

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, November 17, 2015 - 2:00 PM

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

Regular Meeting

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

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Tang, Mar	Wednesday 10:00 AM
City and School District Select Committee Supervisors Kim, Yee, Campos, Fewer, Haney, Walton	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Yee, Christensen, Breed	1st and 3rd Thursday 10:30 AM
Land Use and Transportation Committee Supervisors Cohen, Wiener, Kim	Monday 1:30 PM
Public Safety and Neighborhood Services Committee Supervisors Mar, Campos, Christensen	1st and 3rd Thursday 2:00 PM
Rules Committee Supervisors Avalos, Tang, Cohen	2nd and 4th Thursday 11:00 AM

Members Present: John Avalos, London Breed, David Campos, Julie Christensen, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

President London Breed called the meeting to order at 2:06 p.m. On the call of the roll, Supervisor Farrell was not present. There was a quorum.

COMMUNICATIONS

There were no communications.

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of October 6, 2015. There were no corrections.

Supervisor Mar, seconded by Supervisor Christensen, moved to approve the Board Meeting Minutes of October 6, 2015. The motion carried by the following vote, following general public comment:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Kim, Mar, Tang, Wiener, Yee

Absent: 1 - Farrell

AGENDA CHANGES

There were no agenda changes.

Supervisor Farrell was noted present at 2:08 p.m.

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

President Breed informed the Board of Supervisors that Mayor Edwin Lee was not available to appear at today's meeting.

Supervisor Cohen, seconded by Supervisor Mar, moved to continue the Mayor's appearance before the Board of Supervisors to the meeting of December 1, 2015. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

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.

Ordinance No. 203-15

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee

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.

Ordinance No. 201-15

FINALLY PASSED

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.

Ordinance No. 202-15

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

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.

Resolution No. 421-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendation of the Land Use and Transportation Committee

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.

Ordinance No. 200-15

FINALLY PASSED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Committee

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)

Resolution No. 419-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

Resolution No. 420-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

Resolution No. 427-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

Resolution No. 428-15**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

Resolution No. 429-15**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

Resolution No. 430-15**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

Resolution No. 431-15**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Land Use and Transportation Committee

150587 [Building and Planning Codes - Notice to Tenants of Dwelling Unit Merger or Demolition]

Sponsors: Wiener; Tang and Farrell

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.

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

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

Supervisor Tang, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED to require the Mayor's Office of Housing and Community Development to report to the Board of Supervisors the following data on a yearly basis: number of applicants applying under Certificate of Preference, Owner Move-In preference, Ellis Act preference, and Neighborhood preference; District where the applicant is currently residing; District where the affordable housing unit is located; if the applicant is selected through the lottery; if the unit was purchased or rented; and any other pertinent information. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Tang moved that this Ordinance be AMENDED on Page 14, Line 2, by decreasing the 'Neighborhood Resident' preference from '40%' to '30%.' The motion FAILED due to lack of a second.

Supervisor Tang, seconded by Supervisor Yee, moved that this Ordinance be AMENDED by adding the 'Category 2' language to the definition of a 'Displaced Tenant,' and adding back previously removed 'Findings' on Page 5, Lines 15-19; Page 6, Lines 4-8; and Page 6, Lines 12-15. The motion carried by the following vote:

Ayes: 6 - Avalos, Christensen, Kim, Tang, Wiener, Yee

Noes: 5 - Breed, Campos, Cohen, Farrell, Mar

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, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or OMI eviction, and 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.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Wiener, Yee
Noes: 2 - Mar, Tang

Supervisor Tang, seconded by Supervisor Avalos, moved to rescind the previous vote in order to make clarifying remarks on the Owner Move-In amendment that was accepted. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Wiener, Yee
Noes: 1 - Tang

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

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Wiener, Yee
Noes: 2 - Mar, Tang

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

Supervisor Yee, seconded by Supervisor Mar, 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 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Yee introduced, welcomed, and presented a Proclamation for World Day of Remembrance for Road Traffic Victims in San Francisco. Monique Porsandeh, a crash survivor, and Walk San Francisco accepted the commendation on behalf of advocates, victims, survivors, and their families who are working to achieve safety on San Francisco streets.

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Rod Wong in recognition of his accomplishments and continued community support.

SPECIAL ORDER 3:00 P.M.

President Breed stated her preference to consolidate the two appeal hearings on the 5M Project (File Nos. 151054-151057, 151058-151061, and 151170-151172), provided procedures to accommodate the consolidation, and inquired whether the Board had any objections to the proposed procedures. There being no changes, the appeal hearings on the 5M Project were consolidated.

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)

The President opened the public hearing and inquired as to whether any member of the public wished to address the Board. Rachel Mansfield-Howlett, on behalf of the South of Market Committee, South of Market Community Action Network, and Friends of Boeddeker Park (Appellant); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. M. M. D. Wright; Jane Weil; Jackie Garsha; Ms. Silverstein; Betty Traynor (Friends of Boeddeker Park); Michael Lyon (Grey Panthers/Senior Action Disability); Saul Rockman; Theresa Imperial; Victoria Napighit; Luz Francisco; Rose Eger; Leslie Dreyer (Housing Rights Committee); Ms. Lewis; Patricia Kerman; Otto Duffy; Tes Welborn; Tony Robles; Rico Rubilio; Jayward; Micah; Darius; Robert Abad; Vivian Abull; Male Speaker; Lavette Arnold; Jason Wynan; Prince Olong; Tony; Female Speaker; Female Speaker; Gary Gregerson; Jenna Awas; Male Speaker; Teresa Adalgas; Sylvia Johnson; Mariam; Sicurro; Jasmine Who; Alonzo Rooney; Hiroshi Fukuda (Richmond Community Association); Chris Durazo; Julie Borbonio; Chris Keenas; Tom Gilberty; Andrew; Tina Shaw (Gabriela); Karyn Smoot; Mario Yedidia (San Francisco Rising Alliance); Andy Blue (Plaza 16 Coalition); Jason Buyane; Mike Sous; Angela Angel; Arnelle Nuenos; Edna Avilla; Princess Bustos; Male Speaker; Lorena Guzman; Valerie Fernandez; Michael Bain; Lauren Garcia; Ada Chan; Female Speaker; Male Speaker; Female Speaker; Olague Velasco; Mary Roque; Female Speaker; Daz Lombares; Ava Chung; Glenn Jermahonda; Robert Bishop; Sue Hestor; Male Speaker; Angelica Cabande; spoke in support of the appeal. John Rahaim, Director, Dan Sider, Michael Jacinto, and Sarah Jones (Planning Department); Ken Rich and Anne Taupier (Office of Economic and Workforce Development); Kate Hartley (Mayor's Office of Housing and Community Development); Kevin Guy, Director (Office of Short-Term Rental Administration and Enforcement); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Tay Via, 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. Gabriel Metcalfe (SPUR); Jennifer Warbreck; Rudy Corpuz (United Playaz); Male Speaker; Male Speaker; Tessa Valeria; Sharon McVeigh Pettigrew (McVeigh Family); Randy Rallison; Laura Clark; Marcus Meswell; John Jensen; Sonya; Michael Theriault (San Francisco Building Trades Council); Katy Lamont; Gisele Sansome; Moyea; Danny Campbell (Sheet Metal, Local 104); Female Speaker; Virginia Grandi (Yerba Buena Alliance); Rose Cabrera; Angelina Levo; Conception Zamora; Mellie Salveda; Josephina Caldana; Paulie; Male Speaker; Katherine Hans Vot Rotes Schild Zitler; Donald Guzman; Joel Koppel (IBEW Local 6); Ray Balberan; Martine Suisse; Male Speaker; Female Speaker; Stephanie Manchevez; Nati Galinato; Karen Lynn Kava; Misha Olivas; Heather Philips; spoke in support of the project and in opposition to the appeal. Jaymee Faith Cadiz Sagisi (Appellant); provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

(During public comment in support of the appeals, the Board momentarily lost quorum when Supervisors Avalos, Breed, Christensen, Kim, Tang, and Yee were noted not present at 7:58 p.m. Quorum was restored at 7:58 p.m. when President Breed was noted present immediately thereafter. During the momentary loss of quorum, no actions were taken by the Board.)

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)

Motion No. M15-166

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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

The President opened the public hearing and inquired as to whether any member of the public wished to address the Board. Rachel Mansfield-Howlett, on behalf of the South of Market Committee, South of Market Community Action Network, and Friends of Boeddeker Park (Appellant); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. M. M. D. Wright; Jane Weil; Jackie Garsha; Ms. Silverstein; Betty Traynor (Friends of Boeddeker Park); Michael Lyon (Grey Panthers/Senior Action Disability); Saul Rockman; Theresa Imperial; Victoria Napighit; Luz Francisco; Rose Eger; Leslie Dreyer (Housing Rights Committee); Ms. Lewis; Patricia Kerman; Otto Duffy; Tes Welborn; Tony Robles; Rico Rubilio; Jayward; Micah; Darius; Robert Abad; Vivian Abull; Male Speaker; Lavette Arnold; Jason Wynan; Prince Olong; Tony; Female Speaker; Female Speaker; Gary Gregerson; Jenna Awas; Male Speaker; Teresa Adalgas; Sylvia Johnson; Mariam; Sicurro; Jasmine Who; Alonzo Rooney; Hiroshi Fukuda (Richmond Community Association); Chris Durazo; Julie Borbonio; Chris Keenas; Tom Gilbert; Andrew; Tina Shaw (Gabriela); Karyn Smoot; Mario Yedidia (San Francisco Rising Alliance); Andy Blue (Plaza 16 Coalition); Jason Buyane; Mike Sous; Angela Angel; Arnelle Nuenos; Edna Avilla; Princess Bustos; Male Speaker; Lorena Guzman; Valerie Fernandez; Michael Bain; Lauren Garcia; Ada Chan; Female Speaker; Male Speaker; Female Speaker; Olague Velasco; Mary Roque; Female Speaker; Daz Lombares; Ava Chung; Glenn Jermahonda; Robert Bishop; Sue Hestor; Male Speaker; Angelica Cabande; spoke in support of the appeal. John Rahaim, Director, Dan Sider, Michael Jacinto, and Sarah Jones (Planning Department); Ken Rich and Anne Taupier (Office of Economic and Workforce Development); Kate Hartley (Mayor's Office of Housing and Community Development); Kevin Guy, Director (Office of Short-Term Rental Administration and Enforcement); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Tay Via, Coblentz 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. Gabriel Metcalfe (SPUR); Jennifer Warbreck; Rudy Corpuz (United Playaz); Male Speaker; Male Speaker; Tessa Valeria; Sharon McVeigh Pettigrew (McVeigh Family); Randy Rallison; Laura Clark; Marcus Meswell; John Jensen; Sonya; Michael Theriault (San Francisco Building Trades Council); Katy Lamont; Gisele Sansone; Moyea; Danny Campbell (Sheet Metal, Local 104); Female Speaker; Virginia Grandi (Yerba Buena Alliance); Rose Cabrera; Angelina Levo; Conception Zamora; Mellie Salveda; Josephina Caldana; Paulie; Male Speaker; Katherine Hans Vot Rotes Schild Zitler; Donald Guzman; Joel Koppel (IBEW Local 6); Ray Balberan; Martine Suisse; Male Speaker; Female Speaker; Stephanie Manchevez; Nati Galinato; Karen Lynn Kava; Misha Olivas; Heather Philips; spoke in support of the project and in opposition to the appeal. Jaymee Faith Cadiz Sagisi (Appellant); provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

(During public comment in support of the appeals, the Board momentarily lost quorum when Supervisors Avalos, Breed, Christensen, Kim, Tang, and Yee were noted not present at 7:58 p.m. Quorum was restored at 7:58 p.m. when President Breed was noted present immediately thereafter. During the momentary loss of quorum, no actions were taken by the Board.)

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)

Motion No. M15-167

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

Motion No. M15-168

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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

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

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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, 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)

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

Supervisor Yee, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED on Page 11, Line 16, by adding 'Any open space used to satisfy child care licensing or other requirements may be used in calculating residential and non-residential open space requirements within the District.' at the end of Section 249.74(d)(7)(A). The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee
(Economic Impact)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee
Noes: 3 - Avalos, Campos, Mar

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)

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

Supervisor Yee, seconded by Supervisor Cohen, moved to amend the Development Agreement by adding a new 'Section 7.9. Child Care Use.' The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Supervisor Kim, seconded by Supervisor Yee, moved to amend the Development Agreement by: 1) increasing the Filipino Cultural Heritage District funding from \$300,000 to \$800,000; 2) directing specified youth development funds to the Mayor's Office of Housing and Community Development for the SOMA Community Stabilization Fund; 3) directing specified workforce funds to the Mayor's Office of Housing and Community Development for the SOMA Community Stabilization Fund; 4) adding a supplemental community benefits fee; and 5) adding language to Exhibit B regarding construction of Mary Court West with the construction of the first building. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Breed, Christensen, Cohen, Farrell, Kim, Tang, Wiener, Yee

Noes: 3 - Avalos, Campos, Mar

President Breed recessed the meeting at 10:47 p.m. and reconvened the meeting at 10:56 p.m. Upon reconvening, all members were noted present.

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

The President opened the public hearing and inquired as to whether any member of the public wished to address the Board. David Osgood (Appellant); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Elise Frosier; Tes Welborn; Hiroshi Fukuda; Tom Gilbert; Bree Munam; Sue Hestor; spoke in support of the appeal. Don Lewis, Sue Michaelson, Sarah Jones and Lisa Gibson (Planning Department); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Mary Murphy, Gibson Dunn (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. Joel Koppel (IBEW Local 6); Female Speaker; Tim Collen (San Francisco Housing Coalition); Male Speaker; Danny Campbell (Sheet Metal, Local 104); M. M. D. Wright; spoke in support of the project and in opposition to the appeal. David Osgood (Appellant); provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.

HEARD AND FILED

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)

Motion No. M15-169

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

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

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

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

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

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMITTEE REPORTS**Recommendations of the Government Audit and Oversight Committee****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)

Resolution No. 422-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

Resolution No. 423-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

Resolution No. 424-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

Resolution No. 425-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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)

Resolution No. 426-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Male Speaker; expressed concerns relating to construction project approvals.

Male Speaker; expressed various religious concerns.

Tom Gilberty; expressed concerns relating to affordable housing and rent control.

M. M. D. Wright; expressed concerns relating to affordable housing.

IMPERATIVE AGENDA

[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."

Supervisor Mar, seconded by Supervisor Wiener, moved ADOPTION of the serious injury finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

[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.

Supervisor Mar, seconded by Supervisor Avalos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

151173 [Supporting Student Concerns to Giving Pouring Rights to Sugary Drink Companies at San Francisco State University]

Sponsors: Mar; Wiener, Cohen and Avalos

Resolution supporting student concerns to giving pouring rights to sugary drink companies at San Francisco State University (SFSU), to urge SFSU to consider minimizing the negative impacts of advertisement and sugary beverages, and to consider healthy beverage guidelines for beverages sold and served on campus.

The President inquired as to whether any member of the public wished to address the Board relating to supporting student concerns on giving pouring rights to sugary drink companies at San Francisco State University as referenced in File No. 151173. Clement; Delia; spoke in support of the proposed Resolution. The President declared public comment closed.

Resolution No. 432-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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.

Ordinances

150914 [Planning Code - Affordable Housing as Principal Use]

Sponsor: Wiener

Ordinance amending the Planning Code to permit affordable housing as a principal use and not requiring a conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH (Residential, House) zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Park Department; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302 findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

09/15/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/15/2015.

09/22/15; REFERRED TO DEPARTMENT.

09/22/15; REFERRED TO DEPARTMENT.

09/22/15; REFERRED TO DEPARTMENT.

10/20/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

10/27/15; REFERRED TO DEPARTMENT.

11/17/15; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

151174 [Authorizing Certificates of Participation - Acquisition of Real Property - Not to Exceed \$16,750,000]**Sponsor: Mayor**

Ordinance authorizing the execution and delivery of Certificates of Participation on a tax-exempt or taxable basis evidencing and representing an aggregate principal amount of not to exceed \$215,000,000 to finance the costs of acquisition, construction, and installation of certain additions and improvements for a rehabilitation detention facility to be located on property within the City; authorizing the issuance of commercial paper notes in advance of the delivery of the Certificates; approving the form of Trust Agreement between the City and County of San Francisco and the Trustee (including certain indemnities contained therein); authorizing the selection of the Trustee by the Director of Public Finance; approving respective forms of a Property Lease and a Lease Agreement, each between the City and the Trustee for the lease and lease back of all or a portion of certain hospital property and facilities; approving the forms of Purchase Contract, Official Notice of Sale, and Notice of Intention to Sell Certificates; directing the publication of the Notice of Intention to Sell Certificates; approving the form of the Preliminary Official Statement and the form and execution of the Official Statement relating to the sale of the Certificates; approving the form of the Continuing Disclosure Certificate; granting general authority to City officials to take necessary actions in connection with the authorization, execution, sale, and delivery of the Certificates; approving modifications to documents and agreements; declaring the City's intent to reimburse certain expenditures; and ratifying previous actions taken in connection therewith.
(Fiscal Impact)

11/17/15; ASSIGNED to Budget and Finance Committee.

151175 [Appropriation - Certificates of Participation for Acquisition of Property - \$16,750,000 - FY2015-2016]**Sponsor: Mayor**

Ordinance appropriating \$215,000,000 in Certificates of Participation for construction of the Rehabilitation Detention Facility and associated costs in FY2015-2016, and placing these funds on Controller's Reserve pending the sale of the Certificates.
(Fiscal Impact)

11/17/15; ASSIGNED to Budget and Finance Committee.

151176 [Appropriation - Loan from Hetch Hetchy Power Enterprise's Fund Balance to Community Choice Aggregation Program, and Payment Terms - FY2015-2016 - \$4,000,000]**Sponsors: Mayor; Breed**

Ordinance appropriating \$4,000,000 from the FY2015-2016 Hetch Hetchy Power Enterprise's fund balance to provide working capital for the Community Choice Aggregation Program (CleanPowerSF); and amending the repayment term of the existing loan authorized by Ordinance No. 120-15, and establishing the term for repayment of the additional loan, at five years from date of program launch in 2016.
(Fiscal Impact)

11/17/15; ASSIGNED to Budget and Finance Committee.

151177 [Appropriation and De-Appropriation - Expenditures for Mental Health Services - \$1,483,000 - FY2015-2016]

Sponsor: Mayor

Ordinance appropriating \$1,483,000 for capital construction for the renovation of San Francisco General Hospital to accommodate mental health services in the Department of Public Health and de-appropriating \$1,483,000 in FY2015-2016.

(Fiscal Impact)

11/17/15; ASSIGNED to Budget and Finance Committee.

151178 [Appropriation - General Fund Reserve - Facilities Improvements in the Recreation and Park Department and the Department of Public Health - \$5,000,000 - FY2015-2016]

Sponsor: Avalos

Ordinance appropriating \$5,000,000 from the General Fund Reserve, of which \$2,500,000 will be used in the Recreation and Park Department for facilities improvements in the Geneva Car Barn and \$2,500,000 will be used in the Department of Public Health for facilities improvements of 35 - 45 Onondaga Avenue, in FY2015-2016.

(Fiscal Impact; No Budget and Legislative Analyst Report)

11/17/15; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 12/17/2015.

151179 [Health Code - Banning the Sale of Tobacco Products to Persons Aged 18-20]

Sponsors: Wiener; Mar, Cohen and Farrell

Ordinance amending the Health Code to prohibit tobacco retailers from selling tobacco products, including smokeless tobacco and electronic cigarettes, to persons aged 18, 19, or 20.

11/17/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 12/17/2015.

Resolutions

151180 [Amended Ten-Year Capital Expenditure Plan - FYs 2016-2025]

Sponsors: Mayor; Farrell

Resolution amending the City's ten-year capital expenditure plan for FYs 2016-2025 to accept an award of \$80,000,000 from the California Board of State and Community Corrections for the proposed Rehabilitation and Detention Facility Project and to recognize the revised scope thereof; and to advance projects within the Justice Facilities Improvement Program financed through the Capital Plan's General Fund Debt Program.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151181 [Apply for, Accept and Expend Grant - Metropolitan Transportation Commission - State Transportation Improvement Program - \$1,910,000]

Sponsors: Mayor; Farrell

Resolution authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC); stating assurance to complete the projects; and authorizing Public Works to accept and expend \$1,910,000 in State Transportation Improvement Program grant funds awarded through MTC.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151182 [Sale of City Property - 30 Van Ness Holdings, LLC - 30 Van Ness Avenue - \$80,000,000]

Sponsor: Mayor

Resolution ratifying the purchase and sale agreement by and between the City and 30 Van Ness Holdings, LLC, for the sale of City-owned property located at 30 Van Ness Avenue for \$80,000,000.

(Fiscal Impact)

(Supervisor Mar dissented in Committee)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151183 [Office of Community Investment and Infrastructure, Operating as Successor Agency to the San Francisco Redevelopment Agency - Budget and Bonds Amendment - Mission Bay South Project Area - Not to Exceed \$135,000,000 - FY2015-2016]

Sponsor: Mayor

Resolution approving an amendment to the FY2015-2016 budget of the Office of Community Investment and Infrastructure, operating as the Successor Agency to the San Francisco Redevelopment Agency, by increasing the Successor Agency's bond proceeds by \$135,000,000, authorizing expenditures in an amount not to exceed \$135,000,000, and approving the issuance of bonds in an additional principal amount not to exceed \$135,000,000 to finance enforceable obligations in the Mission Bay South Project Area.

(Fiscal Impact)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151184 [Acquisition of Property at 814-820 Bryant Street, 444-6th Street, 450 6th-Street, and 470-6th Street - Various Owners - At Fair Market Value - Not to Exceed \$16,750,000]

Sponsor: Mayor

Resolution authorizing the acquisition of real property at 814-820 Bryant Street, 444-6 Street, 450-6 Street, and 470-6 Street (Assessor's Block No. 3759, Lot Nos. 009, 012, 014, 043, and 045) from Lin Trust, Musso Trust, and Myung Chun, respectively; and the issuance of Commercial Paper Notes in an aggregate principal amount not to exceed \$14,500,000.

(Fiscal Impact; No Budget and Legislative Analyst Report)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151185 [Issuance of Tax Exempt and Taxable Commercial Paper Notes - Construction of Rehabilitation Detention Facility - Not to Exceed \$11,310,000]

Sponsor: Mayor

Resolution authorizing the execution and delivery of tax-exempt and/or taxable commercial paper notes in an aggregate amount of up to \$11,310,000 to provide interim funding for the construction of the Rehabilitation Detention Facility to replace County Jail No. 3 and County Jail No. 4; and determining other matters in connection therewith.

(Fiscal Impact)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151186 [Accept and Expend Grant - Gilead Sciences, Inc. - Curing HCV in Incarcerated Patients - \$517,119.17]**Sponsor: Mayor**

Resolution retroactively authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$517,119.17 from Gilead Sciences, Inc., to participate in a program entitled Curing HCV in Incarcerated Patients for the period of October 1, 2015, through March 31, 2017, waiving indirect costs.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151187 [Accept and Expend State Bond Financing - State Public Works Board - Construction of Rehabilitation and Detention Facility - \$80,000,000]**Sponsor: Mayor**

Resolution authorizing the Sheriff's Department to accept and expend \$80,000,000 of lease revenue bond financing from the State Public Works Board to fund the construction of the Rehabilitation and Detention Facility project to replace County Jail No. 3 and County Jail No. 4. (Fiscal Impact)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151188 [Apply for, Accept, and Expend Grant - Metropolitan Transportation Commission - Active Transportation Program - \$3,800,000]**Sponsor: Mayor**

Resolution authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC); committing any necessary matching funds; stating assurance to complete the projects; and authorizing the Public Works to accept and expend \$3,800,000 in Active Transportation Program grant funds awarded through MTC. (Fiscal Impact)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151189 [Agreement - Owners' Association for Administration/Management of Dogpatch & Northwest Potrero Hill Green Benefit District]**Sponsor: Cohen**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Green Benefit District known as the "Dogpatch & Northwest Potrero Hill Green Benefit District," pursuant to California Streets and Highway Code, Section 36651, for a period commencing upon Board approval, through June 30, 2025.

11/17/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

151190 [License Amendment - UnitedLayer - Data Center Space and Services at 200 Paul Avenue - \$2,227,494 Total Rent in the First Year]**Sponsor: Farrell**

Resolution authorizing an amendment to the License of data center space and services which extends the term for five years with UnitedLayer at 200 Paul Avenue for use by the Department of Technology at \$185,624.50 monthly for \$2,227,494.00 total rent in the first year of the February 1, 2016, to January 31, 2021 term. (Fiscal Impact)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151191 [Accept and Expend Grant - California Office of Traffic Safety - Alcohol and Drug Impaired Driver Vertical Prosecution Program - \$290,704]**Sponsor: Farrell**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$290,704 from the California Office of Traffic Safety for the Alcohol and Drug Impaired Driver Vertical Prosecution Program for the grant period October 1, 2015, through September 30, 2016.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151192 [Agreement - Owners' Association for Administration/Management of Greater Rincon Hill Community Benefit District]**Sponsor: Kim**

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Greater Rincon Hill Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

11/17/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

151193 [Accept and Expend Grant - California Governor's Office of Emergency Services, Human Trafficking Advocacy Program - \$110,276]**Sponsor: Tang**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$110,276 from the California Governor's Office of Emergency Services for the Human Trafficking Advocacy Program for the grant period of October 1, 2015, through September 30, 2016, to ensure human trafficking victims receive comprehensive victim services and to enhance the collaboration with the Mayor's Task Force on Anti-Human Trafficking.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151194 [Accept and Expend Grant - Centers for Disease Control and Prevention - San Francisco PrEP and Data to Care Demonstration Projects - \$2,898,913]**Sponsor: Wiener**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$2,898,913 from Centers for Disease Control and Prevention to participate in a program, entitled San Francisco PrEP and Data to Care Demonstration Projects, for the period of September 30, 2015, through September 29, 2016.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151195 [Accept and Expend Grant - California Public Utilities Commission - Energy Efficiency Program - \$6,930,000]**Sponsor: Wiener**

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$6,930,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to continue an Energy Use and Demand Reduction Through Energy Efficiency Program in the City and County of San Francisco, for the term of January 1, 2016, through December 31, 2016.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151196 [Accept and Expend Grant-In-Place - San Francisco Parks Alliance - Noe Valley Town Square - \$450,000]**Sponsor: Wiener**

Resolution authorizing the Recreation and Park Department to accept and expend a Grant-in-Place, from the San Francisco Parks Alliance, of improvements to Noe Valley Town Square valued at \$450,000.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

151197 [World Prematurity Day - November 17, 2015]**Sponsor: Farrell**

Resolution declaring November 17, 2015, as World Prematurity Day in the City and County of San Francisco.

11/17/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

151198 [Interim Zoning Controls Six-Month Extension - Formula Retail Uses in the Castro Street Neighborhood Commercial District]**Sponsor: Wiener**

Resolution extending, for an additional six-month period, interim zoning controls in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization under Planning Code, Section 303.1, for a proposed use that has been determined to be Formula Retail, even if a project sponsor subsequently removes one or more distinguishing Formula Retail Use features from the project proposal; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/17/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

151202 [License Amendment - Telx Entities - 200 Paul Avenue - \$111,780 Total Rent in the First Year]**Sponsor: Farrell**

Resolution authorizing an amendment to the Master Terms and Conditions License of space and services which extends the term for two years with three one-year options at fixed rents, and expands the existing 24-pair fiber connection to two 24-pair fiber connections with Telx Entities at 200 Paul Avenue for use by the Department of Technology at \$9,000 monthly plus a one-time set up fee of \$3,780 for \$111,780 total rent in the first year.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motion**151203 [Board of Supervisors Regular Meeting Schedule - 2016]**

Motion establishing the 2016 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1 by cancelling the Board meetings of January 5, January 19, February 16, March 29, May 31, July 5, October 11, and November 8 and 22, 2016; and all Board and Committee meetings during the summer and winter breaks from August 3 through September 5, and December 16 through December 31, 2016; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

11/17/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

151097 [Hearing - Anticipated Impacts of Super Bowl 50]

Sponsors: Cohen; Kim

Hearing on the planning for anticipated neighborhood impacts, job opportunities, transportation issues, and safety plans for the events associated with Super Bowl 50, including specifics regarding any Market Street closure and possible removal of Muni overhead wires, as well as these impacts on transportation and commute times, pedestrian and bicyclist safety, and plans for mitigating impacts of closure or removal of wires on Market Street; and requesting the Mayor's Office, the Office of Economic and Workforce Development, the Municipal Transportation Agency, the Port, and the Police Department to report.

10/20/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

11/04/15; REFERRED TO DEPARTMENT.

11/17/15; SUBSTITUTED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

151199 [Hearing - Institutional Master Plan Ordinance and Student Housing]

Sponsor: Peskin

Hearing on the Institutional Master Plan (IMP) Ordinance and the status of post-secondary educational institutions subject to IMPs and their plans for student housing; and requesting the Planning Commission to report.

11/17/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

151200 [Hearing - Alternatives to Incarceration]

Sponsors: Kim; Breed

Hearing on the alternatives to incarceration, including considering the mental health status and needs of the current San Francisco jail population, the current jail rebuild proposal, and the associated costs, including the cost of providing mental health treatment to those in custody vs. out of custody; and requesting the Department of Public Health, Public Works, the Capital Planning Committee, and the Controller's Office to report.

11/17/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

151201 [Hearing - Review and Approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines - FYs 2016-2017 and 2017-2018]

Hearing to consider the review and approval of the Board of Supervisors/Clerk of the Board annual budget guidelines for FYs 2016-2017 and 2017-2018. (Clerk of the Board)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Introduced at the Request of a Department

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

PROPOSED 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)

11/09/15; RECEIVED FROM DEPARTMENT.

11/17/15; RECEIVED AND ASSIGNED to 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 retroactively 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)

10/26/15; RECEIVED FROM DEPARTMENT.

11/17/15; RECEIVED AND ASSIGNED to 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)

10/28/15; RECEIVED FROM DEPARTMENT.

11/17/15; RECEIVED AND ASSIGNED to 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)
(Fiscal Impact; No Budget and Legislative Analyst Report)

11/02/15; RECEIVED FROM DEPARTMENT.

11/17/15; RECEIVED AND ASSIGNED to 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)
(Fiscal Impact)

11/05/15; RECEIVED FROM DEPARTMENT.

11/17/15; RECEIVED AND ASSIGNED to 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)
(Fiscal Impact)

11/06/15; RECEIVED FROM DEPARTMENT.

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned on November 18, 2015, at the hour of 12:36 a.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 12, 2016.

Angela Calvillo, Clerk of the Board