department's handling of allegations of sexual assault and harassment; 6) engaging with community members to develop recommendations for improving the City's efforts to combat sexual assault and harassment, and making related recommendations to City policymakers; 7) making regular reports to the Human Rights Commission; and 8) maintaining the confidentiality of information required by law to be kept confidential, and respecting complainants' wishes for confidentiality to the maximum extent permitted by law.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Transportation Committee

180319 [Planning Code - Cannabis Retail and Medical Cannabis Dispensaries in Chinatown]

Sponsors: Peskin; Kim, Tang, Fewer and Safai

Ordinance amending the Planning Code to prohibit Cannabis Retail and Medical Cannabis Dispensaries in the Chinatown Mixed Use Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

Ayes: 8 - Cohen, Fewer, Kim, Peskin, Safai, Stefani, Tang, Yee

Noes: 3 - Brown, Mandelman, Ronen

180752 [Planning Code - Accessory Dwelling Units; In-Lieu Fee for Street Trees]

Sponsor: Tang

Ordinance amending the Planning Code to allow payment of an in-lieu fee for an ADU's street tree requirement; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

FINALLY PASSED by the following vote:

Ayes: 9 - Brown, Cohen, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Noes: 2 - Fewer, Kim

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

President Cohen requested File Nos. 180687 and 180688 be called together.

180687 [Multifamily Housing Revenue Note - 490 South Van Ness Avenue - Not to Exceed \$35,712,500]

Sponsors: Mayor; Ronen

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 \$35,712,500 for the purpose of providing financing for the construction of an 81-unit multifamily rental housing project known as "490 South Van Ness Avenue"; 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.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180688 [Ground Lease - 490 South Van Ness Avenue - 490 SVN Housing Associates, LP - \$15,000 Annual Base Rent]

Sponsors: Mayor; Ronen

Resolution approving and authorizing a long term Ground Lease with 490 SVN Housing Associates, LP, on City owned land at 490 South Van Ness Avenue ("Property") for a term of 75 years, to commence following Board approval, with one 24-year extension option, and with an annual base rent of \$15,000 in order to construct a 100% affordable, 80-unit multifamily rental housing development (plus one manager unit) for low-income persons ("Project"); adopting findings that the Ground Lease is consistent with the California Environmental Quality Act, the General Plan, and the priority policies of Planning Code, Section 101.1; and authorizing the Acting Director of Property and Director of Mayor's Office of Housing and Community Development to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein.

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 180714, 180715, and 180716 be called together.

180714 [Agreement Amendment - California Department of Health Care Services - Change Effective End Date of Agreement - Mental Health Plan - Not to Exceed \$238,581,122]

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services, to retroactively enter into an amended Agreement No. 12-89390 with the California Department of Health Care Services to change the end date of the agreement from April 30, 2018, to June 30, 2017, with no change to the amount not to exceed \$238,581,122. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180715 [Agreement - California Department of Health Care Services - Mental Health Plan - \$0]

Resolution retroactively approving Agreement No. 17-94609, between Department of Public Health, Community Behavioral Health Services, and the California Department of Health Care Services, for the San Francisco Mental Health Plan, for a five year term of July 1, 2017, through June 30, 2022, in the amount of \$0. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180716 [Contract Agreement - Regents of the University of California - Behavioral Health Services for Adults and Older Adults - Not to Exceed \$22,811,510]

Resolution retroactively approving a contract agreement between the Department of Public Health and The Regents of the University of California, for behavioral health services for adults and older adults for a contract term of four years, from July 1, 2018, through June 30, 2022, in an amount not to exceed \$22,811,510. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendations of the Land Use and Transportation Committee

180053 [Planning Code - Massage Establishments - Union Street Neighborhood Commercial District]

Sponsor: Stefani

Ordinance amending the Planning Code to conditionally permit Massage Establishments, as defined, in the Union Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180364 [Planning Code - Affordable Housing Projects on Undeveloped Lots in Service/Arts/Light Industrial Districts]**Sponsor: Kim**

Ordinance amending the Planning Code to permit Affordable Housing on undeveloped lots in Service/Arts/Light Industrial (SALI) Zoning Districts; affirming the Planning Department's determination, under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180558 [Public Works Code - Repeal of Reclaimed Water Use Ordinance]

Ordinance amending the Public Works Code to repeal the Reclaimed Water Use Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)

Supervisor Peskin, seconded by Supervisor Safai, moved that this Ordinance be RE-REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

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

Supervisor Kim, seconded by Supervisor Peskin, 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, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Kim presented a posthumous Certificate of Honor to the family of Dr. Dawn Bohulano Mabalon, in recognition of her lifetime of achievements as a professor at San Francisco State University, historian, author, scholar, activist, and advocate for all things relating to her Filipino history.

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 180651, 180652, 180653, and 180654 be called together.

180651 [Hearing - Appeal of Final Environmental Impact Report Certification - Central SoMa Plan]

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed Central SoMa Plan identified in Planning Case No. 2011.1356E, issued by the Planning Commission through Motion No. 20182 dated May 10, 2018. (District 6)
(Appellants: Richard Drury, of Lozeau Drury LLP on behalf of Central SoMa Neighbors and SFBlu; Angelica Cabande for the South of Market Community Action Network (SOMCAN); John Elberling for the Yerba Buena Neighborhood Consortium; Phillip Babich of Reed Smith LLP, on behalf of One Vassar, LLC) (First appeal filed on June 8, 2018, and the subsequent three appeals filed on June 11, 2018.) (Clerk of the Board)

President Cohen opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Kim provided opening remarks and indicated she would be making a motion to continue these matters to a later date. David Woo; spoke on various concerns relating to the continuance. There were no other speakers. President Cohen closed public comment.

Supervisor Kim, seconded by Supervisor Tang, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of September 11, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180652 [Affirming the Final Environmental Impact Report Certification - Central SoMa Plan]

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Central SoMa Plan. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 11, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180653 [Conditionally Reversing the Final Environmental Impact Report Certification - Central SoMa Plan]

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Central SoMa Plan, subject to the adoption of written findings of the Board of Supervisors in support of this determination. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 11, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180654 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - Central SoMa Plan]

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed Central SoMa Plan. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 11, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 180294, 180295, 180296, and 180297 be called together.

180294 [Hearing - Appeal of Final Mitigated Negative Declaration - Proposed Alcatraz Ferry Embarkment Project]

Hearing of persons interested in or objecting to the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the Alcatraz Ferry Embarkment Project, identified in Planning Case No. 2017-000188ENV, affirmed on appeal by the Planning Commission on February 22, 2018, and issued on February 23, 2018. (Appellant: Arthur J. Friedman of Sheppard, Mullin, Richter & Hampton LLP, on behalf of the City of Sausalito) (Filed March 21, 2018) (Clerk of the Board)

President Cohen opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Peskin provided opening remarks and background information regarding this project. Mary Wagner (on behalf of the Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Julie Moore (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. There were no other speakers. President Cohen closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

180295 [Affirming the Approval of a Final Mitigated Negative Declaration - Proposed Alcatraz Ferry Embarkment Project]

Motion affirming the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act, for the proposed Alcatraz Ferry Embarkment Project located at Pier 31-1/2. (Clerk of the Board)

Motion No. M18-113

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180296 [Conditionally Reversing the Approval of a Final Mitigated Negative Declaration - Proposed Alcatraz Ferry Embarkment Project]

Motion conditionally reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed Alcatraz Ferry Embarkment Project located at Pier 31-1/2, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180297 [Preparation of Findings to Reverse the Final Mitigated Negative Declaration - Proposed Alcatraz Ferry Embarkment Project]

Motion directing the Clerk of the Board to prepare findings reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for the proposed Alcatraz Ferry Embarkment Project located at Pier 31-1/2. (Clerk of the Board)

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 180787, 180788, 180789, and 180790 be called together.

180787 [Hearing - Appeal of Conditional Use Authorization - 143 Corbett Avenue]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 249.77(D)(4) and 303(C), for a proposed project at 143 Corbett Avenue, Assessor's Parcel Block No. 2656, Lot No. 060, identified in Planning Case No. 2017-009348CUA, issued by the Planning Commission by Motion No. 20220 dated June 21, 2018, to legalize interior alterations and horizontal additions at the rear building wall's bay window and decks, and the addition of a second unit within an existing single-family dwelling. (District 8) (Appellant: Gary Weiss, on behalf of Corbett Heights Neighbors) (Filed July 23, 2018) (Clerk of the Board)

President Cohen opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Mandelman provided opening remarks and indicated he would be making a motion to continue these matters to a later date. There were no other speakers. President Cohen closed public comment.

Supervisor Mandelman, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of October 2, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180788 [Approving Conditional Use Authorization - 143 Corbett Avenue]

Motion approving the decision of the Planning Commission by its Motion No. 20220, approving a Conditional Use Authorization identified as Planning Case No. 2017-009348CUA for a proposed project located at 143 Corbett Avenue; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 2, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180789 [Conditionally Disapproving Conditional Use Authorization - 143 Corbett Avenue]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20220, approving a Conditional Use Authorization identified as Planning Case No. 2017-009348CUA for a proposed project at 143 Corbett Avenue, 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 Mandelman, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 2, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180790 [Preparation of Findings Related to Conditional Use Authorization Appeal - 143 Corbett Avenue]

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 in Planning Case No. 2017-009348CUA for a proposed project at 143 Corbett Avenue. (Clerk of the Board)

Supervisor Mandelman, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 2, 2018. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Allen Jones; shared concerns regarding discrimination and the Human Rights Commission.

Rachel Hydan; invited the Board to participate in Transit Week 2018.

Peter Drekmeier; shared concerns and facts regarding the water supply for San Francisco.

Will Enders; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Mr. Wright; shared concerns regarding public corruption safe injection sites in San Francisco.

Meina Young; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Gloria; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Speaker; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Speaker; spoke on various religious concerns.

Jane Lee; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Sonia Ng; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Yen Lo; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Christine Pelosi; spoke in support of the Resolution supporting the Affordable Housing Act (File No. 180785).

Tom Gilbert; spoke in support of the Resolution supporting the Affordable Housing Act (File No. 180785), in support of safe injection sites, and shared concerns regarding public safety.

Wynship W. Hillier; shared various mental illness experiences and unconstitutional outpatient treatment, and requested the Board stop funding Citywide Case Management/Community Focus.

Speaker; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Wendy Wong; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Cindy Lim; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Bifen Mao; spoke in opposition to the Resolution supporting the Affordable Housing Act (File No. 180785).

Appointment of President Pro Tempore

At the request of President Cohen, Supervisor Safai assumed the chair at 3:24 p.m. The President resumed the chair at 3:30 p.m.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

180808 [Opposing California State Proposition 6 on the November 6, 2018, Ballot]

Sponsors: Peskin; Brown

Resolution opposing California State Proposition 6 on the November 6, 2018, ballot, the Voter Approval for Future Gas and Vehicle Taxes and 2017 Tax Repeal Initiative, which would repeal the Road Repair and Accountability Act of 2017 and require voter approval to impose, increase, or extend any future fuel tax or vehicle fee.

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

ADOPTED

180834 [Final Map 9379 - 1335 Folsom Street]

Motion approving Final Map 9379, a 53 residential and five commercial (four hotel rooms) unit mixed use condominium project being a merger and re-subdivision of that certain real property described in that certain deed recorded February 21, 2017, as document No. 2017-K410947-00, located at 1335 Folsom Street; and adopting findings pursuant to the General Plan, and the priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M18-114

APPROVED

180835 [Final Map 9235 - Treasure Island]

Motion approving phased Final Map No. 9235 relating to portions of Treasure Island, the merger and re-subdivision of existing of Final Transfer Map No. 8674, Lots 1-16 and A-R, resulting in up to 45 lots intended for residential, commercial, open space, public right-of-way, public utility, and public institutional uses, including up to 1,950 condominiums (1,884 residential condominium units and 66 commercial condominium units), subject to specified conditions; approving a Public Improvement Agreement related to Final Map No. 9235; and acknowledging findings pursuant to the General Plan, and Planning Code, Section 101.1. (Public Works)

Motion No. M18-115

APPROVED

180840 [Concurring in the Second Declaration of Local Emergency - Flooding Affecting SFPUC's Moccasin Reservoir (Tuolumne County)]

Motion concurring in the "Flooding Affecting SFPUC's Moccasin Reservoir" Second Declaration of Local Emergency by the Mayor and in the actions taken to meet the emergency. (Clerk of the Board)

Motion No. M18-116

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Peskin requested that File No. 180785 be severed so that it may be considered separately.

180785 [Supporting California State Proposition 10 - The Affordable Housing Act - November 6, 2018 Ballot]

Sponsors: Peskin; Fewer, Mandelman, Ronen, Kim and Brown

Resolution supporting California State Proposition 10, The Affordable Housing Act, on the November 6, 2018, ballot; and reaffirming the City and County of San Francisco's support for repeal of the Costa-Hawkins Rental Housing Act.

Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.

NOT ADOPTED by the following vote:

Ayes: 7 - Brown, Fewer, Kim, Mandelman, Peskin, Ronen, Yee

Noes: 4 - Cohen, Safai, Stefani, Tang

Supervisor Peskin, seconded by Supervisor Ronen, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Resolution be REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Appointment of President Pro Tempore

At the request of President Cohen, Supervisor Yee assumed the chair at 4:10 p.m. so the President could participate in the debate on File No. 180785 from the floor. The President resumed the chair at 4:38 p.m.

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

180816 [General Plan - India Basin Mixed-Use Project]

Ordinance amending the General Plan to revise the Bayview Hunters Point Area Plan, and the Urban Design, Commerce and Industry, and Recreation and Open Space Elements, to reflect the India Basin Mixed-Use Project; adopting findings under the California Environmental Quality Act; and making findings under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

08/24/18; RECEIVED FROM DEPARTMENT.

09/04/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/4/2018.

180817 [Settlement of Lawsuit - Terrance Heyward - \$37,500]

Ordinance authorizing settlement of the lawsuit filed by Terrance Heyward against the City and County of San Francisco for \$37,500; the lawsuit was filed on October 12, 2016, in San Francisco Superior Court, Case No. CGC-16-554799; entitled Terrance Heyward v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

07/24/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180818 [Settlement of Lawsuit - Suzanne Montes - \$575,000]

Ordinance authorizing settlement of the lawsuit filed by Suzanne Montes against the City and County of San Francisco for \$575,000; the lawsuit was filed on May 23, 2017, in the United States District Court, Case No. 3:17-CV-02928-JSC; entitled Suzanne Montes v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute; other material terms of the settlement are restoring 384 hours of sick leave with pay and 240 hours of vacation to plaintiff. (City Attorney)

08/20/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180819 [Settlement of Lawsuit - Patricia Gambino - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Gambino against the City and County of San Francisco for \$50,000; the lawsuit was filed on July 31, 2017, in San Francisco Superior Court, Case No. CGC-17-560484; entitled Patricia Gambino v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

08/24/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180820 [Settlement of Lawsuit - Sam Percival Stewart - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Sam Percival Stewart against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 2, 2016, in San Francisco Superior Court, Case No. CGC-16-552341; entitled Sam Percival Stewart v. City and County of San Francisco et al., removed to federal court on November 22, 2016, and re-captioned as Sam Percival Stewart v. City and County of San Francisco et al., United States District Court, Case No. 3:16-cv-6744; the lawsuit involves an alleged civil rights violation; other material terms of the settlement are waiver of the Zuckerberg San Francisco General Hospital lien in the amount of \$735. (City Attorney)

08/24/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180821 [Settlement of Lawsuit - Juanita Stockwell, et al. - \$400,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Amigo, E.R. Balinton, Mike Bolte, Nikolaus Borthne, Edward Browne, Peter Busalacchi, Gary Castel, Philip Fleck, Severo Flores, George S. Fogarty, Malcolm Fong, Mary Godfrey, Jason Hui, Terrye Ivy, Jacklyn Jehl, Bartholomew Johnson, James Jones, Richard Jue, Robert Leung, Michael Lewis, Paul Lozada, D.H. Bud Massey, Bruce Meadors, Vince Neeson, Thomas O'Connor, Susan Rolovich, Juanita Stockwell, Jessie A. Washington, and Michael Wells against the City and County of San Francisco for \$400,000; the lawsuit was filed on December 17, 2015, in San Francisco Superior Court, Case No. CGC 15-549482; entitled Juanita Stockwell, et al. v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

08/24/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

180822 [Settlement of Lawsuit - Cui Ying Zhou, Jian Cong Tan, Angelina Tan, and Arosia Tan - \$14,500,000]

Ordinance authorizing settlement of the lawsuit filed by Cui Ying Zhou, Jian Cong Tan, Angelina Tan, and Arosia Tan against the City and County of San Francisco for \$14,500,000; the lawsuit was filed on November 26, 2016, in San Francisco Superior Court, Case No. CGC-16-555523; entitled Cui Ying Zhou, et al. v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in Washington Square Park. (City Attorney)

08/24/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

180823 [Lease Agreement - NewZoom, LLC - \$150,000 Minimum Annual Guarantee]

Resolution approving the Airport Automated Retail Lease - Lease No. 18-0175, between NewZoom, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years to commence upon approval by the Board of Supervisors, with one two-year option to extend, and a minimum annual guarantee of \$150,000 for the first year of the lease. (Airport Commission)

07/27/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180824 [Lease Agreement - XpresSpa S.F. International, LLC - \$145,000 Minimum Annual Guarantee]

Resolution approving the Terminal 2 Specialty Retail Concession Lease No. 5 - Lease No. 18-0156, between XpresSpa S.F. International, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years to commence upon approval by the Board of Supervisors, and a minimum annual guarantee of \$145,000 for the first year of the lease. (Airport Commission)

07/27/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180825 [Lease Agreement - Alclear, LLC - \$1,500,000 Minimum Annual Guarantee]

Resolution approving the Expedited Traveler Service Lease No. 18-0189, between Alclear, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years, with one two-year option to extend at the Airport Commission's discretion, to commence upon approval by the Board of Supervisors, and a minimum annual guarantee of \$1,500,000 for the first year of the Lease. (Airport Commission)

07/27/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180826 [Mental Health Services Act Annual Update - FY2018-2019]

Resolution authorizing adoption of the San Francisco Mental Health Services Act Annual Update FY2018-2019. (Public Health Department)

08/27/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180827 [Contract Agreement - Baker Places, Inc. - Behavioral Health Services - Not to Exceed \$55,475,141]

Resolution retroactively approving a contract agreement with Baker Places, Inc., for behavioral health services in an amount not to exceed \$55,475,141 for a total contract term of July 1, 2018, through June 30, 2022, with one six-year option to extend. (Public Health Department)

08/08/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180828 [Contract Agreement - Seneca Family of Agencies - dba Seneca Center - Behavioral Health Services - Not to Exceed \$40,538,404]

Resolution retroactively approving a contract agreement with Seneca Family of Agencies dba Seneca Center, for behavioral health services, in an amount not to exceed \$40,538,404 for a total contract term of July 1, 2018, through June 30, 2022, with one six-year option to extend. (Public Health Department)

08/08/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180829 [Contract Agreement - Health RIGHT 360 - Behavioral Health Services for Adults and Older Adults - Not to Exceed \$84,064,915]

Resolution retroactively approving an original agreement for behavioral health services for adults and older adults between Health RIGHT 360 and the Department of Public Health, in the amount of \$84,064,915 for a total contract term of July 1, 2018, through June 30, 2022. (Public Health Department)

08/06/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180830 [Sale of Easement - Portion of San Francisco Public Utilities Commission Parcel 75 (Calaveras Road in Sunol, California) - Alameda County - \$2,457]

Resolution approving and authorizing the sale to Alameda County for \$2,457 of an easement on City and County of San Francisco property under the jurisdiction of the San Francisco Public Utilities Commission (SFPUC) consisting of one approximately 5,484-square-foot road area and one approximately 22,548-square-foot slope area on and above Calaveras Road in Sunol, California; adopting findings that the grant of the easement is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; adopting findings under Administrative Code, Section 23.3, that offering the easement for sale through competitive bidding would be impractical; and authorizing the General Manager of the SFPUC or the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Public Utilities Commission)

08/27/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180831 [Freeway Agreement - California Department of Transportation - State Highway Route 80 from State Highway Route 101 to the San Francisco-Alameda County Line]

Resolution adopting a Freeway Agreement with the California Department of Transportation for State Highway Route 80 from State Highway Route 101 to the San Francisco-Alameda County Line; adopting environmental findings under the California Environmental Quality Act; and authorizing official acts, as defined herein. (Public Works)

08/17/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

180832 [Public Works Mutual Aid Agreement]

Resolution authorizing the Public Works Director to execute a Public Works Mutual Aid Agreement executed by and among various California cities and counties that facilitates the receipt and provision of mutual aid from the signatories' public works agencies following a declared local emergency, and requires the city, county, or city and county that receives mutual aid to reimburse and hold harmless other cities and counties providing aid; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

08/17/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

180833 [Real Property Lease - GTE Mobilnet of California Limited Partnership - Zuckerberg San Francisco General Hospital and Trauma Center, Building 25 - 1001 Potrero Avenue - \$5,000 Per Month Base Rent Exempt]

Resolution authorizing and approving the lease of a portion of the equipment room at Zuckerberg San Francisco General Hospital and Trauma Center, Building 25, at 1001 Potrero Avenue with GTE Mobilnet of California Limited Partnership, a California Limited partnership D/B/A/Verizon Wireless, at the monthly base rent of \$5,000 which shall be waived while participating in the Distributed Antenna System and providing enhanced cellular services to the City staff, UCSF staff, patients and visitors within Building 25, for a five-year term to commence upon approval by the Board of Supervisors and Mayor, with two five-year options to extend. (Real Estate Department)

08/16/18; RECEIVED FROM DEPARTMENT.

09/04/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 4:41 p.m.