



# 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, September 12, 2017 - 2:00 PM

#### Regular Meeting

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LONDON BREED, PRESIDENT  
MALIA COHEN, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN,  
HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

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#### BOARD COMMITTEES

##### Committee Membership

**Budget and Finance Committee**  
Supervisors Cohen, Yee, Tang

**Budget and Finance Federal Select Committee**  
Supervisors Cohen, Sheehy, Fewer

**Government Audit and Oversight Committee**  
Supervisors Kim, Peskin, Breed

**Land Use and Transportation Committee**  
Supervisors Farrell, Peskin, Tang

**Public Safety and Neighborhood Services Committee**  
Supervisors Ronen, Sheehy, Fewer

**Rules Committee**  
Supervisors Safai, Fewer, Yee

##### Meeting Days

Thursday  
10:00 AM

Thursday  
1:00 PM

1st and 3rd Wednesday  
10:00 AM

Monday  
1:30 PM

2nd and 4th Wednesday  
10:00 AM

2nd and 4th Wednesday  
2:00 PM

## 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.

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**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, Chinese and Filipino at all regular and special Board and Committee meetings if made 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.

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**PAUNAWA:** Mayroong serbisyong pang-wika sa Espanyol, Intsik at Tagalog para sa lahat ng mga regular at espesyal na pulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Filipino na maaaring i-request sa pinakmababa na di bababa sa 48 oras bago ang pulong upang matiyak na matutugunan and inyong kahilingan. Para sa karagdagang impormasyon o para humiling 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, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. 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) 554-5163; 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**

## **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.

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

### Items 1 through 5

#### Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

1. [170727](#) **[Settlement of Lawsuit - Alfred Fred Pittman - \$30,000]**  
Ordinance authorizing settlement of the lawsuit filed by Alfred Fred Pittman against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 20, 2013, in United States District Court, Case No. 13-CV-02095; entitled Alfred Fred Pittman v. City and County of San Francisco; the lawsuit involves alleged civil rights violations. (City Attorney)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
  
2. [170752](#) **[Settlement of Lawsuit - Zhen Qiang Zhang - \$75,000]**  
Ordinance authorizing settlement of the lawsuit filed by Zhen Qiang Zhang against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 13, 2014, in San Francisco Superior Court, Case No. CGC-14-542708; entitled Zhen Qiang Zhang v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
  
3. [170754](#) **[Settlement of Lawsuit - Stuart Kohler - \$75,000]**  
Ordinance authorizing settlement of the lawsuit filed by Stuart Kohler against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 8, 2016, in United States District Court, Case No. 16-CV-6502; entitled Stuart Kohler v. City and County of San Francisco et al.; the lawsuit involves alleged civil rights violations. (City Attorney)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**

- 4. [170796](#) **[Settlement of Lawsuit - Bernard Sandoval - \$120,000]**  
Ordinance authorizing settlement of the lawsuit filed by Bernard Sandoval against the City and County of San Francisco for \$120,000; the lawsuit was filed on June 25, 2015, in San Francisco Superior Court, Case No. CGC-15-546562; entitled Bernard Sandoval v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

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

- 5. [170818](#) **[Settlement of Unlitigated Claim - DiamondRock Hospitality, L.P. - \$245,000]**  
Resolution approving the settlement of the unlitigated claim filed by DiamondRock Hospitality, L.P., against the City and County of San Francisco for \$245,000; the claim involves an alleged overpayment of real property transfer tax paid in connection with the November 14, 2012, purchase of the Hotel Rex, located at 562 Sutter Street. (City Attorney)

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

- 6. [170834](#) **[Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]**

**Sponsors: Breed; Kim, Peskin, Safai and Tang**

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; to require minimum dwelling unit mix in most residential districts; to clarify Inclusionary Housing requirements in the Transbay C-3 Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

07/18/2017; DUPLICATED.

07/18/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/18/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/18/2017; PASSED ON FIRST READING AS AMENDED.

07/25/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

07/25/2017; PASSED ON FIRST READING AS AMENDED.

09/05/2017; CONTINUED ON FINAL PASSAGE.

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

**Recommendation of the Budget and Finance Sub-Committee**

*Present: Supervisors Cohen, Yee, Tang*

7. **170759** **[Real Property Lease - Various Owners - 170-9th Street - \$1,256,250 in Initial Year]**

Resolution approving a lease of approximately 25,125 square feet at 170-9th Street, with Michael E. Hornstein and Ellen F. Hornstein, Trustees of the Michael & Ellen Hornstein 1998 Revocable Trust, Jordan D. Hornstein and Emily F. Hornstein as Landlord, for the 12 year term expected to be from April 1, 2018, through March 31, 2030, for use by the Department of Homelessness and Supportive Housing at an initial annual rent of \$1,256,250 with 3% annual increases with two five-year options to extend; and finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Department of Homelessness and Supportive Housing)

(Fiscal Impact)

07/25/2017; CONTINUED.

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

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

*Present: Supervisors Farrell, Peskin, Tang*

8. **170552** **[Amending Ordinance No. 1061 - Sidewalk Width Change - Masonic Avenue at Fulton and Turk Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to reduce the official sidewalk width of certain locations along Masonic Avenue at the southwest corner of the intersection of Masonic Avenue and Fulton Street, and the northeast corner of the intersection of Masonic Avenue and Turk Street; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

09/05/2017; PASSED ON FIRST READING.

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

9. [170693](#) **[Planning Code - Child Care Facilities]**  
**Sponsors: Yee; Tang, Ronen, Farrell, Safai, Kim, Sheehy, Cohen, Breed and Fewer**  
Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G), and Industrial (Light Industrial) (M-1) zoning districts where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2), and Industrial (Heavy Industrial) (M-2) zoning districts where they would not be permitted; remove certain notice requirements for Child Care Facilities; make other conforming changes to references to the definition of Child Care Facility; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)
- 07/18/2017; PASSED ON FIRST READING.
- 07/25/2017; CONTINUED ON FINAL PASSAGE.
- 09/05/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 09/05/2017; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Farrell, Peskin, Tang*

10. [170761](#) **[Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits]**  
**Sponsor: Mayor**  
Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.
- 07/18/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 07/18/2017; PASSED ON FIRST READING AS AMENDED.
- 07/25/2017; CONTINUED ON FINAL PASSAGE.
- Question: Shall this Ordinance be FINALLY PASSED?**



## NEW BUSINESS

### Recommendations of the Government Audit and Oversight Committee

*Present: Supervisors Kim, Peskin, Breed*

11. [170601](#) **[Tourism Improvement District - Annual Reports to the City - FYs 2009-2016]**  
**Sponsor: Mayor**  
Resolution receiving and approving annual reports for the Tourism Improvement District for FYs 2009-2016, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

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

12. [170604](#) **[Moscone Expansion District - Annual Report to the City - FYs 2014-2015 and 2015-2016]**  
**Sponsor: Mayor**  
Resolution receiving and approving annual reports for the Moscone Expansion District for FYs 2014-2015 and 2015-2016, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

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

*Present: Supervisors Kim, Peskin*

13. [170661](#) **[Board Response - Civil Grand Jury Report - Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level]**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2016-2017 Civil Grand Jury Report, entitled "Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

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

Present: Supervisors Kim, Peskin, Breed

14. [170305](#) **[Urging the Retirement Board to Renew Its Commitment to Divest from Fossil Fuel Companies]**

**Sponsors: Peskin; Fewer and Ronen**

Resolution urging the Retirement Board of the Employees' Retirement System to renew its commitment to divest from publicly-traded fossil fuel companies, pursuant to its commitments to do so since October 2013, and to provide an update on public and private equity fossil fuel holdings.

04/04/2017; REFERRED to the Government Audit and Oversight Committee.

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

## **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.

(Public Hearing continued from July 25, 2017.)

15. [170804](#) **[Hearing - Appeal of Community Plan Evaluation - 1850 Bryant Street]**  
Hearing of persons interested in or objecting to a Community Plan Evaluation issued by the Planning Department under the California Environmental Quality Act on May 10, 2017, for the proposed project at 1850 Bryant Street, approved on June 1, 2017, to demolish an existing two-story building, and construct a new five-story, 68-foot-tall building, totaling 187,416 gross square feet that includes 18,652 gross square feet of Production, Distribution and Repair, 166,483 gross square feet of Social Service/Community Facility, and 2,281 gross square feet of ground-floor retail Commercial uses; including 89 off-street, two car share, four service vehicle, and one truck loading parking space; 30 Class 1 and 15 Class 2 bike parking spaces; in the PDR-1-G (Production, Distribution & Repair - 1 - General) Zoning District and 68-X height and bulk district. (District 9) (Appellant: Bijal Patel, on behalf of Franklin Square Owners Association) (Filed July 3, 2017) (Clerk of the Board)

07/25/2017; CONTINUED.

### 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. **170805** **[Affirming the Community Plan Evaluation - 1850 Bryant Street]**  
Motion affirming the determination by the Planning Department that a proposed project at 1850 Bryant Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)  
  
07/25/2017; CONTINUED.  
  
**Question: Shall this Motion be APPROVED?**
17. **170806** **[Conditionally Reversing the Community Plan Evaluation - 1850 Bryant Street]**  
Motion conditionally reversing the determination by the Planning Department that a proposed project at 1850 Bryant Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)  
  
07/25/2017; CONTINUED.  
  
**Question: Shall this Motion be APPROVED?**
18. **170807** **[Preparation of Findings to Reverse the Community Plan Evaluation - 1850 Bryant Street]**  
Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 1850 Bryant Street is exempt from further environmental review. (Clerk of the Board)  
  
07/25/2017; CONTINUED.  
  
**Question: Shall this Motion be APPROVED?**

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

*(Public Hearing continued open from September 5, 2017.)*

19. **170812** **[Hearing - Appeal of Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**  
Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed project at 1500-1540 Market Street (One Oak Street) identified in Planning Case No. 2009.0159E, certified by the Planning Commission through Motion No. 19938 dated June 15, 2017. (District 5) (Appellant: Sue Hestor, on behalf of Jason Henderson) (Filed July 17, 2017) (Clerk of the Board)  
  
09/05/2017; CONTINUED OPEN.  
  
**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. [170813](#) [Affirming the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street). (Clerk of the Board)

09/05/2017; CONTINUED.

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

**21. [170814](#) [Conditionally Reversing the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street), subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

09/05/2017; CONTINUED.

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

**22. [170815](#) [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report for the proposed project at 1500-1540 Market Street (One Oak Street). (Clerk of the Board)

09/05/2017; CONTINUED.

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

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

*Present: Supervisors Farrell, Peskin, Tang*

**23. [170750](#) [General Plan Amendments - One Oak Street Project]**

Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

09/05/2017; CONTINUED ON FIRST READING.

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

24. [170751](#) **[Planning Code, Zoning Map - One Oak Street Project]**  
Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Assessor's Parcel Block No. 0836, portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No. 001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

09/05/2017; CONTINUED ON FIRST READING.

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

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

25. [170851](#) **[Hearing - Appeal of Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**  
Hearing of persons interested in or objecting to the adoption of a Mitigated Negative Declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street, Assessor's Parcel Block No. 5626, Lot Nos. 013 and 014, identified in Planning Case No. 2013.1383ENV, adopted on June 15, 2017. (District 9) (Appellant: Ryan J. Patterson of Zacks Freedman & Patterson, PC, on behalf of Kathy Angus for Bernal Heights South Slope Organization, Marilyn Waterman and Sam Orr for Bernal Safe and Livable, Herbert Felsenfeld for Neighbors Against the Upper Folsom Street Extension, Gail Newman, and Ann Lockett.) (Filed July 17, 2017). (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.)**

26. [170852](#) **[Affirming the Approval of a Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**  
Motion affirming the approval by the Planning Commission of a Mitigated Negative Declaration under the California Environmental Quality Act, for a proposed project at 3516 and 3526 Folsom Street. (Clerk of the Board)

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

27. [170853](#) **[Conditionally Reversing the Approval of a Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**

Motion conditionally reversing the approval by the Planning Commission of a Mitigated Negative Declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street, subject to the adoption of written findings in support of such determination. (Clerk of the Board)

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

28. [170854](#) **[Preparation of Findings to Reverse the Approval of a Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission's approval of a Mitigated Negative Declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street. (Clerk of the Board)

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

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

*(On August 30, 2017, the Planning Department rescinded its Categorical Exemption determination for 43 Everson Street; therefore, the President may entertain a motion to table all Motions on this matter.)*

29. [170855](#) **[Hearing - Appeal of Determination of Exemption From Environmental Review - 43 Everson Street]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on July 29, 2017, approved on June 15, 2017, for the proposed project at 43 Everson Street, to include horizontal and vertical additions to an existing three-story single family home, increase the gross square footage of the residence from 5,364 square feet to approximately 6,780 square feet, and increase the height of the building from approximately 13 feet to approximately 30 feet measured from the Everson Street frontage. (District 8) (Appellant: Ryan J. Patterson, on behalf of David Cowfer) (Filed July 17, 2017) (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. [170856](#) **[Affirming the Exemption Determination - 43 Everson Street]**

Motion affirming the determination by the Planning Department that a proposed project at 43 Everson Street is exempt from further environmental review. (Clerk of the Board)

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



31. [170857](#) **[Conditionally Reversing the Exemption Determination - 43 Everson Street]**  
Motion conditionally reversing the determination by the Planning Department that the proposed project at 43 Everson Street is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
32. [170858](#) **[Preparation of Findings to Reverse the Categorical Exemption Determination - 43 Everson Street]**  
Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 43 Everson Street is exempt from further environmental review. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

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

33. [170907](#) **[Hearing - Appeal of Determination of Exemption From Environmental Review - 302 Greenwich Street/1531 Montgomery Street]**  
Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on June 28, 2017, approved on July 6, 2017, for the proposed project at 302 Greenwich Street/1531 Montgomery Street, for a change of use to return the property to its historic use as a restaurant (dba "Julius' Castle"), to include a street level bar with dining at the second and third floors, and third floor terrace located at the rear of the property. (District 3) (Appellants: Gordon Francis, representing La Colline Home Owners Association, Norman Laboe, and Dan Lorimer) (Filed August 4, 2017) (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.)**

34. [170908](#) **[Affirming the Exemption Determination - 302 Greenwich Street/1531 Montgomery Street]**  
Motion affirming the determination by the Planning Department that a proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review.
- Question: Shall this Motion be APPROVED?**



35. [170909](#) **[Conditionally Reversing the Exemption Determination - 302 Greenwich Street/1531 Montgomery Street]**  
Motion conditionally reversing the determination by the Planning Department that the proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination.

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

36. [170910](#) **[Preparation of Findings to Reverse the Categorical Exemption Determination - 302 Greenwich Street/1531 Montgomery Street]**  
Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review.

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

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

### **Board of Supervisors Sitting as a Committee of the Whole**

*(Hearing scheduled pursuant to Motion No. M17-127 (File No. 170936) approved on September 5, 2017.)*

37. [170965](#) **[Hearing - Committee of the Whole - Closing of Skilled Nursing and Sub-Acute Unit at St. Luke's Hospital - September 12, 2017]**  
Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 12, 2017, at 3:00 p.m., to discuss the closing of the skilled nursing and sub-acute units at St. Luke's Hospital, as well as legislative solutions; and requesting the Department of Public Health, Human Services Agency, and Office of Economic and Workforce Development to report; scheduled pursuant to Motion No. M17-127, approved by the Board on September 5, 2017. (Clerk of the Board)

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

### **Committee of the Whole Adjourn and Report**

## COMMITTEE REPORTS

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

*The following item will be considered by the Budget and Finance Committee at a Regular Meeting on Thursday, September 7, 2017, at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a Committee Report on Tuesday, September 12, 2017.*

38. [170883](#) **[Multifamily Housing Revenue Note - 455 Fell Street (“455 Fell Street Apartments”) - Not to Exceed \$43,000,000]**  
**Sponsor: Breed**  
Resolution authorizing the execution and delivery of a multifamily housing revenue note in one or more series in an aggregate principal amount not to exceed \$43,000,000 for the purpose of providing financing for the acquisition and construction of a 108-unit multifamily rental housing project known as “455 Fell Street Apartments;” approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the loan from the funding lender to the City and the execution and delivery of the note; approving the form of and authorizing the execution of a borrower loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters, as defined herein.

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

*The following item will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, September 11, 2017, at 1:30 p.m. The Chair intends to request the Committee to send the following item to the Board as a Committee Report on Tuesday, September 12, 2017.*

39. [170865](#) **[Zoning - Interim Moratorium on Medical Cannabis Dispensaries]**  
**Sponsor: Cohen**  
Urgency ordinance approving an interim zoning moratorium on the approval of medical cannabis dispensaries for 45 days, in accordance with California Government Code, Section 65858; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

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

#### 40. 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.

#### 41. 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.

#### FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

#### Items 42 through 47

#### 42. [170946](#) [Approval of a 90-Day Extension for Planning Commission Review of Fulton Street Grocery Store Special Use District (File No. 170514)]

**Sponsor: Breed**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 170514) amending the Planning Code to allow a grocery store that may be defined as a formula retail use in the Fulton Street Grocery Store Special Use District, and adding criteria for approval; extending the duration of the controls; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

09/05/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

- 43.** [170949](#)    **[Defend DACA and All Immigrants]**  
**Sponsors: Kim; Fewer, Yee, Ronen, Peskin, Cohen and Safai**  
Resolution condemning the rescission of the Deferred Action for Childhood Arrivals (DACA) Program and expressing continued support for all immigrants.

09/05/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**
  
- 44.** [170957](#)    **[Commending Kim Shuck - San Francisco’s Seventh Poet Laureate]**  
**Sponsor: Sheehy**  
Resolution commending Kim Shuck on her appointment as San Francisco’s seventh poet laureate and celebrating her inaugural address on September 14, 2017, at the Main Library.

09/05/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**
  
- 45.** [170905](#)    **[Final Map 8496 - 3124-3128A Laguna Street]**  
Motion approving Final Map 8496, a six residential unit condominium project, located at 3124-3128A Laguna Street, being a subdivision of Assessor’s Parcel Block No. 0506, Lot No. 038; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

08/28/2017; RECEIVED FROM DEPARTMENT.

09/06/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Motion be APPROVED?**
  
- 46.** [170934](#)    **[Final Map 8992 - 1400 Baker Street]**  
Motion approving Final Map 8992, a parcel merger project, located at 1400 Baker Street, being a merger of Assessor’s Parcel Block No. 1075, Lot No. 001; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

08/28/2017; RECEIVED FROM DEPARTMENT.

09/06/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

47. [170935](#) **[Final Map 8589 - 99 Rausch Street]**  
Motion approving Final Map 8589, a 112 residential unit and three commercial unit, mixed-use condominium project, located at 99 Rausch Street, being a merger and subdivision of Assessor's Parcel Block No. 3730, Lot Nos. 015, 075, 077, 078, and 080; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

08/28/2017; RECEIVED FROM DEPARTMENT.

09/06/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

## 48. 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**

**170903 [Settlement of Lawsuit - Andre Price, Kenneth Farris, Jr., Abdelaziz Aineb - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Andre Price, Abdelaziz Aineb, and Kenneth Farris, Jr. against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 22, 2014, in San Francisco Superior Court, Case No. CGC-14-543349; entitled Andre Price, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

08/30/2017; RECEIVED.

09/12/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**PROPOSED RESOLUTION**

**170904 [Mental Health Services Act - Program and Expenditure Plan (Integrated Plan)]**  
Resolution adopting the Mental Health Services Act Program and Expenditure Plan (Integrated Plan) for FY2017-2018 through FY2019-2020. (Public Health Department)

09/01/2017; RECEIVED FROM DEPARTMENT.

09/12/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**170966 [Petitions and Communications]**

Petitions and Communications received from August 28, 2017, through September 1, 2017, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 12, 2017.

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 the Office of the Mayor, pursuant to Administrative Code, Section 2A.233(d), submitting the following appointment and reappointment to the Children, Youth, and Families Oversight Advisory Committee: (1)

Appointing Charley Obermeyer - Term Ending October 1, 2019

Reappointing E'leva Gibson - Term Ending - September 11, 2019

Reappointing Linda Martley-Jordan - Term Ending - September 11, 2019

From the Office of the Controller's Auditor Division, submitting an audit report on the United Council of Human Services. Copy: Each Supervisor. (2)

From the Office of the Controller's Auditor Division, submitting an audit report of the Adult Probation Department Reentry Division's Community Assessment and Services Center. Copy: Each Supervisor. (3)

From the Office of the Controller's Auditor Division, submitting a Summary of Implementation Status of Recommendations Followed up on in FY2016-17. (4)

From the Planning Department, submitting an Environmental Impact Report Certification for One Oak Street. File No. 170812. Copy: Each Supervisor. (5)

From Recreation and Parks, pursuant to Park Code, Section 3.21(f), submitting a Citations Issued annual report for FY16-17. Copy: Each Supervisor. (6)

From the State of California - Office of Historic Preservation Department of Parks and Recreation, submitting notice that 310 7th Street is being nominated to the California Register of Historical Resources. Copy: Each Supervisor. (7)

From Diana Smith, Legal Assistant at Lubin Olson, submitting a response to appeal of mitigated negative declaration regarding 3516-3526 Folsom Street. File Nos. 170851-854. Copy: Each Supervisor. (8)

From Ivar C. Satero, Airport Director, regarding the proposed legislation renaming Terminal 1, in honor of Harvey Milk. File No. 170872. Copy: Each Supervisor. (9)

From West Area California Public Utilities Commission, submitting CPUC Notification regarding Verizon Wireless. Copy: Each Supervisor. (10)

From Roger Brandon, regarding a permanent height limit in San Francisco. Copy: Each Supervisor. (11)

From concerned citizens, regarding the proposed medical cannabis dispensary at 2505 Noriega. File Nos 170917 and 170898. 8 letters. Copy: Each Supervisor. (12)

From concerned citizens, regarding the proposed legislation on the Alameda Creek Recapture Project. File Nos. 170893-896. 3 letters. Copy: Each Supervisor. (13)

From the Public Utilities Commission, pursuant to Administrative Code, Chapter 6, Article IV, Section 6.60, submitting a Declaration of Emergency for the Moccassin

Powerhouse GSU Transformer and Ancillary Buswork. Copy: Each Supervisor. (14)

From Pete A Lester, regarding the proposed legislation to ban robots on our sidewalks.  
File No. 170599. Copy: Each Supervisor. (15)

## **ADJOURNMENT**