



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, October 17, 2017 - 2:00 PM

Regular Meeting

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

1st and 3rd Wednesday
1:00 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.

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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.

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

Lobbyist Registration and Reporting Requirements

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

COMMUNICATIONS

APPROVAL OF MEETING MINUTES

Approval of the September 5, 2017, and September 12, 2017, Board Meeting Minutes.

AGENDA CHANGES

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

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

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

*There were no questions submitted from Supervisors representing the even 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 7

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

1. [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)
Question: Shall this Ordinance be PASSED ON FIRST READING?

2. [170924](#) **[Settlement of Lawsuit - Linda Chen - \$350,000]**
Ordinance authorizing settlement of the lawsuit filed by Linda Chen against the City and County of San Francisco for \$350,000; the lawsuit was filed on November 7, 2014, in San Francisco Superior Court, Case No. CGC 14-542604; entitled Linda Chen v. San Francisco Police Department, et al.; the lawsuit involves an employment dispute. (City Attorney)
Question: Shall this Ordinance be PASSED ON FIRST READING?

3. [170925](#) **[Settlement of Lawsuit - Peter Firestone - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by Peter Firestone against the City and County of San Francisco for \$50,000; the lawsuit was filed on October 24, 2014, in San Francisco Superior Court, Case No. CGC-14-542359; entitled Peter Firestone v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from vehicle collision; other material terms of the settlement are co-defendants to pay \$60,000. (City Attorney)
Question: Shall this Ordinance be PASSED ON FIRST READING?

4. [170926](#) **[Settlement of Lawsuit - Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing - \$259,800]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing against the City and County of San Francisco for \$259,800; the lawsuit was filed on July 24, 2014, in the United States District Court for the Northern District of California, Case No. 3:14-cv-3352-CRB; entitled Daniel Levin et al. v. City and County of San Francisco; the lawsuit involves whether Ordinance No. 54-14, which required landlords to provide increased relocation payments to displaced tenants following certain types of evictions, unlawfully took plaintiffs' property. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

5. [170927](#) **[Settlement of Lawsuit - Pacific Rod & Gun Club - City to Receive \$8,250,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Rod & Gun Club for \$8,250,000; the lawsuit was filed on March 27, 2014, in San Francisco Superior Court, Case No. CGC-14-538294; entitled City and County of San Francisco v. Pacific Rod & Gun Club; the City sued its former tenant Pacific Rod & Gun Club for nuisance and breach of contract to recover the City's hazardous material remediation expenses resulting from the Club's use of shotgun shells containing lead and arsenic and targets containing asphalt compounds at a gun range that it operated on City property on Lake Merced from 1933 to 2015. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

6. [170670](#) **[Settlement of Unlitigated Claim - 1fb.net, Inc. - \$37,740.98]**

Resolution approving the settlement of the unlitigated claim filed by 1fb.net, Inc. against the City and County of San Francisco for \$37,740.98; the claim was filed on March 13, 2017; the claim involves a refund of payroll expense taxes. (City Attorney)

Question: Shall this Resolution be ADOPTED?

7. [171005](#) **[Settlement of Unlitigated Claim - Ronald Terry - \$89,500]**

Resolution approving the settlement of the unlitigated claim filed by Ronald Terry against the City and County of San Francisco for \$89,500; the claim was filed on September 27, 2016; the claim involves an employment dispute. (City Attorney)

Question: Shall this Resolution be ADOPTED?

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

8. [170834](#) **[Planning Code - Inclusionary Affordable Housing Fee and 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 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.

09/12/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

09/12/2017; PASSED ON FIRST READING AS AMENDED.

09/19/2017; CONTINUED ON FINAL PASSAGE.

09/26/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

09/26/2017; PASSED ON FIRST READING AS AMENDED.

10/03/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/03/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Budget and Finance Committee

Present: Supervisors Cohen, Yee

- 9. [170669](#) **[Software License and Maintenance Agreement - Mythics Inc. - Oracle Licenses and Software Support - Not to Exceed \$11,832,968.89]**
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1090 with Mythics Inc. for the purchase of certain as-needed Oracle licenses and software support, for an amount not to exceed \$11,832,968.89, and with an anticipated term to commence November 30, 2017, through March 22, 2023. (Public Utilities Commission)

(Fiscal Impact)

10/03/2017; CONTINUED.

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Peskin, Tang, Sheehy

- 10. [170209](#) **[Public Works Code - Bicycle Chop Shops]**
Sponsor: Sheehy
Ordinance amending the Public Works Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, offer of distribution, or storage of bicycles and bicycle parts on the public right-of-ways, under certain conditions and with certain exceptions; authorize Public Works to remove and seize bicycles and bicycle parts following issuance of a notice of violation; and allow either the recipient of the notice or any other person who can demonstrate lawful ownership to retrieve seized items from Public Works after 30 days.

07/18/2017; CONTINUED ON FIRST READING.

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

07/25/2017; RE-REFERRED AS AMENDED to the Land Use and Transportation Committee.

10/03/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/03/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety and Neighborhood Services Committee

Present: Supervisors Ronen, Sheehy, Fewer

11. [170763](#) **[Environment Code - Antibiotic Use in Food Animals]**
Sponsors: Sheehy; Ronen
Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.
- 10/03/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 10/03/2017; PASSED ON FIRST READING AS AMENDED.
- Question: Shall this Ordinance be FINALLY PASSED?**

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Cohen, Tang

12. [170739](#) **[Waiver of Banner Fee - APA Family Support Services]**
Sponsor: Cohen
Ordinance retroactively authorizing the installation of up to six banners on City-owned utility poles by APA Family Support Services under Public Works Code, Section 184.78, at 1652 Sunnydale Avenue between August 1, 2017, and January 31, 2018; and waiving the fees for those banners.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
13. [170944](#) **[Waiver of Banner Fee - Office of Economic and Workforce Development - Shop and Dine in the 49 Campaign]**
Sponsor: Tang
Ordinance waiving the banner fees under Public Works Code, Section 184.78, for up to 300 banners to be placed by the Office of Economic and Workforce Development to publicize the City's "Shop and Dine in the 49" campaign, beginning on November 20, 2017, and for one year.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

14. [170921](#) **[Administrative Code - Establish a Trial Local Business Enterprise Joint Venture and Core Discipline Incentive Program]**
Ordinance amending the Administrative Code to establish a trial Local Business Enterprise (LBE) incentive program that would allow an LBE joint venture rating bonus on professional services and design-build contracts over \$20 million, and allow departments to use the amount of LBE subcontractor participation in core disciplines as selection criteria in professional services contract procurements. (Public Utilities Commission)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
15. [170668](#) **[Lease Agreement - Alliance Ground International, LLC - Airport Building 648 - Estimated Rent of \$3,820,253]**
Resolution approving Lease Agreement No. 17-0112 between Alliance Ground International, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for exclusive use of approximately 40,778 square feet of space in Airport Building 648, for an estimated total minimum rent of \$3,820,253 and a projected term of three years and seven months. (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**
- Present: Supervisors Cohen, Yee, Tang*
16. [170798](#) **[Master Lease Amendment - United States Navy - Treasure Island Childcare]**
Resolution approving Amendment No. 13 to the Treasure Island Childcare Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year, for the period of December 1, 2017, through November 30, 2018. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
17. [170799](#) **[Master Lease Amendment - United States Navy - Treasure Island Land and Structures]**
Resolution approving Amendment No. 42 to the Treasure Island Land and Structures Master Lease between the Treasure Island Development Authority and the United States Navy to extend the term for one year, for the period of December 1, 2017, through November 30, 2018. (Treasure Island Development Authority)
- Question: Shall this Resolution be ADOPTED?**
18. [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)
- Question: Shall this Resolution be ADOPTED?**

Present: Supervisors Cohen, Tang

- 19. [170951](#) **[Teeter Plan Extension - School Parcel Tax]**
Sponsor: Peskin
Resolution extending the Teeter Plan to special taxes levied for the San Francisco Unified School District under the School Parcel Tax.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

- 20. [170952](#) **[Teeter Plan Extension - City College Parcel Tax]**
Sponsor: Peskin
Resolution extending the Teeter Plan to the parcel tax levied for the San Francisco Community College District under the City College Parcel Tax.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

- 21. [170953](#) **[Teeter Plan Extension - Bay Restoration Authority Parcel Tax]**
Sponsor: Peskin
Resolution extending the Teeter Plan to parcel taxes levied for the San Francisco Bay Restoration Authority under the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

- 22. [170954](#) **[Teeter Plan Extension - School Facilities Special Tax]**
Sponsor: Peskin
Resolution extending the Teeter Plan to special taxes levied for the San Francisco Unified School District under the School Facilities Special Tax.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

- 23. [170956](#) **[Accept and Expend Grant - California Department of Parks and Recreation - Twin Peaks Trail System Improvements - \$121,131]**
Sponsor: Sheehy
Resolution retroactively authorizing the Recreation and Park Department to accept and expend a Habitat Conservation Fund Grant from the California Department of Parks and Recreation in the amount of \$121,131 for the Twin Peaks Trail System Improvements; authorizing the Director of Real Estate to file a Declaration of Restriction with the Assessor-Recorder against the property designated as Assessor's Parcel Block No. 2643, Lot No. 021, providing that the use restrictions contained in the Grant Agreement will be covenants, conditions, and restrictions on the use of the property until June 30, 2036; and authorizing the Director of Real Estate to take actions necessary to annul the deed restriction recorded against the property designated as Assessor's Parcel Block No. 2643, Lot No. 003. (Recreation and Park Department)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

24. [170667](#) [Board Response - Civil Grand Jury Report - Planning to Make Our Parks Even Better]

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 "Planning to Make Our Parks Even Better;" 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?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Farrell, Peskin, Tang

**25. [170418](#) [Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]
Sponsor: Peskin**

Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District ("Pacific NCD") and the Polk Street Neighborhood Commercial District ("Polk NCD"); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. [170782](#) **[Planning Code, Zoning Map - Rezoning 1990 Folsom Street]**
Sponsor: Ronen
Ordinance amending the Planning Code by revising the Zoning Map to change the zoning designation of 1990 Folsom Street from a use designation of Production, Distribution, and Repair-General and a height and bulk designation of 58-X to a use designation of Urban Mixed Use and a height and bulk designation of 90-X; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
27. [170835](#) **[Amending Ordinance No. 49-17 - 180 Jones Street Affordable Housing Fund]**
Sponsor: Kim
Ordinance amending Ordinance No. 49-17 to change the timeline, for the first payment of \$1,500,000 from the project sponsor of 950-974 Market Street to the 180 Jones Street Affordable Housing Fund, from "the issuance of the first construction document for that project or July 1, 2017, whichever comes first," to "the issuance of the first construction document."
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
28. [170860](#) **[Administrative Code - Displaced Tenant Preference in City Affordable Housing]**
Sponsor: Mayor
Ordinance amending the Administrative Code to remove reference to a ten year residency requirement for the Displaced Tenant Preference in City Affordable Housing Programs; 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.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendations of the Public Safety and Neighborhood Services Committee

Present: Supervisors Ronen, Sheehy, Fewer

29. [170599](#) **[Public Works, Police Codes - Prohibiting Autonomous Delivery Devices on Sidewalks and Right-of-Ways]**
Sponsors: Yee; Fewer
Ordinance amending the Public Works Code to prohibit the operation of autonomous delivery devices on sidewalks and right-of-ways within the jurisdiction of Public Works, amending the Police Code to provide for administrative, civil, or criminal penalties for unlawful operation of autonomous delivery devices; and affirming the Planning Department's determination under the California Environmental Quality Act.
- (Supervisor Sheehy dissented in committee.)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

30. [170867](#) **[Environment Code - Flame Retardant Chemicals in Upholstered Furniture and Juvenile Products]**

Sponsors: Farrell; Peskin, Sheehy, Ronen, Fewer and Yee

Ordinance amending the Environment Code to ban the sale in San Francisco of upholstered furniture and juvenile products made with or containing an added flame retardant chemical.

Question: Shall this Ordinance be PASSED ON FIRST READING?

31. [170848](#) **[Liquor License - 150 Kearny Street - BevMo!]**

Resolution determining that the transfer of a Type-21 off-sale general beer, wine, and distilled spirits license; the issuance of a Type-42 on-sale beer and wine public premises license; and the issuance of a Type-86 educational tasting license to Beverages & More, Inc., doing business as BevMo!, located at 150 Kearny Street (District 3), will not serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control deny the issuance of the licenses, in accordance with California Business and Professions Code, Section 23958.4. (Public Safety and Neighborhood Services Committee)

Question: Shall this Resolution be ADOPTED?

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

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Hearing scheduled pursuant to Motion No. M17-122 (File No. 170933) approved on September 5, 2017.)

32. [170964](#) **[Hearing - Committee of the Whole - Disclosure Responsibilities of Board of Supervisors Under Federal Securities Laws - October 17, 2017]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on October 17, 2017, at 3:00 p.m., to receive educational training on the Board's legal obligations under Federal and State securities laws with respect to any Official Statement (OS) approvals; scheduled pursuant to Motion No. M17-122, 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

33. 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.

34. 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 35 through 39

35. [171067](#) **[Urging the United States Congress to Oppose United States House of Representatives Bill 38, and United States Senate Bill 446]**
Sponsors: Farrell; Cohen
Resolution urging the United States Congress to oppose the United States House of Representatives Bill 38, the Concealed Carry Reciprocity Act of 2017, and United States Senate Bill 446, the Constitutional Concealed Carry Reciprocity Act of 2017.

10/03/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. [171068](#) **[Naming the Batting Cage at Victoria Manalo Draves Park - "Tim Figueras Batting Cage"]**
Sponsor: Kim
Resolution declaring the new batting cages installed at Victoria Manalo Draves Park be named "Tim Figueras Batting Cage" after former Gene Friend Recreation Center and longtime community member, Tim Figueras.
- 10/03/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
37. [171083](#) **[Adoption of Findings Related to Conditional Use Authorization - Proposed Project at 2505 Noriega Avenue]**
Motion adopting findings in support of the Board of Supervisors' disapproval of the decision of the Planning Commission by its Motion No. 19961, regarding the Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed medical cannabis dispensary located at 2505 Noriega Avenue. (Clerk of the Board)
- 10/11/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?**
38. [171084](#) **[Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - October 24, 2017]**
Motion that the Board of Supervisors convene in closed session on October 24, 2017, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the existing litigation in which the City is a defendant and appellee, American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association v. City and County of San Francisco, Ninth Circuit Court of Appeals Case Nos. 16-16072 and 16-16073, filed in the United States District Court for the Northern District of California on July 24, 2015. (Clerk of the Board)
- 10/11/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?**
39. [171085](#) **[Adopting the Planning Department's Report on Interim Moratorium on Medical Cannabis Dispensaries]**
Sponsor: Cohen
Motion adopting the Planning Department's report on the 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.
- 10/11/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?**

40. IMPERATIVE AGENDA

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

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

LEGISLATION INTRODUCED AT ROLL CALL**Introduced by a Supervisor or the Mayor**

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

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

PROPOSED ORDINANCES**171074 [Settlement of Lawsuit - Kevin Smith - \$300,000]**

Ordinance authorizing settlement of the lawsuit filed by Kevin Smith against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 26, 2016, in San Francisco Superior Court, Case No. CGC-15-550065; entitled Kevin Smith v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

10/03/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

171075 [Settlement of Lawsuit - T-Mobile West, LLC - \$72,500]

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West, LLC against the City and County of San Francisco for \$72,500; the lawsuit was filed on September 9, 2015, in San Francisco Superior Court, Case No. CGC-15-547840; entitled T-Mobile West, LLC v. City and County of San Francisco; the lawsuit involves a Utility Users Tax refund. (City Attorney)

10/03/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

171076 [Settlement of Lawsuit - AT&T Corp. - \$498,000]

Ordinance authorizing settlement of the lawsuit filed by AT&T Corp. against the City and County of San Francisco for \$498,000; the lawsuit was filed on October 26, 2016, in San Francisco Superior Court, Case No. CGC-16-555047; entitled AT&T Corp. v. City of San Francisco, Department of Public Health; the lawsuit involves a breach of contract claim arising from a dispute over AT&T's design of a medical grade wireless network at Zuckerberg San Francisco General Hospital; other material terms of the settlement are that the City reserves all rights to pursue claims against AT&T for, and AT&T shall retain responsibility for, latent defects; all extant express and implied warranties under the contract shall remain in full force and effect; the City and AT&T will execute a mutual release; the City and AT&T will each bear its own fees and costs. (City Attorney)

10/03/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

171077 [Real Property Lease Renewal - 1145 Market LP - 1145 Market Street - San Francisco Law Library - \$1,180,000 Initial Annual Base Rent]

Resolution authorizing the exercise of an option to extend the term of a Lease for approximately 20,000 square feet, consisting of a portion of the second floor and entire fourth floor at 1145 Market Street, for the San Francisco Law Library, with 1145 Market Street LP, a California limited partnership, for five years, subject to City's right to terminate, for the period of July 1, 2018, to June 30, 2023, at a monthly base rent of \$98,333.33 for a total annual base rent of 1,180,000 in the initial year with 3% annual increases. (Real Estate Department)

10/02/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

171078 [Airport Professional Services Agreement Modification - CAGE Professional Services, Inc. dba CAGE, Inc. - International Terminal Checked Baggage Inspection System Modernization Program and Baggage Handling Improvements Project - Not to Exceed \$14,500,000]

Resolution approving Modification No. 10 to Airport Contract No. 9024.9, Construction Management Services for the International Terminal Checked Baggage Inspection System Modernization Program and Baggage Handling System Improvements Project, with CAGE Professional Services, Inc. dba CAGE, Inc., and approving an amount for further modifications for a total amount not to exceed \$14,500,000 for services through December 31, 2020, pursuant to Charter, Section 9.118(b). (Airport Commission)

09/25/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

171079 [Lease Agreement - Wells Fargo Bank, N.A. - Automated Teller Machines - \$475,000 Minimum Annual Guarantee]

Resolution approving the Domestic Terminals Automated Teller Machines Lease A No. 17-0194 between Wells Fargo Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years, to commence following Board approval, with a two-year option to extend, and a minimum annual guarantee of \$475,000 for the first year of the Lease. (Airport Commission)

09/27/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

171080 [2011 Airport Lease and Use Agreement - Air Pacific Limited dba Fiji Airways]

Resolution approving the terms of 2011 Lease and Use Agreement No. 17-0183 between the City and County of San Francisco, acting by and through its Airport Commission, and Air Pacific Limited dba Fiji Airways to conduct flight operations at San Francisco International Airport, for the lease term to commence following Board approval through June 30, 2021. (Airport Commission)

09/28/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

171081

[2011 Airport Lease and Use Agreement - Air India Limited]

Resolution approving the terms of 2011 Lease and Use Agreement No. 17-0183 between the City and County of San Francisco, acting by and through its Airport Commission, and Air India Limited to conduct flight operations at San Francisco International Airport, for the lease term to commence following Board approval through June 30, 2021. (Airport Commission)

09/28/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

171082

[Accept and Expend Three Gifts - Thomas G. Dragges, James Lund and Jon Simmonds - Airport - SFO Museum Collection - Total Gift Value of \$95,103]

Resolution retroactively authorizing the Airport Director, or his/her designee, to accept three gifts for the SFO Museum collection: 1) 998 airline and airport timetables valued at \$47,435 from Thomas G. Dragges, 2) 73 scale model aircraft valued at \$36,500 from James Lund, and 3) 163 commercial aviation artifacts valued at \$11,168 from Jon Simmonds; for a total gift value of \$95,103. (Airport Commission)

09/25/2017; RECEIVED FROM DEPARTMENT.

10/17/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

171094 **[Petitions and Communications]**

Petitions and Communications received from September 25, 2017, through October 6, 2017 for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 17, 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 Charter, Section 3.100(18), making the following appointments and reappointments. Copy: Each Supervisor. (1)

Reappointing Richard Guggenhime - Airport Commission - term ending August 31, 2021.

Appointing Katie Loo - Aging and Adult Services Commission - term ending July 21, 2020.

Reappointing Theadora Vriheas - Aging and Adult Services Commission - term ending July 1, 2020.

Reappointing Sarah Ching Ting Wan - Commission on the Environment - term ending May 11, 2021.

Appointing Eddie Hongil Ahn - Commission on the Environment - term ending March 25, 2019.

From Rosemary Bosque of SF SRO Task Force Chair, submitting a Directory of Resources & Services for SRO Occupants and Operators. Copy: Each Supervisor. (2)

From California Fish and Game Commission, pursuant to various sections of the Fish and Game Code, submitting a notice of regulatory action regarding recreational abalone. Copy: Each Supervisor. (3)

From the Planning Department, pursuant to Administrative Code, Chapter 31, submitting responses to comments of 1629 Market Street Mixed-Use Project. Copy: Each Supervisor. (4)

From the Planning Department issuing an addendum to the Final Environmental Impact Report for the California Pacific Medical Center (CPMC) Long Range Development Plan Project. (5)

From concerned citizens, regarding the proposed legislation on bicycle chop shops. File No. 170209. 22 letters. Copy: Each Supervisor. (6)

From concerned citizens, regarding the proposed legislation on Autonomous Delivery Vehicles. File No. 170599. 2 letters. (7)

From Dominic Viterbo-Martinez, Administrative Assistant at the Contract Monitoring Division, submitting an Administrative Code, Chapter 12B Waiver Request. Copy: Each Supervisor. (8)

From Christine Harris, regarding automatic weapons. Copy: Each Supervisor. (9)

From David Romano, expressing an opinion. Copy: Each Supervisor. (10)

From concerned citizens, regarding the proposed legislation to amend the Environment Code to ban the sale in San Francisco of upholstered furniture and juvenile products made with or containing an added flame retardant chemical. File No. 170867. 2 Letters. Copy: Each Supervisor. (11)

From Barry Carpenter, President and Chief Executive Officer of the North American Meat Institute, regarding the proposed legislation about Antibiotic Use in Food Animals. File No. 170763. Copy: Each Supervisor. (12)

ADJOURNMENT