

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, November 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

##### **Government Audit and Oversight Committee**

Supervisors Mar, Brown, Peskin

##### **Joint City, School District, and City College Select Committee**

Supervisors Haney, Walton, Mar (Alt), Commissioners Cook, Collins, Moliga (Alt), Trustees  
Randolph, Williams, Selby (Alt)

##### **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

1st and 3rd Thursday

10:00 AM

2nd Friday

10:00 AM

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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**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

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

*President Yee called the meeting to order at 2:04 p.m.*

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

*On the call of the roll, Supervisors Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, and Yee were noted present.*

*A quorum was present.*

## **COMMUNICATIONS**

*There were no communications.*

## **APPROVAL OF MEETING MINUTES**

*President Yee inquired whether any Member of the Board had any corrections to the October 8, 2019, Regular Board Meeting Minutes as they were presented. There were no corrections requested from any Member of the Board.*

**Supervisor Fewer, seconded by Supervisor Ronen, moved to approve the October 8, 2019, Regular Board Meeting Minutes as presented. The motion carried by the following vote, following general public comment:**

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

## **AGENDA CHANGES**

*There were no agenda changes.*

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

*There were no questions submitted from the eligible Supervisors representing Districts 1, 2, 3 and 4. Mayor London N. Breed addressed the Board of Supervisors regarding the following issues: mental health services, the draft of an Election Ballot Measure for 2020, various policy and legislative items, and the necessary capital funding to address these issues. Following public comment this matter was filed. No further action was taken.*

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Land Use and Transportation Committee

*President Yee requested File Nos. 190959, 190960, 190961, 190962, and 190963 be called together.*

#### **190959 [Building Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]**

Ordinance repealing the 2016 Building Code in its entirety and enacting a 2019 Building Code consisting of the 2019 California Building Code and the 2019 California Residential Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2020; and directing the Clerk of the Board to forward the legislation to the California Building Standards Commission as required by State law. (Building Inspection Commission)

**FINALLY PASSED by the following vote:**

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

#### **190960 [Existing Building Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]**

Ordinance repealing the 2016 Existing Building Code in its entirety and enacting a 2019 Existing Building Code consisting of the 2019 California Existing Building Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2020; and directing the Clerk of the Board to forward the legislation to the California Building Standards Commission as required by State law. (Building Inspection Commission)

**FINALLY PASSED by the following vote:**

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

#### **190961 [Electrical Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]**

Ordinance repealing the 2016 Electrical Code in its entirety and enacting a 2019 Electrical Code consisting of the 2019 California Electrical Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2020; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission as required by State law. (Building Inspection Commission)

**FINALLY PASSED by the following vote:**

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

**190962 [Mechanical Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]**

Ordinance repealing the 2016 Mechanical Code in its entirety and enacting a 2019 Mechanical Code consisting of the 2019 California Mechanical Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2020; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission as required by State law. (Building Inspection Commission)

**FINALLY PASSED by the following vote:**

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

**190963 [Plumbing Code - Repeal of Existing 2016 Code and Enactment of 2019 Edition]**

Ordinance repealing the 2016 Plumbing Code in its entirety and enacting a 2019 Plumbing Code consisting of the 2019 California Plumbing Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2020; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission as required by State law. (Building Inspection Commission)

**FINALLY PASSED by the following vote:**

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

**Recommendations of the Rules Committee****190945 [Charter Amendment - Retiree Health Benefits - Housing Authority Employees]  
Sponsors: Mayor; Walton, Peskin, Stefani, Yee, Safai, Ronen, Brown, Mar, Mandelman, Fewer and Haney**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide retiree health care benefits to employees of the Housing Authority of the City and County of San Francisco ("Housing Authority") who started working for the City and County of San Francisco on or after March 7, 2019, and before March 1, 2021, without a break in service between employment with the Housing Authority and employment with the City and County of San Francisco; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on March 3, 2020.

**ORDERED SUBMITTED by the following vote:**

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

**190499 [Administrative Code - Dissolving Workforce Community Advisory Committee and Committee on City Workforce Alignment]**

Ordinance amending the Administrative Code to dissolve the Workforce Community Advisory Committee and the Committee on City Workforce Alignment. (Clerk of the Board)

**FINALLY PASSED by the following vote:**

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

**190949 [Administrative Code - Extension of Pedestrian Safety Advisory Committee]****Sponsors: Yee; Haney, Mar, Ronen, Walton, Fewer and Mandelman**

Ordinance amending the Administrative Code to extend the sunset date for the Pedestrian Safety Advisory Committee by one year, to October 1, 2020, and requiring the Committee to recommend changes to its structure and duties.

**FINALLY PASSED 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****190842 [Various Codes - Renewing and Extending Waiver and Refund of Investigation Fee - Two-Year Extension of Medical Cannabis Dispensary Permits and Temporary Cannabis Business Permits - Three-Year Extension of Temporary Cannabis Retail Use Authorization]****Sponsor: Mandelman**

Ordinance renewing and extending a prior waiver and refund of investigation fees imposed by Building Code, Section 107A.5, for persons registered with the Office of Cannabis through December 31, 2020; amending the Health Code to extend the date beyond which temporary Medical Cannabis Dispensary Permits issued under Article 33 of the Health Code are rendered invalid from December 31, 2019, to December 31, 2021; amending the Police Code to extend the date beyond which Temporary Cannabis Business Permits issued under Article 16 of the Police Code cannot be extended from December 31, 2019, to December 31, 2021; amending the Planning Code to extend the date by which a Grandfathered Medical Cannabis Dispensary, as defined in the Planning Code, must have received a permit to operate from the Department of Public Health to be deemed a Temporary Cannabis Sales use, as defined in the Planning Code, from December 31, 2019, to December 31, 2021; amending the Planning Code to extend the duration of a Temporary Cannabis Retail Sales use to up to four years, to expire on January 1, 2022; 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, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

**190927 [Business and Tax Regulations Code - Administration of Traffic Congestion Mitigation Tax]****Sponsor: Peskin**

Ordinance amending the Business and Tax Regulations Code to add provisions to administer the Traffic Congestion Mitigation Tax; and to make conforming non-substantive changes.

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

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

**191001 [Contract Amendment - Motorola, Inc. - Emergency Communications Equipment - Not to Exceed \$81,000,000]****Sponsor: Mayor**

Ordinance approving an amendment to the System Purchase and Installation Agreement between the City and County of San Francisco, acting through the Department of Emergency Management, and Motorola Inc., to increase the amount of the Agreement by \$33,000,000 for a total amount not to exceed \$81,000,000; and extending the term by seven and a half years to commence June 31, 2021, for a total term of October 28, 2016, through December 31, 2029. (Department of Emergency Management)  
(Fiscal Impact)

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

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

**190995 [Agreement Amendment - Alliant Insurance Services, Inc. - Insurance Brokerage Services - Not to Exceed \$74,000,000]**

Resolution authorizing the Director of the Risk Management Division of the Office of the City Administrator to enter into a First Amendment for insurance brokerage services with Alliant Insurance Services, to increase the agreement amount by \$39,500,000 for a total amount not to exceed \$74,000,000 pursuant to Charter, Section 9.118, with no change to the term length to expire on June 30, 2020, to commence upon approval by the Board of Supervisors. (City Administrator)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

**190998 [Master Lease Amendment - United States Navy - Treasure Island Land and Structures]**

Resolution approving Amendment No. 44 to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year to commence December 1, 2019, for a total term of November 19, 1998, through November 30, 2020. (Treasure Island Development Authority)

**ADOPTED by the following vote:**

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

**191049 [Grant Agreement Amendment - Institute on Aging - Community Living Fund - Not to Exceed \$10,564,736]**

Resolution approving a first amendment to the grant agreement between the City and County of San Francisco and the Institute on Aging for the provision of the Community Living Fund, to increase the amount of the grant by \$770,000 for a total amount not to exceed \$10,564,736 to commence November 1, 2019, with no change to the term length of July 1, 2019, through June 30, 2021. (Human Services Agency)  
(Fiscal Impact)

**ADOPTED by the following vote:**

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

## **Recommendation of the Government Audit and Oversight Committee**

*President Yee requested File Nos. 190994, 191070, and 191071 be called together.*

### **190994 [Settlement of Lawsuit - Riana Buffin and Crystal Patterson - City to Comply with New Pretrial Detention Policies and Provide Funding for Pretrial Diversion Project]**

Ordinance authorizing settlement of the lawsuit filed by Riana Buffin and Crystal Patterson against Sheriff Vicki Hennessy in her official capacity as Sheriff; the settlement prohibits the Sheriff from using the existing bail schedule for arrested individuals and from using any similar policy that determines the existence or length of pre-arraignment detention based on an arrestee's ability to pay, requires the Sheriff to release certain arrestees within 18 hours from the time of booking under some circumstances, and is conditioned on the City providing additional funding to the Own Recognizance Project of the San Francisco Pretrial Diversion Project; the lawsuit was filed on October 28, 2015, in U.S. District Court for the Northern District of California, Case No. 15-CV-04959-YGR; entitled Riana Buffin and Crystal Patterson, on behalf of themselves and others similarly situated v. Vicki Hennessy in her official capacity as the San Francisco Sheriff, et al.; the lawsuit involves claims that the Sheriff's use of the San Francisco Superior Court's bail schedule as a basis for pre-arraignment detention or release of arrestees violates the United States Constitution. (City Attorney)

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

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

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

### **191070 [Appropriation - General Reserve - Sheriff's Department, Police Department, and District Attorney - \$2,191,869 - FY2019-2020]**

**Sponsor: Mayor**

Ordinance appropriating \$2,191,869 of General Fund General Reserves for funding for the Sheriff's Department, Police Department, and District Attorney to implement the terms of the stipulated final judgment in the action entitled Riana Buffin and Crystal Patterson, on behalf of themselves and others similarly situated v. Vicki Hennessy in her official capacity as the San Francisco Sheriff, et al. (Board File No. 190994).  
(Fiscal Impact)

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

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

### **191071 [Public Employment - Amendment to the Salary Ordinance for the District Attorney and the Sheriff's Department - FY2019-2020]**

**Sponsor: Mayor**

Ordinance amending Ordinance No. 170-19 (Salary Ordinance FYs 2019-2020 and 2020-2021) to reflect the addition of five new positions (2.5 FTEs) in FY2019-2020, and for limited term through Fiscal Year 2020-2021 at the District Attorney's Office and the Sheriff's Department to implement the terms of the stipulated final judgment in the action entitled Riana Buffin and Crystal Patterson, on behalf of themselves and others similarly situated v. Vicki Hennessy in her official capacity as the San Francisco Sheriff, et al. (Board File No. 190994).  
(Fiscal Impact)

**PASSED ON FIRST READING 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**

### **190907** [Street Name Change - Gilbert Street to Jeff Adachi Way]

**Sponsors:** Haney; Yee, Peskin, Walton, Ronen, Brown, Mar, Mandelman, Fewer and Safai  
Resolution renaming one block of Gilbert Street between Bryant and Brannan Street, which runs parallel to Sixth and Seventh Streets and perpendicular to Bryant and Brannan Streets, to "Jeff Adachi Way."

**ADOPTED** by the following vote:

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

### **190919** [Jurisdictional Transfer and Exchange of City Property - Municipal Transportation Agency - Real Estate Division - 1419 Bryant Street - 1200-15th Street - \$0]

Resolution approving the jurisdictional transfer of 1419 Bryant Street, a portion of Assessor's Parcel Block No. 3904, Lot No. 002, consisting of approximately 48,000 square feet, currently under the jurisdiction of the Municipal Transportation Agency (MTA) to the Real Estate Division on behalf of Animal Care and Control (ACC), and 1200-15th Street, Assessor's Parcel Block No. 3925, Lot No. 002, consisting of 15,260 square feet improved with an office building of approximately 29,116 rentable square feet, commonly known as the City's Animal Shelter, currently under the jurisdiction of the ACC to the MTA, subject to the terms and conditions of a Memorandum of Understanding between MTA and ACC; approving the transfer price of \$0; adopting environmental findings, and other findings that the actions set forth in this Resolution are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein. (Real Estate Department)

**ADOPTED** by the following vote:

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

## **Recommendations of the Rules Committee**

### **191094** [Appointment, Ballot Simplification Committee - Lauren Girardin]

Motion appointing Lauren Girardin, term ending November 30, 2020, to the Ballot Simplification Committee. (Clerk of the Board)

**Motion No.** M19-156

**APPROVED** by the following vote:

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

### **191096** [Appointments, Citizens General Obligation Bond Oversight Committee - Timothy Mathews and Kristin Chu]

Motion appointing Timothy Mathews and Kristin Chu, terms ending November 21, 2020, to the Citizens General Obligation Bond Oversight Committee. (Clerk of the Board)

**Motion No.** M19-157

**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 Safai, seconded by Supervisor Mandelman, 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 Safai introduced, welcomed, and presented a Certificate of Honor to Captain Jack Hart (San Francisco Police Department) in recognition of his outstanding service during his tenure at the Ingleside Police Station and to congratulate him on his professional transition to the Police Academy. Supervisors Ronen, Mandelman, and Walton shared in this commendation.*

*Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Eric Guthertz (San Francisco Unified School District) in recognition of his many accomplishments as an educator and the past 11 years as the Principal of Mission High School. Supervisors Fewer, Ronen, Walton, and Haney shared in this commendation.*

*Supervisor Haney introduced, welcomed, and presented a Certificate of Honor to Del Seymour in recognition of his exemplary advocacy for the Tenderloin neighborhood and his service to the country as an Army veteran.*

### **Appointment of President Pro Tempore**

*At the request of President Yee, Supervisor Haney assumed the chair at 5:10 p.m. The President resumed the chair at 5:18 p.m.*

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

President Yee requested File Nos. 191035, 191036, 191037, 191038, 191039, 191040, 191041, 191042, 191043, 191044, 191045, and 191046 be called together.

Supervisor Peskin was noted absent at 3:23 p.m. and for the remainder of the meeting.

**191035 [Hearing - Appeal of Final Environmental Impact Report Certification - Proposed Project at 3333 California Street]**

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for a proposed mixed-use project and project variant at 3333 California Street, identified in Planning Case No. 2015-014028ENV, issued by the Planning Commission through Motion No. 20512, dated September 5, 2019; to demolish the existing annex building, surface parking lots, and circular garage ramps; partially demolish the existing four-story office building and divide it into two separate buildings, vertically expanding the existing building to add two to three levels; construct 13 new buildings that would include 824,691 square feet of residential uses containing a total of 558 units, 54,117 square feet of retail use, 49,999 square feet of office use, and 14,690 square feet of child care use; the project variant would include 978,611 square feet of residential uses containing a total of 744 units, 48,593 square feet of retail use, and 14,650 square feet of child care use; both project and project variant would include vehicular parking, bicycle parking, loading facilities and streetscape improvements. (District 2) (Appellants: Kathryn Devincenzi, on behalf of the Laurel Heights Improvement Association of San Francisco, Inc.) (Filed: October 7, 2019) (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Stefani provided background information on the proposed project and subsequent appeals. Jon Givner (Office of the City Attorney) presented additional information and answered questions raised during the discussions. Kathryn Devincenzi, Laurel Heights Improvement Association (Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Richard Frisbe; Christina Ortega-Morris; Ariane Eroy, Ph.D.; Susan Setach; Anne Harvey; Peter Wong; Kathy Peck; Speaker; Speaker; Wendy Stovell; Barbara Brenner; Speaker; Vanessa Ruotolo; Bill Cutter; Ernest Maripoka; Kelly Roberson; Robin Mackie; Speaker; Roz Arbel; Otto Dufty; Speaker; Rosemary King; Eileen Boken; Rose Hilson (see Addendum on page \_\_\_\_); Speaker; spoke in support of the appeal. Bruce Storrs and Carla Short (Public Works); and Kei Zushi, Debra Dwyer, Nick Foster, Lisa Gibson, and Wade Wietgreffe (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dan Gershwin, Coblenz Patch Duffy & Bass LLP (Project Sponsor), provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Luis Belmonte; Speaker; Julio Payes; Marci Glazer; Javier Flores; Charles Ferguson; Phil Fernandez; Speaker; Bob Bespenari; Carla Hashagen; Terry McGuire; Ron Miguel; Daniel Gregg; Caroline Kahn Werboff; Amy Berler; Ron Blatman; Gayle Starr; Tim Lipscomb; Michael Chen; Eddie Seagal; Clint Chamber; Carolyn Bosch; Nico Nagel; Robert Fuchman; Ohn Penial; Speaker; spoke in support of the project and in opposition to the appeal. Ken Rich (Mayor's Office of Economic and Workforce Development) and Dan Safier (Prado Group) presented additional information and answered questions raised during the discussions. Kathryn Devincenzi, Laurel Heights Improvement Association (Appellant), provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Yee closed public comment and declared the public hearing heard and filed.

**HEARD AND FILED**

**191036 [Affirming the Final Environmental Impact Report Certification - Proposed Project at 3333 California Street]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 3333 California Street. (Clerk of the Board)

**Motion No.** M19-158

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

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

Absent: 1 - Peskin

**191037 [Conditionally Reversing the Final Environmental Impact Report Certification - Proposed Project at 3333 California Street]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 3333 California Street, subject to the adoption of written findings of the Board of Supervisors in support of this determination. (Clerk of the Board)

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

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

Absent: 1 - Peskin

**191038 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - Proposed Project at 3333 California Street]**

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 project at 3333 California Street. (Clerk of the Board)

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

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

Absent: 1 - Peskin

**SPECIAL ORDER 3:00 P.M.****191039 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 3333 California Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization and planned development for a proposed project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003, identified in Planning Case No. 2015-014028CUA, issued by the Planning Commission by Motion No. 20516, dated September 5, 2019, to allow structures to exceed 40 feet in height within an RM (Residential, Mixed) Zoning District and 3333 California Street Special Use District and for an existing child care facility to change of use to residential use, pursuant to Planning Code, Sections 253, 303 and 304, of the Planning Code modifications to the Rear Yard Requirements (Section 134), Permitted Obstructions (Section 136), Dwelling Unit Exposure (Section 140), General Standards for Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155); Dwelling Unit Density (Section 207), and Measurement of Height (Section 260), within the RM-1 (Residential, Mixed, Low Density) Zoning District and a 40-X, 67-X, 80-X, and 92-X Height and Bulk District. (District 2) (Appellant: Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association of San Francisco, Inc.) (Filed October 7, 2019) (Clerk of the Board)

*President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Stefani provided background information on the proposed project and subsequent appeals. Jon Givner (Office of the City Attorney) presented additional information and answered questions raised during the discussions. Kathryn Devincenzi, Laurel Heights Improvement Association (Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Richard Frisbe; Christina Ortega-Morris; Ariane Eroy, Ph.D.; Susan Setach; Anne Harvey; Peter Wong; Kathy Peck; Speaker; Wendy Stovell; Barbara Brenner; Speaker; Vanessa Ruotolo; Bill Cutter; Ernest Maripoka; Kelly Roberson; Robin Mackie; Speaker; Roz Arbel; Otto Dufty; Speaker; Rosemary King; Eileen Boken; Rose Hilson (see Addendum on page \_\_\_); Speaker; spoke in support of the appeal. Bruce Storrs and Carla Short (Public Works); and Kei Zushi, Debra Dwyer, Nick Foster, Lisa Gibson, and Wade Wietgreffe (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dan Gershwin, Coblenz Patch Duffy & Bass LLP (Project Sponsor), provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Luis Belmonte; Speaker; Julio Payes; Marci Glazer; Javier Flores; Charles Ferguson; Phil Fernandez; Speaker; Bob Bespenari; Carla Hashagen; Terry McGuire; Ron Miguel; Daniel Gregg; Caroline Kahn Werboff; Amy Berler; Ron Blatman; Gayle Starr; Tim Lipscomb; Michael Chen; Eddie Seagal; Clint Chamber; Carolyn Bosch; Nico Nagel; Robert Fuchman; Ohn Penial; Speaker; spoke in support of the project and in opposition to the appeal. Ken Rich (Mayor's Office of Economic and Workforce Development) and Dan Safier (Prado Group) presented additional information and answered questions raised during the discussions. Kathryn Devincenzi, Laurel Heights Improvement Association (Appellant), provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Yee closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**191040 [Approving Conditional Use Authorization - 3333 California Street]**

Motion approving the decision of the Planning Commission by its Motion No. 20516, approving a Conditional Use Authorization, identified as Planning Case No. 2015-014028CUA, for a proposed project located at 3333 California Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Stefani, seconded by Supervisor Walton, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adopting supplemental CEQA findings. The motion carried by the following vote:**

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

**Motion No. M19-159**

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

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

**191041 [Conditionally Disapproving Conditional Use Authorization - 3333 California Street]**

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20516, approving a Conditional Use Authorization, identified as Planning Case No. 2015-014028CUA, for a proposed project located at 3333 California 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 (eight votes).)

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

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

**191042 [Preparation of Findings Related to Conditional Use Authorization Appeal - 3333 California 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 in Planning Case No. 2015-014028CUA, for a proposed project at 3333 California Street. (Clerk of the Board)

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

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

**SPECIAL ORDER 3:00 P.M.****191043 [Hearing - Appeal of Tentative Map Approval - 3333 California Street]**

Hearing of persons interested in or objecting to the decision of Public Works, dated September 27, 2019, approving a Tentative Map for a 15 Lot Vertical Subdivision and 675 Residential and 64 Commercial, mixed-use new condominium project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003. (District 2) (Appellant: Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association of San Francisco, Inc.) (Filed: October 7, 2019) (Clerk of the Board)

*President Yee opened the public hearing and inquired as to whether any individual wished to address the Board. Supervisor Stefani provided background information on the proposed project and subsequent appeals. Jon Givner (Office of the City Attorney) presented additional information and answered questions raised during the discussions. Kathryn Devincenzi, Laurel Heights Improvement Association (Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Richard Frisbe; Christina Ortega-Morris; Ariane Eroy, Ph.D.; Susan Setach; Anne Harvey; Peter Wong; Kathy Peck; Speaker; Speaker; Wendy Stovell; Barbara Brenner; Speaker; Vanessa Ruotolo; Bill Cutter; Ernest Maripoka; Kelly Roberson; Robin Mackie; Speaker; Roz Arbel; Otto Duffy; Speaker; Rosemary King; Eileen Boken; Rose Hilson (see Addendum on page \_\_\_\_); Speaker; spoke in support of the appeal. Bruce Storrs and Carla Short (Public Works); and Kei Zushi, Debra Dwyer, Nick Foster, Lisa Gibson, and Wade Wietgreffe (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Dan Gershwin, Coblenz Patch Duffy & Bass LLP (Project Sponsor), provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Luis Belmonte; Speaker; Julio Payes; Marci Glazer; Javier Flores; Charles Ferguson; Phil Fernandez; Speaker; Bob Bespenari; Carla Hashagen; Terry McGuire; Ron Miguel; Daniel Gregg; Caroline Kahn Werboff; Amy Berler; Ron Blatman; Gayle Starr; Tim Lipscomb; Michael Chen; Eddie Seagal; Clint Chamber; Carolyn Bosch; Nico Nagel; Robert Fuchman; Ohn Penial; Speaker; spoke in support of the project and in opposition to the appeal. Ken Rich (Mayor's Office of Economic and Workforce Development) and Dan Safier (Prado Group) presented additional information and answered questions raised during the discussions. Kathryn Devincenzi, Laurel Heights Improvement Association (Appellant), provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Yee closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**191044 [Approving Decision of Public Works and Approving Tentative Map - 3333 California Street]**

Motion approving the decision of Public Works and approving the Tentative Map for a 15 Lot Vertical Subdivision and 675 Residential and 64 Commercial mixed-use new condominium project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Stefani, seconded by Supervisor Brown, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adopting supplemental CEQA findings. The motion carried by the following vote:**

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

**Motion No. M19-160**

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

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

**191045 [Conditionally Disapproving Decision of Public Works and Disapproving Tentative Map - 3333 California Street]**

Motion conditionally disapproving the decision of Public Works and disapproving the Tentative Map for a 15 Lot Vertical Subdivision and 675 Residential and 64 Commercial mixed-use new condominium project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003, subject to the Board of Supervisors' adoption of written findings in support of the disapproval. (Clerk of the Board)

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

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

**191046 [Preparation of Findings Related to the Tentative Map - 3333 California Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Map for a 15 Lot Vertical Subdivision and 675 Residential and 64 Commercial mixed-use new condominium project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003. (Clerk of the Board)

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

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

**Referred Without Recommendation from the Land Use and Transportation Committee**

*President Yee requested File Nos. 190844, 190845, and 190947 be called together.*

**190844 [Planning Code, Zoning Map - 3333 California Street Special Use District]****Sponsor: Stefani**

Ordinance amending the Planning Code and Zoning Map to create the 3333 California Street Special Use District; and making environmental findings, 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. (Economic Impact)

**Supervisor Stefani, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by clarifying that only non-residential uses allowed in the NC-S are allowed in the 3333 California Special Use District, with the addition of Arts Activities; and by adopting supplemental CEQA findings. The motion carried by the following vote:**

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

(Economic Impact)

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

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

**190845 [Development Agreement - Laurel Heights Partners, LLC - 3333 California Street Project - California Street at Presidio Avenue]****Sponsor: Stefani**

Ordinance approving a Development Agreement between the City and County of San Francisco and Laurel Heights Partners, LLC, a Delaware limited liability company, for the development of an approximately 10.25-acre site located at California Street at Presidio Avenue (3333 California Street), with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,665 square feet, and approximately 2.87 acres of privately owned, publicly accessible open space; making findings under the California Environmental Quality Act, and findings of conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); approving certain development impact fees for the project, and waiving certain Planning Code fees and requirements; confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56; ratifying certain actions taken in connection with the Development Agreement, as described herein; and authorizing certain actions to be taken under the Development Agreement, as described herein.

(Economic Impact)

**Supervisor Stefani, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adopting supplemental CEQA findings. The motion carried by the following vote:**

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

Absent: 1 - Peskin

(Economic Impact)

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

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

Absent: 1 - Peskin

**190947 [Public Works Code - Major Encroachment Permit - 3333 California Street Project]****Sponsor: Stefani**

Ordinance approving a major encroachment permit for Laurel Heights Partners, LLC ("Permittee") to occupy portions of Presidio Avenue, Masonic Avenue, Pine Street, Euclid Avenue, Mayfair Drive, and Laurel Street adjacent to 3333 California Street (Assessor's Parcel Block No. 1032, Lot No. 003) for the purpose of installing and maintaining landscape planters, differentiated paving, corner bulb-outs, and other improvements; waiving conflicting requirements under Public Works Code, Sections 800 et seq. and 810A, in connection with Permittee's implementation of the encroachment permit and project development; making 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.

**Supervisor Stefani, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding verbiage clarifying that the maintenance of the street trees shall be in accordance with the terms of a voluntary street tree maintenance agreement with Public Works; and by adopting supplemental CEQA findings. The motion carried by the following vote:**

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

Absent: 1 - Peskin

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

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

Absent: 1 - Peskin



## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Otto Dufty; shared concerns regarding the Governor's Economic Forum and climate change.*

*Sabanur Alibey; shared concerns regarding senior housing and evictions.*

*Speaker; shared the plight of taxi medallion holders and their concerns with the Municipal Transportation Agency.*

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## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **191132 [Approval of a 60-Day Extension for Planning Commission Review of Exemption from Density Limits for Affordable and Unauthorized Units; Residential Care Facilities (File No. 190757)]**

**Sponsor: Mandelman**

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 190757) amending the Planning Code to provide an exception from density limit calculations for all affordable units in projects not seeking and receiving a density bonus, permit the legalization of all unauthorized dwelling units notwithstanding a history of no-fault evictions, and principally permit residential care facilities for seven or more persons in all RH (Residential, House) zoning 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**ADOPTED**

### **191135 [California Clerk of the Board of Supervisors Association Week - December 2 to December 6, 2019]**

**Sponsor: Yee**

Motion recognizing the 35th Anniversary of the California Clerk of the Board of Supervisors Association by honoring the important work performed by Clerks of the Board of Supervisors from the 58 California Counties and only upon the express condition of specifically honoring the vital contributions of their staff and proclaiming the week of December 2 to December 6, 2019, to be California Clerk of the Board of Supervisors Association Week. (Clerk of the Board)

**Motion No. M19-161**

**APPROVED**

**191121 [Final Map 9276 - 2000 Bryant Street]**

Motion approving Final Map 9276, a 194 residential and 16 commercial units mixed-use new condominium project, located at 2000 Bryant Street, being a subdivision of Assessor's Parcel Block No. 4022, Lot No. 027; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No.** M19-162

**APPROVED**

**191122 [Final Map 9675 - 160 Folsom Street]**

Motion approving Final Map 9675, a 393 residential and eight commercial units, mixed-use condominium project, located at 160 Folsom Street, being a merger and subdivision of Assessor's Parcel Block No. 3740, Lot Nos. 027, 029, 030, 031, and 032; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No.** M19-163

**APPROVED**

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

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

Absent: 1 - Peskin

## **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](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 RESOLUTION**

### **191120 [Application to Amend San Francisco's Priority Development Area, Priority Conservation Area, and Priority Production Area Designations]**

Resolution authorizing the Planning Department to apply, on behalf of the City and County of San Francisco, to confirm existing and create new and revised designations of Priority Development Areas, Priority Conservation Areas, and Priority Production Areas by the Association of Bay Area Governments and the Metropolitan Transportation Commission, as part of the Plan Bay Area 2050 update. (Planning Department)

11/04/19; RECEIVED FROM DEPARTMENT.

11/12/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 7:10 p.m.*

## ADDENDUM

*The following information is provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.*

*Rose Hilson submitted the following additional information during Public Comment for File Nos. 191035 through 191046, as follows: "Saplings = Unequal Environmental Benefits: Carbon Sequestration; Oxygen Production; Canopy Coverage, etc. Mature Tree to Sapling Ratio: 180 Mature Trees (MT) x 269 Saplings/MT = 49,765 Saplings Needed. DPW In-Lieu Fee -- \$1,847/Tree: 185 Trees x 269 Sapling/Tree = \$341,695 x \$1,847/Tree Fee = \$91,915,955. 19 Significant Trees Removed (Sapling Equivalent): 19 Trees x 269 Saplings/Tree x \$1,847/Tree = \$9,440,017. 15 Street Trees Removed (Sapling Equivalent): 15 Trees x 269 Saplings/Tree x \$1,847 Tree = \$7,452,645. DPW Tree Removal Fees\*: 10 or More Trees = \$1,611. 530 "Trees" (Saplings) Planted (362 "Trees" Per Initial Study?)? 530 "Trees" = 1% Sapling Equivalence of MTs Removed. \*DPW Public Works Code Section 2.1.2.  
\*\*<https://www.victoriarecord.com/losing-trees-in-victoria-one-mature-tree-equals-269-saplings/>"*