# BOARD OF SUPERVISORS

# CITY AND COUNTY OF SAN FRANCISCO

# **AGENDA**

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

Tuesday, November 28, 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	Meeting Days
Budget and Finance Committee	Thursday
Supervisors Cohen, Yee, Tang	10:00 AM
Budget and Finance Federal Select Committee	Thursday
Supervisors Cohen, Sheehy, Fewer	1:00 PM
Government Audit and Oversight Committee	1st and 3rd Wednesday
Supervisors Kim, Peskin, Breed	10:00 AM
Land Use and Transportation Committee	Monday
Supervisors Farrell, Peskin, Tang	1:30 PM
Public Safety and Neighborhood Services Committee	2nd and 4th Wednesday
Supervisors Ronen, Sheehy, Fewer	10:00 AM
Rules Committee	1st and 3rd Wednesday
Supervisors Safai, Fewer, Yee	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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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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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 <a href="http://www.sfgov.org/ethics">http://www.sfgov.org/ethics</a>

### ROLL CALL AND PLEDGE OF ALLEGIANCE

### COMMUNICATIONS

### APPROVAL OF MEETING MINUTES

Approval of the October 17, 2017, and October 24, 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 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 4

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

Present: Supervisors Farrell, Peskin, Tang

### 1. <u>170733</u> [Subdivision Code - Transfer Subdivision Maps]

Ordinance amending the Subdivision Code to allow subdivision map applicants to apply for and obtain final or parcel transfer subdivision maps that are for conveyancing and/or financing purposes only, but do not grant any development rights; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Works)

11/14/2017: PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# 2. <u>170870</u> [Building, Fire Codes - Fire Alarm System Upgrade Requirements] Sponsors: Peskin; Farrell and Ronen

Ordinance amending the Existing Building and Fire Codes to require buildings sold or transferred after September 1, 2017, to comply with fire alarm system upgrade requirements for sleeping areas; to exempt mandatory seismic strengthening alterations and transient hotels from the alarm system upgrade requirement that otherwise applies to completion of work under a building permit with a cost of construction of \$50,000 or more; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

11/14/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Peskin, Kim, Safai

# 3. <u>170941</u> [Planning Code, Zoning Map - Transit Center Special Sign District] Sponsor: Kim

Ordinance amending the Planning Code to create the Transit Center Special Sign District (bounded by Market Street on the north, Folsom Street on the south, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex, and Second Streets, but excluding the planned City Park between Mission, Howard, Second, and Beale Streets and those portions of the Transit Center District Plan Area included in Zone 1 of the Transbay Redevelopment Plan Area, which include portions of land bounded by Spear, Mission, Folsom, and Second Streets), to restrict the size and height of new signs within 200 feet of and visible from an existing or planned public park or open space, and to restrict illumination of certain new signs in those areas; amending the Zoning Map to show the Transit Center Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making a finding of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

11/14/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### **Recommendation of the Rules Committee**

Present: Supervisors Safai, Fewer, Yee

### 4. <u>170866</u>

[Administrative, Campaign and Governmental Conduct Codes - Changing References from Office of Citizen Complaints to Department of Police Accountability]

Sponsor: Cohen

Ordinance amending the Administrative and Campaign and Governmental Conduct Codes to change all references from "Office of Citizen Complaints" to "Department of Police Accountability," and to make related terminology changes, to reflect that name change resulting from the passage of Proposition G at the November 8, 2016 election.

11/14/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### **REGULAR AGENDA**

#### **UNFINISHED BUSINESS**

### Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Peskin, Breed

## 5. <u>171074</u> [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)

11/14/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

### 6. <u>171075</u> [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)

11/14/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 7. 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)

11/14/2017; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

# Referred Without Recommendation from the Land Use and Transportation Committee

Present: Supervisors Farrell, Peskin, Tang

# 8. <u>171041</u> [Planning Code - Cannabis Regulation] Sponsors: Mayor: Sheehy

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) create a limit of three Medical Cannabis Dispensaries and Cannabis retail uses, in any combination, in the Excelsior Outer Mission Street Neighborhood Commercial District; 7) delete superseded Planning Code provisions; 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 public

necessity, convenience and welfare findings pursuant to Planning Code, Section 302.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### **Recommendation of the Rules Committee**

Present: Supervisors Safai, Fewer, Yee

# 9. <u>171042</u> [Various Codes - Regulation of Cannabis Businesses] Sponsors: Mayor; Sheehy

Ordinance amending the Administrative, Business and Tax Regulations, Health, and Police Codes to comprehensively regulate commercial activities relating to the cultivation, manufacture, distribution, testing, sale, and delivery of medicinal and adult use cannabis by, among other things: 1) requiring businesses that engage in commercial cannabis activities to obtain a permit from the Office of Cannabis; 2) requiring the Director of the Office of Cannabis to implement an Equity Program to promote equitable ownership and employment opportunities in the cannabis industry by providing priority permitting for Equity Applicants and Equity Incubators, as defined; 3) defining eligibility for temporary and permanent cannabis business permits; 4) establishing priorities for the review of cannabis business permit applications; 5) establishing operating standards for cannabis businesses; 6) establishing criteria for granting, denying, suspending, and revoking cannabis business permits; 7) requiring all cannabis businesses to ensure that 50% of work hours are performed by San Francisco residents, and cannabis businesses with ten or more employees to adopt labor peace agreements; 8) authorizing the imposition of fines and penalties for violation of local and state laws governing cannabis businesses, and establishing procedures by which cannabis businesses may appeal a fine or permit penalty; 9) allowing pre-existing non-conforming cannabis operators to register with the Office of Cannabis and apply for cannabis business permits in 2018; 10) prohibiting the consumption of cannabis and cannabis products on the premises of all cannabis businesses, except Storefront Cannabis Retailers and Cannabis Microbusinesses that obtain consumption permits from the Department of Public Health; 11) prohibiting until January 1, 2019, tours of cannabis cultivators, manufacturers, and cannabis microbusinesses, and authorizing the Director of Cannabis to extend the prohibition on tours, or establish guidelines for the operation of tours; 12) prohibiting the acceptance of new applications for medical cannabis dispensary permits, starting January 1, 2018; 13) allowing medical cannabis dispensaries to sell adult use cannabis, starting January 1, 2018, and prohibiting medical cannabis dispensaries from cultivating cannabis under the authority of a medical cannabis dispensary permit, starting April 1, 2018; 14) establishing a sunset date of December 31, 2018, for Article 33 of the Health Code ("Medical Cannabis Act"); 15) requiring the Department of Public Health to implement an ongoing public health education campaign about the safe consumption and health benefits of cannabis; 16) requiring the Controller to submit a report to the Board of Supervisors within one year of the effective date of Article 16 recommending whether the issuance of cannabis business permits should be subject to any limits: 17) establishing an Equity Operator Fund to receive any monies appropriated for the purpose of assisting Equity Operators; 18) eliminating the duty of the Clerk of the Board of Supervisors to send letters annually to state and federal officials requesting that cannabis be regulated and taxed; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; NOT AMENDED.

11/14/2017: CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

### **NEW BUSINESS**

#### Referred Without Recommendation from the Budget and Finance Committee

Present: Supervisors Cohen, Yee, Tang

# 10. <u>171113</u> [Multifamily Housing Revenue Bond - 1500 Mission Street Apartments - Not to Exceed \$325.000.000]

**Sponsor: Mayor** 

Resolution authorizing the issuance and sale of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$325,000,000 for the purpose of providing financing for the acquisition, development and construction of a 550-unit, mixed income, multifamily rental housing project located in the City at 1500-1580 Mission Street; approving the form of and authorizing the execution of an indenture of trust providing the terms and conditions of the bonds and authorizing the issuance thereof; approving the form of and authorizing the execution of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; approving the form of and authorizing the execution of a bond purchase agreement; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the bonds and the Project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein.

Question: Shall this Resolution be ADOPTED?

## Recommendations of the Budget and Finance Committee

Present: Supervisors Cohen, Yee, Tang

# 11. <u>170878</u> [Resolution of Intention to Form Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project Area G-4 - Infrastructure Financing District No. 2 (Port of San Francisco)]

Sponsors: Mayor: Cohen

Resolution of Intention to establish Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project Area G-4 of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).

(Fiscal Impact)

#### **12. 170879**

[Resolution of Intention to Issue Bonds - Not To Exceed \$273,900,000 for Sub-Project Area G-2, \$196,100,000 for Sub-Project Area G-3, and \$323,300,000 for Sub-Project Area G-4 - Infrastructure Financing District No. 2 (Port of San Francisco)]

Sponsors: Mayor; Cohen

Resolution of Intention to issue bonds in an amount not to exceed \$273,900,000 for Sub-Project Area G-2, \$196,100,000 for Sub-Project Area G-3, and \$323,300,000 for Sub-Project Area G-4, for the City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

### 13. <u>170880</u>

# [Resolution of Intention to Establish Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)]

Sponsors: Mayor; Cohen

Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and County of San Francisco commonly known as the Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K South; to provide for future annexation; to call a public hearing on January 9, 2018, on the formation of the district and to provide public notice thereof; and determining other matters in connection therewith.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

#### 14. 170881

# [Resolution Authorizing Executive Director of the Port of San Francisco to Prepare an Infrastructure Financing Plan - Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)]

Sponsors: Mayor; Cohen

Resolution authorizing and directing the Executive Director of the Port of San Francisco, or designee thereof, to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure Financing District No. 2 (Hoedown Yard); and determining other matters in connection therewith.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

#### **15. 170882**

# [Resolution of Intention to Issue Bonds Related to Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)]

Sponsors: Mayor; Cohen

Resolution of Intention to issue bonds for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard); and determining other matters in connection therewith.

(Fiscal Impact)

# 16. <u>171121</u> [Agreement Amendment - Transbay Joint Powers Authority - Municipal Transportation Agency - Transbay Transit Center Program Services - No Additional Cost]

Sponsor: Kim

Resolution approving the Third Amendment to Contract No. CS-159 between the Municipal Transportation Agency and the Transbay Joint Powers Authority for Transbay Transit Center Program Services pursuant to Charter, Section 9.118, for the period of July 21, 2009, through June 30, 2018, at no additional cost. (Municipal Transportation Agency)

Question: Shall this Resolution be ADOPTED?

# 17. <u>171141</u> [Multifamily Housing Revenue Bonds - Candlestick Point North 10a - Not to Exceed \$100,000,000]

Sponsor: Cohen

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$100,000,000 for Candlestick Point North 10a (San Francisco, California 94124); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Question: Shall this Resolution be ADOPTED?

# 18. <u>171142</u> [Multifamily Housing Revenue Bonds - Candlestick Point South 11a - Not to Exceed \$100,000,000]

**Sponsor: Cohen** 

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (the "Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$100,000,000 for Candlestick Point South 11a (San Francisco, California 94124); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

# 19. <u>171162</u> [Multifamily Housing Revenue Bonds - 1150-3rd Street Apartments (also known as Mission Bay South Block 3 East) - Not to Exceed \$51,000,000] Sponsors: Mayor; Kim

Resolution authorizing the issuance, sale and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$51,000,000 for the purpose of providing financing for the construction of a 119-unit multifamily rental housing project known as 1150-3rd Street Apartments; approving the form of and authorizing the execution of an indenture of trust providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; 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 bonds and the project; and 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?

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

Present: Supervisors Kim, Peskin

# 20. 171117 [Resolution of Intention to Form Project Area I (Mission Rock), and Sub-Project Areas I-1 Through I-13 Therein, of Infrastructure Financing District No. 2 (Port of San Francisco)]

Sponsors: Mayor; Kim

Resolution of Intention to establish Project Area I (Mission Rock), and Sub-Project Areas I-1 through I-13 therein, of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco); to call a public hearing on January 23, 2018; and determining other matters in connection therewith.

Question: Shall this Resolution be ADOPTED?

# 21. 171118 [Resolution of Intention to Issue Bonds Related to Project Area I of Port Infrastructure Financing District No. 2 (Port of San Francisco)]

Sponsors: Mayor; Kim

Resolution of Intention to Issue Bonds for Project Area I of City and County of San Francisco Infrastructure Financing District No. 2. (Port of San Francisco).

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

Present: Supervisors Farrell, Peskin, Tang

# 22. <u>170871</u> [Fire, Housing Codes - Residential Hotel Fire Safety Requirements Triggered by Sale or Transfer]

Sponsor: Peskin

Ordinance amending the Fire and Housing Codes to require automatic sprinklers in non-residential areas of residential hotels sold or transferred after August 1, 2017; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Question: Shall this Ordinance be PASSED ON FIRST READING?

# 23. <u>170922</u> [Planning Code - Landmark Designation of 2731-2735 Folsom Street (aka Gaughran House)]

Sponsor: Peskin

Ordinance amending the Planning Code to designate 2731-2735 Folsom Street (aka Gaughran House), Lot No. 031 in Assessor's Parcel Block No. 3640, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### **Recommendation of the Rules Committee**

Present: Supervisors Safai, Fewer, Yee

# 24. <u>170836</u> [Administrative Code - Requesting Findings From Assessment Appeals Board]

Sponsor: Peskin

Ordinance amending the Administrative Code to require parties to pay a refundable deposit when requesting written findings from the Assessment Appeals Board, and to establish procedures concerning the waiver and renewal of requests for written findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

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

#### APPEAL PROCEDURES

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

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

# 25. <u>171147</u> [Hearing - Appeal of Determination of Exemption From Environmental Review - SFMTA Hairball Intersection Improvement Project]

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 April 28, 2017, approved on September 19, 2017, for the San Francisco Municipal Transportation Agency's proposed Hairball Intersection Improvements Project, to implement paint-only modifications to existing travel lanes to create a new bicycle lane on Jerrold Avenue, include installation of new high visibility crosswalks on Marin Street and Bayshore Boulevard, and Jerrold Avenue and Bayshore Boulevard, as well as the removal of ten parking spaces and two loading zones along westbound Jerrold Avenue. (Districts 9 and 10) (Appellant: Mary Miles for Coalition for Adequate Review) (Filed October 19, 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. <u>171148</u> [Affirming the Categorical Exemption Determination - SFMTA Hairball Intersection Improvement Project]

Motion affirming the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Hairball Intersection Improvement Project is categorically exempt from further environmental review. (Clerk of the Board)

# 27. <u>171149</u> [Conditionally Reversing the Categorical Exemption Determination - SFMTA Hairball Intersection Improvement Project]

Motion conditionally reversing the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Hairball Intersection Improvement Project is categorically 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?

# 28. <u>171150</u> [Preparation of Findings to Reverse the Categorical Exemption Determination - SFMTA Hairball Intersection Improvement Project]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed San Francisco Municipal Transportation Agency Hairball Intersection Improvement Project is categorically exempt from further environmental review. (Clerk of the Board)

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

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

(Hearing scheduled pursuant to Motion No. M17-125 (File No. 170888) approved on September 5, 2017.)

# 29. <u>170963</u> [Hearing - Committee of the Whole - Tax Sale of Presidio Terrace Common Area - November 28, 2017]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on November 28, 2017, at 3:00 p.m., to consider the rescission of the tax sale of the Presidio Terrace Common Area, pursuant to California Revenue and Taxation Code, Section 3731; scheduled pursuant to Motion No. M17-125, 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

### (Only one of the following two Motions should be approved.)

# 30. <u>171060</u> [Conditionally Rescinding Tax Sale - Directing Preparation of Findings - Presidio Terrace Common Area]

Motion conditionally rescinding the tax sale of the Presidio Terrace Common Area, Assessor's Parcel Block No. 1355, Lot No. 001, pursuant to California Revenue and Taxation Code, Section 3731, based on the Board of Supervisors' determination that the property should not have been sold, subject to the Board's subsequent adoption of written findings in support of this determination; and directing the Clerk of the Board to prepare findings. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

# 31. <u>171061</u> [Conditionally Deciding Not to Rescind Tax Sale - Directing Preparation of Findings - Presidio Terrace Common Area]

Motion conditionally deciding not to rescind the tax sale of the Presidio Terrace Common Area, Assessor's Parcel Block No. 1355, Lot No. 001, pursuant to California Revenue and Taxation Code, Section 3731, subject to the Board's subsequent adoption of written findings in support of this determination; and directing the Clerk of the Board to prepare findings. (Clerk of the Board)

### 32. 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.

#### 33. 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 34 through 44

#### 34. 171180 [Final Map 8935 - 1205-4th Avenue]

Motion approving Final Map 8935, a six residential unit condominium project, located at 1205-4th Avenue, being a subdivision of Assessor's Parcel Block No. 1746, Lot No. 001, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

10/23/2017; RECEIVED FROM DEPARTMENT.

#### 35. <u>171219</u> [Final Map 8878 - 33 Tehama Street]

Motion approving Final Map 8878, a 403 residential unit and two commercial unit, mixed-use condominium project, located at 33 Tehama Street, being a subdivision of Assessor's Parcel Block No. 3736, Lot No. 190, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/08/2017: RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

#### 36. <u>171220</u> [Final Map 9109 - 1353-9th-Avenue]

Motion approving Final Map 9109, a six residential unit condominium project, located at 1353-9th Avenue, being a subdivision of Assessor's Parcel Block No. 1764, Lot No. 010, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/08/2017; RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

#### 37. <u>171221</u> [Final Map 8958 - 815 Tennessee Street]

Motion approving Final Map 8958, a 69 residential unit condominium project, located at 815 Tennessee Street, being a subdivision of Assessor's Parcel Block No. 4059, Lot Nos. 001A and 001B, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/08/2017; RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

#### 38. 171230 [Final Map 9258 - 1900-1908 Leavenworth Street]

Motion approving Final Map 9258, a five residential unit condominium project, located at 1900-1908 Leavenworth Street, being a subdivision of Assessor's Parcel Block No. 0121, Lot No. 011; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/20/2017; RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

#### 39. <u>171231</u> [Final Map 9124 - 1075 Market Street]

Motion approving Final Map 9124, a 90 residential unit and two commercial unit, mixed-use condominium project, located at 1075 Market Street, being a subdivision of Assessor's Parcel Block No. 3703, Lot No. 062, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/17/2017; RECEIVED FROM DEPARTMENT.

### 40. <u>171232</u> [Final Map 8659 - 150 Van Ness Avenue]

Motion approving Final Map 8659, a 420 residential unit and three commercial unit, mixed-use condominium project, located at 150 Van Ness Avenue, being a subdivision of Assessor's Parcel Block No. 0814, Lot Nos. 001, 014, 015, 016, and 021, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/17/2017: RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

## 41. <u>171233</u> [Final Map 8932 - 360 Locust Street]

Motion approving Final Map 8932, a six residential unit condominium project, located at 360 Locust Street, being a subdivision of Assessor's Parcel Block No. 1010, Lot No. 016, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/17/2017; RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

# 42. <u>171234</u> [Final Map 8530 - 125 Cambon Drive, 100 and 150 Font Boulevard, 50 and 55 Chumasero Drive]

Motion approving Final Map 8530, a merger and subdivision of portions of Assessor's Parcel Block Nos. 7326, 7330, 7331, 7362, 7364, 7365, 7366, and 7370 (Parkmerced Planning Block Nos. 20, 21S, and 22) into a sixteen-lot vertical subdivision located at 125 Cambon Drive, 100 and 150 Font Boulevard, and 50 and 55 Chumasero Drive: Lot No. 3 being 313 residential condominium units, Lot No. 7 being 176 residential condominium units, and Lot No. 8 being 161 residential condominium units; approving the Public Improvement Agreement related to this Final Map; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

11/17/2017; RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

#### 43. 171235 [Final Map 8531 - 405 Serrano Drive]

Motion approving Final Map No. 8531, a merger and subdivision of portions of Assessor's Parcel Block No. 7335 (Parkmerced Planning Block 6) into a seven-lot vertical subdivision located at 405 Serrano Drive: Lot No. 1 being 125 residential condominium units and Lot No. 3 being 125 residential condominium units; approving a Public Improvement Agreement related to this Final Map; and adopting findings pursuant to the General Plan, and Planning Code, Section 101.1. (Public Works)

11/17/2017; RECEIVED FROM DEPARTMENT.

## 44. 171236 [Final Map 8532 - 310 Arballo Drive]

Motion approving Final Map No. 8532, a merger and subdivision of portions of Assessor's Parcel Block Nos. 7303-A and 7308 (Parkmerced Planning Block 1) into a five-lot subdivision located at 310 Arballo Drive: Lot No. 2 being 100 residential condominium units; and adopting findings pursuant to the General Plan, and City Planning Code, Section 101.1. (Public Works)

11/17/2017: RECEIVED FROM DEPARTMENT.

Question: Shall this Motion be APPROVED?

### 45. 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 ORDINANCE

#### 171210 [Transportation Code - Non-Standard Vehicle Permits]

Ordinance amending the Transportation Code to prohibit Non-Standard Vehicles from operating without a permit as required by Article 1200 of that Code; and affirming the Planning Department's determination under the California Environmental Quality Act. (Municipal Transportation Agency)

11/13/2017; RECEIVED FROM DEPARTMENT.

11/28/2017; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

#### PROPOSED RESOLUTIONS

## 171211 [Settlement of Unlitigated Claim - Robin Paul Roderick - \$50,000]

Resolution approving the settlement of the unlitigated claim filed by Robin Paul Roderick against the City and County of San Francisco for \$50,000; claim was filed on February 10, 2017; the claim involves an alleged employment dispute. (City Attorney)

11/08/2017; RECEIVED FROM DEPARTMENT.

11/28/2017; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

# 171215 [Real Property Agreement - California Department of General Services, California Military Department - 100 Armory Drive - San Francisco Westside Recycled Water Project - \$2,000]

Resolution approving and authorizing an agreement for conveyance and acceptance of interests in real property from State of California Department of General Services acting on behalf of the State of California Military Department consisting of easements for subsurface tiebacks, access, and maintenance over real property located at 100 Armory Drive, for \$2,000 as part of the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW30201, Westside Recycled Water Project; and authorizing the General Manager of the San Francisco Public Utilities Commission, or Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution, as defined herein. (Public Utilities Commission)

11/13/2017; RECEIVED FROM DEPARTMENT.

11/28/2017; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.

# 171216 [Agreement Amendment - Kennedy Jenks Consultants, Inc./Bahman Sheikh Water Reuse Consulting/Water Resources Engineering, Inc. - Westside Recycled Water Project - Not to Exceed \$8,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 2 to Agreement No. CS-109, Specialized Engineering Services, Recycled Water Projects with Kennedy Jenks Consultants, Inc./Bahman Sheikh Water Reuse Consulting/Water Resources Engineering, Inc. a Joint Venture, to continue providing additional engineering services in support of the Westside Recycled Water Project, increasing the agreement by \$2,500,000 for a total not to exceed agreement amount of \$8,000,000 and with a time extension of three years, for a total agreement duration of 12 years, subject to the Board of Supervisors approval pursuant to Charter, Section 9.118. (Public Utilities Commission)

11/16/2017; RECEIVED FROM DEPARTMENT.

11/28/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

# 171217 [Accept and Expend Grant - Department of Homeland Security Federal Emergency Management Agency - Port Security Grant Program - \$165,000]

Resolution retroactively authorizing the Police Department to accept and expend a grant in the amount of \$165,000 from the Department of Homeland Security Federal Emergency Management Agency for the Safe Boat Refurbishment and Service Life Extension Program, for the period of September 1, 2017, through August 31, 2020. (Police Department)

11/20/2017; RECEIVED FROM DEPARTMENT.

11/28/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

# 171218 [Real Property License - AT&T Mobility National Accounts LLC, - Zuckerberg San Francisco General Hospital and Trauma Center, Building 25 - 1001 Potrero Avenue - \$5,000 Per Month Base Rent Exempt]

Resolution authorizing and approving the license of a portion of the equipment room at Zuckerberg San Francisco General Hospital and Trauma Center, Building 25, at 1001 Potrero Avenue with AT&T Mobility National Accounts LLC, a Delaware limited liability company, at the monthly base rent of \$5,000 which shall be waived while participating in the Distributed Antenna System and providing enhanced cellular services to the City staff, UCSF staff, patients and visitors within Building 25, to commence upon approval by the Board of Supervisors and Mayor. (Real Estate Department)

11/13/2017; RECEIVED FROM DEPARTMENT.

11/28/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

## 171059 [Petitions and Communications]

Petitions and Communications received from November 6, 2017, through November 20, 2017, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 28, 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 Recreation and Parks Department, pursuant to Resolution No. 157-99, submitting a 1st Quarter of FY17-18 report on Lead Poisoning Prevention. Copy: Each Supervisor. (1)

From the Office of the Controller, City Service Auditor Division, submitting Status of Recommendations Follow up 1st Quarter report, FY17-18. Copy: Each Supervisor. (2)

From California Department of Fish and Game, submitting Notice of Status Review for Cascades Frog. Copy: Each Supervisor. (3)

From the Department of Human Resources, submitting an Administrative Code, Chapter 12B Waiver Request. Copy: Each Supervisor. (4)

From the Treasurer & Tax Collector's Office, submitting CCSF Monthly Pooled Investment Report for October 2017. Copy: Each Supervisor (5)

From West Area CPUC, pursuant to Section IV.C.2 of the General Order No. 159A of the Public Utilities Commission of the State of California, submitting a Notification Letter for City of San Francisco Small Cells 11-13-17 and 11-16-17 San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C. Copy: Each Supervisor. (6)

From the Office of the Mayor, submitting State Legislation Committee approved Bill Positions from the November 8, 2017, meeting. Copy: Each Supervisor. (7)

From Senator Dianne Feinstein, regarding the rescission of the tax sale of the Presidio Terrace Common Area. File No. 170963. Copy: Each Supervisor. (8)

From Manuel Bem Barroca, regarding the elimination of the Veteran's Day ceremony at the Presidio Cemetery. Copy: Each Supervisor. (9)

From concerned citizens, regarding the proposed project at 20 Nobles Alley. File No. 171053. 2 letters. Copy: Each Supervisor. (10)

From Rachel Peterson, regarding car-free Saturdays in Golden Gate Park. Copy: Each Supervisor. (11)

From concerned citizens, regarding the proposed Medical Cannabis Dispensary within the Irving Street Neighborhood Commercial District. File Nos. 171188, 171187 and 171192. 4 letters. Copy: Each Supervisor. (12)

From Laura Peritore, regarding renaming Justin Herman Plaza. Copy: Each Supervisor. (13)

From Shade Paul, regarding bike lanes on Valencia Street. Copy: Each Supervisor. (14)

From Deborah Dale Wolf and James Carrington, regarding kiosks and commodes. Copy: Each Supervisor. (15)

From Eli Harrison, regarding LGBT issues. Copy: Each Supervisor. (16)

From concerned citizens, regarding legislation for the San Francisco Arts Commission accepting a gift of art, entitled The "Comfort Women's" Column of Strength. 464 letters. File No. 171070. Copy: Each Supervisor. (17)

From the Office of the Clerk of the Board, pursuant to Administrative Code, Section 10.19-5, submitting the Quarterly Report on Departmental Spending - Quarter Ending September 30, 2017. Copy: Each Supervisor (18)

From the Office of the Mayor, pursuant to Charter, Section 3.100(18), making the following reappointments to the Arts Commission. Copy: Each Supervisor. (19)

Marcus Anthony Shelby to the Arts Commission, Performing Arts seat, for a term ending September 15, 2020.

Janine Shiota to the Arts Commission, Literary Arts seat, for a term ending January 15, 2021.

Abby Sadin Schnair to the Arts Commission, Visual Arts seat, for a term ending January 15, 2021.

Dorka Keehn to the Arts Commission, Arts Professional seat, for a term ending January 15, 2021.

Sherene Melania to the Arts Commission, Performing Arts (Dance) seat, for a term ending January 15, 2020.

Jessica Silverman to the Arts Commission, Visual Arts seat, for a term ending January 15, 2019.

Charles "Chuck" Collins to the Arts Commission, At Large seat, for a term ending January 15, 2020.

From Meg McNamara, professor of Pediatrics at the University of California San Francisco, regarding cannabis ads. Copy: Each Supervisor. (20)

#### **ADJOURNMENT**