



# BOARD OF SUPERVISORS

## CITY AND COUNTY OF SAN FRANCISCO

### AGENDA

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

Tuesday, November 17, 2015 - 2:00 PM

#### Regular Meeting

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LONDON BREED, PRESIDENT  
JOHN AVALOS, DAVID CAMPOS, JULIE CHRISTENSEN, MALIA COHEN,  
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.sfbos.org](http://www.sfbos.org)

#### BOARD COMMITTEES

##### Committee Membership

**Budget and Finance Committee**  
Supervisors Farrell, Tang, Mar

**City and School District Select Committee**  
Supervisors Kim, Yee, Campos, Fewer, Haney, Walton

**Government Audit and Oversight Committee**  
Supervisors Yee, Christensen, Breed

**Land Use and Transportation Committee**  
Supervisors Cohen, Wiener, Kim

**Public Safety and Neighborhood Services Committee**  
Supervisors Mar, Campos, Christensen

**Rules Committee**  
Supervisors Avalos, Tang, Cohen

##### Meeting Days

Wednesday  
10:00 AM

4th Thursday  
3:30 PM

1st and 3rd Thursday  
10:30 AM

Monday  
1:30 PM

1st and 3rd Thursday  
2:00 PM

2nd and 4th Thursday  
11:00 AM

## Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

## Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

**IMPORTANT INFORMATION:** The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

**AGENDA PACKET:** Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

**LANGUAGE INTERPRETERS:** Language services are available in Spanish and Chinese at all regular and special Board meetings, excluding Committee meetings. Currently, Filipino is available upon request if made at least 48 hours in advance of the meeting to help ensure availability. Additionally, requests for Board Committee meetings must be received at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Peggy Nevin at (415) 554-5184.

所有常規及特別市參事委員會會議（Board meetings）除委員會會議（Committee meetings）之外，將予以提供西班牙文及中文的語言服務。目前，菲律賓文將根據所收到的請求予以提供，但須在會議前最少48小時作出請求，旨在確保服務屆時可予以提供。另外，向市參事委員會會議請求有關服務亦須預先在會議前最少48小時作出，也將有助於確保服務屆時可予以提供。更多資訊或請求有關服務，請致電 (415) 554-7719 聯絡 Linda Wong。

**AVISO EN ESPAÑOL:** Los servicios de idiomas están disponibles en español y en chino en todas las reuniones regulares y reuniones especiales de la Junta, excluyendo las reuniones de los Comités. Actualmente, el idioma Filipino está disponible de ser requerido si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Adicionalmente, las solicitudes para las Reuniones de los Comités de la Junta deben ser recibidas por lo menos 48 horas antes de la reunión con el fin de ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a Derek Evans (415) 554-7702.

**PAUNAWA:** Mayroong serbisyong pang-wika sa Espanyol at Intsik para sa lahat ng mga regular at espesyal na pulong ng Board, pero wala para sa pulong ng mga Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Filipino na maaaring i-request sa minimum na di bababa sa 48 oras bago ang pulong upang matiyak na matutugunan and inyong kahilingan. Dagdag pa, ang mga request para sa pulong ng Komite ng Board ay kailangang matanggap sa minimum na di bababa sa 48 oras bago ang pulong upang matiyak ang pagkakaroon nito. Para sa karagdagang impormasyon o para mag-request ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

### **Disability Access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>

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

## **COMMUNICATIONS**

## **APPROVAL OF MEETING MINUTES**

*Approval of the **October 6, 2015**, Board Meeting Minutes.*

## **AGENDA CHANGES**

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

*Pursuant to Charter Section 3.100(7), the Mayor shall appear, in person, at one regularly scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board. This item will be read at the Board Meeting on the second Tuesday of each month, unless rescheduled by the Mayor and the Board President. The Mayor and the Board may not discuss matters that have already been considered in Committee and that are on the Board's Agenda as an action item.*

*By supermajority vote of the Board of Supervisors (8 votes), the Board may, by oral motion, allow an eligible District Supervisor to ask a question that was not previously posed if the question relates to a sudden or unexpected incident or occurrence raising formal, time-sensitive policy questions that were not anticipated prior to the posting of this agenda. Public comment for this item will take place during general public comment.*

*There were no questions submitted from Supervisors representing the odd districts. The Mayor may address the Board for up to five minutes.*

## CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

### Items 1 through 3

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

### Recommendation of the Budget and Finance Committee

*Present: Supervisors Farrell, Tang*

1. [150942](#) **[De-Appropriation and Appropriation - Hetch Hetchy Revenue Funded Project and Proceeds from New Clean Renewable Energy Bonds - Hetch Hetchy Small Renewable Project - \$4,100,000 - FY2015-2016]**  
**Sponsor: Mayor**  
Ordinance de-appropriating \$4,100,000 of Hetch Hetchy revenue funded small renewable projects and appropriating \$4,100,000 of proceeds from New Clean Renewable Energy Bonds for the San Francisco Public Utilities Commission (SFPUC) Hetch Hetchy small renewable projects in FY2015-2016.  
  
11/03/2015; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

### Recommendations of the Land Use and Transportation Committee

*Present: Supervisors Cohen, Wiener, Kim*

2. [150866](#) **[Planning Code - Landmark Designation - 350 University Street (aka University Mound Old Ladies' Home)]**  
**Sponsor: Campos**  
Ordinance designating 350 University Street (aka University Mound Old Ladies' Home), Assessor's Block No. 5992, Lot No. 001, as a Landmark under Planning Code, Article 10; and making environmental findings, public necessity, convenience, and welfare findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.  
  
11/03/2015; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

3. [150873](#) **[Transportation Code - Subway Master Plan]**  
**Sponsors: Wiener; Christensen, Farrell, Breed, Tang, Yee, Mar and Cohen**  
Ordinance amending the Transportation Code to declare as City policy that the City develop a Subway Master Plan within 12 months, and to update that Master Plan every four years; and affirming the Planning Department's determination under the California Environmental Quality Act.
- 11/03/2015; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Budget and Finance Committee

*Present: Supervisors Farrell, Tang*

4. [151006](#) **[Amending Resolutions of Intention to Establish Port Infrastructure Financing District]**  
**Sponsors: Mayor; Cohen**  
Resolution further amending Resolutions of Intention to establish Infrastructure Financing District No. 2 (Resolution Nos. 110-12 and 227-12) for the City and County of San Francisco at the Port of San Francisco.
- 11/03/2015; CONTINUED.
- Question: Shall this Resolution be ADOPTED?**

**Recommendation of the Land Use and Transportation Committee**

*Present: Supervisors Cohen, Wiener, Kim*

**5. 150790 [Planning Code - Establishing a New Citywide Transportation Sustainability Fee]**

**Sponsors: Mayor; Wiener, Breed, Christensen and Cohen**

Ordinance amending the Planning Code by establishing a new citywide Transportation Sustainability Fee and suspending application of the existing Transit Impact Development Fee, with some exceptions, as long as the Transportation Sustainability Fee remains operative; amending Section 401 to add definitions reflecting these changes; amending Section 406 to clarify affordable housing and homeless shelter exemptions from the Transportation Sustainability Fee; making conforming amendments to the Area Plan fees in Planning Code, Article 4; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings, including general findings, findings of public necessity, convenience and welfare, and findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1.

11/03/2015; NOT AMENDED.

11/03/2015; NOT AMENDED.

11/03/2015; DUPLICATED.

11/03/2015; AMENDED.

11/03/2015; AMENDED.

11/03/2015; PASSED ON FIRST READING AS AMENDED.

**Question: Shall this Ordinance be FINALLY PASSED?**

**NEW BUSINESS**

**Recommendations of the Budget and Finance Committee**

*Present: Supervisors Farrell, Tang*

**6. 150935 [Apply for, Accept, and Expend Grant - Board of State and Community Corrections - Mentally Ill Offender Crime Reduction Grant Program - \$950,000]**

Resolution retroactively authorizing the Sheriff's Department to apply for, accept, and expend \$950,000 of Mentally Ill Offender Crime Reduction Grant Program funds administered by the Board of State and Community Corrections through the State Recidivism Fund for the period of July 1, 2015, through June 30, 2018. (Sheriff)

(Fiscal Impact)

**Question: Shall this Resolution be ADOPTED?**

7. [150946](#) **[Accept and Expend Gift - Renovate-HERO - Mayor Ed Lee's Earth Day Climate Action Tour and Dialogs - \$12,500]**  
**Sponsor: Mayor**  
Resolution retroactively authorizing the Department of the Environment to accept and expend a gift in the amount of \$12,500 from Renovate-HERO to sponsor Mayor Ed Lee's Climate Action Tour and Dialogues on April 22, 2015, and June 18, 2015.  
**Question: Shall this Resolution be ADOPTED?**
8. [151088](#) **[Commercial Paper Notes Program - Authorization to Issue Power Revenue Bonds and Commercial Paper Notes (Power Series) - Water Facilities, Electric Power Facilities, Renewable Energy, and Energy Conservation - Not to Exceed \$90,000,000]**  
**Sponsor: Mayor**  
Resolution approving the establishment by the Public Utilities Commission of its Commercial Paper Notes (Power Series) program in an aggregate principal amount not to exceed \$90,000,000 pursuant to Charter, Article IX, and Administrative Code, Sections 43.5, et seq., as amended, and pursuant to Charter, Section 9.107(6), for the purpose of the reconstruction or replacement of existing water facilities and electric power facilities or combinations thereof under the jurisdiction of the Power Enterprise and, pursuant to Charter, Section 9.107(8), for the purpose of the acquisition, construction, installation, equipping, improvement or rehabilitation of equipment or facilities for renewable energy and energy conservation.  
  
(Fiscal Impact)  
**Question: Shall this Resolution be ADOPTED?**
9. [151089](#) **[Accept and Expend Grant - PaintCare, Inc. - Safe Disposal Options for Household Hazardous Waste - \$718,717]**  
**Sponsor: Breed**  
Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$718,717 from PaintCare, Inc., to provide and promote safe disposal options for household hazardous waste for the term of October 1, 2015, through June 2, 2016.  
**Question: Shall this Resolution be ADOPTED?**
10. [151091](#) **[Accept and Expend Grant - Regents of the University of California - Enhancing Strategic Information Capacity for HIV/AIDS Programs in Kenya - \$324,304]**  
**Sponsor: Wiener**  
Resolution retroactively authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$324,304 from The Regents of the University of California to participate in a program entitled Enhancing Strategic Information Capacity for HIV/AIDS Programs in Kenya through Surveillance and Epidemiology, Monitoring and Evaluation under the U.S. PEPFAR (Program Area A and Program Area B) for the period of April 1, 2015, through March 31, 2016.  
**Question: Shall this Resolution be ADOPTED?**

11. [151092](#) **[Apply for Grant - Health Resources Services Administration - Ryan White Act HIV/AIDS Emergency Relief Grant Program - \$16,654,711]**  
**Sponsor: Wiener**  
Resolution authorizing the Department of Public Health to submit an application to continue to receive funding for the Ryan White Act HIV/AIDS Emergency Relief Grant Program grant from the Health Resources Services Administration, requesting \$16,654,711 in HIV emergency relief program funding for the San Francisco Eligible Metropolitan Area for the period of March 1, 2016, through February 28, 2017.
- Question: Shall this Resolution be ADOPTED?**
12. [151107](#) **[Accept and Expend Gift - San Francisco General Hospital Foundation - \$5,000,000 - Naming Places in Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center]**  
**Sponsor: Mayor**  
Resolution authorizing the Department of Public Health to accept and expend a \$5,000,000 gift from the San Francisco General Hospital Foundation for the procurement of furniture, fixtures, equipment and information technology for the Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center, and naming various places throughout the new acute care and trauma building to recognize the donations that comprise the \$5,000,000 gift and earlier gifts from the San Francisco General Hospital Foundation.
- Question: Shall this Resolution be ADOPTED?**

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

*Present: Supervisors Cohen, Wiener, Kim*

13. [150587](#) **[Building and Planning Codes - Notice to Tenants of Dwelling Unit Merger or Demolition]**  
**Sponsor: Wiener**  
Ordinance amending the Building and Planning Codes to require written and posted notice to all tenants of a building in which demolition or merger of a dwelling unit is proposed; requiring an affidavit and notice if kitchens, stoves or bathrooms would be removed; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

14. [150622](#) **[Administrative, Planning Codes - Preferences in Affordable Housing Programs]**  
**Sponsors: Mayor; Christensen, Cohen, Breed and Wiener**  
Ordinance amending the Administrative Code to clarify existing preferences in allocating City affordable housing units first to Certificate of Preference holders and second to tenants evicted under the Ellis Act, create a third preference for residents in the neighborhood where the affordable housing is located; to make conforming amendments to provisions of the Administrative and Planning Codes; to affirm the Planning Department's determination under the California Environmental Quality Act; and to make findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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

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

#### *APPEAL PROCEDURES*

*Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 3:00 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 3:00 p.m:*

- 1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.*
- 2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).*
- 3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.*
- 4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 3:00 p.m.*
- 5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.*

15. [151054](#) **[Public Hearing - Appeal of Final Environmental Impact Report Certification - 5M Project]**  
Hearing of persons interested in or objecting to the Planning Commission certification, dated September 17, 2015, of a Final Environmental Impact Report identified as Planning Case No. 2011.0409ENV, through Motion No. 19458, for the proposed mixed-use project located at 925 Mission Street and nearby parcels, also known as the 5M Project, consisting of approximately 821,300 square feet of residential uses, 807,600 square feet of office uses, and 68,700 square feet of other active ground floor uses, as well as vehicular parking and bicycle parking, loading facilities, private and publicly accessible open space, and streetscape and public-realm improvements. (District 6) (Appellant: Rachel Mansfield-Howlett, on behalf of South of Market Action Committee, South of Market Community Action Network, Save Our SoMa, and Friends of Boeddeker Park) (Filed October 19, 2015). (Clerk of the Board)

**Question: Shall this Hearing be HEARD AND FILED?**

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

**(Only one of the following two motions should be approved.)**

16. [151055](#) **[Affirming Final Environmental Impact Report Certification - 5M Project]**  
Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the project located at 925 Mission Street and nearby parcels, also known as the 5M Project. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**
17. [151056](#) **[Reversing Final Environmental Impact Report Certification - 5M Project]**  
Motion reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the project located at 925 Mission Street and nearby parcels, also known as the 5M Project. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**
18. [151057](#) **[Preparation of Findings to Reverse the Final Environmental Impact Report Certification - 5M Project]**  
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 project located at 925 Mission Street and nearby parcels, also known as the 5M Project. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**

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

19. [151058](#) **[Public Hearing - Appeal of Conditional Use Authorizations - 5M Project]**  
Hearing of persons interested in or objecting to the Planning Commission certification, dated September 17, 2015, by Motion Nos. 19467, 19468, 19469, 19470, 19471, 19472, and 19473, relating to approval of Conditional Use Authorizations and approvals of allocation of office square footage identified in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD, for the proposed mixed-use project located at 925 Mission Street and nearby parcels, also known as the 5M Project, consisting of approximately 821,300 square feet of residential uses, 807,600 square feet of office uses, and 68,700 square feet of other active ground floor uses, as well as vehicular and bicycle parking, loading facilities, private and publicly accessible open space, and streetscape and public-realm improvements. (District 6) (Appellant: Rachel Mansfield-Howlett, on behalf of South of Market Action Committee, South of Market Community Action Network, Save Our SoMa, and Friends of Boeddeker Park) (Filed October 19, 2015). (Clerk of the Board)  
**Question: Shall this Hearing be HEARD AND FILED?**

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

**(Only one of the following two motions should be approved.)**

20. [151059](#) **[Approving Conditional Use Authorizations - 5M Project]**  
Motion approving the decision of the Planning Commission by its Motion Nos. 19469, 19470, 19471, 19472, and 19473 approving conditional use authorizations for property located at 925 Mission Street and nearby parcels, also known as the 5M Project, and identified in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD; 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)
- Question: Shall this Motion be APPROVED?**
21. [151060](#) **[Reversing Conditional Use Authorizations - 5M Project]**  
Motion reversing the decision of the Planning Commission by its Motion Nos. 19469, 19470, 19471, 19472, and 19473 approving conditional use authorizations for property located at 925 Mission Street and nearby parcels, also known as the 5M Project, reviewed in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
22. [151061](#) **[Preparation of Findings to Reverse Conditional Use Authorizations - 5M Project]**  
Motion directing the Clerk of the Board to prepare findings relating to reversing the proposed conditional use authorizations for property located at 925 Mission Street and nearby parcels, also known as the 5M Project, reviewed in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

**(Only one of the following two motions should be approved.)**

23. [151170](#) **[Approving Office Allocation Approvals - 5M Project]**  
Motion approving the decision of the Planning Commission by its Motion Nos. 19467 and 19468 approving the allocation of office square footage under the 2014-2015 Annual Office Development Limitation Program pursuant to Planning Code, Sections 320 through 325, for two buildings known as the "H1 Site" (Assessor's Block No. 3275, Lot Nos. 005, 006, 008, 009, 012, and 098) and the "M1 Site" (Assessor's Block No. 3275, Lot No. 93), part of the 5M Project, located at 925 Mission Street and nearby parcels and identified in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD; 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)
- Question: Shall this Motion be APPROVED?**

24. [151171](#) **[Reversing Office Allocation Approvals - 5M Project]**  
Motion reversing the decision of the Planning Commission by its Motion Nos. 19467 and 19468 approving the allocation of office square footage under the 2014-2015 Annual Office Development Limitation Program pursuant to Planning Code, Sections 320 through 325, for two buildings known as the "H1 Site" (Assessor's Block No. 3275, Lot Nos. 005, 006, 008, 009, 012, and 098) and the "M1 Site" (Assessor's Block No. 3275, Lot No. 93), part of the 5M Project for property located at 925 Mission Street and nearby parcels, also known as the 5M Project, reviewed in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?**

25. [151172](#) **[Preparation of Findings to Reverse Office Allocation Approvals - 5M Project]**  
Motion directing the Clerk of the Board to prepare findings relating to reversing office allocation approvals for property located at 925 Mission Street and nearby parcels, also known as the 5M Project, in Planning Case No. 2011.0409ENV/CUA/DVA/OFA/MAP/PCA/SHD. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?**

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

*Present: Supervisors Cohen, Wiener, Kim*

26. [150932](#) **[General Plan - Fifth and Mission Special Use District]**  
Ordinance amending the General Plan of the City and County of San Francisco by amending Map 1 of the Downtown Plan to reclassify Lot Nos. 005, 006, 008, 009, 012, and 098 in Assessor's Block No. 3725 as C-3-S (Downtown Support); amending Map 5 of the Downtown Plan to reclassify the height and bulk limits in accordance with the Fifth and Mission Special Use District and Sectional Map HT001; amending Figures 2, 3, and 4 of the Downtown Plan to refer to the Fifth and Mission Special Use District, Planning Code, Section 249.74; amending Maps 4 and 5 of the Urban Design Element to refer to the Fifth and Mission Special Use District; amending Maps 2, 3, 5, and 7 of the South of Market Area Plan to remove Lot Nos. 005, 006, 008, 009, 012, and 098 in Assessor's Block No. 3725 from the boundaries of the South of Market Area Plan; and adopting findings, including environmental findings, Section 340 findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

(Pursuant to Charter, Section 4.105, and Planning Code, Section 340(d), if the Board of Supervisors fails to finally act on a General Plan Amendment within 90 days of receipt from the Planning Commission, the Amendment shall be deemed approved. Transmittal Date: September 18, 2015.)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

27. [150787](#) **[Planning Code, Zoning Map - Fifth and Mission Special Use District]**  
**Sponsor: Mayor**  
Ordinance amending the Planning Code to add Section 249.74 to create the Fifth and Mission Special Use District; amending Zoning Sectional Maps ZN001, SU001, and HT001 to reflect the Fifth and Mission Special Use District; and making environmental findings, including a statement of overriding considerations, and findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and findings pursuant to Planning Code, Section 302.

(Economic Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

28. [150788](#) **[Development Agreement - 5M Project, LLC - Fifth and Mission Project]**  
**Sponsor: Mayor**  
Ordinance approving a Development Agreement between the City and County of San Francisco and 5M Project, LLC, a Delaware limited liability company, for the Fifth and Mission Project at the approximately 4-acre site located at Fifth Street between Mission and Howard Streets, with various public benefits including a minimum percentage of affordable housing; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); approving the use of Impact Fees and Exactions for affordable housing and other community benefits, as set forth in the Development Agreement, and waiving any conflicting provision in Planning Code, Article 4, or Administrative Code, Article 10; authorizing the acquisition of real property at 967 Mission Street for affordable housing; and confirming compliance with or waiving certain provisions of Administrative Code, Chapters 14B and 56, and ratifying certain actions taken in connection therewith.

(Economic Impact)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

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

29. [151015](#) **[Public Hearing - Appeal of Final Environmental Impact Report Certification - 75 Howard Street]**  
Hearing of persons interested in or objecting to the Planning Commission's certification, dated September 3, 2015, of a Final Environmental Impact Report identified as Planning Case No. 2011.1122E, through its Motion No. 19449, for the proposed demolition of the existing eight-level parking garage and construction of a 20-story-over-basement, approximately 220-foot tall building with up to 133 dwelling units, approximately 5,824 square feet of ground floor retail space, and 100 off-street parking spaces at 75 Howard Street. (District 6) (Appellant: Dave Osgood, on behalf of Rincon Point Neighbors Association) (Filed October 5, 2015). (Clerk of the Board)

**Question: Shall this Hearing be HEARD AND FILED?**

*Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.*

**(Only one of the following two motions should be approved.)**

30. [151016](#) **[Affirming Final Environmental Impact Report Certification - 75 Howard Street Project]**  
Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the project located at 75 Howard Street. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**
31. [151017](#) **[Reversing Final Environmental Impact Report Certification - 75 Howard Street Project]**  
Motion reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the project located at 75 Howard Street. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**
32. [151018](#) **[Preparation of Findings to Reverse the Final Environmental Impact Report Certification - 75 Howard Street Project]**  
Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report for the project located at 75 Howard Street. (Clerk of the Board)  
**Question: Shall this Motion be APPROVED?**

**COMMITTEE REPORTS**

*Reports from committees, if any, recommending emergency or urgent measures.*

*The following items will be considered by the Government Audit and Oversight Committee at a Special Meeting on Thursday, November 12, 2015, at 10:30 a.m. The Chair intends to request the Committee to send the following items to the Board as Committee Reports on Tuesday, November 17, 2015.*

33. [151070](#) **[Settlement of Unlitigated Claim - Gonzalina Morales - \$35,759.85]**  
Resolution approving the settlement of the unlitigated claim filed by Gonzalina Morales against the City and County of San Francisco for \$35,759.85; claim was filed on February 10, 2015. (City Attorney)  
**Question: Shall this Resolution be ADOPTED?**
34. [151071](#) **[Settlement of Unlitigated Claim - Scott Falcone and Ayala Mirande - \$66,000]**  
Resolution approving the settlement of the unlitigated claim filed by Scott Falcone and Ayala Mirande against the City and County of San Francisco for \$66,000; claim was filed on March 17, 2015. (City Attorney)  
**Question: Shall this Resolution be ADOPTED?**

35. [151072](#) **[Settlement of Unlitigated Claim - Larry Wasserman - \$50,000]**  
Resolution approving the settlement of the unlitigated claim filed by Larry Wasserman against the City and County of San Francisco for \$50,000; claim was filed on March 5, 2015. (City Attorney)
- Question: Shall this Resolution be ADOPTED?**
36. [151073](#) **[Settlement of Unlitigated Claim - UCS Dungaree Company - \$28,731.71]**  
Resolution approving the settlement of the unlitigated claim filed by UCS Dungaree Company against the City and County of San Francisco for \$28,731.71; claim was filed on May 22, 2015. (City Attorney)
- Question: Shall this Resolution be ADOPTED?**
37. [151074](#) **[Settlement of Unlitigated Claim - Lawrence LaBianca - \$63,156.84]**  
Resolution approving the settlement of the unlitigated claim filed by Lawrence LaBianca against the City and County of San Francisco for \$63,156.84; claim was filed on May 13, 2015. (City Attorney)
- Question: Shall this Resolution be ADOPTED?**

## 38. ROLL CALL FOR INTRODUCTIONS

*Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.*

## 39. PUBLIC COMMENT

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

*Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

**40. IMPERATIVE AGENDA**

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

*[Serious Injury Finding]*

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

**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 ORDINANCE****151163 [Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark Simonsen, and Christopher Jacobs - \$3,038,832]**

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC. (City Attorney)

11/09/2015; RECEIVED FROM DEPARTMENT.

11/17/2015; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**PROPOSED RESOLUTIONS****151165 [Apply for Grant - United States Department of Housing and Urban Development - Continuum of Care Program - Not to Exceed \$33,000,000]**

Resolution approving the 2015 grant application for the United States Department of Housing and Urban Development Continuum of Care Program in an amount not to exceed \$33,000,000; and fulfilling the Board of Supervisors' review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more. (Human Services Agency)

10/26/2015; RECEIVED FROM DEPARTMENT.

11/17/2015; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**151166 [Mental Health Services Act Annual Report - FY2015-2016]**

Resolution authorizing adoption of the Mental Health Services Act Annual Report FY2015-2016. (Public Health Department)

10/28/2015; RECEIVED FROM DEPARTMENT.

11/17/2015; RECEIVED AND ASSIGNED to the Public Safety and Neighborhood Services Committee.

**151167 [Contract Amendment - Addiction, Research and Treatment, dba BAART - Behavioral Health Services - Not to Exceed \$52,724,278]**

Resolution retroactively approving amendment number three to the Department of Public Health contract for behavioral health services with Addiction, Research and Treatment, doing business as BAART, to extend the contract by three years, from July 1, 2010, through June 30, 2015, to July 1, 2010, through June 30, 2018, with a corresponding increase of \$26,681,213 for a total amount not to exceed \$52,724,278. (Public Health Department)

11/02/2015; RECEIVED FROM DEPARTMENT.

11/17/2015; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**151168 [Agreement Amendment - APX, Inc. - Power Scheduling Coordination and Related Support Services - Not to Exceed \$105,000,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute the first amendment to Agreement No. CS-344, Power Scheduling Coordination and Related Support Services, with APX, Inc., increasing the not to exceed amount by \$100,000,000, for a total not-to-exceed amount of \$105,000,000, and with no change to the five-year agreement duration, to allow for the payment of the California Independent System Operator (CAISO) power transmission charges. (Public Utilities Commission)

11/05/2015; RECEIVED FROM DEPARTMENT.

11/17/2015; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**151169 [Water Enterprise Agreement - Planning and Design Services, Mountain Tunnel Improvements - Not to Exceed \$21,000,000]**

Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to negotiate and execute Hetch Hetchy Water and Power funded Agreement No. CS-249, Planning and Design Services, Mountain Tunnel Improvements, for an amount not to exceed \$21,000,000, and with a duration of up to ten years, pursuant to Charter, Section 9.118. (Public Utilities Commission)

11/06/2015; RECEIVED FROM DEPARTMENT.

11/17/2015; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**151162 [Petitions and Communications]**

Petitions and Communications received from October 26, 2015, through November 9, 2015, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 17, 2015.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From Mayor Lee, regarding appointment to the Airport Commission: (1)  
Eleanor Johns - Term ending August 31, 2019

From Mayor Lee, regarding appointment to the Commission on the Status of Women:  
(2)  
Olga Ryerson - Term ending January 15, 2019

From Clerk of the Board, reporting that the following individuals have submitted Form 700 Statements: (3)  
Rohan Lane - IT Project Manager - Assuming  
Olivia Scanlon - Legislative Aide - Leaving

From the Office of the Controller, submitting a memorandum on assessment of reimbursement requests submitted by Bay Area Young Positives to the Department of Public Health in October and November 2012. (4)

From the Office of the Controller, submitting a report on its audit of citywide procurement practices. (5)

From the Citizens' General Obligation Bond Oversight Committee, submitting the FY2014-2015 Annual Report of the Citizens' General Obligation Bond Oversight Committee. Copy: Each Supervisor. (6)

From the Office of the Controller, submitting report on "Perspectives from the Navigation Center, Report #1." (7)

From the Office of the Assessor-Recorder and the Office of the Tax Collector, submitting 2014 Assessor-Recorder and Tax Collector joint report on Biotechnology Exclusion. Copy: Each Supervisor. (8)

From Clerk of the Board, submitting official response to 2014-2015 Civil Grand Jury Report, entitled "Unfinished Business: A Continuity Report on the 2011-12 Report, Déjà Vu All Over Again." (9)

From Department of Public Health, submitting quarterly report on behalf of Laguna Honda Hospital and Rehabilitation Center. Copy: Each Supervisor. (10)

From San Francisco Local Agency Formation Commission, regarding Open Source Voting Systems. Copy: Each Supervisor. (11)

From Planning Department, regarding AT&T "Lightspeed" or "Gigapower" Network Update. Copy: Each Supervisor. (12)

From San Francisco Municipal Transportation Agency, submitting a recommendation from the October 2015 Balboa Park Station Community Advisory Committee meeting. Copy: Each Supervisor. (13)

From State Fish and Game Commission, regarding notice of proposed regulatory action

listing the gray wolf as endangered. Copy: Each Supervisor. (14)

From concerned citizens, regarding Transbay Terminal signage. File No. 150737. 4 letters. Copy: Each Supervisor. (15)

From concerned citizens, regarding Transportation Sustainability Fee. File No. 150790. 3 letters. Copy: Each Supervisor. (16)

From Mission Bay Alliance, regarding Warriors Event Center project. File Nos. 150994, 150995, 150996, and 150997. Copy: Each Supervisor. (17)

From concerned citizens, submitting signatures for petition entitled "San Francisco Needs a Better Plan." 291 signatures. Copy: Each Supervisor. (18)

From concerned citizens, submitting signatures for a petition regarding the San Francisco Municipal Transportation Agency. 4,153 Signatures. Copy: Each Supervisor. (19)

From concerned citizens, submitting signatures for a petition titled "Stop DBI's Approval of Harassment with Excessive Night Construction Noise Permitting." 205 Signatures. Copy: Each Supervisor. (20)

From Park and Recreation Open Space Fund, submitting resolution regarding Open Space Fund. File No. 150940. Copy: Each Supervisor. (21)

From Thomas Gilberti, regarding 5 point housing plan. Copy: Each Supervisor. (22)

From Law Center to Prevent Gun Violence, regarding monitoring requirements for firearms and ammunition transactions. File No. 150912. Copy: Each Supervisor. (23)

From concerned citizens, regarding sanctuary city. 3 letters. Copy: Each Supervisor. (24)

From Issa Haddad, regarding West Portal Daily Xpress. (25)

From concerned citizens, regarding 5M project. File Nos. 151054, 151055, 151056, and 151057. 2 letters. Copy: Each Supervisor. (26)

From concerned citizens, regarding 75 Howard project. File No. 151015. 3 letters. Copy: Each Supervisor. (27)

From California Public Utilities Commission, regarding notification of filing for various Verizon Wireless locations. Copy: Each Supervisor. (28)

From West Bay Pilipino Multi-Service Center, regarding evictions. File No. 150622. Copy: Each Supervisor. (29)

From David Hua, regarding Cannabis Legalization Task Force. Copy: Each Supervisor. (30)

From Real Estate Division, regarding proposed Easement Vacation Value. File Nos. 150996 and 150997. Copy: Each Supervisor. (31)

From concerned citizens, regarding Golden State Warriors Event Center Project. File Nos. 150994, 150995, 150996, and 150997. 2 letters. Copy: Each Supervisor. (32)

## **ADJOURNMENT**