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, February 13, 2018 - 2:00 PM

Regular Meeting

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

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

| Committee Membership | Meeting Days |
|--|----------------------------------|
| Budget and Finance Committee | Thursday |
| Supervisors Cohen, Fewer, Stefani | 10:00 AM |
| Budget and Finance Federal Select Committee | 2nd and 4th Thursday |
| Supervisors Cohen, Fewer, Tang | 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 Tang, Kim, Safai | 1:30 PM |
| Public Safety and Neighborhood Services Committee | 2nd and 4th Wednesday |
| Supervisors Sheehy, Ronen, Peskin | 10:00 AM |
| Rules Committee Supervisors Safai, Yee, Stefani | 2nd and 4th Wednesday 2:00 PM |

Agenda Item Information

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

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

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

Meeting Procedures

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

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

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

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

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

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PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Intsik at Tagalog para sa lahat ng mga regular at espesyal na pulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Filipino na maaaring i-request sa pinakmababa na di bababa sa 48 oras bago ang pulong upang matiyak na matutugunan and inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

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

Know Your Rights Under The Sunshine Ordinance

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

For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org

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 January 9, 2018, 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 11

Recommendation of the Budget and Finance Committee

Present: Supervisors Cohen, Yee, Tang

1. 171275 [Appropriation and De-Appropriation - Airport NARC Forfeiture and Asset Seizure Fund Balance - Police Training Support Facility Capital Project - FY2017-2018 - \$1,100,000]

Ordinance appropriating \$1,100,000 consisting of \$333,163 from fund balance in the Airport NARC Forfeiture and Asset Seizure Fund; and \$766,837 de-appropriated from Programmatic Projects - Budget in the Airport NARC Forfeiture and Asset Seizure Fund, and re-appropriated to Building, Structures, & Improvements Project - Budget; to support the Airport Commission's Police Training Support Facility capital project. (Airport Commission)

(Fiscal Impact)

02/06/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

2. 180023 [Settlement of Lawsuit - Mikaela Anna Merchant - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Mikaela Anna Merchant against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 29, 2016, in San Francisco Superior Court, Case No. CGC-16-555561; entitled Mikaela Anna Merchant v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

3. 180024 [Partial Settlement of Lawsuit - Cesar and Fe Ponferrada - \$34,000]

Ordinance authorizing settlement of the lawsuit filed by Cesar and Fe Ponferrada against the City and County of San Francisco for \$34,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs Cesar and Fe Ponferrada, by the payment of \$34,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

4. <u>180025</u> [Partial Settlement of Lawsuit - Rizaldi Gache - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Rizaldi Gache against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Rizaldi Gache, by the payment of \$65,000, and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

5. 180028 [Partial Settlement of Lawsuit - David Alfaro and Jessica Alfaro - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by David Alfaro and Jessica Alfaro against the City and County of San Francisco for \$75,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiffs David Alfaro and Jessica Alfaro, by the payment of \$75,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

6. <u>180029</u> [Partial Settlement of Lawsuit - Baikonur 1701 LLC - \$34,284.59]

Ordinance authorizing settlement of the lawsuit filed by Baikonur 1701 LLC against the City and County of San Francisco for \$34,284.59; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Baikonur 1701 LLC, by the payment of \$34,284.59 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

7. <u>180030</u> [Settlement of Lawsuit - Elyse Duckett - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Elyse Duckett against the City and County of San Francisco for \$250,000; the lawsuit was filed on May 9, 2014, in San Francisco Superior Court, Case No. CGC-14-539201; entitled Elyse Duckett vs. 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?

8. <u>180068</u> [Settlement of Lawsuit - MBIA Inc., MBIA Insurance Corp., MBIA Insurance Corp. of Illinois, and Jason Kissane - City to Receive \$388,591]

Ordinance authorizing a settlement of the lawsuit filed by the City and County of San Francisco against MBIA Inc., its affiliates, MBIA Insurance Corp. and MBIA Insurance Corp. of Illinois, and its former employee, Jason Kissane, for \$388,591; the lawsuit was filed on October 8, 2008, in San Francisco Superior Court, Case No. CGC-08-480708; entitled City and County of San Francisco v. Ambac Financial Group Inc., et al.; the lawsuit involves breach of contract, fraud and antitrust claims against bond insurance companies; this settlement applies to claims against the last remaining defendants in the case, the MBIA entities. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Tang, Peskin, Safai

9. <u>171193</u> [Planning Code - Inclusionary Affordable Housing Program] Sponsors: Peskin; Kim

Ordinance amending the Planning Code to amend the Inclusionary Housing Ordinance to remove the requirement that on-site and off-site inclusionary units within a new development be ownership units rather than rental units, or alternatively, that the project sponsor submit a contract demonstrating the proposed on-site or off-site units are exempt from the Costa-Hawkins Rental Housing Act; making conforming amendments to Planning Code, Section 124; updating references in Planning Code, Section 406; 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.

02/06/2018: PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. <u>171285</u> [Housing Code - All-Gender Bathrooms in Hotels]

Sponsors: Mayor; Ronen, Kim, Sheehy, Peskin, Fewer, Safai, Breed and Cohen Ordinance amending the Housing Code to require that single-stall bathroom facilities in hotels be made available for the use of all residents, regardless of gender or gender identity, and to require that signage be posted to indicate the same; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

02/06/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Safai, Yee, Stefani

11. <u>180104</u> [Appointments, Eastern Neighborhoods Citizens Advisory Committee - Irma Lewis and Jolene Lee]

Motion appointing Irma Lewis and Jolene Lee, terms ending October 19, 2019, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Tang, Peskin, Safai

12. <u>171251</u> [Underground District - Second Street]

Sponsor: Kim

Ordinance creating Underground District No. 361 on Second Street from Bryant Street to Townsend Street; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Supervisor Safai dissented in Committee.)

02/06/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Safai, Yee, Stefani

13. <u>171308</u> [Charter Amendment - Revenue Bonds for Public Utilities Commission Clean Power, Water, and Clean Water Facilities]

Sponsors: Peskin: Tang and Safai

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors, and to clarify the scope of the Commission's bond authority with regard to the City's water and clean water utilities; at an election to be held on June 5, 2018.

02/06/2018; CONTINUED.

Question: Shall this Charter Amendment be SUBMITTED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Cohen, Fewer, Stefani

14. <u>180032</u> [Shelter and Transitional Housing During Shelter Crisis - Selection of Sites; Waiver of Certain Requirements Regarding Contracting]

Sponsors: Mayor; Kim, Ronen, Sheehy and Cohen

Ordinance authorizing Public Works, the Department of Homelessness and Supportive Housing, and the Department of Public Health to enter into contracts without adhering to the Administrative Code or Environment Code provisions regarding competitive bidding and other requirements for construction work, procurement, and personal services relating to identified Shelter Crisis Sites (1601 Quesada Avenue: 149-6th Street; 125 Bayshore Boulevard: 13th Street and South Van Ness Avenue, southwest corner; 5th Street and Bryant Street, northwest corner; Caltrans Emergency Shelter Properties; and existing City Navigation Centers and Shelters) that will provide emergency shelter or transitional housing to persons experiencing homelessness; authorizing the Director of Property to enter into and amend leases or licenses for the Shelter Crisis Sites without adherence to certain provisions of the Administrative Code; authorizing the Director of Public Works to add sites to the list of Shelter Crisis Sites subject to expedited processing, procurement, and leasing upon compliance with conditions relating to environmental review and neighborhood notice, and approval by resolution of the Board of Supervisors; 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.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. 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)

Question: Shall this Resolution be ADOPTED?

16. 171321 [Accept and Expend Grant - The Trust for Public Land - Sergeant John Macaulay Children's Play Area Renovation Project - Up to \$500,000 of In-Kind Grant]

Sponsor: Kim

Resolution retroactively authorizing the Recreation and Park Department to accept an in-kind grant of up to \$500,000 from the Trust for Public Land for project management, design services, and community engagement for the Sergeant John Macaulay children's play area renovation project for the project term of December 30, 2017, through July 1, 2018. (Recreation and Park Department)

Question: Shall this Resolution be ADOPTED?

17. 180009 [Airport Lease Modification - American Airlines, Inc. - Recapture of Certain Land at Plot 40 of the SuperBay Hangar - Total Reduced Annual Rent of \$4,621,912.79]

Resolution approving Modification No. 2 of Lease No. L13-0071 between American Airlines, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for the recapture of certain land at Plot 40 of the SuperBay Hangar to accommodate the demand for the Airport's construction contractors' parking at the San Francisco International Airport ("Airport"), adjusting the annual rent by \$120,470.88 from \$4,742,383.67 to \$4,621,912.79, with no change to the length of term, to be effective on the first day of the month following approval by the Board of Supervisors. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

18. 180010 [Airport Lease Modification - United Airlines, Inc. - Exchange of Certain Land at Plot 40 of the Superbay Hangar - Total Reduced Annual Rent of \$3,860,232.58]

Resolution approving Modification No. 2 of Lease No. L04-0058 between United Airlines Inc., and the City and County of San Francisco, acting by and through its Airport Commission, for the exchange of certain land at Plot 40 of the SuperBay Hangar to accommodate the demand for the Airport's construction contractors' parking at the San Francisco International Airport ("Airport"), and the reduction in annual rent of approximately \$25,918.29 from \$3,886,150.87 to an adjusted annual rent of \$3,860,232.58, with no change to the length of term, to commence on the first day of the month following approval of the Board of Supervisors. (Airport Commission)

Question: Shall this Resolution be ADOPTED?

19. <u>180069</u> [Contract Amendment - Allied Universal Security - Security Services - Total Contract Amount \$26,062,288]

Resolution approving Amendment No. 2 of the contract between the City and County of San Francisco and Allied Universal Security for the provision of Security Services, extending the term for five months for the total period of February 1, 2014, to June 30, 2018, and an increase in the amount of \$3,259,977 resulting in a revised total contract amount not to exceed \$26,062,288. (Human Services Agency)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

20. <u>180026</u> [Settlement of Lawsuit - Donald Spadini - \$120,600]

Ordinance authorizing settlement of the lawsuit filed by Donald Spadini against the City and County of San Francisco for \$120,600; the lawsuit was filed on September 13, 2016, in San Francisco Superior Court, Case No. CGC-16-554218; entitled Donald Spadini v. City and County of San Francisco, et al.; the lawsuit involves alleged negligence of doctors, nurses and staff; other material terms of the settlement are Co-Defendant The Regents of the University of California is paying \$59,400. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 180027 [Settlement of Lawsuit - David Zeller (Deceased) - \$290,000]

Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City and County of San Francisco for \$290,000; the lawsuit was filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice; other terms of the settlement are UC Regents to pay \$200,245 and upon approval by the probate court and Plaintiff's acceptance of the probate court's allocation of funds, California Department of Health Care Services to disgorge \$65,300 paid for MediCal lien to be paid to plaintiff. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Tang, Safai, Peskin

22. <u>170761</u> [Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits]

Sponsor: Mayor

Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

07/25/2017; CONTINUED ON FINAL PASSAGE.

09/12/2017; RE-REFERRED to the Land Use and Transportation Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. <u>170942</u> [Building Code - Third Party Expert Fees]

Sponsor: Peskin

Ordinance amending Building Code, Section 107A, and Table 1A-B of Section 110A, to allow recovery of costs of third party experts and other permit related expenses; and affirming the Planning Department's determination under the California Environmental Quality Act. (Building Inspection Commission)

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.

24. <u>180013</u> [Hearing - Appeal of Determination of Exemption From Environmental Review - 1526 Wallace Avenue]

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 November 29, 2017, approved on November 30, 2017, for the proposed project at 1526 Wallace Avenue to process and sell small livestock in a PDR-2 Processing, Distribution, and Repair Zoning District, (d.b.a. Saba Live Poultry). (District 10) (Appellant: Cristina Stella, on behalf of the Animal Legal Defense Fund) (Filed December 26, 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.)

25. 180014 [Affirming the Categorical Exemption Determination - 1526 Wallace Avenue] Motion affirming the determination by the Planning Department that a proposed project at 1526 Wallace Avenue is categorically exempt from further environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

26. <u>180015</u> [Conditionally Reversing the Categorical Exemption Determination - 1526 Wallace Avenue]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 1526 Wallace Avenue 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?

27. <u>180016</u> [Preparation of Findings to Reverse the Categorical Exemption Determination - 1526 Wallace Avenue]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 1526 Wallace Avenue is categorically exempt from further environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:00 P.M.

28. <u>180019</u> [Hearing - Appeal of Determination of Community Plan Evaluation - 2918-2924 Mission Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation issued by the Planning Department under the California Environmental Quality Act on August 30, 2017, for the proposed project at 2918-2924 Mission Street, approved on November 30, 2017, to demolish an approximately 5,200 square-foot, one-story, commercial building and adjacent 6,400 square-foot surface parking lot to construct an eight-story, 85 foot-tall, residential building with ground floor retail. (District 9) (Appellant: J. Scott Weaver of West Bay Law, on behalf of Calle 24 Latino Cultural District Council) (Filed January 2, 2018) (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.)

29. [Affirming the Community Plan Evaluation - 2918-2924 Mission Street]

Motion affirming the determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

30. <u>180021</u> [Conditionally Reversing the Community Plan Evaluation - 2918-2924 Mission Street]

Motion conditionally reversing the determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

31. <u>180022</u> [Preparation of Findings to Reverse the Community Plan Evaluation - 2918-2924 Mission Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 2918-2924 Mission Street is exempt from further environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Hearing scheduled pursuant to Motion No. 17-206 (File No. 171293), approved on December 12, 2017; continued from January 23, 2018.)

32. <u>171312</u> [Hearing - Committee of the Whole - Amendments to the Mission Bay South Redevelopment Plan - January 23, 2018]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on January 23, 2018, at 3:00 p.m., to hold a public hearing to consider the following amendments to the Mission Bay South Redevelopment Plan (the legal description for the existing Redevelopment Plan Area boundaries was recorded with the San Francisco Office of the Assessor-Recorder on November 18, 1998, as Document No. 98-G470337-00) as authorized by Assembly Bill 2796 (Chapter 529, Statutes 2016): an Ordinance approving amendments to the Mission Bay South Redevelopment Plan to remove a 0.3 acre parcel known as P20 from the Mission Bay South Redevelopment Plan Area, making findings 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 (File No. 171280); scheduled pursuant to Motion No. M17-206, approved on December 12, 2017. (Clerk of the Board)

01/23/2018; CONTINUED.

Question: Shall this Hearing be HEARD AND FILED?

Committee of the Whole Adjourn and Report

33. <u>171280</u> [Redevelopment Plan Amendments - Mission Bay South] Sponsors: Mayor; Kim

Ordinance approving amendments to the Mission Bay South Redevelopment Plan to remove a 0.3 acre parcel known as P20 from the Mission Bay South Redevelopment Plan Area; making findings 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.

01/23/2018; CONTINUED.

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Hearing scheduled pursuant to Resolution Nos. 426-17 (File No. 171117) and 427-17 (File No. 171118), approved on November 30, 2017; continued from January 23, 2018.)

34. 171247 [Hearing - Committee of the Whole - Project Area I (Mission Rock), and Sub-Project Areas I-1 Through I-13, Infrastructure Financing District No. 2 - January 23, 2018]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on January 23, 2018, at 3:00 p.m., to hold a public hearing to consider the following to establish 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): an Ordinance establishing Project Area I, and Sub-Project Areas I-1 through I-13 therein, of Infrastructure Financing District No. 2, affirming the Planning Department's determination and making findings under the California Environmental Quality Act, and approving other matters in connection therewith (File No. 171314); and a Resolution approving issuance of Bonds in an amount not to exceed \$1,378,000,000 for Project Area I, and Sub-Project Areas I-1 through 1-13 therein, of Infrastructure Financing District No. 2, approving Indenture of Trust and Pledge Agreement, and approving other matters in connection therewith (File No. 171315); scheduled pursuant to Resolution Nos. 426-17 and 427-17, approved on November 30, 2017. (Clerk of the Board)

01/23/2018; CONTINUED.

Question: Shall this Hearing be HEARD AND FILED?

Committee of the Whole Adjourn and Report

35. 171314 [Establishing Project Area I (Mission Rock), and Sub-Project Areas I-1 Through I-13 Therein - Adopting Appendix I to Infrastructure Financing Plan (Port of San Francisco)]

Sponsors: Mayor; Kim

Ordinance establishing 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); affirming the Planning Department's determination and making findings under the California Environmental Quality Act; and approving other matters in connection therewith.

(Fiscal Impact; No Budget and Legislative Analyst Report)

01/23/2018: CONTINUED.

Question: Shall this Ordinance be PASSED ON FIRST READING?

36. 171315 [Bond Issuance - Port Infrastructure Financing District - Project Area I (Mission Rock) and Sub-Project Areas I-1 Through I-13 Therein - Not to Exceed \$1,378,000,000]

Sponsors: Mayor; Kim

Resolution approving issuance of Bonds in an amount not to exceed \$1,378,000,000 for Project Area I (Mission Rock), and Sub-Project Areas I-1 through 1-13 therein, of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco); approving Indenture of Trust and Pledge Agreement; and approving other matters in connection therewith.

(Fiscal Impact; No Budget and Legislative Analyst Report)

01/23/2018: CONTINUED.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Transportation Committee

Present: Supervisors Tang, Kim, Safai

37. <u>171286</u> [California Environmental Quality Act Findings - Mission Rock Project - Seawall Lot 337 and Pier 48]

Sponsors: Mayor; Kim

Resolution affirming the Planning Department's certification of the Final Environmental Impact Report and adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, including findings of fact, findings regarding significant impacts and significant and unavoidable impacts, evaluation of mitigation measures and alternatives, a statement of overriding considerations, and adoption of a mitigation monitoring and reporting program related to the approvals for the proposed Mission Rock mixed-use project located at Seawall Lot 337 and Pier 48.

Question: Shall this Resolution be ADOPTED?

38. <u>170940</u> [Planning Code, Zoning Map - Mission Rock Special Use District] Sponsors: Mayor; Kim

Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock Special Use District, generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; to amend other related provisions; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.

Question: Shall this Ordinance be PASSED ON FIRST READING?

39. <u>180093</u> [Lease Agreement - China Basin Ballpark Company, LLC - Pier 48 - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Lease Agreement between the Port and China Basin Ballpark Company, LLC ("CBBC") for Pier 48; with a Base Rent of \$55,416.47 per month from April through September and \$2,916.67 per month from October through March, in recognition of increased parking demand by ballpark patrons during the baseball season, with 66% of gross revenues for all parking operations less parking taxes and authorized, substantiated extraordinary expenses, as further defined in the Lease, to be paid by CBBC, for a ten-year term to commence following approval by the Board and the Mayor, for the proposed Mission Rock Project; and adopting findings under the California Environmental Quality Act.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

40. <u>171313</u> [Development Agreement - Seawall Lot 337 Associates, LLC - Seawall Lot 337 - Mission Rock Project]

Sponsors: Mayor; Kim

Ordinance approving a Development Agreement between the City and County of San Francisco and Seawall Lot 337 Associates, LLC, for 28 acres of real property known as Seawall Lot 337, located east of Third Street between China Basin Channel and Mission Rock Street, China Basin Park and the portion of Terry A. Francois Boulevard abutting the park, Pier 48, the marginal wharf between Pier 48 and Pier 50, and Parcel P20; for the proposed Mission Rock Mixed-Use Project; waiving certain provisions of the Administrative Code, Planning Code, and Subdivision Code; and adopting findings under the California Environmental Quality Act, public trust findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

(Economic Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

41. <u>180092</u> [Disposition and Development Agreement - Seawall Lot 337 Associates, LLC - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Disposition and Development Agreement between the Port and Seawall Lot 337 Associates, LLC, for 28 acres of real property known as Seawall Lot 337, located east of Third Street between China Basin Channel and Mission Rock Street, China Basin Park, and the portion of Terry A. Francois Boulevard abutting the park, Pier 48, the marginal wharf between Pier 48 and Pier 50, and Parcel P20, for the proposed Mission Rock Project; adopting findings under the California Environmental Quality Act; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); and adopting public trust consistency findings.

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

42. <u>180094</u> [Memorandum of Understanding Regarding Interagency Cooperation - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Memorandum of Understanding between the Port and other City Agencies regarding Interagency Cooperation for the proposed Mission Rock Project; adopting findings under the California Environmental Quality Act; and adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b).

Question: Shall this Resolution be ADOPTED?

43. <u>180095</u> [Memorandum of Understanding - Port Commission - Mission Rock Special Use District Financing Districts - Mission Rock Project]

Sponsors: Breed; Kim

Resolution approving a Memorandum of Understanding relating to and appointing Port Commission as agent of Mission Rock Special Use District financing districts; approving related matters, as defined herein, for the proposed Mission Rock Project; and adopting findings under the California Environmental Quality Act.

Question: Shall this Resolution be ADOPTED?

44. 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.

45. 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 46 through 48

46. <u>180134</u> [Calling and Consolidation of Elections Scheduled for June 5, 2018] Sponsor: Breed

Resolution calling and providing for a special election on behalf of the Bay Area Toll Authority regarding Regional Measure 3, directing the Director of Elections to conduct that special election, and consolidating that special election with the State of California Statewide Direct Primary Election and the City and County of San Francisco Municipal Election, all of which will occur on June 5, 2018; and providing that the election precincts, voting places, and officers for these elections shall be the same as for the Statewide Direct Primary Election.

02/06/2018; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

47. <u>180136</u> [Michael Rios - San Francisco Artist Emeritus]

Sponsor: Peskin

Resolution designating Michael Rios an Artist Emeritus of the City and County of San Francisco.

02/06/2018; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

48. <u>180140</u> [Closed Session - Labor Negotiations - February 27, 2018] Sponsor: Peskin

Motion that the Board of Supervisors convene in closed session on February 27, 2018, at 3:00 p.m. with the Department of Human Resources under Administrative Code, Section 67.10(e), and California Government Code, Section 54957.6, regarding labor negotiations of the City's closed labor contracts.

02/06/2018; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

49. 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

180130 [Settlement of Lawsuit - Elizabeth Loomis - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Elizabeth Loomis against the City and County of San Francisco for \$275,000; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550880; entitled Elizabeth Loomis v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury due to a trip and fall. (City Attorney)

01/31/2018; RECEIVED FROM DEPARTMENT.

02/13/2018; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

180131 [Settlement of Lawsuit - Mark Johnson, Franco S. Calzolai, Michael Bryant - \$175.000]

Ordinance authorizing settlement of the lawsuit filed by Mark Johnson, Franco S. Calzolai, and Michael Bryant against the City and County of San Francisco for \$175,000; the lawsuit was filed on November 20, 2009, in the United States District Court for the Northern District of California, Case No. CV 09-5503 JSW; entitled Mark Johnson, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/31/2018; RECEIVED FROM DEPARTMENT.

02/13/2018; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

<u>180145</u> [Petitions and Communications]

Petitions and Communications received from January 29, 2018, through February 5, 2018, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 13, 2018.

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 reappointment. Copy: Each Supervisor. (1)

Stephen Adams - Small Business Commission - term ending January 6, 2022

From the Office of the Controller, submitting two audit reports regarding Citywide Employee Separations. Copy: Each Supervisor. (2)

From the Office of the Controller, pursuant to Administrative Code, Section 21A.3, submitting the Controller's Office Review of 2017 Managed Care Contracts. Copy: Each Supervisor. (3)

From Cecilia de Leon, of Reuben, Junius & Rose, LLP, submitting a Project Sponsor's Brief in Opposition to Appeal of Categorical Exemption and supporting documents for 1526 Wallace Avenue. Copy: Each Supervisor. (4)

From Svetlana Savchuk, regarding trees on Mt. Davidson. Copy: Each Supervisor. (5)

From Sandy Shapero, regarding the state of the streets in San Francisco. Copy: Each Supervisor. (6)

From Jessica Lehman, Executive Director of Senior & Disability Action, regarding the proposed legislation amending the Housing Code for all gender SRO bathrooms. File No. 171285. Copy: Each Supervisor. (7)

From Laurance Mathews, regarding homelessness and crime around 245 South Van Ness. File 180032. Copy Each Supervisor. (8)

From Sandy Hebert, regarding 3550 3rd Street. Copy: Each Supervisor. (9)

From Tim Frye, regarding Mills Act Amendments. Copy: Each Supervisor. (10)

From concerned citizens, regarding syringes in the playground at Phoebe Hearst Preschool. 4 letters. (11)

From Lori Livingston, regarding opening a small business in San Francisco. Copy: Each Supervisors. (12)

From Allen Jones, regarding the Mayor. Copy: Each Supervisor. (13)

From Neil Ornstein, regarding fleeing felons. Copy: Each Supervisor. (14)

From Ahimsa Porter Sumchai, M.D., regarding the Hunters Point Shipyard. 2 articles. (15)

From the Superior Court of the State of California, submitting Notice of Posting Court Reporter Fee for Petition for Relief From Claim Requirement. Copy: Each Supervisor. (16)

From the Office of the City Administrator, pursuant to Administrative Code Section 4.10-2, submitting an Annual Telematics Report between January and November 2017. (17)

From Mr. Michael Decarlo Wright, regarding 440 Turk Street. Copy: Each Supervisor. (18)

From Abdalla Megahed, regarding homelessness in San Francisco. Copy: Each Supervisor. (19)

From concerned citizens, regarding Indigenous Peoples Day. 2 letters. Copy: Each Supervisor. (20)

From Adam Mehis, Executive Director of the San Francisco Democratic Party, regarding an approved resolution regarding 1979 Mission Street from their January 24, 2018 meeting. Copy: Each Supervisor. (21)

From Rosy Leyva, Commission Secretary for the Bay Area Toll Authority, regarding a Resolution adopted at their January 24, 2018 meeting. Copy: Each Supervisor. (22)

From concerned citizens, regarding the proposed project at 1526 Wallace Avenue. 28 letters. File No. 180013. Copy: Each Supervisor. (23)

ADJOURNMENT