

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, June 28, 2016 - 2:00 PM**

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

**Regular Meeting**

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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

<b>Budget and Finance Committee</b> Supervisors Farrell, Tang, Yee, Kim, Wiener	Wednesday 10:00 AM
<b>Budget and Finance Sub-Committee</b> Supervisors Farrell, Tang, Yee	Wednesday 10:00 AM
<b>Government Audit and Oversight Committee</b> Supervisors Peskin, Yee, Breed	1st and 3rd Thursday 9:30 AM
<b>Land Use and Transportation Committee</b> Supervisors Cohen, Wiener, Peskin	Monday 1:30 PM
<b>Public Safety and Neighborhood Services Committee</b> Supervisors Kim, Avalos, Campos	2nd Thursday 2:30 PM
<b>Rules Committee</b> Supervisors Tang, Mar, Cohen	2nd and 4th Thursday 11:00 AM

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, June 28, 2016, with President London Breed presiding.*

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*President London Breed called the meeting to order at 2:02 p.m. On the call of the roll, Supervisor Mar was not present. There was a quorum.*

*Supervisor Mar was noted present at 2:06 p.m.*

## COMMUNICATIONS

*There were no communications.*

## APPROVAL OF MEETING MINUTES

*President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of May 24, 2016. There were no corrections.*

**Supervisor Campos, seconded by Supervisor Mar, moved to approve the Board Meeting Minutes of May 24, 2016. The motion carried by the following vote, following general public comment:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## AGENDA CHANGES

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

#### **160500 [Settlement of Lawsuit - Ken Meisle - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Ken Meisle against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 26, 2014, in San Francisco Superior Court, Case No. CGC-14-542935; entitled Ken Meisle v. City and County of San Francisco; the lawsuit involves personal injury and property damage. (City Attorney)

**PASSED, ON FIRST READING**

**160501 [Settlement of Lawsuit - Martha Abbene - \$81,000]**

Ordinance authorizing settlement of the lawsuit filed by Martha Abbene against the City and County of San Francisco for \$81,000; the lawsuit was filed on January 21, 2015, in San Francisco Superior Court, Case No. CGC-15-543761; entitled Martha Abbene v. City and County of San Francisco, et al.; the lawsuit involves personal injury due to uneven road surface. (City Attorney)

**PASSED, ON FIRST READING**

**160576 [Settlement of Lawsuits - Justice Operating Co. LLC, and Justice Investors LP, Kearny Street Employers LLC - \$1,450,000]**

Ordinance authorizing settlement of two lawsuits filed by Justice Investors LP, Kearny Street Employers LLC, and Justice Operating Co. LLC, against the City and County of San Francisco for \$1,450,000; the first lawsuit was filed on July 16, 2015, in San Francisco Superior Court, Case No. CGC-15-546897; entitled Justice Investors LP, Justice Operating Co. LLC v. City and County of San Francisco; the second lawsuit was filed on October 19, 2015, in San Francisco Superior Court, Case No. CPF-15-514532; entitled Justice Investors LP, Kearny Street Employers LLC v. City and County of San Francisco; these are suits for refund of Real Property Transfer Tax, Transient Occupancy Tax and Tourism Improvement District Fees; other material term of said settlement is San Francisco's dismissal of its cross-complaint in Case No. CPF-15-514532. (City Attorney)

**PASSED, ON FIRST READING**

**160543 [Settlement of Unlitigated Claim - Ebates Inc. - \$395,000]**

Resolution approving the settlement of the unlitigated claim filed by Ebates Inc. against the City and County of San Francisco for \$395,000; the claim was filed on February 11, 2016; the claim involves a refund of payroll expense taxes. (City Attorney)

**Resolution No. 258-16**

**ADOPTED**

**160544 [Settlement of Administrative Civil Liability Complaint - California Regional Water Quality Control Board - \$611,100]**

Resolution approving settlement of an administrative civil liability complaint proposed by California Regional Water Quality Control Board against the City and County of San Francisco for \$611,100; the complaint is entitled In the matter of SAN FRANCISCO PUBLIC UTILITIES COMMISSION; February 8, 2014, Discharge of Chlorinated Treated Wastewater; February 8, 2014, Discharge of Undisinfected Partially Treated Wastewater; July 19, 2014, Discharge of Chlorinated Treated Wastewater; July 21, 2014, Discharge of Partially Treated Wastewater; the matter involves alleged violations of combined sewage discharge permit limitations; the settlement also provides for penalty suspension pending completion of a supplemental environmental project. (City Attorney)

**Resolution No. 259-16**

**ADOPTED**

**160577 [Settlement of Unlitigated Claim - Tamsyn Waterhouse - \$73,978.82]**

Resolution approving the settlement of the unlitigated claim filed by Tamsyn Waterhouse against the City and County of San Francisco for \$73,978.82; the claim was filed on June 3, 2015; the claim involves alleged property damage resulting from the December 2014 floods. (City Attorney)

**Resolution No. 260-16**

**ADOPTED**

**160578 [Settlement of Unlitigated Claim - 500 Sansome Street Investors, L.L.C. - \$44,345.14]**

Resolution approving the settlement of the unlitigated claim filed by 500 Sansome Street Investors, L.L.C., against the City and County of San Francisco for \$44,345.14; the claim was filed on June 29, 2015; the claim involves alleged property damage arising from flooding. (City Attorney)

**Resolution No. 261-16**

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## **REGULAR AGENDA**

## **UNFINISHED BUSINESS**

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

**160638 [Administrative Code - Department of Homelessness and Supportive Housing]**  
**Sponsors: Mayor; Farrell**

Ordinance amending the Administrative Code to establish a new Department of Homelessness and Supportive Housing; transfer homeless-related functions previously performed by the Department of Human Services to the new department; and establish the Local Homeless Coordinating Board to advise the new department on homeless policy and serve as the Continuum of Care governing body in accordance with federal regulations.  
(Fiscal Impact; No Budget and Legislative Analyst Report)

**Ordinance No. 116-16**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160580 [Outreach Community Advertising and Neighborhood Outreach Advertising - San Francisco Print Media Co., Small Business Exchange, San Francisco Bayview, Sing Tao Daily, El Reportero, Bay Area Reporter, Central City Extra; Jasmine Blue Media, The Potrero View]**

Resolution designating San Francisco Print Media Co., dba SF Weekly (SF Weekly), Small Business Exchange, and San Francisco Bayview to be the outreach periodicals of the City and County of San Francisco for the African American community; Sing Tao Daily and SF Weekly to be the outreach periodicals of the City and County of San Francisco for the Chinese community; El Reportero and SF Weekly to be the outreach periodicals of the City and County of San Francisco for the Latino community; Bay Area Reporter and SF Weekly to be the outreach periodicals of the City and County of San Francisco for the Lesbian, Gay, Bisexual, and Transgender communities; Central City Extra to be the neighborhood outreach periodical of the City and County of San Francisco for the Central Market and Tenderloin neighborhoods; Jasmine Blue Media, dba Marina Times, to be the neighborhood outreach periodical of the City and County of San Francisco for the Marina and Cow Hollow neighborhoods; and The Potrero View to be the neighborhood outreach periodical of the City and County of San Francisco for the Potrero Hill, Bayview, Mission Bay, and SoMa neighborhoods; to provide outreach advertising for FY2016-2017. (Office of Contract Administration)

**Resolution No. 262-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

*President Breed requested File Nos. 160547, 160548, 160549, 160665, and 160666 be called together.*

**160547 [Memorandum of Understanding - International Federation of Professional and Technical Engineers, Local 21]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the FYs 2014-2017 Memorandum of Understanding between the City and County of San Francisco and International Federation of Professional and Technical Engineers, Local 21 by implementing specified terms and conditions of employment for FYs 2016-2017.

**Ordinance No. 123-16**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160548 [Memorandum of Understanding - Service Employees International Union, Local 1021]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the FYs 2014-2017 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, by implementing specified terms and conditions of employment for FYs 2016-2017.

**Ordinance No. 124-16**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160549 [Compensation for Unrepresented Employees]****Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and, methods of payment, effective July 1, 2016.

**Ordinance No.** 125-16

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160665 [Memorandum of Understanding - Service Employees International Union, Local 1021: Staff & Per Diem Nurses]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021: Staff & Per Diem Nurses to be effective July 1, 2016, through June 30, 2017.

**Ordinance No.** 127-16

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160666 [Memorandum of Understanding - Teamsters, Local 856: Supervising Registered Nurses]****Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and Teamsters, Local 856: Supervising Registered Nurses to be effective July 1, 2016, through June 30, 2019.

**Ordinance No.** 128-16

**FINALLY PASSED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

### **160347 [General Plan Amendment - Affordable Housing Bonus Programs]**

**Sponsor: Mayor**

Ordinance amending the General Plan to make conforming changes in association with legislation creating the Affordable Housing Bonus Program by amending the Housing Element, Urban Design Element, Van Ness Avenue Area Plan, Chinatown Area Plan, Downtown Area Plan, and Northeastern Waterfront Area Plan; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. (Planning Commission)

(Supervisor Peskin dissented in Committee)

*Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.*

**NOT FINALLY PASSED by the following vote:**

Ayes: 5 - Breed, Cohen, Farrell, Tang, Wiener

Noes: 6 - Avalos, Campos, Kim, Mar, Peskin, Yee

### **160550 [Planning Code - Waiving Inclusionary Housing Requirements, Exempting Certain Floor Area from the Calculation of Gross Floor Area and Transferable Development Rights Requirements, and Authorizing Land Dedication at No Cost - 1066 Market Street]**

**Sponsor: Kim**

Ordinance waiving the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., exempting 21,422 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 21,422 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 1066 Market Street, in exchange for the dedication of certain real property to the Mayor's Office of Housing and Community Development at no cost; authorizing actions in furtherance of this Ordinance, as defined herein; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; and making 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.

**Ordinance No. 126-16**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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**Referred Without Recommendation from the Land Use and Transportation Committee****160687 [Planning Code - 100% Affordable Housing Bonus Program]****Sponsors: Mayor; Tang**

Ordinance amending the Planning Code to create the 100 Percent Affordable Housing Bonus Program, to provide for development bonuses and zoning modifications for 100 percent affordable housing projects; to establish the procedures in which the 100 Percent Affordable Housing Bonus Program projects shall be reviewed and approved; adding a fee for applications under the Program; and amending the Planning Code to exempt 100 Percent Affordable Housing Bonus Program projects from the height limits specified in the Planning Code and the Zoning Maps; and 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.

*Privilege of the floor was granted unanimously to Kate Hartley (Mayor's Office of Housing and Community Development), who responded to questions raised throughout the discussion.*

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE on Page 20, Line 4, by adding a new Subsection 206.3 to read '(8) is not located within the boundaries of the Northeastern Waterfront Area Plan south of the centerline of Broadway', by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee  
Ordinance amending the Planning Code to create the 100 Percent Affordable Housing Bonus Program, to provide for development bonuses and zoning modifications for 100 percent affordable housing projects; to establish the procedures in which the 100 Percent Affordable Housing Bonus Program projects shall be reviewed and approved; adding a fee for applications under the Program; amending the Planning Code to exempt 100 Percent Affordable Housing Bonus Program 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.

**Supervisor Tang, seconded by Supervisor Farrell, moved that this Ordinance be CONTINUED AS AMENDED to the Board of Supervisors meeting of July 12, 2016. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee



## NEW BUSINESS

### Recommendation of the Budget and Finance Committee

**160645 [Real Property Purchase - 450 Sixth Street - Multiple Party Ownership - \$2,403,333]**  
**Sponsor: Mayor**

Resolution authorizing the execution and acceptance of a Purchase and Sale Agreement by and between the City and Joan Spargo, in Trust, as Trustee of the "Stella Arnold 1987 Exempt Trust FBO Joan Spargo" dated April 4, 2001, as to an undivided 3/8 interest; Walter A. Arnold, in Trust, as Trustee of the "Stella Arnold 1987 Exempt Trust FBO Walter A. Arnold" dated April 4, 2001, as to an undivided 3/8 interest; Kenneth Musso, as to an undivided 1/12 interest; David Musso, as to an undivided 1/12 interest; and Arlene Ripley, as to an undivided 1/12 interest ("Seller"), for the real property located at 450 Sixth Street (Assessor's Parcel Block No. 3759, Lot No. 043) for \$2,403,333; and finding the proposed transactions are in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (City Administrator)  
(Fiscal Impact)

**Resolution No. 263-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### From the Government Audit and Oversight Committee with a Recommendation of "Do Not Pass"

**160187 [Settlement of Lawsuit - David Zeller - \$900,000]**

Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City and County of San Francisco for \$900,000; the lawsuit was filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice. (City Attorney)

**Supervisor Campos, seconded by Supervisor Wiener, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of July 12, 2016, and that a closed session hearing be scheduled before the Board of Supervisors on July 12, 2016, to discuss the matter. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

### **160383 [Environment Code - Food Service and Packaging Waste Reduction]**

**Sponsors: Breed; Peskin, Mar, Campos and Cohen**

Ordinance amending the Environment Code to prohibit the sale of food service ware and other specified products including packing materials that are made from polystyrene foam or that are non-recyclable and non-compostable; setting operative dates; and affirming the Planning Department's determination under the California Environmental Quality Act.

*Supervisors Mar, Campos, and Cohen requested to be added as a co-sponsors.*

**PASSED, ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **160522 [Selection of Independent Auditors - Macias, Gini & O'Connell, LLP - Not to Exceed \$9,388,686]**

**Sponsor: Peskin**

Resolution selecting Macias, Gini & O'Connell, LLP, as independent auditors for the Controller's Office and the separately audited departments of the City, for an amount not to exceed \$9,388,686 over a four-year contract term to commence July 1, 2016, with one three-year option to renew.  
(Controller)

(Fiscal Impact; No Budget and Legislative Analyst Report)

**Resolution No. 257-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

### **151122 [Administrative Code - Preferences in Affordable Housing Programs]**

**Sponsors: Mayor; Cohen, Breed, Wiener and Farrell**

Ordinance amending the Administrative Code to create a fourth preference for people who live or work in San Francisco, in addition to existing preferences in allocating City affordable housing units; to affirm the Planning Department's determination under the California Environmental Quality Act; and to make findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*Supervisor Farrell requested to be added as a co-sponsor.*

**Supervisor Wiener, seconded by Supervisor Farrell, moved that this Ordinance be RE-REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160360 [Zoning Map - Rezoning Potrero HOPE SF Parcels at 25th and Connecticut Streets]****Sponsor: Cohen**

Ordinance amending the Planning Code to facilitate development of the Potrero HOPE SF (Housing Opportunities for People Everywhere San Francisco) Project by revising Zoning Map Sheet ZN08 to rezone Assessor's Parcel Block No. 4287, Lot No. 007, at 25th and Connecticut Streets from Public (P) to Residential, Mixed Districts, Moderate Density (RM-2); revising Zoning Map Sheet HT08 to rezone Assessor's Parcel Block No. 4287, Lot Nos. 001A and 007, from a 40-X height and bulk limit to a 50-X height and bulk limit; and making environmental findings under the California Environmental Quality Act, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160385 [Transportation Code - Fare Evasion and Passenger Conduct Regulations]****Sponsors: Mar, Campos, Breed and Cohen**

Ordinance amending the Transportation Code to consolidate and clarify existing fare evasion regulations, revise passenger conduct violations to make consistent with recent state law changes, and authorize the San Francisco Municipal Transportation Agency to establish separate fine amounts for fare evasion and passenger conduct violations committed by youth; and affirming the Planning Department's determination under the California Environmental Quality Act. (Municipal Transportation Agency)

*Supervisors Breed and Cohen requested to be added as a co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

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

**Supervisor Cohen, seconded by Supervisor Campos, 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 guests. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

*President Breed introduced, welcomed, and presented a Certificate of Honor to Errol Hall in recognition of his accomplishments and continued community support.*

*Supervisor Campos introduced, welcomed, and presented a Certificate of Honor to Kathy Wolfe in recognition of her accomplishments and continued community support.*

*Supervisor Cohen introduced, welcomed, and presented a Certificate of Honor to Dr. Toyé Moses in recognition of his accomplishments and continued community support.*

*Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to the Altimer's Association in recognition of their accomplishments and continued community support.*

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Corporal Magdalena Leones, Filipino Silver Star WWII Medalist, who passed away on June 16, 2016, in recognition of her accomplishments and continued community support.*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Laurel Kloomok of the First5 Commission in recognition of her accomplishments and retirement. Supervisors , Yee, Cohen and Avalos shared in this commendation.*

## **Appointment of President Pro Tempore**

*At the request of President Breed, Supervisor Avalos assumed the chair at 2:47 p.m. The President resumed the chair at 2:55 p.m.*

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

### **160400 [Public Hearing - Appeal of Conditional Use Authorization - 1066 Market Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 124(f) and 303, for a proposed project at 1066 Market Street, Assessor's Parcel Block No. 0350, Lot No. 003, identified in Planning Case No. 2013.1753CXV, issued by the Planning Commission by Motion No. 19594 dated March 17, 2016, to allow additional square footage above the base floor area ratio for dwelling units that will be affordable for the life of the project to households whose incomes are within 90% of the area median income. (District 6) (Appellant: Donald Falk, on behalf of the Tenderloin Neighborhood Development Corporation) (Filed April 18, 2016). (Clerk of the Board)

*The President opened the public hearing and inquired as to whether any member of the public wished to address the Board. Ace Washington provided comments on the matter. The President declared public comment closed.*

**HEARD AND FILED**

### **160401 [Approving Conditional Use Authorization - 1066 Market Street]**

Motion approving the decision of the Planning Commission by its Motion No. 19594, approving a Conditional Use Authorization identified as Planning Case No. 2013.1753CXV for a proposed project located at 1066 Market Street, and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **160402 [Disapproving Conditional Use Authorization - 1066 Market Street]**

Motion disapproving the decision of the Planning Commission by its Motion No. 19594, approving a Conditional Use Authorization identified as Planning Case No. 2013.1753CXV for a proposed project located at 1066 Market Street. (Clerk of the Board)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

### **160403 [Preparation of Findings Related to Conditional Use Authorization Appeal - 1066 Market 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. 2013.1753CXV for a proposed project located at 1066 Market Street. (Clerk of the Board)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## SPECIAL ORDER 3:00 P.M.

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

#### **160505 [Hearing - Report of Assessment Costs for Sidewalk Inspection and Repair Program - June 28, 2016]**

Hearing to consider objections to a report of assessment costs submitted by the Director of Public Works for work done or caused to be done through the Sidewalk Inspection and Repair Program, pursuant to the provisions of Public Works Code, Section 706.9, and Administrative Code, Section 80, the costs thereof having been paid for by the City and County out of a revolving fund, to be held on June 28, 2016, scheduled pursuant to Motion No. M16-064, approved May 17, 2016. (Clerk of the Board)

*The President opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to assessments costs for sidewalk inspection and repair as referenced in File Nos. 160505 and 160506. Kristin Lo (Public Works) provided an overview of the assessments. Female Speaker; Brent Berg; Male Speaker; Brad Moragian; James Gonzales; Carmen Keets (Dogpatch San Francisco); Tom Betan; Ms. Bolton; Mathew Wellick; Female Speakers; Herbert Wine; Ms. Canestine; Male Speaker; Ace Washington; Francisco Da Costa; spoke objecting to the proposed assessments. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

### Committee of the Whole Adjourn and Report

#### **160506 [Report of Assessment Costs for Sidewalk Inspection and Repair Program]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs through the Sidewalk Inspection and Repair Program ordered to be performed by said Director pursuant to Public Works Code, Sections 706.9 and Administrative Code, Section 80, the costs thereof having been paid for out of a revolving fund. (Public Works)

*Kristin Lo and Judy Leong (Public Works) responded to questions raised throughout the discussion and indicated that the following addresses be removed from the accompanying report due to recent resolution or receipt of payment: 1703 Baker Street; 1427 27th Avenue; 2179 12th Avenue; 329 Quintara Street; 2100 12th Avenue; 335 Hearst Avenue; 128 27th Street; 128 Tingley Street; 968 York Street; 7 Nebraska Street; 227 Andover Street; 25 Benington Street; 2125 18th Street; 736 Kansas Street; 609 Connecticut Street; 1108 Brazil Avenue; 1599 Alemany Blvd; 62 Cotter Street. The amendments to the accompanying report, as provided by the Public Works, included in File No. 150506, were received without objection.*

**Resolution No. 256-16**

**ADOPTED, after accepting the amendments to the accompanying report, by the following vote:**

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

Noes: 1 - Campos

## COMMITTEE REPORTS

### Referred Without Recommendation from the Land Use and Transportation Committee

*President Breed requested File Nos. 160690 and 160691 be called together.*

#### **160690 [Mission Bay South - Accepting Portions of Channel, El Dorado Street North and South, and Long Bridge Street]**

**Sponsor: Kim**

Ordinance accepting the irrevocable offer of public infrastructure acquisition facilities associated with Mission Bay South Redevelopment Plan Block 13 on Channel, El Dorado Street North, El Dorado Street South, and Long Bridge Street ("Block 13 Public Infrastructure"); accepting an irrevocable offer of dedication for real property underlying a portion of Long Bridge Street; declaring City property and additional property as shown on official Public Works maps as open public right-of-way; dedicating the Block 13 Public Infrastructure for public use and designating such streets and associated Public Infrastructure for public street and roadway purposes; establishing official public right-of-way widths and street grades; amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to establish official sidewalk width on the abovementioned streets; accepting the Block 13 Public Infrastructure for City maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Public Works Order; and authorizing official acts in connection with this Ordinance.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

#### **160691 [Mission Bay South - Park P26 Acceptance]**

**Sponsor: Kim**

Ordinance dedicating City-jurisdictional property, located on a portion of State Trust Parcel 14, commonly known as Mission Bay Park P26, lying along Mariposa Street and Owens Street, as open public right-of-way and naming the new park "Mariposa Park," accepting an irrevocable offer for the acquisition facilities that comprise the park improvements; designating said facilities for public open space and park purposes, accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Public Works Order; and authorizing official acts in connection with this Ordinance.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Abdalla Megahed; shared concerns regarding the Mario Woods incident and homelessness.*

*Cecilia Liu; shared concerns regarding discrimination against Falun Gong organizations and exclusion from the Cherry Blossom Festival parade.*

*David Woo; shared concerns regarding discrimination against Falun Gong organizations and exclusion from the Cherry Blossom Festival parade.*

*Male speaker; shared concerns regarding discrimination against Falun Gong organizations and organ harvesting in China.*

*Edna Hill; shared concerns regarding discrimination against Falun Gong organizations and organ harvesting in China.*

*Tom Shiu; shared concerns regarding discrimination against Falun Gong organizations and organ harvesting in China.*

*Ace Washington, shared concerns related to immigration and other issues.*

*Christop Dahl; shared concerns relating to commercial use of public bus stops.*

*Silvia Johnson; shared various general concerns.*

*Levette Arnold; shared concerns related to retaliation for protesting against various issues and homelessness.*

*Female Speaker; shared concerns related to her son's unsolved homicide and homelessness.*

*Michael Petrelis; shared concerns related to the failure of certain organizations to honor the LGBD community in relation to the Orlando Massacre by not flying flags at half mast.*

*Tom Gilberti, shared concerns related to affordable housing.*

*Male Speaker; shared concerns related to using storage lockers as homes for the homeless.*

*Andrew Yip, shared various concerns with the Board.*

*Male Speaker; spoke on various religious concerns.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **160722 [National Alzheimer's and Brain Awareness Month - June 2016 - The Longest Day - June 20th, 2016]**

**Sponsor: Farrell**

Resolution recognizing June 2016 as National Alzheimer's and Brain Awareness Month, and June 20th, 2016, as "The Longest Day" in the City and County of San Francisco.

**Resolution No. 265-16**

**ADOPTED**

### **160724 [Approval of a 30-Day Extension for Planning Commission Review of Medical Service Use in the Sacramento Street Neighborhood Commercial District (File No. 160656)]**

**Sponsor: Farrell**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 160656) amending the Planning Code to prohibit a change of use from a business or professional service use to a medical service use on the first floor or below in the Sacramento Street Neighborhood Commercial 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.

**Resolution No. 267-16**

**ADOPTED**

**160726 [Approval of a 30-Day Extension for Planning Commission Review for Student Housing Exemption from Inclusionary Housing Requirements (File No. 160510)]**  
**Sponsor: Wiener**

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 160510) amending the Planning Code to change the requirement from five to two years that Student Housing be owned or leased by an educational institution to be exempt from the Inclusionary Housing Program; 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.

**Resolution No. 269-16**

**ADOPTED**

**160714 [Committee of the Whole - Report of Assessment Costs - Building Code Enforcement Violations]**

Motion scheduling the Board of Supervisors to convene a Committee of the Whole on July 26, 2016, at 3:00 p.m. to hold a public hearing on a Resolution confirming Report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of San Francisco Building Code, Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above. (Clerk of the Board)

**Motion No. M16-088**

**APPROVED**

**160717 [Final Map 8774 - 3420-18th Street]**

Motion approving Final Map 8774, a 16 residential unit and one commercial unit, mixed-use condominium project, located at 3420-18th Street, being a subdivision of Assessor's Block Parcel No. 3576, Lot No. 090, and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M16-089**

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee



## **Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Peskin requested that File Nos. 160696 and 160725 be severed so that it may be considered separately.*

### **160696 [Urging California State Legislators to Amend or Oppose California State Assembly Bill 650 (Low) in Recognition of Negative Impact on Local Transportation Services and Consumer Safety Protection]**

**Sponsors: Peskin; Campos and Mar**

Resolution urging California state legislators to amend or oppose California State Assembly Bill 650, "Public Utilities Commission: Regulation of Taxicabs," authored by Assembly Member Evan Low, in recognition of negative impacts on local transportation services and consumer safety protection.

*Supervisor Mar requested to be added as a co-sponsor.*

**Supervisor Peskin, seconded by Supervisor Tang, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page, 2, Line 3, to remove 'WHEREAS, AB 650 also amends California Vehicle Code, Section 21100 to eliminate explicit language granting local entities the authority to regulate motor vehicles for hire, and would also impact their authority to regulate local shuttles; and' . The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**Resolution No. 264-16**

**Supervisor Peskin, seconded by Supervisor Tang, moved to waive Board Rule 2.10 and that the Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:**

Ayes: 9 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Yee

Noes: 2 - Cohen, Wiener

### **160725 [Urging the San Francisco Legislative Delegation to Oppose California State Assembly Bill 2788 (Gatto) - Wireless Telecommunications Facilities]**

**Sponsor: Peskin**

Resolution urging the San Francisco Legislative Delegation to oppose California State Assembly Bill 2788, introduced by Assembly Member Gatto, regarding wireless telecommunications facilities, due to its preemption of local land use controls, elimination of local agency review and lack of public access to the wireless permitting process.

**Supervisor Peskin, seconded by Supervisor Avalos, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE on Page 2, Lines 13-15, by replacing 'WHEREAS, Any potential amendments to address the overreaching and preemptive nature of Assembly Bill 2788 are made impossible given the limited window of time left in the legislative session to consider amendments' with the following 'WHEREAS, After these and other concerns were represented to Assembly Member Gatto by a diversity of Constituencies, he has withdrawn Assemble Bill 288 for the near-term'; Page 2, Line 17, by inserting 'and future legislation that would replicate its current provisions'; and Page 2, Line 22, by inserting 'and future legislation that would replicate its current provisions'. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**Resolution No. 268-16**

**ADOPTED AS AMENDED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

Supervisor Farrell requested that File No. 160723 be severed so that it may be considered separately.

**160723 [Urging the San Francisco Employees' Retirement System and Retirement Board to Divest from Firearm and Ammunition Manufacturers]**

**Sponsors: Farrell; Campos**

Resolution urging the San Francisco Employees' Retirement System and Retirement Board to divest from firearm and ammunition manufacturers.

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

**Supervisor Avalos requested that this Resolution be DUPLICATED.**

*See Duplicated File No. 160767.*

**Resolution No. 266-16**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener, Yee

**160767 [Urging the San Francisco Employees' Retirement System and Retirement Board to Divest from Firearm and Ammunition Manufacturers]**

**Sponsor: Avalos**

Resolution urging the San Francisco Employees' Retirement System and Retirement Board to divest from firearm and ammunition manufacturers.

*Duplicated from File No. 160723.*

**Supervisor Avalos requested the Resolution be referred to the Budget and Finance Committee.**

## **IMPERATIVE AGENDA**

*There were no imperative agenda items.*

## 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.*

### Ordinances

#### **151258 [Planning Code - Affordable Housing Requirement and Fee in Divisadero and Fillmore Neighborhood Commercial Transit Districts]**

**Sponsor: Breed**

Ordinance amending the Planning Code to require additional affordable housing or payment of a fee 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 in 2015; 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.

12/08/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

12/16/15; REFERRED TO DEPARTMENT.

01/25/16; RESPONSE RECEIVED.

02/04/16; REMAIN ACTIVE.

04/05/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

04/13/16; REFERRED TO DEPARTMENT.

04/15/16; RESPONSE RECEIVED.

06/28/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

#### **160362 [Administrative Code - Collection of Sexual Orientation and Gender Identity Data]**

**Sponsors: Wiener; Yee, Campos, Farrell and Cohen**

Ordinance amending the Administrative Code to require City departments and contractors that provide health care and social services to seek to collect and analyze data concerning the sexual orientation and gender identity of the clients they serve.

04/12/16; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 5/12/2016.

04/18/16; REFERRED TO DEPARTMENT.

06/28/16; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

**160747 [Administrative Code - Health Service System Plans and Contribution Rates for Calendar Year 2017]****Sponsor: Farrell**

Ordinance approving Health Service System plans and contribution rates for calendar year 2017, and amending the Administrative Code to remove those rates from the Code. (Health Service System)  
(Fiscal Impact)

06/28/16; ASSIGNED to Budget and Finance Sub-Committee.

**160748 [Planning Code - Amusement Arcades in South of Market and Eastern Neighborhoods Mixed Use Districts]****Sponsor: Kim**

Ordinance amending the Planning Code to allow amusement arcades in all South of Market and Eastern Neighborhoods Mixed Use Districts except for the Residential Enclave Districts; 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 adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.

06/28/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/28/2016.

**160749 [Administrative Code - Neighborhood Crime Unit in Police Department]****Sponsor: Yee**

Ordinance amending the Administrative Code to create the Neighborhood Crime Unit in the Police Department, to be activated when the Controller certifies that the Department is at the full staffing level mandated in the Charter, and to set minimum staffing levels for and assign duties to the Unit. (Fiscal Impact; No Budget and Legislative Analyst Report)

06/28/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 7/28/2016.

**160750 [Public Works Code - City Responsibility for Maintaining Street Trees]****Sponsor: Yee**

Ordinance amending the Public Works Code to transfer responsibility for the maintenance of street trees to the City; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact; No Budget and Legislative Analyst Report)

06/28/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Sub-Committee, expires on 7/28/2016.

**Resolutions****160751 [Sublease of Non-Profit Office Space Under City's Master Lease - At The Crossroads - 167 Jessie Street - \$1 per Year Base Rent]****Sponsors: Mayor; Kim**

Resolution authorizing the Sublease between the City and County of San Francisco, as Tenant and Sublandlord, and At The Crossroads, as Subtenant, of 4,124 rentable square feet in the building located at 167 Jessie Street, for an initial term of five years at a base rent of \$1 per year, to commence upon approval by the Board of Supervisors and Mayor, in their respective sole and absolute discretion. (Mayor's Office of Housing and Community Development)

06/28/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**160752 [Agreement - SPX Genfare - Procurement, Installation, and Maintenance of a Transit Vehicle Farebox System - Not to Exceed \$29,264,755]****Sponsor: Breed**

Resolution approving the agreement with SPX Genfare, for services related to the procurement, installation, and maintenance of a Transit Vehicle Farebox System, which includes fareboxes, a Revenue Transfer and Collection System, a Data Collection and Reporting System, Computer Aided Dispatch/Automatic Vehicle Location System Integration, and five years of warranty and preventative maintenance services, in an amount not to exceed \$30,000,000 and for an initial term that includes an installation period plus five years commencing August 1, 2016, or later, with the option to extend for up to two five-year terms for a total term not to exceed 16 years. (Municipal Transportation Agency)  
(Fiscal Impact)

06/28/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**160753 [Civic Center Community Benefit District - Annual Report to the City - FY2014-2015]****Sponsors: Kim; Breed**

Resolution receiving and approving an annual report for the Civic Center Community Benefit District for FY2014-2015, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4. (Department of Economic and Workforce Development)

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160754 [North of Market/Tenderloin Community Benefit District - Annual Reports to the City - FYs 2013-2014 and 2014-2015]****Sponsor: Kim**

Resolution receiving and approving annual reports for the North of Market/Tenderloin Community Benefit District for FYs 2013-2014 and 2014-2015, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. (Department of Economic and Workforce Development)

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160755 [Owner Participation/Disposition and Development Agreement - Successor Agency to the San Francisco Redevelopment Agency Land - Block One Property Holder, L.P. - Transbay Block One]****Sponsor: Kim**

Resolution approving the disposition of land located on the southern one-third of the block bounded by Howard, Spear, Folsom, and Main Streets, Assessor's Parcel Block No. 3740, Lot No. 027, by the Office of Community Investment and Infrastructure, as Successor Agency to the San Francisco Redevelopment Agency, to Block One Property Holder, L.P, a Delaware limited partnership and an affiliate of Tishman Speyer, for the purpose of developing affordable for-sale housing for low and moderate income households; and making findings under California Health and Safety Code, Section 33433.

06/28/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**160756 [Establish Yerba Buena Gardens Conservancy - Yerba Buena Gardens Operations and Management]****Sponsor: Kim**

Resolution establishing a new public benefit civic nonprofit entitled the Yerba Buena Gardens Conservancy to assume long-term operating and management responsibility for Yerba Buena Gardens under a master lease with the City of San Francisco.

(Fiscal Impact; No Budget and Legislative Analyst Report)

06/28/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

**160612 [Board Response - Civil Grand Jury - Auto Burglary in San Francisco]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Auto Burglary in San Francisco;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

06/20/16; REFERRED TO DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160757 [Urging the Bay Area Air Quality Management District to Adopt a Refinery Emission Reduction Rule that Includes Enforceable Numeric Limits on Refinery-Wide Emissions of Greenhouse Gas and Particulate Matter Air Pollution]****Sponsors: Avalos; Mar**

Resolution urging the Board of Directors of the Bay Area Air Quality Management District to adopt a version of Regulation 12, Rule 16, which includes all four proposed refinery emission reduction options, including the Community-Worker Alternative to adopt enforceable numeric emission limits to ensure the health and safety of both refinery workers and the greater community.

06/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**160758 [Affirming San Francisco's Commitment to the Success of the Department of Homelessness and Supportive Housing]****Sponsor: Peskin**

Resolution affirming that the Board of Supervisors will not approve policies or submit ballot measures that underfund or otherwise undermine the ability of the Department of Homelessness and Supportive Housing to successfully implement a housing first and public health approach to addressing homelessness.

06/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**160759 [Urging the California Public Utilities Commission to Adopt Conviction History Regulations In Furtherance of a Level Regulatory Playing Field And In Compliance With San Francisco's 2014 Fair Chance Ordinance]**

**Sponsor: Peskin**

Resolution urging the California Public Utilities Commission to adopt new regulations of Transportation Network Companies that would require the same fingerprint-based criminal background checks currently required of traditional taxi cab companies, and supporting the California Public Utilities Commission's solicitation for comment regarding the current method of criminal background checks for Transportation Network Companies.

06/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**160765 [Declaration of Election Results of the June 7, 2016, Consolidated Municipal Election]**

Resolution declaring the results of the June 7, 2016, Consolidated Municipal Election. (Clerk of the Board)

06/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Motions**

**160760 [Initiative Ordinance - Business and Tax Regulations and Administrative Codes - Tax on Technology Companies to Fund Affordable Housing and Homeless Services; Business Registration Fee Reduction]**

**Sponsors: Mar, Peskin and Campos**

Motion ordering submitted to the voters at an election to be held on November 8, 2016, an Ordinance amending the Business and Tax Regulations Code and Administrative Code to reduce the business registration fee on persons with \$1,000,000 or less in gross receipts and to impose a new 1.5% special tax on the payroll expense of technology companies engaged in business in the City to fund affordable housing and homeless services; and increasing the City's appropriations limit by the amount of the new tax for four years from November 8, 2016. (Economic Impact) (Supervisor Yee dissented in Committee.)

06/28/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/27/2016.

**160761 [Initiative Ordinance - Police Code - Process for Removal of Encampments and Transition to Housing]**

**Sponsor: Peskin**

Motion ordering submitted to the voters, at an election to be held on November 8, 2016, an Ordinance amending the Police Code to provide a process for the removal of encampments when housing or shelter is available for encampment residents.

06/28/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/27/2016.

**160762 [Calling from Committee - Committee of the Whole - Planning Code Amendment (File No. 160252) - Construction of Accessory Dwelling Units]****Sponsor: Peskin**

Motion calling from the Land Use and Transportation Committee, pursuant to Board Rule 3.37, the proposed Ordinance (File No. 160252) amending the Planning Code to allow for the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) on all lots in the City in areas that allow residential use, and scheduling the Board of Supervisors to sit as a Committee of the Whole on July 19, 2016, at 3:00 p.m., to hold a public hearing to consider the proposed Ordinance.

06/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**160745 [Closed Session - Existing Litigation - David Zeller]**

Motion that the Board of Supervisors convene in closed session on July 12, 2016, for the purpose of conferring with, or receiving advice from the City Attorney regarding existing litigation relating to the lawsuit filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. City of San Francisco, et al.; in which the City is a defendant; pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), which permits this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the existing litigation. (Clerk of the Board)

06/28/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Requests for Hearing****160763 [Hearing - San Francisco Employee Retirement System Investments in the United States Military Industrial Complex]****Sponsor: Avalos**

Hearing on the extent of San Francisco Employees Retirement System (SFERS) investments in military armaments, gun, and munitions manufacturers, including a report on total investments in the United States Military Industrial Complex, nuclear weapons, armaments, and gun and ammunition manufacturers; and requesting SFERS to report.

06/28/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**160764 [Hearing - Bicyclist Fatalities, Bike Lane Safety, and Enforcement]****Sponsors: Kim; Mar, Avalos, Peskin, Campos and Yee**

Hearing on recent bicyclist fatalities, bike lane safety, and enforcement City-wide, with special attention to SF Vision Zero's "high-injury" network area; and requesting the San Francisco Municipal Transportation Agency, Police Department, and the Department of Public Health to report.

06/28/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

**160611 [Hearing - Civil Grand Jury - Auto Burglary in San Francisco]**

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "Auto Burglary in San Francisco." (Clerk of the Board)

06/20/16; REFERRED TO DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.



**160715 [Hearing - Report of Assessment Costs - Building Code Enforcement Violations]**

Hearing to consider objections to a report of delinquent charges for assessment costs submitted by the Director of the Department of Building Inspection for delinquent charges for code enforcement violations and associated fees pursuant to the provisions of San Francisco Building Code, Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, submitted by the Director of the Department of Building Inspection for services rendered by said Department of costs thereof having accrued pursuant to code violations referenced above; scheduled pursuant to Motion No. M16-088, approved on June 28, 2016. (Clerk of the Board)

06/28/16; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**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****160702 [Amending Ordinance No. 1061 - Sidewalk Width Change - Portions of Henry Adams, Alameda, Rhode Island, and Division Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to change the official sidewalk width at 1 Henry Adams Street along Alameda, Rhode Island, Division, and Henry Adams Streets on Assessor's Parcel Block No. 3911, Lot No. 001; adopting the Planning Commission's 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. (Public Works)

06/13/16; RECEIVED FROM DEPARTMENT.

06/28/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 7/28/2016.

**160703 [Settlement of Lawsuit - Muaadh Alawadhi and Suad Mahyoub - \$156,250]**

Ordinance authorizing settlement of the lawsuit filed by Muaadh Alawadhi and Suad Mahyoub against the City and County of San Francisco for \$156,250; the lawsuit was filed on January 7, 2015, in San Francisco Superior Court, Case No. CGC-15-543559; entitled Muaadh Alawadhi, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged medical negligence; other material terms of the settlement are co-defendant Regents of the University of California to pay \$156,250. (City Attorney)

06/16/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160704 [Settlement of Lawsuit - Ricardo Palikiko-Garcia, Stanley Harris, and Keith Dwayne Richardson - \$90,000]**

Ordinance authorizing settlement of the lawsuit filed by Ricardo Palikiko-Garcia, Stanley Harris, and Keith Dwayne Richardson against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 16, 2016, in United States District Court for the Northern District of California, Case No. C16-1305 JCS; entitled Ricardo Palikiko-Garcia, et al. v. City and County of San Francisco, et al.; the lawsuit involves allegations of excessive force, cruel and unusual punishment, and egregious government conduct. (City Attorney)

06/16/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160705 [Settlement of Lawsuit - Blue Cross of California and Anthem Blue Cross Life and Health Insurance Company - City to Receive \$6,250,000 and Future Payments]**

Ordinance authorizing settlement of the lawsuit filed by the City Attorney, acting on behalf of the People of the State of California, against Blue Cross of California dba Anthem Blue Cross, Anthem Blue Cross Life and Health Insurance Company (collectively, "Blue Cross") and Health Net of California for the payment by Blue Cross of \$6,250,000 in restitution and civil penalties for under-reimbursing Zuckerberg San Francisco General Hospital and Trauma Center ("ZSFG") for emergency medical care provided to Blue Cross's insureds prior to July 1, 2015, and for the payment of additional amounts for such emergency medical care provided between July 1, 2015, and June 30, 2019; the lawsuit was filed on May 24, 2011, in San Francisco Superior Court, Case No. 11-511181; entitled People of the State of California v. Blue Cross of California, et al.; other material terms of said settlement are that Blue Cross and the City will enter into a prompt payment agreement under which Blue Cross agrees to pay and ZSFG agrees to accept certain specified rates for treatment provided by ZSFG to Blue Cross's insureds for emergency medical services rendered from July 1, 2015, through at least June 30, 2019. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160706 [Settlement of Lawsuit - State Farm General Insurance Company - \$90,000]**

Ordinance authorizing settlement of the lawsuit filed by State Farm General Insurance Company against the City and County of San Francisco for \$90,000; the lawsuit was filed on February 13, 2014, in San Francisco Superior Court, Case No. CGC-14-537478; entitled State Farm General Insurance Company v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160707 [Settlement of Lawsuit - Paul Walker - \$80,000]**

Ordinance authorizing settlement of the lawsuit filed by Paul Walker against the City and County of San Francisco for \$80,000; the lawsuit was filed on November 10, 2015, in United States District Court, Northern District, Case No. CV-15-5129-JCS; entitled Paul Walker v. City and County of San Francisco; the lawsuit involves alleged Americans with Disabilities Act violations. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160708 [Settlement of Lawsuit - Mery Perez - \$87,500]**

Ordinance authorizing settlement of the lawsuit filed by Mery Perez against the City and County of San Francisco for \$87,500; the lawsuit was filed on February 9, 2015, in San Francisco Superior Court, Case No. CGC-15-544024; entitled Mery Perez v. City and County of San Francisco; the lawsuit involves a medical malpractice claim; other material terms of the settlement are that co-defendant Dr. Derrick Lung is to pay \$87,500. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160709 [Settlement of Lawsuit - People of the State of California - \$250,000]**

Ordinance authorizing settlement of the lawsuit filed by the People of the State of California against the City and County of San Francisco for \$250,000; the lawsuit will be filed in Alameda County Superior Court; and be entitled People of the State of California v. San Francisco Public Utilities Commission and the City and County of San Francisco; the lawsuit involves alleged violations of California pollution prevention and hazardous materials laws at Public Utilities Commission facilities near Sunol in Alameda. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

**160710 [Real Property Lease - Townsend Associates, LLC - 650-5th Street, Suites 307-309 and Four Parking Stalls - \$177,480 Annual Base Rent]**

Resolution authorizing the lease of approximately 3,060 square feet at 650-5th Street, Suites 307-309, with four parking stalls, with Townsend Associates, LLC, a California limited liability company, for a five year term commencing upon approval by the Board of Supervisors and Mayor, with one option to extend for three years at the monthly base rent of \$14,790, for a total annual base rent of \$177,480. (Public Health Department)

06/20/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**160711 [Real Property Lease Amendment - Orchard Supply Company, LLC - San Francisco Utilities Commission Parcel No. 29 in Millbrae, CA - \$460,673]**

Resolution authorizing the amendment of Orchard Supply Company, LLC's lease of property from the City and County of San Francisco, to reduce the size of the leased premises to accommodate the San Francisco Public Utilities Commission (SFPUC) Regional Groundwater Storage and Recovery Project, Project No. CUW30103, in consideration of City's payment of \$460,673; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code, Chapter 31; adopting findings of consistency with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property and/or the SFPUC General Manager to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Public Utilities Commission)  
(Fiscal Impact)

06/20/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**160712 [Contract Agreement - Newcomb Anderson McCormick - Professional Services Related to Energy and Climate Programs - Not to Exceed \$44,000,000]**

Resolution approving an agreement with Newcomb Anderson McCormick for professional services related to energy and climate programs, for a five year term to commence following Board approval through June 1, 2021, at a total cost not to exceed \$44,000,000. (Environment) (Fiscal Impact)

06/17/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**160713 [Settlement of Unlitigated Claim - Isis, also known as Isis Bastet - \$59,155]**

Angela Calvillo, Clerk of the Board

Resolution approving the settlement of the unlitigated claim filed by Isis, also known as Isis Bastet, against the City and County of San Francisco for \$59,155; the claim was filed on March 10, 2016; the claim involves an employment dispute. (City Attorney)

06/16/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**160716 [Report of Assessment Costs - Building Code Enforcement Violations]**

Resolution approving Report of Delinquent Charges for Assessment Costs submitted by the Director of the Department of Building Inspection for delinquent charges for code enforcement violations and associated fees pursuant to Building Code, Sections 102A.3, 102A.4, 102A.6, 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3, 108A, and 110A - Tables 1A-K and 1A-G, the costs thereof having accrued pursuant to code enforcement violations. (Building Inspection Department)

06/20/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Board of Supervisors.

**In Memoriams**

*John L. Taylor - Entire Board  
Katherine Slattery - Supervisor Kim  
Cpl. Magdalena Leones - Supervisor Kim  
Heather Miller - Supervisor Mar  
Joseph G. Lambert - Supervisor Avalos*

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 5:43 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 August 2, 2016.*

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Angela Calvillo, Clerk of the Board