

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, January 12, 2016 - 2:00 PM

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

Regular Meeting

LONDON BREED, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, AARON PESKIN, KATY TANG, SCOTT WIENER,
NORMAN YEE
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Farrell, Tang, Mar	Wednesday 1:00 PM
City and School District Select Committee Supervisors Kim, Yee, Campos, Fewer, Haney, Walton	4th Thursday 3:30 PM
Government Audit and Oversight Committee Supervisors Yee, Peskin, Breed	1st and 3rd Thursday 10:00 AM
Land Use and Transportation Committee Supervisors Cohen, Wiener, Kim	Monday 1:30 PM
Public Safety and Neighborhood Services Committee Supervisors Mar, Campos, Peskin	1st and 3rd Thursday 2:30 PM
Rules Committee Supervisors Avalos, Tang, Cohen	2nd and 4th Thursday 11:00 AM

Members Present: John Avalos, London Breed, David Campos, Mark Farrell, Jane Kim, Eric Mar, Aaron Peskin, Katy Tang, Scott Wiener, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, January 12, 2016, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:06 p.m. On the call of the roll, Supervisor Cohen was not present. There was a quorum.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of a communication from Supervisors Malia Cohen informing the Board of her absence and requesting to be excused from today's meeting.

Supervisor Cohen Excused from Attendance

Supervisor Mar, seconded by Supervisor Yee, moved that Supervisor Cohen be excused from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of November 17, 2015, and December 1, 2015. There were no corrections.

Supervisor Campos, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of November 17, 2015, and December 1, 2015. The motion carried by the following vote, following general public comment:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

150624 [Administrative Code - Supportive Housing Tenants' Enrollment in Public Benefits]

Sponsors: Farrell; Mar

Ordinance amending the Administrative Code to require providers of City-funded permanent supportive housing to make reasonable efforts to help enroll tenants in all public benefits for which they are eligible, and provide an annual report regarding tenant enrollment in public benefits.

Ordinance No. 001-16

FINALLY PASSED

151125 [Accept and Expend Grant - United States Department of Labor - American Apprenticeship Initiative - Amendment to the Annual Salary Ordinance - \$2,999,999]

Sponsor: Mayor

Ordinance retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of \$2,999,999 from the United States Department of Labor for the American Apprenticeship Initiative Grant for the period of October 1, 2015, to September 30, 2020; and amending Ordinance No. 129-15 (Annual Salary Ordinance FYs 2015-2016 and 2016-2017) to provide for the creation of one (1) Class 9774 Senior Community Development Specialist I grant-funded position (0.58 FTE) in the Office of Economic and Workforce Development.

Ordinance No. 006-16

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

151124 [Memorandum of Understanding - Amendment No. 8 to Firefighters, Local 798, Unit 1]

Sponsors: Mayor; Breed, Farrell and Cohen

Ordinance adopting and implementing Amendment No. 8 to the 2007-2018 Memorandum of Understanding between the City and County of San Francisco and the Firefighters, Local 798, Unit 1, by implementing specified terms and conditions of employment for FYs 2015-2016, 2016-2017, and 2017-2018.

Ordinance No. 005-16

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee

151082 [Health Code - Amendment to Sugar-Sweetened Beverage Warning Ordinance]

Sponsors: Wiener; Mar

Ordinance amending the Health Code by changing the exemption for permitted signs under Section 4203(d) of the Sugar-Sweetened Beverage Warning Ordinance to signs permitted on or before October 20, 2015.

Ordinance No. 004-16

FINALLY PASSED

Recommendation of the Rules Committee

151249 [Appointments, Park, Recreation, and Open Space Advisory Committee - Patricia Delgado, Robert Brust, and Richard Rothman]

Motion appointing Patricia Delgado, Robert Brust, and Richard Rothman, terms ending February 1, 2017, to the Park, Recreation, and Open Space Advisory Committee. (Rules Committee)

Motion No. M16-001

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

Severed from the Consent Agenda

Supervisor Yee requested that File No. 150793 be severed so that it may be considered separately.

Recommendation of the Land Use and Transportation Committee

150793 [Planning Code - Child Care Requirements for Office and Residential Projects and Associated Fees]

Sponsors: Yee; Avalos, Kim, Mar, Campos and Cohen

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; 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.

Supervisor Yee requested that File No. 150793 be DUPLICATED.

See Duplicated File No. 160019.

Ordinance No. 002-16

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

160019 [Planning Code - Child Care Requirements for Office and Residential Projects and Associated Fees]

Sponsors: Yee; Avalos, Kim, Mar, Campos and Cohen

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to \$1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to \$1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; 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.

Duplicated from File No. 150793.

Supervisor Yee, seconded by Supervisor Campos, moved that this Ordinance be REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

151020 [Amending Ordinance No. 89-10 - Water Revenue Bond Issuance and Sale - Public Utilities Commission - Not to Exceed \$1,737,724,038]

Ordinance amending Ordinance No. 89-10, to authorize the San Francisco Public Utilities Commission to enter into one or more State of California State Water Resources Control Board Installment Sale Agreements and Grants in an aggregate principal amount not to exceed the previously authorized amount of \$1,737,724,038 to finance, among other projects, the costs of the San Francisco Westside Recycled Water Project pursuant to the Charter, including Proposition E, an amendment to the Charter enacted by the voters on November 5, 2002; and ratifying previous actions taken in connection therewith. (Public Utilities Commission)
(Fiscal Impact)

Ordinance No. 003-16

FINALLY PASSED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

Recommendation of the Land Use and Transportation Committee

150943 [Administrative Code - Bicycle Yield Enforcement Policy]

Sponsors: Avalos; Breed, Campos, Kim, Mar and Wiener

Ordinance amending the Administrative Code to add Chapter 110 to establish the "San Francisco Right-of-Way Policy" to promote safety, tolerance, and harmony among all users of City Streets; make arrests and citations of bicyclists for failure to stop at a stop sign the lowest traffic enforcement priority, provided that the bicyclist first slows to a safe speed and yields the right-of-way to any other vehicle or pedestrian in the intersection; require quarterly reports from the Police Department on statistics related to traffic enforcement, injuries, and fatalities; urge the Municipal Transportation Agency to develop a program to educate the public about the Bicycle Yield Enforcement Policy; and require notification of state officials of this Ordinance. (Supervisor Cohen dissented in committee.)

FINALLY PASSED by the following vote:

Ayes: 6 - Avalos, Breed, Campos, Kim, Mar, Wiener

Noes: 4 - Farrell, Peskin, Tang, Yee

Excused: 1 - Cohen

NEW BUSINESS

Recommendation of the Land Use and Transportation Committee

151260 [Multifamily Housing Revenue Bonds - Alice Griffith Phase 3A Apartments Project - Not to Exceed \$31,500,000]

Sponsor: Cohen

Resolution authorizing the issuance, sale and delivery of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$31,500,000 for the purpose of providing financing for the acquisition and construction of a 82-unit multifamily rental housing project known as Alice Griffith Phase 3A Apartments Project; approving the form of and authorizing the execution of a trust indenture providing the terms and conditions of the bonds; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the form of and authorizing the execution of a loan agreement; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the bonds and the project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters.

Resolution No. 001-16

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

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

Supervisor Tang, seconded by Supervisor Avalos, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

President Breed introduced, welcomed, and presented a Certificate of Honor to Vallie Brown, District 5 Legislative Aide, in recognition of her departure from the Board of Supervisors and her many accomplishments and community service for the City and County of San Francisco. Supervisors Tang, Avalos, Campos, Kim, Wiener, and Farrell shared in this commendation.

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Privilege of the floor was granted unanimously to Gwen Woods, mother of Mario Woods, Shon Richards, Reverend Amos Brown, and Minister Christopher Muhammad who were invited to comment on Supervisor Breed's proposed Resolution (File No. 160028), introduced during today's Roll Call, calling for an independent federal investigation of the shooting of Mario Woods.

PUBLIC COMMENT

Male Speaker; shared his concerns regarding police shootings and racism.

Paulette Brown; shared her grief over the homicide of her son.

Male Speaker; shared his concerns regarding racism and the need for police reform.

Christopher Dahl; expressed concerns regarding the need for affordable housing.

Carl McKenna; shared his concerns regarding the unequal requirements for taxi medallion holders and transportation network carriers.

Male Speaker; shared his concerns regarding the unequal requirements for taxi medallion holders and transportation network carriers.

John Finch; expressed various concerns relating to charges.

Female Speaker (Justice for Mario Woods Coalition); requested the removal of Chief Greg Suhr and for homicide charges to be brought on the involved police officers.

Francisco Da Costa; shared his concerns relating to the police shooting of Mario Woods.

Maggie Town; shared her concerns relating to homicides, gun violence, and police reform.

Female Speaker; shared her experiences with police brutality and thanked the Board for their efforts.

Female Speaker; shared her concerns relating to police brutality and the need to unite against all injustices.

Male Speaker; shared his concerns relating to the police shooting of Mario Woods.

Ernest Kirkwood; shared his concerns relating to the police shooting of Mario Woods.

Phoebe Vanderhorst (Justice for Mario Woods Coalition); requested the removal of Chief Greg Suhr and shared her concerns regarding racism and police brutality.

Tony Robles; requested the removal of Chief Greg Suhr and shared his concerns regarding racism and police brutality.

Jason Oringer (SEIU 1021); shared his concerns regarding the inadequate security plans for upcoming Super Bowl events.

Mike Malley (SEIU 1021, USWW); shared his concerns regarding the inadequate security plans for upcoming Super Bowl events.

Omar Farakhan; expressed his concerns regarding the amount of funding for law enforcement.

Shannon Bolts; shared her concerns relating to the police shooting of Mario Woods.

Male Speaker; expressed various concerns relating to the Sheriff's election.

Tom Gilbert; shared various concerns, including those related to racism and police brutality.

Ellen; shared her concerns regarding the holidays.

Charles Pitts; shared his concerns regarding racism and police brutality.

Jackie Parvive; shared her concerns relating to the police shooting of Mario Woods.

Ace Washington; shared in song his concerns relating to racism and police brutality.

Sylvia Johnson; shared her various experiences with the Board.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

160013 [Existing Litigation - Pacific Gas and Electric Company]

Closed Session for the Board of Supervisors to convene on January 12, 2016, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a plaintiff, defendant, and petitioner and Pacific Gas and Electric Company is an adverse party: Federal Energy Regulatory Commission Case No. EL15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; and Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014. (Clerk of the Board)

The President inquired as to whether any member of the public wished to address the Board regarding the continuance of the closed session. Sylvia Johnson; spoke on various concerns regarding PG&E. The President declared public comment closed.

Supervisor Avalos, seconded by Supervisor Farrell, moved that this Closed Session be CONTINUED to the Board of Supervisors meeting of January 26, 2016. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

151286 [Urging the Director of the Department of Public Health and the Sheriff to Create a Working Group to Plan for the Permanent Closure of County Jail Nos. 3 and 4]

Sponsors: Breed; Kim, Wiener, Campos, Farrell and Peskin

Resolution urging the Director of the Department of Public Health and the Sheriff to convene a working group to plan for the permanent closure of County Jail Nos. 3 and 4, and any corresponding investments in new mental health facilities and current jail retrofits needed to uphold public safety and better serve at-risk individuals.

Supervisor Avalos read into the record the following directives for the Working Group created by the Resolution, which the sponsor, Supervisor Breed, agreed to in principle: 1) the Department of Public shall take the lead; 2) the majority of the working group members (50%+1) shall represent community-based organizations; 3) formerly and currently incarcerated representatives be prioritized; 4) African-American representatives be prioritized, since they represent the disproportionate population within the detention system; 5) the selection process for the members of the working group be transparent; 6) the community representatives shall have decision-making powers and not just a representational presence; and 7) the draft initial report, due to the Board of Supervisors by March 31, 2016, shall be released two weeks prior to the due date to allow ample time for review, research, and feedback.

Resolution No. 002-16

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

151287 [Supporting Proposed California State Ballot Initiative - "Safety for All Act of 2016"]

Sponsors: Cohen; Wiener, Campos, Farrell and Breed

Resolution supporting the proposed California State Ballot initiative, entitled the "Safety for All Act of 2016," which will implement reasonable reforms and close loop-holes in California's gun and ammunition laws.

Supervisors Wiener and Campos requested to be added as co-sponsors.

Supervisor Wiener, seconded by Supervisor Avalos, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of January 26, 2016. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

151288 [Approval of a 90-Day Extension for Planning Commission Review of an Ordinance to Re-Define Formula Retail to Include Subsidiaries (File No. 150731)]

Sponsor: Mar

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150731) amending the Planning Code to revise the definition of formula retail to include subsidiaries or affiliates of formula retail meeting certain criteria; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302, findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Supervisor Mar, seconded by Supervisor Kim, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

151289 [Approval of a 45-Day Extension for Planning Commission Review to Allow an Existing Bar on the Ground Floor in the Upper Market Neighborhood Commercial Transit District (File No. 151084)]

Sponsor: Wiener

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 151084) amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Resolution No. 003-16

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee
Excused: 1 - Cohen

151285 [Budget and Legislative Analyst Review of Super Bowl 50 Revenue and Expenditures]

Sponsors: Avalos; Cohen, Kim, Peskin and Campos

Motion directing the Budget and Legislative Analyst to conduct a review of the City's revenues and expenditures associated with hosting events related to Super Bowl 50.

Supervisor Campos requested to be added as a co-sponsor.

Motion No. M16-002

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee
Excused: 1 - Cohen

160010 [Final Map 7773 - 2655 Bush Street]

Motion approving Final Map 7773, a lot merger and two-lot airspace subdivision, parcel A being 81 residential units and parcel B being three commercial units, mixed-use Condominium Project, located at 2655 Bush Street, being a subdivision of Assessor's Block No. 1024, Lot No. 024; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M16-003

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee
Excused: 1 - Cohen

160011 [Final Map 8284 - 1580 Lombard Street]

Motion approving Final Map 8284, a six residential unit Condominium Project, located at 1580 Lombard Street, being a subdivision of Assessor's Block No. 0497, Lot No. 007A; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Supervisor Yee, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of January 26, 2016. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

Supervisor Campos, seconded by Supervisor Mar, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

[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.

Supervisor Campos, seconded by Supervisor Mar, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

160020 [Beatrice Cardenas-Duncan Day - January 12, 2016]

Sponsor: Mar

Resolution commending Beatrice Cardenas-Duncan on the occasion of her retirement as Shape Up San Francisco Coalition Co-Chair, and declaring January 12, 2016, as Beatrice Cardenas-Duncan Day in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to Beatrice Cardenas-Duncan Day as referenced in File No. 160020. Sylvia Johnson shared various concerns with the Board. The President declared public comment closed.

Resolution No. 004-16

ADOPTED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Excused: 1 - Cohen

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.

Charter Amendment

151274 [Charter Amendment - Authorizing Board of Supervisors to Update Inclusionary or Affordable Housing Requirements and Providing Increased Interim Requirements]

Sponsors: Kim; Peskin, Mar, Avalos and Campos

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize the Board of Supervisors to update the inclusionary or affordable housing obligations for housing development projects, and setting forth increased interim requirements; and affirming the Planning Department's determination under the California Environmental Quality Act, at an election to be held on June 7, 2016.

12/15/15; ASSIGNED UNDER 30 DAY RULE PENDING APPROVAL AS TO FORM to Rules Committee.

12/22/15; REFERRED TO DEPARTMENT.

01/12/16; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Ordinances

150811 [Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 3]

Sponsor: Peskin

Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 3, prohibit approval of an application for construction of an ADU in any building where a tenant has been evicted under the Ellis Act within ten years prior to filing the application, and prohibit an ADU from being used for short-term rental; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption.

08/04/15; REFERRED TO DEPARTMENT.

08/04/15; REFERRED TO DEPARTMENT.

11/19/15; FILED PURSUANT TO RULE 3.40.

01/12/16; REACTIVATED PURSUANT TO RULE 3.42 to Land Use and Transportation Committee.

150969 [Planning Code - Affordable Housing Bonus Programs]**Sponsors: Mayor; Tang**

Ordinance amending the Planning Code to create the Affordable Housing Bonus Programs, consisting of the Local Affordable Housing Bonus Program, the 100 Percent Affordable Housing Bonus Program, the Analyzed State Density Bonus Program, and the Individually Requested State Density Bonus Program, to provide for development bonuses and zoning modifications for affordable housing, in compliance with, and above those required by the State Density Bonus Law, Government Code, Sections 65915, et seq.; to establish the procedures in which the Local Affordable Housing Bonus Program and the 100 Percent Affordable Housing Bonus Program shall be reviewed and approved; adding a fee for applications under the Program; amending the Planning Code to exempt projects from the height limits specified in the Planning Code and the Zoning Maps; 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.
(Economic Impact; No Office of Economic Analysis Report.)

09/29/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/29/2015.

10/06/15; REFERRED TO DEPARTMENT.

12/16/15; REMAIN ACTIVE.

01/12/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

151083 [Planning Code - Affordable Housing Review Process]**Sponsor: Wiener**

Ordinance amending the Planning Code to provide administrative review of affordable housing, permitting it as a principal use, and not requiring a Planning Commission hearing, with certain exceptions; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1.

10/20/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 11/19/2015.

10/27/15; REFERRED TO DEPARTMENT.

01/12/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

160021 [Appropriation - Transfer from Wastewater Enterprise Funds to City Administrator to Implement the Central Shops Relocation Project - \$62,200,000 - FYs 2015-2016 and 2016-2017]**Sponsor: Mayor**

Ordinance appropriating a \$62,200,000 transfer from Wastewater Enterprise Funds to the City Administrator for pre-development costs of the Central Shops Relocation Project in FY2015-2016.
(Fiscal Impact)

01/12/16; ASSIGNED to Budget and Finance Committee.

160022 [Administrative Code - Due Process for All Notification]**Sponsors: Avalos; Campos, Kim, Mar and Peskin**

Ordinance amending Administrative Code, Chapter 12I, to prohibit law enforcement officials from responding to a federal immigration officer's request for voluntary notification that a person will be released from local custody, except for adults who have been convicted of a violent felony and held to answer for a violent felony.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 2/11/2016.

160023 [Administrative Code - San Francisco Homicide Reward Fund]**Sponsors: Breed; Cohen**

Ordinance amending the Administrative Code to establish the San Francisco Homicide Reward Fund.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 2/11/2016.

160024 [Police, Administrative Codes - All-Gender Toilet Facilities]**Sponsors: Campos; Farrell, Kim, Avalos, Mar and Yee**

Ordinance amending the Police Code to mandate that businesses and places of public accommodation designate single-user toilet facilities that are available to the public or employees as all-gender and accessible to persons of any gender identity, and require enforcement of the signage requirements by the Department of Building Inspection; amending the Administrative Code to require buildings on land that the City owns or leases to provide all-gender toilet facilities; and affirming the Planning Department's determination under the California Environmental Quality Act.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 2/11/2016.

160025 [Administrative Code - Nutritional Standards for Food and Beverages Sold in Vending Machines on City Property or Served at City Meetings and Events]**Sponsor: Farrell**

Ordinance amending the Administrative Code to require that prepackaged food and beverages sold in vending machines on City property meet specified nutritional standards; to require City departments to make best efforts to meet nutritional guidelines for food and beverages purchased with City funds and served at City events and meetings; and to encourage restaurants, cafeterias, and concessions located on City property to offer healthy food options.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 2/11/2016.

160026 [Planning Code, Zoning Map - Rezoning Noe Valley Town Square]**Sponsor: Wiener**

Ordinance amending the Planning Code, Zoning Map, to rezone Noe Valley Town Square, 3861-24th Street, Assessor's Block No. 6509, Lot No. 040, from its current designation as 24th Street - Noe Valley Neighborhood Commercial District and 40-X to Public (P) and Open Space (OS); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 2/11/2016.

Resolutions

151184 [Acquisition of Property at 814-820 Bryant Street, 444-6th Street, 450 6th-Street, and 470-6th Street - Various Owners - At Fair Market Value - Not to Exceed \$16,750,000]

Sponsor: Mayor

Resolution authorizing the acquisition of real property at 814-820 Bryant Street, 444-6th Street, 450-6th Street, and 470-6th Street (Assessor's Block No. 3759, Lot Nos. 009, 012, 014, 043, and 045) from Lin Trust, Musso Trust, and Myung Chun, respectively; and the issuance of Commercial Paper Notes in an aggregate principal amount not to exceed \$16,750,000.
(Fiscal Impact)

11/17/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

11/23/15; REFERRED TO DEPARTMENT.

12/15/15; RE-REFERRED to Budget and Finance Committee.

01/12/16; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

160027 [Accept and Expend Grant - State of California, Department of Parks and Recreation - Boating Safety and Enforcement Equipment - FY2015-2016 - \$77,000]

Sponsor: Farrell

Resolution retroactively authorizing the San Francisco Police Department (SFPD) to accept and expend a grant in the amount of \$77,000 from the State of California, Department of Parks and Recreation, Division of Boating and Waterways, to procure equipment and gear for the SFPD Marine Unit, for the 15-year period of October 1, 2015, through September 30, 2030.

01/12/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160028 [Urging an Independent Federal Investigation of the Shooting of Mario Woods]

Sponsors: Breed; Cohen, Campos, Avalos and Mar

Resolution calling for an independent federal investigation of the shooting of Mario Woods by the San Francisco Police Department on December 2, 2015.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

160029 [Approval of a 30-Day Extension for Planning Commission Review of Affordable Housing in Divisadero and Fillmore Neighborhood Commercial Transit Districts (File No. 151258)]

Sponsor: Breed

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 151258) amending the San Francisco Planning Code to require payment of a higher affordable housing fee or provide additional affordable housing for certain sites that obtained higher residential development potential as a result of the rezoning of the Divisadero Street Neighborhood Commercial Transit District and the Fillmore Street Neighborhood Commercial Transit District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

160030 [Mario Woods Remembrance Day - July 22]**Sponsors: Campos; Avalos, Mar, Kim, Cohen, Breed and Yee**

Resolution declaring July 22 as Mario Woods Remembrance Day in the City and County of San Francisco.

01/12/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

160031 [Child Trauma Awareness Day - January 29, 2016]**Sponsor: Farrell**

Resolution declaring January 29, 2016, as Child Trauma Awareness Day in the City and County of San Francisco.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

160032 [Approval of a 90-Day Extension for Planning Commission Review of an Ordinance Permitting Affordable Housing as a Principal Use in the Public Zoning District (File No. 151083)]**Sponsor: Wiener**

Resolution retroactively extending by 90 days from the completion of environmental review the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 151083) amending the Planning Code to permit affordable housing as a principal use in the Public zoning district; affirming the Planning Department's determination under the California Environmental Quality Act; making Planning Code, Section 302, findings; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

160033 [Approval of a 30-Day Extension for Planning Commission Review of Code Enforcement Procedures (File No. 151085)]**Sponsor: Wiener**

Resolution retroactively extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 151085) amending the Building, Housing, Electrical, Plumbing, Fire, Health, Planning, and Administrative Codes to clarify and standardize enforcement procedures for violations of Municipal Codes relating to buildings and property, to require departments to report on code enforcement activities, and to direct the City Administrator to coordinate the preparation of standard Citywide forms for code enforcement proceedings; 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 the Planning Code, Section 101.1.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

160039 [Affirming the Board of Supervisors Commitment to Police Accountability and Racial Justice in Our Police Practices]**Sponsors: Avalos; Farrell and Campos**

Resolution affirming the San Francisco Board of Supervisors commitment to police accountability and racial justice in our policing practices; and urging the San Francisco Police Department to review use of force policies and explore other methods of de-escalation and alternatives to the use of force.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions

160034 [Initiative Ordinance - Administrative Code - Paid Sick Leave Ordinance Amendments]

Sponsors: Mayor; Breed, Mar, Farrell, Peskin, Tang, Kim, Yee, Wiener, Campos, Cohen and Avalos

Motion ordering submitted to the voters an Ordinance amending the Administrative Code to revise the City's Paid Sick Leave Ordinance (PSLO) to include protections for employees under the PSLO that largely parallel recent State law enactments pertaining to paid sick leave, primarily the Healthy Workplaces, Healthy Families Act of 2014, as amended, at an election to be held on June 7, 2016.

01/12/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/11/2016.

160035 [Initiative Ordinance - Business and Tax Regulations and Administrative Codes - Hotel Tax to Fund Housing Services for Homeless Families]

Sponsor: Kim

Motion ordering submitted to the voters an Ordinance amending the Business and Tax Regulations and Administrative Codes to impose an additional 1% tax on the transient occupancy of hotel rooms to fund housing programs and services to end family homelessness, at an election to be held on June 7, 2016.

(Economic Impact; No Office of Economic Analysis Report.)

01/12/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 2/11/2016.

160036 [Calling from Committee - Committee of the Whole - Charter Amendment (File No. 151274) - February 23, 2016]

Sponsor: Kim

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on February 23, 2016, at 3:00 p.m., to hold a public hearing to consider a proposed Charter Amendment (File No. 151274) authorizing the Board of Supervisors to update the inclusionary or affordable housing obligations for housing development projects and setting forth increased interim requirements, to be proposed to the voters at the June 7, 2016, election.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

160037 [Suspending Board Rule 3.26.1 and Amending Board Rule 3.31 - Extending the Joint City and School District Select Committee through March 1, 2017, and Setting Monthly Meetings]

Sponsor: Kim

Motion suspending the Board of Supervisors Rules of Order 3.26.1 to consider, without reference, an amendment to Board Rule 3.31 to extend the term of the Joint City and School District Select Committee through March 1, 2017; ordering the City and School District Select Committee meetings of the Board of Supervisors be held on the fourth Thursday of each month, except June, July, August, November, and December, at 3:30 p.m. in the Board of Supervisors Chamber.

01/12/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

150234 [Hearing - Report on Recent Increase in Property Crime and Car Break-Ins Citywide]

Sponsor: Yee

Hearing on the recent increase in property crime and car break-ins citywide; and requesting the Police Department to report.

03/03/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

03/06/15; REFERRED TO DEPARTMENT.

03/10/15; TRANSFERRED to Government Audit and Oversight Committee.

10/09/15; FILED PURSUANT TO RULE 3.41.

01/12/16; REACTIVATED PURSUANT TO RULE 3.42 to Government Audit and Oversight Committee.

150326 [Hearing - Impacts of Construction and Streetscaping Projects to Small Businesses]

Sponsor: Yee

Hearing on the economic impacts of small businesses during major construction and streetscaping projects; and requesting the Office of Economic and Workforce Development, the Small Business Commission, the Municipal Transportation Agency, the Public Utilities Commission, and Public Works to report.

03/24/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/30/15; REFERRED TO DEPARTMENT.

10/09/15; FILED PURSUANT TO RULE 3.41.

01/12/16; REACTIVATED PURSUANT TO RULE 3.42 to Government Audit and Oversight Committee.

160038 [Hearing - Fire Investigations by the Fire Department]

Sponsor: Campos

Hearing on fire investigations by the Fire Department, specifically the current status of the over 300 backlogged investigations, and what the department is doing to address the situation; and requesting the Fire Department to report.

01/12/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

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

160001 [Settlement of Lawsuit - David Lloyd - \$42,500]

Ordinance authorizing settlement of the lawsuit filed by David Lloyd against the City and County of San Francisco for \$42,500; the lawsuit was filed on June 10, 2014, in San Francisco Superior Court, Case No. CGC-14-539774; entitled David Lloyd v. City and County of San Francisco, et al, removed to federal court on August 6, 2014, and re-captioned as David Lloyd v. City and County of San Francisco, et al., United States District Court, Case No. 3:14-cv-03542 JCS. (City Attorney)

12/21/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160002 [Settlement of Lawsuit - Travis Jones - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Travis Jones against the City and County of San Francisco for \$60,000; the lawsuit was filed on February 18, 2014, in the United States District Court, Case No. CV 14-00733 NC; entitled Travis Jones v. City and County of San Francisco, et al. (City Attorney)

12/21/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160003 [Settlement of Lawsuit - Leonard Lee Collins, Jr. - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Leonard Lee Collins, Jr., against the City and County of San Francisco for \$75,000; the lawsuit was filed on December 18, 2012, in United States District Court for the Northern District of California, Case No. 13-3456 MEJ; entitled Leonard Lee Collins, Jr. v. City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, Steven Koneffklatt, et. al. (City Attorney)

12/22/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

160004 [Settlement of Unlitigated Claim - Charles Peppers - \$110,000]

Resolution approving the settlement of the unlitigated claim filed by Charles Peppers against the City and County of San Francisco for \$110,000; claim was filed on July 17, 2013. (City Attorney)

12/11/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160005 [Settlement of Unlitigated Claim - Linda Stonestreet - \$72,394.61]

Resolution approving the settlement of the unlitigated claim filed by Linda Stonestreet against the City and County of San Francisco for \$72,394.61; claim was filed on February 22, 2013. (City Attorney)

12/21/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

160006 [Professional Services Agreement - PGH Wong Engineering, Inc. - Project Management Services - AirTrain Extension and Improvements Program - Not to Exceed \$13,132,000]

Resolution retroactively approving Professional Services Agreement Contract No. 10504.41, Project Management Services for the AirTrain Extension and Improvements Program between PGH Wong Engineering, Inc., and the City and County of San Francisco, acting by and through its Airport Commission, pursuant to Charter, Section 9.118(b), in an amount not to exceed \$13,132,000 for 44 months of services beginning September 1, 2015; and adopting environmental findings. (Airport Commission)

(Fiscal Impact; No Budget and Legislative Analyst Report.)

12/23/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160007 [Lease Amendment - Pacific Gateway Concessions, LLC - Airport Concessions - Minimum Annual Lease Amount of \$958,366.08]

Resolution approving Amendment No. 5 to Boarding Areas "B" and "C" Principal Concession Retail Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, extending the lease term for two concession locations to approximately September 2019, and extending the lease term for one concession location to approximately June 2016, for a minimum annual lease amount of \$958,366.08 in order to accommodate the Terminal 1 Redevelopment Program. (Airport Commission)

12/23/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160008 [2011 Lease and Use Agreement - China Southern Airlines Company Limited - Estimated Rent of \$1,283,008.93]

Resolution approving the terms of 2011 Lease and Use Agreement No. L15-0253 between China Southern Airlines Company Limited and the City and County of San Francisco, acting by and through its Airport Commission, with an estimated rent of \$1,283,008.93 for Exclusive Use Space, for the lease term to commence following Board approval through June 30, 2021. (Airport Commission)

12/24/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

160009 [Real Property Acquisition - Easements from John Daly Boulevard Associates, L.P., Monarch Ventures, L.P., and Wilbak Investments, L.P. - Regional Groundwater Storage and Recovery Project, San Mateo County - \$78,185]

Resolution approving and authorizing the acquisition of one temporary construction easement, two permanent surface access easements and one permanent subsurface easement for water utility purposes from John Daly Boulevard Associates, L.P., a California limited partnership, Monarch Ventures, L.P., a California limited partnership, and Wilbak Investments, L.P., a California limited partnership, for \$78,185 to be used by the City and County of San Francisco under the Water System Improvement Program for the access, installation, modification, removal, inspection, maintenance, repair, replacement, periodic scheduled maintenance, emergency repairs, and construction of the project known as the Regional Groundwater Storage and Recovery Project, Project No. CUW30103; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and approving the Agreement and authorizing the Director of Property and/or the San Francisco Public Utilities Commission General Manager to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Real Estate Department)

12/30/15; RECEIVED FROM DEPARTMENT.

01/12/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

*Jack Grealish - Supervisor Farrell
William "Bill" Del Monte - Supervisor Farrell
Zelda Gordon - Supervisors Peskin and Wiener
Roy Mottini - Supervisor Peskin
Stuart "Stu" Jackson - Supervisor Peskin
Reynaldo Morante - Supervisor Peskin
Denise Dorio - Supervisor Peskin
Patricia "Patty" Siegel - Supervisor Yee
Beatrice O. Jackson - President Breed
Marie McKechnie - President Breed*

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 5:22 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on February 23, 2016.

Angela Calvillo, Clerk of the Board