



# 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 12, 2019 - 2:00 PM

## Regular Meeting

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NORMAN YEE, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN,  
GORDON MAR, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI,  
SHAMANN WALTON

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.sfbos.org](http://www.sfbos.org)

## BOARD COMMITTEES

### Committee Membership

**Budget and Finance Committee**  
Supervisors Fewer, Stefani, Mandelman

**Budget and Finance Federal Select Committee**  
Supervisors Fewer

**Government Audit and Oversight Committee**  
Supervisors Mar, Brown, Peskin

**Land Use and Transportation Committee**  
Supervisors Peskin, Safai, Haney

**Public Safety and Neighborhood Services Committee**  
Supervisors Mandelman, Stefani, Walton

**Rules Committee**  
Supervisors Ronen, Walton, Mar

### Meeting Days

Wednesday  
10:00 AM

2nd and 4th Thursday  
1:15 PM

1st and 3rd Thursday  
10:00 AM

Monday  
1:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
10:00 AM

## 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.

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

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**AGENDA PACKET:** Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

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

所有常規及特別市參事委員會會議 (Board meetings) 除委員會會議 (Committee meetings) 將予以提供西班牙文, 菲律賓文, 及中文的語言服務, 但須在會議前最少48小時作出請求, 旨在確保服務屆時可予以提供。更多資訊或請求有關服務, 請致電 (415) 554-7719聯絡Linda Wong.

**AVISO EN ESPAÑOL:** Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

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

### **Disability Access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

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

### **Know Your Rights Under The Sunshine Ordinance**

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

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

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

### **Lobbyist Registration and Reporting Requirements**

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

## ROLL CALL AND PLEDGE OF ALLEGIANCE

## COMMUNICATIONS

## APPROVAL OF MEETING MINUTES

Approval of the [January 8, 2019](#), Board Inaugural 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 eight (8) votes, the Board of Supervisors 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.*

1. [190159](#) **[Formal Policy Discussions - February 12, 2019]**  
Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall discuss the following eligible topics submitted from the Supervisors representing Districts 5 and 8. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed two minutes per question or answer.
  1. Use of city and county-owned properties for emergency shelters to temporarily shelter the homeless during periods of severe environmental and weather conditions (District 5)
  2. Public transit (District 8)

**Discussion: The Mayor shall DISCUSS the eligible topic(s) with the Board of Supervisors.**

## 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 2 through 4

#### Recommendation of the Budget and Finance Committee

*Present: Supervisors Fewer, Stefani, Mandelman*

2. [181151](#) **[Appropriation from 2006 and 2007 Lease Revenue Bond Reserves - Rossi Pool Project - \$4,000,000 - De-Appropriation and Re-Appropriation - Rossi Pool Project - GGP Golf Course Clubhouse Project - \$4,000,000 - Recreation and Park Department - FY2018-2019]**

**Sponsor: Mayor**

Ordinance appropriating \$4,000,000 consisting of other non-operating revenue from 2006 and 2007 Lease Revenue Bond Reserves to the Recreation and Park Department to support the Rossi Pool Project, and de-appropriating \$4,000,000 of Open Space funding from the Rossi Pool Project and re-appropriating \$4,000,000 to the Golden Gate Park Golf Course Clubhouse Project in FY2018-2019.

(Fiscal Impact)

02/05/2019; PASSED ON FIRST READING.

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

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

*Present: Supervisors Peskin, Safai, Haney*

3. [181155](#) **[Public Works Code - Major Encroachment Permit Revocation Hearings]**  
**Sponsor: Peskin**

Ordinance amending the Public Works Code to allow five members of the Board of Supervisors to schedule an administrative hearing before the Board regarding potential revocation of a major encroachment permit when the Director of Public Works has not taken timely steps to schedule and hold a hearing or issue a decision regarding the revocation; and affirming the Planning Department's determination under the California Environmental Quality Act.

02/05/2019; PASSED ON FIRST READING.

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

4. [181175](#) **[Planning Code - Landmark Designation - 22 Beaver Street (Benedict-Gieling House)]**

**Sponsor: Mandelman**

Ordinance amending the Planning Code to designate 22 Beaver Street (Benedict-Gieling House), Assessor's Parcel Block No. 3561, Lot No. 060, 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)

02/05/2019; PASSED ON FIRST READING.

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

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

5. [181238](#) **[Approving Conditional Use Authorization - 3637-3657 Sacramento Street]**

Motion approving the decision of the Planning Commission by its Motion No. 20336, approving a Conditional Use Authorization identified as Planning Case No. 2007.1347CUA for a proposed project located at 3637-3657 Sacramento Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

01/15/2019; CONTINUED.

01/29/2019; CONTINUED.

02/05/2019; CONTINUED.

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

6. [181239](#) **[Conditionally Disapproving Conditional Use Authorization - 3637-3657 Sacramento Street]**  
Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20336, approving a Conditional Use Authorization identified as Planning Case No. 2007.1347CUA for a proposed project at 3637-3657 Sacramento Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
- (Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)
- 01/15/2019; CONTINUED.
- 01/29/2019; CONTINUED.
- 02/05/2019; CONTINUED.
- Question: Shall this Motion be APPROVED?**

7. [181240](#) **[Preparation of Findings Related to Conditional Use Authorization Appeal - 3637-3657 Sacramento Street]**  
Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2007.1347CUA for a proposed project located at 3637-3657 Sacramento Street. (Clerk of the Board)
- 01/15/2019; CONTINUED.
- 01/29/2019; CONTINUED.
- 02/05/2019; CONTINUED.
- Question: Shall this Motion be APPROVED?**

### **Recommendation of the Budget and Finance Committee**

*Present: Supervisors Fewer, Stefani, Mandelman*

8. [181133](#) **[Agreement Amendment - State Department of Health Care Services - Substance Use Disorder Services - FYs 2017-2019 - \$144,811,227]**  
Resolution retroactively authorizing the Department of Public Health, Behavioral Health Services, to enter into Amendment No. A02 to a multi-year organized delivery system intergovernmental agreement for substance use disorder services with the State Department of Health Care Services, in the amount of \$144,811,227 for the term of June 15, 2017, through June 30, 2019; and authorizing and designating the Department of Public Health County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount. (Public Health Department)
- 02/05/2019; CONTINUED.
- Question: Shall this Resolution be ADOPTED?**

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Fewer, Stefani, Mandelman*

9. [181180](#) **[Lease Agreement - Elevate Gourmet Brands, Inc., and Aimhigh ESG, LLC, a Joint Venture dba Elevate Gourmet Brands - SFO Group - Terminal 3 Coffee and Quick Serve Concession - \$375,000 Minimum Annual Guarantee]**  
Resolution approving the Terminal 3 Coffee and Quick Serve Concession Lease - Lease No. 18-0346, between Elevate Gourmet Brands, Inc., and Aimhigh ESG, LLC, a joint venture dba Elevate Gourmet Brands - SFO Group, as joint tenants, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of eight years, to commence following Board approval, with two one-year options to extend, and a minimum annual guarantee of \$375,000 for the first year of the Lease. (Airport Commission)

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

10. [190017](#) **[Airport Professional Services Agreement Modification - WCME JV - Project Management Support Services - Terminal 3 West Modernization Project - Not to Exceed \$50,000,000]**  
Resolution approving Modification No. 6 to Contract No. 10071.41, Project Management Support Services for the Terminal 3 West Modernization Project, with WCME JV to extend the term by four and a half years, from April 5, 2019, through October 4, 2023; and to increase the Contract amount by \$36,000,000 for a new total contract amount not to exceed \$50,000,000 pursuant to Charter, Section 9.118(b). (Airport Commission)

(Fiscal Impact)

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

11. [190018](#) **[2011 Airport Lease and Use Agreement - Icelandair ehf]**  
Resolution approving the terms of 2011 Lease and Use Agreement No. 18-0322 between Icelandair ehf, and the City and County of San Francisco, acting by and through its Airport Commission, with joint use space rent and landing fees, for the lease term to commence following Board approval and expiring on June 30, 2021. (Airport Commission)

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



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

*Present: Supervisors Peskin, Safai, Haney*

12. [181108](#) **[Police, Housing Codes - Required Disclosure of Storm Flood Risks]**  
**Sponsor: Yee**  
Ordinance amending the Police Code to require sellers or landlords of real property in San Francisco to disclose to buyers or tenants that the property is located within the flood risk zone delineated on the San Francisco Public Utilities Commission's 100-Year Storm Flood Risk Map; amending the Housing Code to require that the Department of Building Inspection's Report of Residential Building Record include a disclosure statement for property located within the flood risk zone; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
13. [190050](#) **[Street Encroachment Permit - Dogpatch Arts Plaza on a Portion of 19th Street]**  
**Sponsors: Mayor; Walton**  
Resolution granting revocable permission to 650 Indiana Street LLC, the property owner of 650 Indiana Street (Assessor's Parcel Block No. 4041, Lot No. 009), to occupy and maintain a portion of the 19th Street public right-of-way, between Indiana Street and Interstate Highway 280, with an arts-focused public pedestrian plaza; accepting an offer of public improvements and dedicating the improvements to public use; adopting environmental 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.
- Question: Shall this Resolution be ADOPTED?**
14. [190053](#) **[Street Encroachment Permit - Eagle Plaza on a Portion of 12th Street at Harrison Street]**  
**Sponsors: Mayor; Haney and Mandelman**  
Resolution granting revocable permission to 1532 Harrison Owner, LLC, the property owner of 1532 Harrison Street (Assessor's Parcel Block No. 3521, Lot No. 055-056), to install, occupy, and maintain a portion of the 12th Street public right-of-way, between Harrison Street and Bernice Street, with a LGBTQ leather-focused public pedestrian plaza space and a two-lane roadway; conditionally accepting an offer of public improvements and dedicating the improvements to public use; adopting environmental 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.
- Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Rules Committee**

*Present: Supervisors Ronen, Walton, Mar*

- 15. [190128](#) **[Appointment, In-Home Supportive Services Public Authority - Michael Pappas]**  
Motion appointing Michael Pappas, term ending March 1, 2021, to the In-Home Supportive Services Public Authority. (Rules Committee)  
**Question: Shall this Motion be APPROVED?**
  
- 16. [190129](#) **[Appointment, Bicycle Advisory Committee - Kisai Henriquez]**  
Motion appointing Kisai Henriquez, term ending November 19, 2020, to the Bicycle Advisory Committee. (Rules Committee)  
**Question: Shall this Motion be APPROVED?**
  
- 17. [190130](#) **[Appointment, Park, Recreation, and Open Space Advisory Committee - Karen Rhodes]**  
Motion appointing Karen Rhodes, term ending February 1, 2021, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)  
**Question: Shall this Motion be APPROVED?**
  
- 18. [190132](#) **[Appointment, Pedestrian Safety Advisory Committee - Cyndi Bakir]**  
Motion appointing Cyndi Bakir, term ending March 31, 2021, to the Pedestrian Safety Advisory Committee. (Rules Committee)  
**Question: Shall this Motion be APPROVED?**
  
- 19. [190133](#) **[Reappointment, Elections Commission - Christopher Jerdonek]**  
Motion reappointing Christopher Jerdonek, term ending January 1, 2024, to the Elections Commission. (Rules Committee)  
**Question: Shall this Motion be APPROVED?**

**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.

(The President may entertain a motion to continue this Hearing and corresponding legislation to the Board of Supervisors meeting of March 19, 2019.)

20. [190093](#) **[Hearing - Appeal of Determination of Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]**

Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on December 11, 2018, for the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, approved on December 20, 2018, to demolish the existing buildings on the project site, merge three lots into a single lot, and construct a new seven-story, approximately 64 feet and six inches tall, 59,000-gross-square-foot mixed use building with 63 dwelling units (four units designated as replacement for four existing rent-controlled units, 15 units would be designated as below market rate units, the remaining 44 dwelling units would be market rate), and approximately 2,800 square feet of ground floor retail use. (District 6) (Appellant: Sue Hestor, on behalf of the South of Market Community Action Network) (Filed January 22, 2019) (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.**

21. [190094](#) **[Affirming the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]**

Motion affirming the determination by the Planning Department, that a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

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

22. [190095](#) **[Conditionally Reversing the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]**

Motion conditionally reversing the determination by the Planning Department, that the proposed project at 1052-1060 Folsom Street and 190-194 Russ 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?**

23. [190096](#) **[Preparation of Findings to Reverse the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ 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 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review. (Clerk of the Board)

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

## SPECIAL ORDER 3:00 P.M.

*(The President may entertain a motion to continue this Hearing and corresponding legislation to the Board of Supervisors meeting of March 19, 2019.)*

24. [190097](#) **[Hearing - Appeal of Conditional Use Authorization - Proposed Project at 1052-1060 Folsom Street and 190-194 Russ Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 121.1, 121.7, 303, and 317, for a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, Assessor's Parcel Block No. 3731, Lot Nos. 021, 023, and 087, identified in Planning Case No. 2016.004905CUA, issued by the Planning Commission by Motion No. 20361, dated December 20, 2018, for the development of a lot greater than 10,000 square feet, merger of lots that result in a street frontage greater than 50 feet, and the demolition of four existing dwelling units for the project involving the demolition of five existing buildings, merger of three lots, and the construction of a seven-story mixed-use building containing 2,832 square feet of ground floor commercial retail use and 55,887 square feet of residential use for 63 dwelling units, and a ground floor garage with access from a new driveway on Russ Street, within the SoMa NCT (Neighborhood Commercial Transit) and RED (Residential, Enclave) Zoning Districts, and the SoMa Youth and Family Special Use District, a 65-X height and bulk district. (District 6) (Appellant: Sue Hestor, on behalf of the South of Market Community Action Network) (Filed January 22, 2019) (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. [190098](#) **[Approving Conditional Use Authorization - 1052-1060 Folsom Street and 190-194 Russ Street]**  
Motion approving the decision of the Planning Commission by its Motion No. 20361, approving a Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project located at 1052-1060 Folsom Street and 190-194 Russ Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
26. [190099](#) **[Conditionally Disapproving Conditional Use Authorization - 1052-1060 Folsom Street and 190-194 Russ Street]**  
Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20361, approving a Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)
- (Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)
- Question: Shall this Motion be APPROVED?**
27. [190100](#) **[Preparation of Findings Related to Conditional Use Authorization Appeal - 1052-1060 Folsom Street and 190-194 Russ Street]**  
Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project located at 1052-1060 Folsom Street and 190-194 Russ Street. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

## COMMITTEE REPORTS

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

*The following items will be considered by the Budget and Finance Committee at a Special Meeting on Monday, February 11, 2019, at 11:30 a.m. The Chair intends to request the Committee to send the following items as Committee Reports on Tuesday, February 12, 2019.*

28. [181186](#) **[Appropriation - Educational Revenue Augmentation Fund Property Tax \$220,551,322 - Rainy Day One-Time Reserve Funds \$52,000,000 - SFPUC Revenue Bonds \$10,000,000 - Various Services - FY2018-2019]**  
**Sponsors: Peskin; Fewer, Mandelman, Yee, Mar, Ronen, Haney, Walton, Brown, Safai and Stefani**  
Ordinance appropriating \$220,551,322 of excess Educational Revenue Augmentation Fund Property Taxes and \$52,000,000 of Rainy Day One-Time Reserve funds for affordable housing small site, single residence occupancy hotel, and behavioral health acquisition and renovation, homelessness and behavioral health services, early care and SFUSD educator funding, for a utility distribution acquisition assessment, various mandatory baseline contributions, and to establish a Teacher and Early Care Educator Unappropriated Emergency Reserve, and \$10,000,000 from San Francisco Public Utilities Commission Revenue Bonds for a utility substation.  
  
(Fiscal Impact)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
29. [190044](#) **[Appropriation - Educational Revenue Augmentation Fund Property Tax - New Light Rail Vehicles, Energy Efficiency Audits, Small Business Mitigation Fund, and Mandatory City Services Auditor Baseline - SFMTA - \$38,124,000 - FY2018-2019]**  
**Sponsor: Mayor**  
Ordinance appropriating \$38,124,000 in excess Educational Revenue Augmentation Fund Property Taxes to the San Francisco Municipal Transportation Agency (SFMTA), including \$19,247,904 to purchase Light Rail Vehicles, \$13,800,000 to conduct energy efficiency audits and improvements at SFMTA facilities, \$5,000,000 to a Small Business Impact Mitigation Fund and a mandatory City Services Auditor baseline in FY 2018-2019; and placing \$38,124,000 on Controller's Reserve pending confirmation of cash flow timing from the State of California.  
  
(Fiscal Impact)  
  
**Question: Shall this Ordinance be PASSED ON FIRST READING?**
30. **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.*

## 31. 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 32 through 35

## 32. [190153](#) [Approval of a 90-Day Extension for Planning Commission Review of Planning, Building Codes - Controls on Residential Demolition, Merger, Conversion, and Alteration (File No. 181216)]

**Sponsor: Peskin**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 181216) amending the Planning Code to increase penalties for violations of the Planning Code; provide new definitions for Residential Demolitions and Residential Flats, revise definitions for Alterations and Removal, require additional notice and impose new conditional use criteria for Residential Demolitions, Mergers, and Conversions; establish criteria for Major Expansions of Existing Residential Buildings; amending the Building Code to conform the definition of Residential Demolition, require pre-permit inspections and additional application requirements; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

02/05/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**33. [190155](#) [Supporting California State Assembly Bill 50 (Kalra) - Expansion of the State Assisted Living Waiver Program]**

**Sponsor: Yee**

Resolution urging the Board of Supervisors to support California State Assembly Bill 50, Medi-Cal: Assisted Living Waiver program expansion statewide and advocate for greater slots to be allocated to San Francisco residents, authored by Assembly Member Ash Kalra.

02/05/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**34. [190158](#) [Supporting the Naming of Oscar Grant Way at Fruitvale BART Station]**

**Sponsor: Walton**

Resolution supporting the naming of the unnamed road on the west side of Fruitvale BART Station between 33rd Avenue and 35th Avenue, to Oscar Grant Way in Oakland, California.

02/05/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**35. [190160](#) [Closed Session - Existing Litigation - American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association - February 26, 2019]**

Motion that the Board of Supervisors convene in closed session on February 26, 2019, pursuant to California Government Code, Section 54956.9(a), and Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the existing litigation in which the City is a defendant and appellee, American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association v. City and County of San Francisco, Ninth Circuit Court of Appeals Case Nos. 16-16072 and 16-16073, filed in the United States District Court for the Northern District of California on July 24, 2015. (Clerk of the Board)

02/05/2019; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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



**36. IMPERATIVE AGENDA**

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

*[Serious Injury Finding]*

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

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

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

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

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

**Introduced at the Request of a Department**

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

**PROPOSED ORDINANCES****190136 [Various Department of Building Inspection Codes - Technical Corrections to Existing Code]**

Ordinance amending various sections of the Building, Existing Building, Plumbing, Electrical, and Housing Codes to correct or clarify existing Code language, re-enact a longstanding permit requirement for fences with the finding required by the California Health and Safety Code, and add enforcement provisions for the Building Facade Inspection and Maintenance Program; affirming the Planning Department's determination under the California Environmental Quality Act; adopting a finding under the California Health and Safety Code; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage. (Building Inspection Commission)

01/29/2019; RECEIVED FROM DEPARTMENT.

02/12/2019; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

**190137 [Settlement of Lawsuit - Logan Rachel Ury - \$80,000]**

Ordinance authorizing settlement of the lawsuit filed by Logan Rachel Ury against the City and County of San Francisco for \$80,000; the lawsuit was filed on February 14, 2017, in San Francisco Superior Court, Case No. CGC-17-557062; entitled Logan Rachel Ury v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in Golden Gate Park. (City Attorney)

01/31/2019; RECEIVED FROM DEPARTMENT.

02/12/2019; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**PROPOSED RESOLUTIONS****190138 [Settlement of Unlitigated Claim - Antrea Investments & Trading LLC - \$41,163.13]**

Resolution approving the settlement of the unlitigated claim filed by Antrea Investments & Trading LLC against the City and County of San Francisco for \$41,163.13; the claim was filed on September 21, 2008; the claim involves alleged property damage arising from a six-inch water main break. (City Attorney)

01/31/2019; RECEIVED FROM DEPARTMENT.

02/12/2019; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

**190139 [Real Property Lease Extension - SF Industrial 1 - 1740 Cesar Chavez Street - \$419,760 Initial Annual Base Rent]**

Resolution authorizing the Director of Real Estate to exercise a Lease Extension for the real property located at 1740 Cesar Chavez Street with SF Industrial 1, as Landlord, for a five-year term to commence on April 1, 2019, through March 31, 2024, and a five-year option to extend at the monthly base rent of \$34,980 for a total initial annual base rent of \$419,760 with a 3% annual increase. (Human Resources Department)

02/04/2019; RECEIVED FROM DEPARTMENT.

02/12/2019; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**190162****[Petitions and Communications]**

Petitions and Communications received from January 28, 2019, through February 4, 2019, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 12, 2019.

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 Treasurer & Tax Collector, pursuant to California State Government Code, Section 53646, submitting the City and County of San Francisco Pooled Investment Report for the month of December 2018. Copy: Each Supervisor. (1)

From Chief William Scott, San Francisco Police Department, pursuant to Resolution No. 399-17, submitting the six-month SFPD Property Crime Unit report. Copy: Each Supervisor. (2)

From the Office of the Controller, submitting a report, entitled "Guidelines for Cost Categorization in Nonprofit Contracts and Grants - Version 1.2: January 2019." Copy: Each Supervisor. (3)

From Christina A. Varner, Deputy Director, San Francisco Rent Board, pursuant to Section 37.9E(j) of the Rent Ordinance, Chapter 37 of the San Francisco Administrative Code, submitting its third annual report regarding implementation of Section 37.9E ("Buyout Ordinance"). Copy: Each Supervisor. (4)

From San Francisco Public Utilities Commission, submitting a Request to Waive Ordinance 12B Compliance Certification at its Sunol Valley Water Treatment Plant. Copy: Each Supervisor. (5)

From San Francisco Public Utilities Commission, pursuant to Resolution No. 227-18, submitting their Quarter 2 Power Report. Copy: Each Supervisor. (6)

From the San Francisco Planning Department, submitting a Notice of Availability of and Intent to Adopt a Mitigated Negative Declaration in digital format for 915 Cayuga Avenue. Copy: Each Supervisor. (7)

From Craig D. Fair, Deputy Special Agent in Charge of the Federal Bureau of Investigation - San Francisco Division, addressing issues concerning FBI authorities. Copy: Each Supervisor. (8)

From Anand Singh, President of UNITE HERE, Local 2, submitting a letter and report regarding "How Marriott's Corporate Practices Fuel Growing Racial Inequality in America." Copy: Each Supervisor. (9)

From Andrew M. Zacks of Zacks, Freedman & Patterson, PC, regarding revising the definition of Tourist or Transient Use under the Hotel Conversion Ordinance. File No. 190049. Copy: Each Supervisor. (10)

From Susan Vaughan, regarding Uber, Lyft and Genentech shuttles operating in bus stops. 2 letters. Copy: Each Supervisor. (11)

From P. Meserve Platt, regarding proposal to expand the Clipper Cove Marina, Treasure Island. Copy: Each Supervisor. (12)

Ellen Lee Zhou, regarding conversion of Medical Cannabis Dispensary Uses to Cannabis Retail Uses. File No. 190108. Copy: Each Supervisor. (13)

From Louis Gauci, regarding the torture and illegal dog and cat meat trade in Seoul, South Korea. Copy: Each Supervisor. (14)

From Tushar Karkhanis, regarding protecting consumers from PG&E liabilities. Copy: Each Supervisor. (15)

From Paola Horevicz Hurtado, ABC License Company, submitting a letter of continuance request for a Type 42 Liquor License for Museum of Ice Cream, located at 1 Grant Avenue. File No. 181025. Copy: Each Supervisor. (16)

From Patrick MacCartee, CEO of Tank18 Winery, regarding the issuance of a Type-20 Liquor License for Porky's Palace LLC, dba Tank18, located at 1345 Howard Street. File No. 181032. 38 letters. Copy: Each Supervisor. (17)

From Brian R. Zaik, regarding problems with SFMTA Muni Metro services. Copy: Each Supervisor. (18)

From Paula Leslie, CPMC VNC on call parking. Copy: Each Supervisor. (19)

From concerned citizens, regarding the SFMTA's revised rules for taxi medallions. File No. 190119. 22 Letters. Copy: Each Supervisor. (20)

## **ADJOURNMENT**