

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, March 7, 2017 - 2:00 PM

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

Regular Meeting

LONDON BREED, PRESIDENT

MALIA COHEN, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN,
HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee Supervisors Cohen, Yee, Tang, Kim, Sheehy	Thursday 1:00 PM
Budget and Finance Federal Select Committee Supervisors Cohen, Sheehy, Fewer	2nd and 4th Thursday 1:05 PM
Budget and Finance Sub-Committee Supervisors Cohen, Yee, Tang	Thursday 10:00 AM
Government Audit and Oversight Committee Supervisors Kim, Peskin, Breed	1st and 3rd Thursday 10:00 AM
Land Use and Transportation Committee Supervisors Farrell, Peskin, Tang	Monday 1:30 PM
Public Safety and Neighborhood Services Committee Supervisors Ronen, Sheehy, Fewer	2nd and 4th Wednesday 10:30 AM
Rules Committee Supervisors Safai, Fewer, Yee	2nd and 4th Wednesday 1:00 PM

Members Present: London Breed, Malia Cohen, Mark Farrell, Sandra Lee Fewer, Aaron Peskin, Hillary Ronen, Ahsha Safai, Jeff Sheehy, Katy Tang, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, March 7, 2017, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:01 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.

COMMUNICATIONS

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

Supervisor Kim Excused from Attendance

Supervisor Ronen, seconded by Supervisor Tang, moved that Supervisor Kim be excused from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

161179 [Environment Code - Revisions to the Solar Energy Incentive Program]

Sponsor: Breed

Ordinance amending the Environment Code to adjust the incentives in the Solar Energy Incentive Program and revise certain program requirements; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)

FINALLY PASSED

170066 [Memorandum of Understanding - Machinists Union, Local 1414]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Machinists Union, Local 1414, International Association of Machinists & Aerospace Workers Machinists Automotive Trades District Lodge 190, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170067 [Memorandum of Understanding - Crafts Coalition]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Crafts Coalition: Bricklayers and Allied Crafts, Local 3; Hod Carriers, Local 166; Northern California Carpenters Regional Council, Local 22; Carpet, Linoleum and Soft Tile Workers, Local 12; Plasterers and Cement Masons, Local 300; Glaziers, Architectural Metal and Glass Workers, Local Union No. 718; International Alliance of the Theatrical Stage Employees, Moving Picture Technicians, Artist and Allied Crafts of the United States, Its Territories and Canada, Local 16; International Association of Bridges, Structural Ornamental, Reinforcing Iron Workers, Riggers and Machinery Movers, Local 377; Pile Drivers, Divers, Carpenters, Bridge, Wharf and Dock Builders, Local Union No. 34; Plasterers and Shophands, Local 66; United Union of Roofers, Waterproofers and Allied Workers, Local 40; Sheet Metal Workers International Union, Local 104; and Teamsters, Local 853, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170068 [Memorandum of Understanding - San Francisco Deputy Probation Officers' Association]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Probation Officers' Association, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170069 [Memorandum of Understanding - San Francisco Deputy Sheriffs' Association]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170070 [Memorandum of Understanding - International Brotherhood of Electrical Workers, Local 6]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the International Brotherhood of Electrical Workers, Local 6, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170071 [Memorandum of Understanding - International Federation of Professional and Technical Engineers, Local 21]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the International Federation of Professional and Technical Engineers, Local 21, AFL-CIO, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170072 [Memorandum of Understanding - San Francisco Institutional Police Officers' Association]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Institutional Police Officers' Association, to extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170074 [Memorandum of Understanding - Municipal Executives Association]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, to implement base wage increases for FYs 2017-2018 and 2018-2019 and other specified terms and conditions of employment, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170075 [Memorandum of Understanding - Operating Engineers, Local Union 3 - International Union of Operating Engineers]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union 3 of the International Union of Operating Engineers, AFL-CIO, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170076 [Memorandum of Understanding - United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170077 [Memorandum of Understanding - San Francisco City Workers United (Painters)]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the San Francisco City Workers United (Painters), to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170078 [Memorandum of Understanding - San Francisco Sheriffs' Managers and Supervisors Association]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Sheriffs' Managers and Supervisors Association, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170079 [Memorandum of Understanding - Teamsters, Local 856, Multi-Unit]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Teamsters, Local 856, Multi-Unit, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170080 [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 Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing wages, working schedules and other terms and conditions of employment, effective July 1, 2017.

FINALLY PASSED

170081 [Memorandum of Understanding - San Francisco Building Inspectors' Association]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and Building Inspectors' Association, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170082 [Memorandum of Understanding - San Francisco District Attorney Investigators' Association]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the San Francisco District Attorney Investigators' Association, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170083 [Memorandum of Understanding - Laborers International Union, Local 261]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to implement base wage increases for FYs 2017-2018 and 2018-2019, other specified terms and conditions of employment, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170084 [Memorandum of Understanding - Service Employees International Union, Local 1021]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 2 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170085 [Memorandum of Understanding - Service Employees International Union, Local 1021: Staff & Per Diem Nurses]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2016-2017 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021: Staff & Per Diem Nurses, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170086 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers, Stationary Engineers, Local 39, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170087 [Memorandum of Understanding - Operating Engineers, Local Union 3 - Supervising Probation Officers]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Operating Engineers Local Union 3 of the International Union of Operating Engineers, AFL-CIO, Supervising Probation Officers, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170088 [Memorandum of Understanding - Transport Workers Union, Local 200]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers Union, AFL-CIO, Local 200, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170089 [Memorandum of Understanding - Transport Workers' Union, Local 250-A - Automotive Service Workers (7410)]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers' Union, AFL-CIO, Local 250-A, Automotive Service Workers (7410), to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED**170090 [Memorandum of Understanding - Transport Workers' Union, Local 250-A, Multi-Unit (Unit 28)]****Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Transport Workers' Union, Local 250-A, Multi-Unit (Unit 28), to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

FINALLY PASSED

170121 [Settlement of Lawsuit - Luyen Phan and Gai Thi Phan Nguyen - \$2,875,000]

Ordinance authorizing settlement of the lawsuit filed by Luyen Phan and Gai Thi Phan Nguyen against the City and County of San Francisco for \$2,875,000; the lawsuit was filed on May 23, 2016, in San Francisco Superior Court, Case No. CGC-16-552178; entitled Luyen Phan, et al. v. City and County of San Francisco, et al.; the lawsuit involves wrongful death of plaintiffs' daughter. (City Attorney)

FINALLY PASSED

170122 [Settlement of Lawsuit - Willie Crawford - \$100,281]

Ordinance authorizing settlement of the lawsuit filed by Willie Crawford against the City and County of San Francisco for payment by City of \$100,281; the lawsuit was filed on March 2, 2015, in the Superior Court, and removed on March 16, 2016, to the Federal District Court, Northern District of California, Case No. 16-cv-01301-CW; entitled Willie Crawford v. City and County of San Francisco; the lawsuit involves a dispute arising from employment; other material terms of the settlement are that plaintiff will resign, and that the City agrees to restore vacation pay, pay severance in accordance with the Municipal Executives' Association collective bargaining agreement, pay the fee for mediation of the dispute, and forgo certain attorney's fees and costs awarded by court. (Public Health Department)

FINALLY PASSED

Recommendations of the Land Use and Transportation Committee**160748 [Planning Code - Amusement Arcades in the South of Market Service/Light Industrial District]**

Sponsor: Kim

Ordinance amending the Planning Code to allow amusement arcades in the South of Market Service/Light Industrial District; 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.

FINALLY PASSED

161066 [Planning, Administrative, and Health Codes - Waiving Fees and Exempting Requirements, Authorizing Land Dedication, Establishing 180 Jones Street Affordable Housing Fund, Accepting Gifts, Authorizing Payment - 950-974 Market Street Project]

Sponsor: Kim

Ordinance waiving the Jobs-Housing Linkage Fee set forth in Planning Code, Section 413 et seq., the Inclusionary Affordable Housing requirements set forth in Planning Code, Section 415 et seq., and the alternative water supply requirements set forth in Health Code, Article 12C; exempting 26,572 square feet from the calculation of gross floor area pursuant to Planning Code, Section 124, to allow the additional floor area, and exempting 26,572 square feet from Planning Code, Sections 123 and 128, to reduce any required transferable development rights by such amount, for a project located at 950-974 Market Street in San Francisco, in exchange for the dedication of real property at 180 Jones Street to the San Francisco Mayor's Office of Housing and Community Development at no cost and payment of approximately \$11,250,000 to the 180 Jones Street Affordable Housing Fund; establishing the 180 Jones Street Affordable Housing Fund; accepting a \$2,700,000 gift to the 180 Jones Street Affordable Housing Fund; accepting a \$300,000 gift to the City, to create the Compton's District Transgender, Lesbian, Gay and Bisexual (TLGB) Stabilization Fund, to support the City's efforts to recognize and support historic and present-day TLGB communities in the Tenderloin neighborhood; authorizing actions in furtherance of this Ordinance; adopting findings regarding the Final Mitigated Negative Declaration under the California Environmental Quality Act; making findings of public necessity, convenience, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

FINALLY PASSED

161287 [Environment Code - Green Building Requirements for Municipal Buildings]

Sponsors: Mayor; Breed, Ronen, Sheehy and Farrell

Ordinance amending the Environment Code to update the green building requirements for the design, construction, and operation of municipal buildings; and affirming the Planning Department's determination under the California Environmental Quality Act.

FINALLY PASSED

Recommendation of the Public Safety and Neighborhood Services Committee

161353 [Various Codes - Baby Diaper-Changing Accommodations]

Sponsors: Tang; Yee, Ronen, Sheehy and Farrell

Ordinance replacing a provision of the Planning Code with a new provision of the Administrative Code requiring all City buildings that are available for use by the public to install and maintain at least one baby diaper-changing accommodation that is available for use by women and one that is available for use by men, or a single diaper-changing accommodation that is available for use by all genders; amending the Police Code to require businesses that make a baby diaper-changing accommodation available in a restroom available for use by women to also install and maintain a baby diaper-changing accommodation in a restroom available for use by men or available for use by all genders; and amending the Building Code to require that new public-serving establishments, and public-serving establishments with substantially renovated toilet rooms, install baby diaper-changing accommodations; making findings, including environmental findings, findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings under the California Health and Safety Code regarding building standards; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

Severed from the Consent Agenda

President Breed requested that File No. 170073 be severed so that it may be considered separately.

170073 [Memorandum of Understanding - Municipal Attorneys Association]

Sponsor: Mayor

Ordinance adopting and implementing Amendment No. 1 to the 2014-2017 Memorandum of Understanding between the City and County of San Francisco and the Municipal Attorneys Association, to implement base wage increases for FYs 2017-2018 and 2018-2019, and extend the term of the agreement through June 30, 2019.

Supervisor Farrell, seconded by Supervisor Yee, moved that this Ordinance be CONTINUED ON FINAL PASSAGE to the Board of Supervisors meeting of March 21, 2017. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Public Safety and Neighborhood Services Committee

170092 [Administrative Code - Non-Cooperation with Identity-Based Registry]

Sponsors: Mayor; Cohen, Safai, Farrell, Kim, Ronen, Sheehy, Fewer, Tang, Yee and Breed
Ordinance amending the Administrative Code to prohibit the City from using resources to create, implement, provide investigation or information for, enforce, or otherwise assist or support any government program requiring the registration of individuals on the basis of religion, national origin, or ethnicity; or creating a database of individuals on the basis of religion, national origin, or ethnicity.

FINALLY PASSED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

NEW BUSINESS

Recommendations of the Budget and Finance Committee

170048 [Contract Amendment - WestEd - Early Care and Education Quality Rating and Improvement System - Not to Exceed \$10,881,026]

Sponsor: Yee

Resolution approving a sixth contract amendment between First 5 San Francisco and WestEd, to provide citywide technical assistance, coaching, training, and rating services for publicly funded early care and education providers serving low income children with special needs, and increase the contract amount by \$888,911 for a total amount not to exceed \$10,881,026 for the period of July 1, 2012, to June 30, 2017. (First 5 SF Children and Families Commission)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

170064 [Real Property Lease - 120 14th Street, LLC - 1740 Folsom Street - \$882,560.04 in Initial Year]

Resolution authorizing the exercise of a five-year option to extend the term of the lease of approximately 18,682 square feet of space at 1740 Folsom Street for continued use by the Sheriff's Department for \$882,560.04 in the initial year with 3% annual increases with 120 14th Street, LLC, as Landlord, for the lease extension term of July 1, 2017, through June 30, 2022.
(Real Estate Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

President Breed requested File Nos. 170103 and 170104 be called together.

170103 [Accept and Expend Grant - Public Health Foundation Enterprises, Inc. - MAC AIDS Getting to Zero Program - \$137,260]**Sponsor: Sheehy**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$137,260 from Public Health Foundation Enterprises, Inc. to participate in a program entitled MAC AIDS Getting to Zero for the period of July 1, 2016, through June 30, 2017.
(Public Health Department)

ADOPTED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

170104 [Accept and Expend Grant - Public Health Foundation Enterprises, Inc. - Epidemiology and Laboratory Capacity Gonorrhea Rapid Detection and Response Project- \$598,052.66]**Sponsor: Sheehy**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$598,052.66 from Public Health Foundation Enterprises, Inc., to participate in a program entitled Epidemiology and Laboratory Capacity Gonorrhea Rapid Detection and Response Project for the period of August 1, 2016, through July 31, 2017. (Public Health Department)

ADOPTED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

170127 [Accept and Expend Grant - California Department of Resources Recycling and Recovery - Used Motor Oil Recycling - \$233,379]**Sponsors: Mayor; Breed**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$233,379 from the California Department of Resources Recycling and Recovery, for the purpose of increasing used motor oil recycling and household hazardous waste management, for the period of April 1, 2017, through June 30, 2018. (Environment)

ADOPTED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

Recommendations of the Land Use and Transportation Committee

170003 [Planning Code, Zoning Map - Upper Market Street Districts]

Sponsor: Sheehy

Ordinance amending the Planning Code to revise Sectional Map ZN07 of the Zoning Map to delete the Upper Market Street Neighborhood Commercial (NC) District and reclassify Assessor's Parcel Block No. 2623, Lot No. 006, at 376 Castro Street and Assessor's Parcel Block No. 2623, Lot No. 091, at 2416-2420 Market Street, from the Upper Market NC District to the Upper Market Street Neighborhood Commercial Transit (NCT) District; revising several sections of Article 4 to include the entirety of the Upper Market Street NCT District, including portions outside of the Market and Octavia Plan Area; 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 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

170094 [Administrative Code - Affordable Housing Cash-Out Proceeds Restriction]

Sponsor: Farrell

Ordinance amending the Administrative Code to require that all cash-out proceeds received by an owner of an affordable housing development supported in whole or in part by taxpayer funds shall be used only for residential and tenant services and the creation, development, and preservation of affordable housing.

Supervisor Farrell, seconded by Supervisor Safai, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of March 14, 2017. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

SPECIAL ORDER 3:00 P.M.

Supervisor Farrell was noted absent at 4:02 p.m. and for the remainder of the meeting.

Supervisor Farrell Excused from Attendance

Supervisor Safai, seconded by Supervisor Tang, moved that Supervisor Farrell be excused beginning at 4:02 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 9 - Breed, Cohen, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 2 - Farrell, Kim

Board of Supervisors Sitting as a Committee of the Whole

170113 [Hearing - Committee of the Whole - Findings and Recommendations Regarding Law Enforcement Practices - Update - March 7, 2017]

Sponsors: Cohen; Ronen

Hearing of the Board of Supervisors sitting as a Committee of the Whole on March 7, 2017, to hear and receive updates on the final reports, findings, and recommendations of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement; the Department of Justice Initial Assessment Report of the San Francisco Police Department; the President's Task Force on 21st Century Policing; and the Civil Grand Jury's Report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings;" and requesting the Police Department, the Department of Human Resources, the Department of Police Accountability, and the Police Commission to report; scheduled pursuant to Motion No. M16-164, adopted November 15, 2016. (Clerk of the Board)

President Breed opened the public hearing and Supervisor Cohen provided opening remarks relating to the hearing on the findings and recommendations on law enforcement practices. L. Julius Turman, President (Police Commission), Chief William Scott and Deputy Chief Mike Connolly (Police Department); presented an overview of the hearing matter and responded to questions raised throughout the discussion. Ms. Jones; Luis Gongora; Adriana Camarena; David Carlasall; Female Speaker; Angela Ray; Jackie Barshat; Richard Hack; Gilbert Bernstein; Magic; Trent Ron; Maggie Shay; Male Speaker; Otto Dufty; Tom Gilbert; Walter Paulson; shared various concerns relating to the hearing matter. There were no other speakers. President Breed closed public comment, declared the public hearing closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Appointment of President Pro Tempore

At the request of President Breed, Supervisor Safai assumed the chair at 5:18 p.m. President Breed resumed the chair at 5:27 p.m.

Supervisor Peskin was noted absent at 7:05 p.m. and for the remainder of the meeting.

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:00 P.M.

Supervisor Peskin Excused from Attendance

Supervisor Yee, seconded by Supervisor Ronen, moved that Supervisor Peskin be excused beginning at 7:05 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee
Excused: 3 - Farrell, Kim, Peskin

Board of Supervisors Sitting as a Committee of the Whole

170145 [Hearing - Committee of the Whole - Housing for Families with Children - March 7, 2017]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on March 7, 2017, at 3:00 p.m., to hear and discuss findings and recommendations made by the Planning Department in the report entitled "Housing for Families with Children," and the Family-Friendly Design Guidelines; and requesting the Planning Department to report; scheduled pursuant to Motion No. M17-007, adopted January 31, 2017. (Clerk of the Board)

President Breed opened the public and hearing and Supervisor Yee informed the Board he would be making a motion to continue the hearing relating to housing for families with children to March 14, 2017. President Breed inquired as to whether any member of the public wished to address the Committee of the Whole regarding the proposed continuance. There were no speakers. President Breed closed public comment, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

Supervisor Yee, seconded by Supervisor Ronen, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of March 14, 2017. The motion carried by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee
Excused: 3 - Farrell, Kim, Peskin

Committee of the Whole Adjourn and Report

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Supervisor Farrell, seconded by Supervisor Fewer, 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 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

WOMEN'S HISTORY MONTH

President Breed opened the commendation period and Dr. Emily Murase, Director (Department on the Status of Women), provided opening remarks. Supervisors then introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Women's History Month, their accomplishments, and their continued community support, as referenced below:

Supervisor Farrell recognized Molly Richardson;

Supervisor Fewer recognized Shlomit Heller;

Supervisor Sheehy recognized Jean Robertson;

Supervisor Yee recognized LinShao Chin;

Supervisor Safai recognized Andrea Ferrucci;

Supervisor Breed recognized Roma Pauline Guy;

Supervisor Kim, presented by Supervisor Breed on her behalf, recognized Conny Ford;

Supervisor Ronen recognized Eden Stein;

Supervisor Peskin recognized Patricia Lanao Molero;

Supervisor Tang recognized Buffy Maguire; and

Supervisor Cohen recognized Sabrina Hernandez.

COMMITTEE REPORTS

Recommendation of the Government Audit and Oversight Committee

161203 [Urging the San Francisco Police Commission to Convene a Task Force on Strategic Police Staffing]

Sponsors: Yee; Kim, Cohen, Ronen, Safai and Tang

Resolution urging the San Francisco Police Commission to form a Task Force, in collaboration with the San Francisco Police Chief, on Strategic Police Staffing and Deployment with the purpose of determining the best methodology for establishing staffing levels in the San Francisco Police Department.

Supervisors Kim, Cohen, Ronen, Safai and Tang requested to be added as co-sponsors.

Privilege of the floor was granted unanimously to Chief William Scott (Police Department) who responded to questions raised throughout the discussion.

Supervisor Cohen, seconded by Supervisor Safai, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Lines 17-19, by adding 'WHEREAS, Women and people of color in the San Francisco Police Department are still underrepresented, which is a factor that should be taken into strong consideration when determining the best methodology for establishing staffing levels; and'. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Excused: 1 - Kim

Supervisor Tang, seconded by Supervisor Yee, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 10, by adding 'demographics, language needs,' before 'and population'. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

Supervisor Yee, seconded by Supervisor Sheehy, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 5, by striking 'Deployment', and Page 2, Line 9, by changing 'deployment' to 'how deployment is determined'. The motion carried by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

Resolution urging the San Francisco Police Commission to form a Task Force, in collaboration with the San Francisco Police Chief, on Strategic Police Staffing and with the purpose of determining the best methodology for establishing staffing levels in the San Francisco Police Department.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Breed, Cohen, Farrell, Fewer, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Excused: 1 - Kim

Recommendation of the Land Use and Transportation Committee

170002 [General Plan Amendment - Commerce and Industry Element; Guidelines for Eating and Drinking Establishments]

Ordinance amending the Commerce and Industry Element of the General Plan to update the guidelines regarding overconcentration of Eating and Drinking Establishments in a single area; 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. (Planning Commission)
(Supervisor Peskin dissented in Committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Breed, Cohen, Farrell, Ronen, Safai, Sheehy, Tang, Yee
Noes: 2 - Fewer, Peskin
Excused: 1 - Kim

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Emil Lawrence; shared concerns relating to homeland security.
Andrew Ross; shared concerns regarding the 45th President and the Dakota Access Pipeline.
Charlie Walker; requested City assistance in acquiring a building for community services.
Male Speaker; requested City assistance in acquiring a building for community services.
Male Speaker; requested City assistance in acquiring a building for community services.
Walter Paulson; shared various photographs and moments with the Board
David Carlasall; shared concerns related to the Police Department and the Chief of Police.
Tom Gilberty; shared concerns regarding Navigation Centers and affordable housing.
Otto Dufty; shared concerns regarding the Police Department.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

170216 [Approval of a 90-Day Extension for Planning Commission Review of an Ordinance Exempting Certain Historic Landmarks From November 2016 Proposition X (File No. 161014)]

Sponsor: Kim

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 161014) amending the Planning Code to exempt certain historic landmarks from November 2016 Proposition X, requiring conditional use authorization to replace Production, Distribution, and Repair, Institutional Community, and Arts Activities uses, and providing replacement space for such uses; 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.

ADOPTED

170218 [Supporting the Bay Area Rapid Transit District's Sanctuary in Transit Policy]

Sponsors: Sheehy; Ronen and Fewer

Resolution supporting the Bay Area Rapid Transit District's Sanctuary in Transit Policy.

Supervisors Ronen and Fewer requested to be added as co-sponsors.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee

Excused: 3 - Farrell, Kim, Peskin

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Ronen requested that File No. 170217 be severed so that it may be considered separately.

170217 [Urging the California State Legislature to Amend the Revenue and Taxation Code to Enable California Local Jurisdictions to Levy a Personal Income Tax and a Corporate Income Tax]

Sponsors: Peskin; Fewer, Ronen, Kim, Yee, Safai and Cohen

Resolution urging the California state legislature to amend the Revenue and Taxation Code to enable local California jurisdictions to levy personal and corporate income taxes, which the City and County of San Francisco could utilize as a sustained source of funding for transportation and public health priorities.

Supervisor Ronen requested this Resolution be REFERRED to the Government Audit and Oversight Committee.

Supervisor Yee requested that File No. 170219 be severed so that it may be considered separately.

170219 [Recognizing Problem Gambling Awareness Month - March]

Sponsors: Yee; Safai, Kim and Fewer

Resolution recognizing March as Problem Gambling Awareness Month in the City and County of San Francisco.

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

ADOPTED by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee

Excused: 3 - Farrell, Kim, Peskin

IMPERATIVE AGENDA

[Purely Commendatory Finding]

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

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

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee

Excused: 3 - Farrell, Kim, Peskin

[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 Ronen, seconded by Supervisor Yee, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee

Excused: 3 - Farrell, Kim, Peskin

170239 [Arbor Week - March 12, 2017, through March 18, 2017]

Sponsor: Peskin

Resolution declaring March 12, 2017, through March 18, 2017, as Arbor Week 2017 in the City and County of San Francisco.

The President inquired as to whether any member of the public wished to address the Board relating to Arbor Week 2017 as referenced in File No. 170239. There were no speakers. The President declared public comment closed.

ADOPTED by the following vote:

Ayes: 8 - Breed, Cohen, Fewer, Ronen, Safai, Sheehy, Tang, Yee

Excused: 3 - Farrell, Kim, Peskin

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

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

PROPOSED ORDINANCE

170197 [Settlement of Lawsuit - Blueline Rental, LLC - \$1,650,000]

Ordinance authorizing settlement of the lawsuit in eminent domain filed by the City and County of San Francisco against Blueline Rental, LLC, for \$1,650,000; the lawsuit was filed on February 24, 2017, in San Francisco Superior Court, Case No. CGC-17-557268; entitled City and County of San Francisco v. Blueline Rental, LLC; the lawsuit involves payment of just compensation for the City's acquisition of a leasehold interest at the property commonly known as 1975 Galvez Avenue, San Francisco, California, Assessor's Parcel Block No. 5250, Lot No. 16; other material terms of the settlement are that tenant, Blueline Rental, LLC agrees to vacate the 1975 Galvez Avenue property no later than April 15, 2017. (City Attorney)

02/27/17; RECEIVED FROM DEPARTMENT.

03/07/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

170198 [Professional Services Agreement - Black & Veatch Corporation - Design Support for the Hetch Hetchy Water and Power High Voltage Power Line Clearance Mitigation - Not to Exceed \$12,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to execute a professional services agreement with Black & Veatch Corporation for specialized design services for design support to mitigate ground, wire, and structure clearance issues with Hetch Hetchy Water and Power high voltage power lines in accordance with the SFPUC's mitigation program, for an amount not to exceed \$12,000,000 over a term of ten years to commence following Board approval through April 2027. (Public Utilities Commission)

02/21/17; RECEIVED FROM DEPARTMENT.

03/07/17; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

170199 [Easement Agreement - Pacific Gas and Electric Company - 3,660 Square Feet Running East to West Along the Northern Border of 1975 Galvez Street - \$1]

Resolution approving an Easement Agreement between the City and County of San Francisco and the Pacific Gas and Electric Company, consisting of 3,660 square feet of land running east to west along the northern border of 1975 Galvez Street for \$1; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Real Estate Department)

02/27/17; RECEIVED FROM DEPARTMENT.

03/07/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 7:24 p.m.