

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, December 6, 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, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

<b>Budget and Finance 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, 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, 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, December 6, 2016, with President London Breed presiding.*

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*President Breed called the meeting to order at 2:07 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.*

*President Breed asked for a moment of silence to remember the 36 confirmed victims of the December 2, 2016, fire at the Oakland Ghost Ship warehouse.*

*Supervisor Kim was noted present at 2:09 p.m.*

## COMMUNICATIONS

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence at approximately 12:15 p.m. on December 5, 2016, from former Supervisor Scott Wiener of his immediate resignation from the Board of Supervisors of the City and County of San Francisco and his simultaneous swearing in as a member of the California State Senate. The notification of his resignation precipitated a vacancy in the representation of the Office of the District 8 Supervisor.*

## APPROVAL OF MEETING MINUTES

*President Breed inquired whether any Board Member had any corrections to the Regular Board Meeting Minutes of October 25, 2016. There were no corrections.*

**Supervisor Campos, seconded by Supervisor Yee, moved to approve the Regular Board Meeting Minutes of October 25, 2016. The motion carried by the following vote, following general public comment:**

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

## AGENDA CHANGES

*There were no agenda changes.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

#### **161141 [Settlement of Lawsuit and Supplemental Appropriation - First National Insurance Company of America - \$405,000]**

Ordinance authorizing settlement of the lawsuit filed by First National Insurance Company of America against the City and County of San Francisco for \$405,000; the lawsuit was filed on February 13, 2015, in San Francisco Superior Court, Case No. CGC-15-544117; entitled First National Insurance Company of America v. City and County of San Francisco, et al.; the lawsuit involves alleged water main break and flooded property; and appropriating \$405,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

**Ordinance No. 247-16**

**FINALLY PASSED**

#### **161142 [Settlement of Lawsuit - Beresford Corporation, a California Corporation - \$52,500]**

Ordinance authorizing settlement of the lawsuit filed by Beresford Corporation, a California Corporation, against the City and County of San Francisco for \$52,500; the lawsuit was filed on October 30, 2014, in San Francisco Superior Court, Case No. CGC-14-542440; entitled Beresford Corporation, A California Corporation v. City and County of San Francisco, DOE 1 - 10, Inclusive; the lawsuit involves a demand for tax refund. (City Attorney)

**Ordinance No. 248-16**

**FINALLY PASSED**

### Recommendation of the Land Use and Transportation Committee

#### **160510 [Planning Code - Student Housing Exemption from Inclusionary Housing Requirements]**

**Sponsor: Wiener**

Ordinance 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 public necessity, convenience, and welfare under Planning Code, Section 302, and of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**Ordinance No. 245-16**

**FINALLY PASSED**

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Budget and Finance Committee

*President Breed requested File Nos. 161035, 161036, 161037, 161038, 161039 and 161116 be called together. Privilege of the floor was granted unanimously to Buck Delventhal and William Sanders (Office of the City Attorney) who responded to questions raised throughout the discussion on these matters.*

#### **161035 [Resolution of Intention to Establish Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]**

**Sponsors: Mayor; Kim**

Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein to finance the construction and/or acquisition of facilities on Treasure Island and Yerba Buena Island; to provide for annexation; to call a public hearing on December 6, 2016, at 3:00 p.m. on the formation of the district and project areas therein, and to provide public notice thereof; and determining other matters in connection therewith.

(Fiscal Impact)

**Supervisor Kim, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6-7, and Page 11, Line 10, by striking 'December 6, 2016' and adding 'January 24, 2017'; on Page 5, Line 3, through Page 6, Line 24, by adding 12 'WHEREAS' clauses; and on Page 12, Lines 7-12, by adding a 'FURTHER RESOLVED' clause. The motion carried by the following vote:**

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

Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein to finance the construction and/or acquisition of facilities on Treasure Island and Yerba Buena Island; to provide for annexation; to call a public hearing on January 24, 2017, at 3:00 p.m. on the formation of the district and project areas therein, and to provide public notice thereof; and determining other matters in connection therewith.

(Fiscal Impact)

**Resolution No. 503-16**

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

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

**161036 [Authorizing the Director of the Office of Public Finance to Prepare an Infrastructure Financing Plan - Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]**

**Sponsors: Mayor; Kim**

Resolution authorizing and directing the Director of the Office of Public Finance, or designee thereof, to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith.

(Fiscal Impact)

**Resolution No. 504-16**

**ADOPTED by the following vote:**

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

**161037 [Resolution of Intention to Issue Bonds Related to Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]**

**Sponsors: Mayor; Kim**

Resolution of intention to issue bonds for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island); and determining other matters in connection therewith.

(Fiscal Impact)

**Supervisor Kim, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 8, Lines 11, 16, and 18 by striking 'December 6, 2016' and adding 'January 24, 2017.' The motion carried by the following vote:**

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

(Fiscal Impact)

**Resolution No. 505-16**

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

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

**161038 [Resolution of Intention to Establish Community Facilities District No. 2016-1 (Treasure Island)]**

**Sponsors: Mayor; Kim**

Resolution of Intention to establish City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island), Improvement Area No. 1 and a Future Annexation Area; to call a public hearing on December 6, 2016, at 3:00 p.m. on the formation of the district, and to provide public notice thereof; and determining other matters in connection therewith.

**Supervisor Kim, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, and Page 18, Line 10, by striking 'December 6, 2016' and adding 'January 24, 2017.' The motion carried by the following vote:**

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

Resolution of Intention to establish City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island), Improvement Area No. 1 and a Future Annexation Area; to call a public hearing on January 24, 2017, at 3:00 p.m. on the formation of the district, and to provide public notice thereof; and determining other matters in connection therewith.

**Resolution No. 506-16**

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

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

**161039 [Resolution of Intention to Incur Bonded Indebtedness - Communities Facilities District No. 2016-1 (Treasure Island) - Not to Exceed \$5,000,000,000]**

**Sponsors: Mayor; Kim**

Resolution of intention to incur bonded indebtedness and other debt in an amount not to exceed \$5,000,000,000 for the City and County of San Francisco Community Facilities District No. 2016-1 (Treasure Island); and determining other matters in connection therewith.

**Supervisor Kim, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Line 3, by striking 'December 6, 2016' and adding 'January 24, 2017.' The motion carried by the following vote:**

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

**Resolution No. 510-16**

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

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

**161116 [Approving Infrastructure and Revitalization Financing Plan - Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]**

**Sponsor: Mayor**

Resolution approving the Infrastructure Financing Plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith.  
(Fiscal Impact)

**Resolution No. 512-16**

**ADOPTED by the following vote:**

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

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

**161069 [Health Code - Definition of Projects and Responsibilities for Alternate Water Sources]**

**Sponsors: Wiener; Farrell**

Ordinance amending the Health Code to revise the definition of development projects subject to the requirements for an Alternate Water Source system and the definitions of large and small residential projects subject to specific requirements for such a system, and providing authorization for the review and approval of alternative means of compliance; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

**Ordinance No. 246-16**

**FINALLY PASSED by the following vote:**

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

#### **161110 [Police Code - Choice of Communications Services Providers in Multiple Occupancy Buildings]**

**Sponsors: Farrell; Mar**

Ordinance amending the Police Code to prohibit owners of multiple occupancy buildings from interfering with the choice of communications services providers by occupants, establish requirements for communications services providers to obtain access to multiple occupancy buildings, and establish remedies for violation of the access requirement.

*Privilege of the floor was granted unanimously to Buck Delventhal and William Sanders (Office of the City Attorney) who responded to questions raised throughout the discussion.*

**Supervisor Peskin, seconded by Supervisor Kim, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of December 13, 2016, and schedule a Closed Session hearing on this subject matter to consult with the City Attorney. The motion FAILED by the following vote:**

Ayes: 3 - Campos, Kim, Peskin

Noes: 7 - Avalos, Breed, Cohen, Farrell, Mar, Tang, Yee

*Supervisor Peskin, seconded by Supervisor Yee, moved that the Board of Supervisors convene in Closed Session on December 13, 2016, to consult with the City Attorney on matters related to File No. 161110 regarding choice of communications services providers in multiple occupancy buildings. The motion passed by the following vote:*

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

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

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

Noes: 1 - Peskin

*President Breed requested File Nos. 161194, 161192 and 161193 be called together.*

#### **161194 [Appropriation - General Obligation Bond Proceeds - Public Health and Safety Projects - FY2016-2017 - \$176,000,000]**

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

Ordinance appropriating \$176,000,000 of the Series 2017A Health and Safety General Obligation Bond Proceeds to Public Works in FY2016-2017 for improvements and seismic strengthening of public health and safety facilities for critical community and mental health, emergency response and safety, and homeless shelter and service.

(Fiscal Impact)

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

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

**161237 [Waiver of Banner Fee - Office of Economic and Workforce Development - Shop and Dine in the 49 Campaign]****Sponsor: Tang**

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for up to 300 banners to be placed by the Office of Economic and Workforce Development to publicize the City's "Shop and Dine in the 49" campaign.

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

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

**161075 [Accept and Expend Grant - Regents of the University of California - GH13-1328, HQ, Technical Assistance to Countries Supported by the United States President's Emergency Plan for AIDS Relief and Global - \$132,973]****Sponsor: Farrell**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$132,973 from The Regents of the University of California to participate in a program entitled GH13-1328, HQ, Technical Assistance to Countries Supported by the United States President's Emergency Plan for AIDS Relief and Global for the period of April 1, 2016, through March 31, 2017.

**Resolution No. 511-16**

**ADOPTED by the following vote:**

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

**161096 [Emergency Declaration - Airport Runways 19L and 19R Seawall Erosion - Estimated Cost of Repairs Exceeds \$250,000]**

Resolution approving the Airport Director's declaration of an emergency for seawall erosion at the ends of Airport Runways 19L and 19R, estimated to cost more than \$250,000 to repair, pursuant to Administrative Code, Section 6.60(b). (Airport Commission)  
(Fiscal Impact)

**Resolution No. 524-16**

**ADOPTED by the following vote:**

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

**161185 [Planning and Engineering Agreement Amendment - Carollo Engineers, Inc. - New Southeast Plant Headworks Facility - Not to Exceed \$33,500,000]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 1 to Planning and Engineering Project Design Services Agreement No. CS-389 for specialized planning and engineering services for the proposed new headworks facility at the Southeast Water Pollution Control Plant between the City and County of San Francisco and Carollo Engineers, Inc., to extend the contract for three years and twenty days to commence November 30, 2020, for a total term of December 19, 2014, through December 19, 2023, for an additional amount of \$19,500,000 for a total agreement amount not to exceed \$33,500,000.  
(Public Utilities Commission)  
(Fiscal Impact)

*Privilege of the floor was granted unanimously to John Scarpulla (Public Utilities Commission) who responded to questions raised throughout the discussion.*

**Resolution No. 513-16**

**ADOPTED by the following vote:**

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

**161192 [Issuance of Taxable and Tax-Exempt General Obligation Bonds (Public Health and Safety, 2016) - Not to Exceed \$350,000,000]****Sponsors: Mayor; Breed, Farrell, Cohen and Peskin**

Resolution providing for the issuance of not to exceed \$350,000,000 aggregate principal amount of City and County of San Francisco Taxable and Tax-Exempt General Obligation Bonds (Public Health and Safety, 2016); authorizing the issuance and sale of such bonds; providing for the levy of a tax to pay the principal and interest thereof; providing for the appointment of depositories and other agents for such bonds; providing for the establishment of accounts related thereto; declaring the City's reasonable official intent to reimburse prior expenditures; adopting findings under the California Environmental Quality Act, and Administrative Code, Chapter 31; finding that the proposed project is in conformity with the priority policies of Planning Code, Section 101.1(8), with the General Plan consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53; ratifying certain actions previously taken, as defined herein; and granting general authority to City officials to take necessary actions in connection with the issuance and sale of such bonds, as defined herein.

(Fiscal Impact)

**Resolution No. 514-16****ADOPTED by the following vote:**

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

**161193 [Sale of Tax-Exempt General Obligation Bonds (Public Health and Safety, 2016), Series 2017A - Not to Exceed \$176,000,000]****Sponsors: Mayor; Breed, Farrell, Cohen and Peskin**

Resolution authorizing the issuance and sale of not to exceed \$176,000,000 aggregate principal amount of City and County of San Francisco Tax-Exempt General Obligation Bonds (Public Health and Safety, 2016), Series 2017A; prescribing the form and terms of such bonds; providing for the appointment of depositories and other agents for such bonds; providing for the establishment of accounts related to such bonds; authorizing the sale of such bonds by competitive or negotiated sale; approving the forms of Official Notice of Sale and Notice of Intention to Sell Bonds and directing the publication of the Notice of Intention to Sell Bonds; approving the form of Purchase Contract; approving the form of the Preliminary Official Statement and the execution of the Official Statement relating to the sale of such bonds; approving the form of the Continuing Disclosure Certificate; authorizing and approving modifications to documents; ratifying certain actions previously taken, as defined herein; and granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of such bonds, as defined herein.

(Fiscal Impact)

**Resolution No. 515-16****ADOPTED by the following vote:**

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

**161202 [Authorizing Expenditures - SoMa Community Stabilization Fund - \$595,000]****Sponsor: Kim**

Resolution authorizing the Mayor's Office of Housing and Community Development to expend SoMa Community Stabilization Fund dollars in the amount of \$595,000 to address various impacts of destabilization on residents and businesses in SoMa.

(Fiscal Impact)

**Resolution No. 517-16****ADOPTED by the following vote:**

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

President Breed requested File Nos. 161227 and 161228 be called together.

**161227 [Agreement Amendment - En Pointe Technologies Sales, LLC - Microsoft Online 365 Subscription Services - Not to Exceed \$13,909,873]**

Resolution authorizing the Department of Technology and the Office of Contract Administration to enter into Amendment No. 1 to the Agreement between the City and County of San Francisco and En Pointe Technologies Sales, LLC, for Microsoft Online 365, to increase the agreement amount by \$4,335,418 for an amount not to exceed \$13,909,873 over the agreement term of June 25, 2014, through May 31, 2017. (Department of Technology)  
(Fiscal Impact)

**Resolution No.** 518-16

**ADOPTED by the following vote:**

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

**161228 [Agreement Amendments - En Pointe Technologies Sales, LLC - Microsoft Enterprise Program Products - Not to Exceed \$14,719,597]**

Resolution authorizing the Department of Technology and the Office of Contract Administration to enter into Amendment No. 1 to the Agreement between the City and County of San Francisco and En Pointe Technologies Sales, LLC, for Microsoft enterprise products, to increase the agreement amount by \$4,850,304 for an amount not to exceed \$14,719,597 over the agreement term of June 25, 2014, through May 31, 2017. (Department of Technology)  
(Fiscal Impact)

**Resolution No.** 519-16

**ADOPTED by the following vote:**

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

**161230 [Accept and Expend Grant - Fiscal Year 2016 Housing Opportunities for Persons with AIDS Permanent Supportive Housing Renewal - \$1,430,000]**

**Sponsor:** Mayor

Resolution retroactively approving the Fiscal Year 2016 Housing Opportunities for Persons with AIDS (HOPWA) Permanent Supportive Housing Renewal Grant; and authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend the City's Fiscal Year 2016 HOPWA Permanent Supportive Housing Renewal Grant from the U.S. Department of Housing and Urban Development in the amount of \$1,430,000 for the period of December 1, 2016, through November 30, 2019.

**Resolution No.** 520-16

**ADOPTED by the following vote:**

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

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

*President Breed requested File Nos. 161067 and 161184 be called together.*

### **161067 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]**

**Sponsors: Kim; Peskin**

Ordinance amending the Planning Code to add Section 249.15 to create the Mission and 9th Street Special Use District in the area generally bounded by Mission Street on the south, Laskie Street on the east, Assessor's Parcel Block No. 3701, Lot Nos. 22, 23, and 24 on the west, and Assessor's Parcel Block No. 3701, Lot No. 66 to the north; amending the Zoning Map Sheet SU07 to create the Mission and 9th Street Special Use District; amending Zoning Map Sheet HT07 to change the height limit on Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; 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 Kim, seconded by Supervisor Tang, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:**

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

**Supervisor Kim, seconded by Supervisor Tang, moved that this Ordinance be RE-REFERRED AS AMENDED to the Land Use and Transportation Committee meeting of December 12, 2016. The motion carried by the following vote:**

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

### **161095 [Planning Code, Zoning Map - 1493-1497 Potrero Avenue]**

Ordinance amending the Planning Code to revise Sectional Map HT08 of the Zoning Map to rezone the height and bulk designation for 1493-1497 Potrero Avenue, Assessor's Parcel Block No. 4277, Lot No. 016, from Open Space (OS) to 40-X; 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. (Planning Commission)

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

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

### **161184 [General Plan Amendment - Downtown Area Plan Map 5]**

**Sponsor: Kim**

Ordinance amending the General Plan by revising the height designation for Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, on Map 5 of the Downtown Area Plan from 120-X to 200-X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with 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. (Planning Commission)

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

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

**161197 [Jurisdictional Transfer and Exchange of City Property - San Francisco Public Utilities Commission - Public Works - 160 Napoleon Street - 1801 Jerrold Avenue and a Portion of 160 Napoleon Street]**

**Sponsor: Mayor**

Resolution approving the jurisdictional transfer of 1801 Jerrold Avenue, Assessor's Parcel Block No. 5281, Lot No. 001, consisting of approximately 64,340 square feet, commonly known as the Asphalt Plant Site, currently under the jurisdiction of Public Works (SFPW) to the San Francisco Public Utilities Commission (SFPUC), and a portion of 160 Napoleon Street, Assessor's Parcel Block No. 4343, Lot Nos. 018 and 031, and Block No. 4346, Lot Nos. 001 and 001A, consisting of 59,132 square feet, commonly known as the Napoleon Site, currently under the jurisdiction of the SFPUC to the SFPW, subject to the terms and conditions of a Memorandum of Understanding between SFPUC and SFPW; adopting environmental findings and other findings that the actions set forth in this Resolution are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein.

**Resolution No. 516-16**

**ADOPTED by the following vote:**

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

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

**Supervisor Peskin, seconded by Supervisor Mar, 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: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Yee

*Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Eleanor Burke in recognition of her accomplishments as an author and artist, most recently "A Walker's Sketchbook of San Francisco."*

*Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to Kavoos Ghane Bassiri, President and Chief Executive Officer of RAMS, Inc., in recognition of his departure from RAMS after 17 years of service and his many accomplishments providing comprehensive mental health services.*

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

*President Breed requested File Nos. 161174, 161175, 161176 and 161177 be called together.*

**161174 [Hearing - Appeal of Tentative Map Approval - 162-164 Alhambra Street]**

Hearing of persons interested in or objecting to the decision of Public Works dated October 18, 2016, approving a Tentative Map for three units of new construction at 162-164 Alhambra Street, Assessor's Parcel Block No. 0463A, Lot No. 013. (District 2) (Appellants: John Barrett, Kathleen Eckhart, and Mauricio Franco) (Filed October 28, 2016). (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board relating to a proposed continuance by the appellant and project sponsor. Buck Delventhal (Office of the City Attorney) answered questions raised throughout the discussion. Patricia Vaughn; spoke in support of the continuance. There were no other speakers.*

**Supervisor Farrell, seconded by Supervisor Tang, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of February 28, 2017. The motion carried by the following vote:**

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

*President Breed CONTINUED the Hearing open to February 28, 2017.*

**161175 [Approving Decision of Public Works and Approving the Tentative Map - 162-164 Alhambra Street]**

Motion approving decision of Public Works and approving the Tentative Map for three units of new construction at 162-164 Alhambra Street, Assessor's Parcel Block No. 0463A, Lot No. 013; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 28, 2017. The motion carried by the following vote:**

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

**161176 [Disapproving Decision of Public Works and Disapproving the Tentative Map - 162-164 Alhambra Street]**

Motion disapproving decision of Public Works and disapproving the Tentative Map for three units of new construction at 162-164 Alhambra Street, Assessor's Parcel Block No. 0463A, Lot No. 013. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 28, 2017. The motion carried by the following vote:**

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

**161177 [Preparation of Findings Related to the Tentative Map - 162-164 Alhambra Street]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Map for three units of new construction at 162-164 Alhambra Street, Assessor's Parcel Block No. 0463A, Lot No. 013. (Clerk of the Board)

**Supervisor Farrell, seconded by Supervisor Tang, moved that this Motion be CONTINUED to the Board of Supervisors meeting of February 28, 2017. The motion carried by the following vote:**

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

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

*President Breed requested File Nos. 161216, 161217, 161218, 161219, 161220, 161221, 161222 and 161223 be called together.*

**161216 [Hearing - Appeal of Determination of Exemption From Environmental Review - Proposed Project at 203 Cotter Street]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on September 27, 2016, approved by the Planning Commission by Motion No. 19751 on September 29, 2016, for a proposed project located at 203 Cotter Street, to change the use from a neighborhood agricultural use to a school and to construct a new K-8 school (dba Golden Bridges School), including a new two-story building totaling approximately 15,400 square feet. (District 11) (Appellant: Nancy Huff, on behalf of Mission Terrace Land Preservation Committee) (Filed October 27, 2016). (Clerk of the Board)

*President Breed informed the Board of Supervisors that the Appellant, Mission Terrace Land Preservation Committee, submitted a correspondence, dated December 6, 2016, withdrawing the appeal without prejudice and inquired whether any member of the public wished to address the Board relating to the withdrawn appeal. There were no speakers. President Breed declared public comment closed.*

**HEARD AND FILED**

**161217 [Affirming the Categorical Exemption Determination - Proposed Project at 203 Cotter Street]**

Motion affirming the determination by the Planning Department that a proposed project at 203 Cotter Street is categorically exempt from further environmental review. (Clerk of the Board)

**Motion No. M16-174**

**Supervisor Avalos, seconded by Supervisor Tang, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

**161218 [Conditionally Reversing the Categorical Exemption Determination - Proposed Project at 203 Cotter Street]**

Motion conditionally reversing the determination by the Planning Department that a proposed project at 203 Cotter Street is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

**161219 [Preparation of Findings to Reverse the Categorical Exemption Determination - Proposed Project at 203 Cotter Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that a proposed project at 203 Cotter Street is categorically exempt from further environmental review. (Clerk of the Board)

**Supervisor Avalos, seconded by Supervisor Tang, TABLED by the following vote:**

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

**SPECIAL ORDER 3:00 P.M.****161220 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 203 Cotter Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 209.1 and 303, for a proposed project located at 203 Cotter Street, Assessor's Parcel Block No. 6795A, Lot No. 029, identified in Case No. 2015-003791CUA, issued by the Planning Commission by Motion No. 19745 dated September 29, 2016, to establish a new K-8 school (dba Golden Bridges School) and allow the construction of a two-story building of approximately 15,400 gross square feet within the Residential Housing, One Family Zoning District and a 40-X Height and Bulk District. (District 11) (Appellant: David Hooper, on behalf of New Mission Terrace Improvement Association) (Filed October 27, 2016). (Clerk of the Board)

*President Breed informed the Board of Supervisors that the Appellant, New Mission Terrace Improvement Association, submitted a correspondence, dated December 6, 2016, withdrawing the appeal without prejudice and inquired whether any member of the public wished to address the Board relating to the withdrawn appeal. There were no speakers. President Breed declared public comment closed.*

**HEARD AND FILED**

**161221 [Approving Conditional Use Authorization - Proposed Project at 203 Cotter Street]**

Motion approving the decision of the Planning Commission by its Motion No. 19751, approving a Conditional Use Authorization identified as Planning Case No. 2015-003791CUA for a proposed project located at 203 Cotter Street, and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

**Motion No. M16-175**

**Supervisor Avalos, seconded by Supervisor Tang, moved that this Motion be APPROVED. The motion carried by the following vote:**

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

**161222 [Disapproving Conditional Use Authorization - Proposed Project at 203 Cotter Street]**

Motion disapproving the decision of the Planning Commission by its Motion No. 19751, approving a Conditional Use Authorization identified as Planning Case No. 2015-003791CUA for a proposed project located at 203 Cotter Street. (Clerk of the Board)

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

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

**161223 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 203 Cotter 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. 2015-003791CUA for a proposed project located at 203 Cotter Street. (Clerk of the Board)

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

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

## COMMITTEE REPORTS

### Recommendation of the Budget and Finance Committee

**161286 [Project Partnership Agreement - United States Army Corps of Engineers - Dredging of Central Basin by Pier 70 - Waiving Certain Requirements of Environment and Administrative Codes - Not to Exceed \$3,139,850]**

**Sponsor: Mayor**

Ordinance approving and authorizing the Executive Director of the Port of San Francisco ("Port") to execute a Project Partnership Agreement with the United States Army Corps of Engineers ("USACE") to allow federal dredging of the Central Basin adjacent to Pier 70 conditioned upon the Port providing a 25% matching share not to exceed \$2,242,750 for the initial project costs, and the Port providing a 10% matching share, not to exceed an additional \$897,100 for federal maintenance dredging of the Central Basin payable over the following 30 years, for a total matching share from the Port not to exceed \$3,139,850; exempting the Agreement from certain requirements of the Environment Code and Administrative Code except to the extent that the Agreement obligates USACE to satisfy any such requirements; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

### Recommendations of the Government Audit and Oversight Committee

**161158 [Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements]**

**Sponsor: Breed**

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements for the City, San Francisco Community College District, San Francisco Unified School District, and Successor Agency to the Redevelopment Agency, by adding, deleting, and changing titles of designated officials and employees to reflect organizational and staffing changes, and by refining disclosure requirements for designated officials and employees.

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

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

**161238 [Settlement of Claims - Ronald and Patricia Martell - \$5,007,400.31 and Hold Harmless; Appropriating \$4,000,000 from the Water Enterprise Fund Balance - Waiver of Contract Requirements for Landslide Repair on Private Property Not to Exceed \$500,000]**

**Sponsor: Yee**

Ordinance authorizing final settlement of Claim No. 16-02314 filed by Ronald and Patricia Martell against the City and County of San Francisco by payment of \$4,469,637.02 establishing a third-party escrow account in the amount of \$537,763.29 as a Landslide Contingency Fund, for a total potential payment of \$5,007,400.31 and holding claimants harmless from third party claims for a limited period; the claim was filed on February 25, 2016; the claim involves alleged property damage arising from the January 25, 2016, landslide on Casitas Avenue; appropriating \$4,000,000 from the Water Enterprise fund balance for such purpose; and waiving Administrative Code contract requirements except for Administrative Code, Section 12B.1(a) (nondiscrimination) and Section 6.22(e) (prevailing wage), for San Francisco Public Utilities Commission (SFPUC) contracts to implement landslide stabilization measures at 256 Casitas Avenue prior to April 1, 2017, or to undertake landslide repairs on 266 Casitas Avenue, with an engineer or construction contractor, subject to approval by the applicable property owner at 256 Casitas Avenue and/or 266 Casitas Avenue, if the SFPUC's Commission President and General Manager determine such contract is necessary to protect public facilities or minimize or avoid City liability, not to exceed \$500,000 in total for any such contracts. (City Attorney)

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

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

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

**161285 [Real Property Acquisition - Sidewalks Along Portions of Van Ness Avenue and South Van Ness Avenue]**

**Sponsors: Mayor, Peskin, Breed, Farrell and Kim**

Ordinance authorizing the Director of Property to agree to acquire and accept the State of California's relinquishment of all its right, title, and interest in and to the sidewalks along portions of Van Ness Avenue (between Lombard Street and Market Street), portions of South Van Ness Avenue (between Market Street and Plum Street), and the underlying real property (if any and without warranty), except as otherwise excepted and reserved by the State of California; authorizing the placement of such sidewalks and real property, upon acquisition, under the jurisdiction of Public Works; authorizing additional official City actions required to consummate the relinquishment of the sidewalks, as defined herein; authorizing the Director of Public Works to amend an existing Delegated Maintenance Agreement with the State of California regarding shared maintenance of portions of Van Ness Avenue and maintenance cost allocation, upon relinquishment of the sidewalks; waiving fees and bonding requirements for the State of California that would be otherwise applicable to excavation permits; waiving the required 90-days' notice of intention to relinquish set forth in California Streets and Highways Code, Section 73; adopting the Planning Department's determination that such acquisition is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting the Planning Department's determination under the California Environmental Quality Act.

*Supervisors Peskin, Breed, Farrell and Kim requested to be added as co-sponsors.*

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

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

**161241 [Interim Zoning Controls - Indoor Agriculture]****Sponsor: Mayor**

Resolution creating interim zoning controls to require conditional use authorization for indoor agriculture uses, as defined in Planning Code, Section 102, and other indoor agriculture uses in Production, Distribution, and Repair zoning districts; making findings of consistency with the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act.

*This item was not sent as a Committee Report.*

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**PUBLIC COMMENT**

*Abdalla Megahed; shared various thoughts and concerns regarding the Ghost Ship warehouse fire.*

*Patricia Vaughn; expressed concerns regarding a tragic accident and the Municipal Transportation Agency.*

*Male Speaker; shared various religious concerns.*

*Peter Warfield; shared concerns regarding the SFMTA Board of Director's decision regarding bus stops and proposed plans on rerouting.*

*Christopher Dahl; shared concerns regarding transportation and cable computer access.*

*Kate Halloway; shared support of the urban agriculture legislation that Supervisor Avalos is introducing today.*

*Francisco Martinez; shared concerns regarding the cost of prescriptions.*

*Male Speaker; shared concerns regarding public participation.*

*Rio Schaff; shared concerns regarding affordable housing and SRO conversions.*

*Gail Seagraze; shared concerns regarding affordable housing and SRO conversions.*

*RJ Sloan; shared concerns regarding affordable housing and SRO conversions.*

*Male Speaker; shared various concerns.*

*Ronald Edward Johnson; shared concerns regarding various City departments and stalking.*

*Tom Gilbert; shared thoughts regarding admirable individuals and concerns regarding noise levels for specific construction sites.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****161297 [Approval of an Additional 120-Day Extension for Planning Commission Review of Inclusionary Affordable Housing Program (File No. 150911)]****Sponsors: Mayor; Farrell and Tang**

Resolution extending by an additional 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 150911) amending the Planning Code to provide revised geographic, timing, pricing, and other requirements for the off-site alternative to the Inclusionary Housing Fee; create a new option for off-site projects that qualify as Nonprofit Provider Partner Projects; create a new alternative for project sponsors of smaller market-rate projects to direct the Affordable Housing Fee to small sites projects; create an option for project sponsors of on- and off-site housing to provide higher amounts of affordable housing at higher levels of affordability termed "dialing up;" revise certain definitions and operating procedures related to the Inclusionary Housing Program and make conforming changes; 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 the Planning Code, Section 101.1.

**Resolution No. 523-16****ADOPTED****161298 [Tom Owen Day - December 8, 2016]****Sponsors: Peskin; Farrell and Mar**

Resolution declaring December 8, 2016, as Tom Owen Day in the City and County of San Francisco, in recognition of his many years of outstanding service in the City Attorney's Office and his well-deserved retirement.

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

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

**Resolution No. 521-16****ADOPTED****161277 [Rescinding Motion Reversing the Community Plan Exemption Determination and Requesting Additional Information - Proposed Project at 1515 South Van Ness Avenue]**

Motion rescinding Board of Supervisors Motion No. 16-156 reversing the Planning Department's determination that a proposed project at 1515 South Van Ness Avenue does not require further environmental review under a Community Plan Exemption; removing the motion in Board File No. 161002 from the table; and requesting further information from the Planning Department related to the potential environmental impacts of the proposed project. (Clerk of the Board)

**Motion No. M16-176****APPROVED****The foregoing items were acted upon by the following vote:**

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

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

*Supervisor Avalos requested that File No. 161284 be severed so that it may be considered separately.*

### **161284 [Commending Chuck Nevius]**

**Sponsors: Peskin; Farrell**

Resolution commending Chuck Nevius.

**Supervisor Avalos requested this matter be REFERRED to the Government Audit and Oversight Committee.**

*Supervisor Tang requested that File No. 161282 be severed so that it may be considered separately.*

### **161282 [Board of Supervisors Regular Meeting Schedule - 2017]**

Motion establishing the 2017 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1 by cancelling the Board meetings of January 3, January 17, February 21, May 30, July 4, October 10, and November 7 and 21, 2017; and all Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2017, through January 5, 2018; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

*APPROVED by the following vote:*

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

*Supervisor Tang, seconded by Supervisor Farrell, moved to rescind the previous vote. The motion carried by the following vote:*

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

*Supervisor Tang, seconded by Supervisor Cohen, moved to AMEND this Motion by invoking Board Rule 6.1 and moving the Inaugural Meeting to Monday, January 9, 2017. Before the vote was taken, Supervisor Tang withdrew this motion.*

**Supervisor Tang, seconded by Supervisor Peskin, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by invoking Board Rule 6.1 and moving the Inaugural Meeting to Monday, January 9, 2017. The motion carried by the following vote:**

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

Motion establishing the 2017 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1 by cancelling the Board meetings of January 3, January 17, February 21, May 30, July 4, October 10, and November 7 and 21, 2017; and all Board and Committee meetings during the spring, summer and winter breaks from March 27 through March 31, July 31 through September 4, and December 18, 2017, through January 5, 2018; invoking Board Rule 6.1 to hold the Inaugural Meeting on January 9, 2017; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

**Motion No. M16-177**

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

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

## IMPERATIVE AGENDA

*[Serious Injury Finding]*

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

**Supervisor Cohen, seconded by Supervisor Avalos, moved ADOPTION of the serious injury finding. The motion carried by the following vote:**

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

*[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 Cohen, seconded by Supervisor Avalos, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:**

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

### **161315 [Affirming Support for the Use of Force Policy Recommendations by the San Francisco Police Commission and the United States Department of Justice]**

**Sponsors: Cohen; Breed, Kim, Peskin, Avalos, Mar and Tang**

Resolution affirming the San Francisco Board of Supervisors' support for the Use of Force policy unanimously agreed upon by the San Francisco Police Commission and urging the San Francisco Police Officers Association to implement the Use of Force policy unanimously agreed upon by the San Francisco Police Commission.

*President Breed inquired as to whether any member of the public wished to address the Board relating to support for the Use of Force Policy recommendations by the San Francisco Police Commission and the United States Department of Justice, as referenced in File No. 161315. Tom Gilberty; spoke in support of the proposed legislation. The President declared public comment closed.*

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

**Resolution No. 522-16**

**ADOPTED by the following vote:**

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

## 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

#### **140877 [Planning Code - Downtown Support Special Use District; Fees in Lieu of On-Site Open Space]**

**Sponsor: Kim**

Ordinance amending the Downtown Support Special Use District to authorize a monetary contribution (in lieu fee) to satisfy required on-site open space requirements, exclude certain features from floor area ratio and gross floor area calculations, and dedicate the monetary contribution for lighting and safety improvements at Victoria Manolo Draves Park; 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.

07/29/14; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/28/2014.

08/14/14; REFERRED TO DEPARTMENT.

09/24/14; RESPONSE RECEIVED.

11/07/14; REMAIN ACTIVE.

02/20/15; REMAIN ACTIVE.

04/10/15; REMAIN ACTIVE.

10/16/15; REMAIN ACTIVE.

09/27/16; REMAIN ACTIVE.

10/04/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

10/13/16; REFERRED TO DEPARTMENT.

10/20/16; RESPONSE RECEIVED.

11/29/16; RESPONSE RECEIVED.

12/02/16; NOTICED.

12/06/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

**161291 [Administrative Code - Update Hotel Conversion Ordinance]****Sponsors: Peskin; Kim, Sheehy, Cohen and Safai**

Ordinance amending Administrative Code, Chapter 41, to update the Hotel Conversion Ordinance, including: adding or refining definitions of tourist and transit use, comparable unit, conversion, and low-income household; revising procedures for permits to convert residential units; harmonizing fees and penalty provisions with the Building Code; eliminating seasonal short-term rentals for residential hotels that have violated provisions of the Hotel Conversion Ordinance in the previous year; authorizing the Department of Building Inspection to issue administrative subpoenas; adding an operative date; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/29/16; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 12/29/2016.

12/06/16; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

**161316 [Administrative, Business and Tax Regulations, Police Codes - Elimination of Fees]****Sponsor: Yee**

Ordinance amending the Administrative, Business and Tax Regulations, and Police Codes to eliminate various fees imposed by the City.

12/06/16; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/5/2017.

**Resolutions****161317 [Transfer of Affordable Housing Property Assets - Office of Community Investment and Infrastructure - Mayor's Office of Housing and Community Development]****Sponsor: Mayor**

Resolution authorizing and approving the acceptance of certain real property assets from the Office of Community Investment and Infrastructure to the Mayor's Office of Housing and Community Development (as housing successor to the San Francisco Redevelopment Agency); and making findings that such acceptance is in accordance with the California Environmental Quality Act, the General Plan, and the eight priority policies of Planning Code, Section 101.1.

12/06/16; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**161318 [Grant Agreement - Preservation of Affordable Housing Units - Bayside Village Associates, L.P. - Bayside Village Apartments (3 Bayside Village Place) - \$21,680,000]****Sponsors: Mayor; Kim**

Resolution approving an agreement with Bayside Village Associates, L.P., to preserve 70 affordable housing units at Bayside Village Apartments (3 Bayside Village Place) in an amount not to exceed \$21,680,000 and authorizing the Director of the Mayor's Office of Housing and Community Development to execute the agreement on behalf of the City and County of San Francisco to prevent the displacement of 172 existing low and moderate-income households residing at the Bayside Village Apartments and creating permanent affordability restrictions for 70 of these units to remain affordable to households earning up to 120% of average median income. (Fiscal Impact)

12/06/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161319 [Accept and Expend Grant - California Department of Public Health - Prescription Drug Overdose Prevention Project - \$434,777]****Sponsor: Mayor**

Resolution retroactively authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$434,777 from the California Department of Public Health to participate in a program entitled Prescription Drug Overdose Prevention Project for the period of July 1, 2016, through August 31, 2019.

12/06/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161320 [Accept and Expend Grant - Prospect Silicon Valley - MarketZero Project - \$150,000]****Sponsor: Mayor**

Resolution retroactively authorizing the Department of the Environment to accept and expend grant funds from Prospect Silicon Valley in the amount of \$150,000 to perform stakeholder engagement and knowledge transfer for the MarketZero project to bring an existing local grocery store to near net-zero energy over the term of May 17, 2016, through March 31, 2020.

12/06/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161321 [Accept and Expend Grant - San Francisco Community Clinic Consortium - Health Care for the Homeless - Oral Health Expansion - \$207,500]****Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$207,500 from San Francisco Community Clinic Consortium to participate in a program entitled Health Care for the Homeless - Oral Health Expansion, for the period of January 1, 2016, through December 31, 2016; and waiving indirect costs.

12/06/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161322 [Accept and Expend Grant - California Department of Health - California Project LAUNCH - \$367,968]****Sponsor: Farrell**

Resolution retroactively authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$367,968 from California Department of Public Health to participate in a program entitled California Project LAUNCH for the period of December 1, 2015, through June 30, 2019; and waiving indirect costs.

12/06/16; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**161323 [Urging the Evaluation and Allocation of Properties for Urban Agriculture]****Sponsors: Avalos; Tang and Mar**

Resolution reaffirming the Board of Supervisors' support for urban agriculture and urging the evaluation and allocation of appropriate properties for urban agriculture.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161324 [Declaration of Election Results of the November 8, 2016, Consolidated General Election]****Sponsor: Breed**

Resolution declaring the results of the November 8, 2016, Consolidated General Election.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161325 [Recognizing the Youth Commission's 20th Anniversary]****Sponsors: Tang; Campos, Kim, Mar, Farrell, Avalos, Peskin, Cohen, Yee and Breed**

Resolution recognizing the Youth Commission's 20th Anniversary and honoring its 20 years of service to the City and County of San Francisco.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161326 [Commending Supervisor John Avalos]****Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor John Avalos for his distinguished service as a Member of the San Francisco Board of Supervisors.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161327 [Commending Supervisor David Campos]****Sponsor: Board of Supervisors**

Resolution Commending and Honoring Supervisor David Campos for his distinguished service as a Supervisor of the City and County of San Francisco.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**161328 [Commending Supervisor Eric Mar]****Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor Eric Mar for his distinguished service as a Member of the San Francisco Board of Supervisors.

12/06/16; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Request for Hearing****161329 [Hearing - Plans to Protect Immigrant Families from Deportation]****Sponsor: Campos**

Hearing on how the City and County of San Francisco plans to protect immigrant families from deportation once President-Elect Trump takes office; and requesting the Police Department, Sheriff's Office, Department of Public Health, Department of Homelessness and Supportive Housing, and San Francisco Unified School District to report.

12/06/16; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

**In Memoriams***The 36 lives lost in the Ghost Ship fire – Full Board**Johnny Ignez- Eric Mar**Draven McGill – Eric Mar**Jonathan Bernbaum – Aaron Peskin*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour 5:16 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 January 24, 2017.*

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Angela Calvillo, Clerk of the Board