

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, July 18, 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

Committee Membership

Meeting Days

Budget and Finance Committee Supervisors Cohen, Yee, Tang, Kim, Sheehy	Thursday 10:00 AM
Budget and Finance Federal Select Committee Supervisors Cohen, Sheehy, Fewer	Thursday 1:00 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 Wednesday 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 10:00 AM
Rules Committee Supervisors Safai, Fewer, Yee	2nd and 4th Wednesday 2:00 PM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Volume 112 Number 24

Members Present: London Breed, Malia Cohen, Mark Farrell, Sandra Lee Fewer, Jane Kim, 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, July 18, 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, Supervisors Cohen, Fewer, and Kim were noted not present. There was a quorum.

COMMUNICATIONS

There were no communications.

Supervisor Kim was noted present at 2:02 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Ronen, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of June 6, 2017. The motion carried by the following vote, following general public comment:

Ayes: 9 - Breed, Farrell, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Absent: 2 - Cohen, Fewer

AGENDA CHANGES

There were no agenda changes.

Supervisors Cohen and Fewer were noted present at 2:04 p.m.

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

There were no questions submitted from Supervisors representing the even districts. Mayor Edwin Lee addressed the Board of Supervisors regarding health care and the potential cuts being considered by the Federal government to Medicaid and Community Development Block Grant programs, and he further encouraged everyone to be vigilant in order to hinder the Republicans attack on low income individuals, seniors, and the disenfranchised. Following public comment this matter was filed. No further action was taken.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

President Breed requested File Nos. 170653, 170654, 170093, 170672, 170676, 170679, 170680, 170681, 170682, 170656, 170658, 170683, 170684, 170686, 170687, 170690, and 170691 be called together. After the items were called, Supervisor Fewer requested File No. 170654 be considered separately to allow discussion on the matter.

170653 [Budget and Appropriation Ordinance for Departments - FYs 2017-2018 and 2018-2019]

Sponsor: Mayor

Budget and Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for Departments of the City and County of San Francisco as of May 31, 2017, for the FYs ending June 30, 2018, and June 30, 2019.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170654 [Annual Salary Ordinance - FYs 2017-2018 and 2018-2019]

Sponsor: Mayor

Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the FYs ending June 30, 2018, and June 30, 2019, continuing, creating, or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefore.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170093 [Planning Code - Establish Fee for Monitoring of Student Housing - Mayor's Office of Housing and Community Development]

Sponsor: Mayor

Ordinance amending the Planning Code to establish a fee for the Mayor's Office of Housing and Community Development to monitor Student Housing; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170672 [Administrative Code - Board of Appeals Surcharges - Permit Fees]**Sponsor: Mayor**

Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Health, and Police Department that may be appealed to the Board of Appeals.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170676 [Neighborhood Beautification and Graffiti Clean-up Fund Tax Designation Ceiling - Tax Year 2017]**Sponsor: Mayor**

Ordinance adopting the Neighborhood Beautification and Graffiti Clean-up Fund Tax designation ceiling for tax year 2017.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170679 [Administrative Code - Arts Commission Contracting Authority]**Sponsor: Mayor**

Ordinance amending the Administrative Code to authorize the Arts Commission to contract for the development, fabrication, maintenance, conservation, removal, or installation of art work.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170680 [Business and Tax Regulations Code - Emergency Medical Services Fees]**Sponsor: Mayor**

Ordinance amending the Business and Tax Regulations Code to require that payment of emergency medical services fees be made to the Department of Public Health rather than the Department of Emergency Management.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170681 [Health Code - Patient Rates - FYs 2017-2018 and 2018-2019]**Sponsor: Mayor**

Ordinance amending the Health Code to set patient rates and other services provided by the Department of Public Health for patient and other services rendered, starting July 1, 2017, and continuing through June 30, 2019.

(Pursuant to Charter, Section A8.423, this matter requires three-fourths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170682 [Fire Code - Fire Department Fees]**Sponsor: Mayor**

Ordinance amending the Fire Code to increase the fees for certain Fire Department services; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170656 [Treasure Island Development Authority Budget - FYs 2017-2018 and 2018-2019]**Sponsor: Mayor**

Resolution approving the Budget of the Treasure Island Development Authority for FYs 2017-2018 and 2018-2019.

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

Resolution No. 288-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170658 [Office of Community Investment and Infrastructure, Operating as Successor Agency to the San Francisco Redevelopment Agency - FY2017-2018 Budget]**Sponsor: Mayor**

Resolution approving the FY2017-2018 Budget of the Office of Community Investment and Infrastructure, operating as the Successor Agency to the San Francisco Redevelopment Agency.

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

Resolution No. 289-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170683 [Access Line Tax Adjustment - Consumer Price Index of 2017]**Sponsor: Mayor**

Resolution concurring with the Controller's establishment of the Consumer Price Index for 2017, and adjusting the Access Line Tax by the same rate.

Resolution No. 290-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170684 [Authorization to Examine Prepaid Mobile Telephony Service Surcharge and Local Charge Records]**Sponsor: Mayor**

Resolution authorizing the Controller's Office and Office of the Treasurer and Tax Collector to examine the prepaid mobile telephony services surcharge and local charges collected by the State Board of Equalization.

Resolution No. 291-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170686 [Proposition J Contract Certification - Specified Contracted-Out Services Previously Approved]**Sponsor: Mayor**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: budget analyst (Board of Supervisors); citywide custodial services (excluding City Hall), citywide security services, central shops security, convention facilities management (General Services Agency-City Administrator); mainframe system support (General Services Agency-Technology); security services (Human Services Agency); food services for jail inmates (Sheriff); and assembly of vote-by-mail envelopes (Department of Elections).

Resolution No. 292-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170687 [Accept and Expend Grants - Recurring State Grant Funds - Department of Public Health - FY2017-2018]**Sponsor: Mayor**

Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health for FY2017-2018.

Resolution No. 293-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170690 [Homelessness and Supportive Housing Fund - FYs 2017-2018 and 2018-2019 Expenditure Plans]**Sponsor: Mayor**

Resolution approving the FYs 2017-2018 and 2018-2019 Expenditure Plans for the Department of Homelessness and Supportive Housing Fund.
(Fiscal Impact; No Budget and Legislative Analyst Report.)

Resolution No. 294-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170691 [Accept and Expend Grant - Friends of San Francisco Public Library - Annual Grant Award - FY2017-2018 - Up to \$753,851 of In-Kind Gifts, Services, and Cash Monies]**Sponsor: Mayor**

Resolution authorizing the San Francisco Public Library to accept and expend a grant in the amount of up to \$753,851 of in-kind gifts, services, and cash monies from the Friends of the San Francisco Public Library for direct support for a variety of public programs and services in FY2017-2018.

Resolution No. 295-17**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendations of the Budget and Finance Sub-Committee

170271 [Administrative Code - Transfer of Moscone Center Garage and Performing Arts Garage to Municipal Transportation Agency]

Ordinance amending the Administrative Code to transfer the Moscone Center Garage (255-3rd Street) and the Performing Arts Garage (360 Grove Street) from the Parking Authority to the Municipal Transportation Agency; assigning a ground lease for certain Public Works property for access between the Performing Arts Garage and Gough Street; affirming the 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. (Municipal Transportation Agency)

Ordinance No. 159-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170762 [Health Service System Plans and Contribution Rates - Calendar Year 2018] **Sponsor: Farrell**

Ordinance approving Health Service System plans and contribution rates for calendar year 2018. (Health Service System)
(Pursuant to Charter, Section A8.423, this matter requires three-fourths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

Ordinance No. 165-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendations of the Land Use and Transportation Committee

161351 [Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]

Sponsors: Breed; Kim, Peskin, Safai and Tang

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; to require minimum dwelling unit mix in most residential districts; affirming the Planning Department's determination 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.

Supervisor Kim requested this Ordinance be DUPLICATED.

See duplicated File No. 170834.

Ordinance No. 158-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170834 [Planning Code - Inclusionary Affordable Housing Fee and Dwelling Unit Mix Requirements]**Sponsors: Breed; Kim, Peskin, Safai and Tang**

Ordinance amending the Planning Code to revise the amount of the Inclusionary Affordable Housing Fee and the On-Site and Off-Site Affordable Housing Alternatives and other Inclusionary Housing requirements; to require minimum dwelling unit mix in most residential districts; affirming the Planning Department's determination 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.

Duplicated from File No. 161351.

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

Supervisor Kim, seconded by Supervisor Peskin, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 7, Line 11, by striking 'All other requirements of Planning Code Sections 415.1 et seq. shall apply.'; on Page 9, Lines 1-2, by striking 'All other requirements of Planning Code Sections 415.1 et seq. shall apply.'; on Page 46, Line 8, by adding a new 'Section 5.' to reference 'Section 249.28. Transbay C-3 Special Use District.'; and on Page 46, Line 22, through Page 47, Line 2, by adding 'California Public Resources Code Section 5027.7 requires that 35% of all dwelling units developed during the life of the Transbay Redevelopment Plan in the Transbay Redevelopment Project Area shall be permanently affordable to low- and moderate-income households, as such households are defined in State law. Section 4.9.3 of the Transbay Redevelopment Plan requires that a minimum of 15% of all units constructed on a particular site shall be affordable to certain qualifying households, as set forth in such Plan.' The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Supervisor Kim, seconded by Supervisor Ronen, moved that this Ordinance be **AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**, on Page 47, Line 6, by adding '.1 et seq.' after 'Section 415', Lines 7-10, by striking 'A minimum of 15% of all units' and adding 'The inclusionary affordable housing provided on-site shall be the higher amount of determined under Section 4.9.3 of the Transbay Redevelopment Plan or Section 415.6(a) of the Planning Code, as it may be amended from time to time; and the inclusionary affordable housing constructed on the site', Lines 11-12, by adding 'Section 4.9.3', Line 13, by adding 'required' and 'affordable housing', Lines 13-14, by striking 'required by this Section' and adding 'in the Transbay C-3 SUD', Lines 15-16, by striking 'Off site construction or in lieu fee payment' and adding 'Payment of the Affordable Housing Fee or compliance with the Off-Site Affordable Housing Alternative', Line 16, by striking 'are' and adding 'shall' and 'be', and Line 17, by striking 'this' and adding 'the inclusionary affordable housing', and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170430 [Planning Code - Landmark Designation - 1970 Ocean Avenue (aka El Rey Theater)]**Sponsors: Yee; Peskin and Safai**

Ordinance amending the Planning Code to designate 1970 Ocean Avenue (aka El Rey Theater), in Assessor's Parcel Block No. 3280, Lot No. 018, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

Ordinance No. 161-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170434 [Planning Code - Construction of Accessory Dwelling Units]**Sponsor: Peskin**

Ordinance amending the Planning Code to modify the requirements and procedures for authorizing the construction of Accessory Dwelling Units (ADUs) to include ADUs in RH-1(D) zoning districts in the Citywide program, apply the cap on number of ADUs to lots rather than buildings and remove the cap on buildings undergoing seismic retrofitting, allow the construction of ADUs expanding into the habitable area under certain conditions, make an exception to the prohibition against constructing an ADU where there has been a no-fault eviction in those cases where the tenant has been temporarily evicted in order for the owner to perform capital improvements, rehabilitation work, or lead remediation or abatement work, require modification of the project if construction of the ADU would have adverse impacts on any known historic resource, and require the Planning Department to apply all enacted design guidelines to ensure architectural compatibility of the ADU with existing buildings on the subject lot; 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 findings of public convenience, necessity, and welfare under Planning Code, Section 302; and directing the Clerk to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption pursuant to state law requirements.

Ordinance No. 162-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170626 [Fire Code - Fire Safety Disclosure, Posting, and Training Requirements]**Sponsors: Tang; Peskin**

Ordinance amending the Fire Code requirements for fire safety disclosure, posting, and training; making findings as to local conditions pursuant to the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to transmit this Ordinance to appropriate state officials.

Ordinance No. 164-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Referred Without Recommendation from the Land Use and Transportation Committee**170349 [Administrative Code - Owner Move-In Reporting Requirements]****Sponsors: Farrell; Sheehy, Cohen and Breed**

Ordinance amending the Administrative Code regarding owner move-in and relative move-in ("OMI") evictions to require a landlord seeking to recover possession of a unit for an OMI to provide a declaration under penalty of perjury stating that the landlord intends to occupy the unit for use as the principal place of residence of the landlord or the landlord's relative for at least 36 continuous months; require a landlord to provide the tenant with a form prepared by the Rent Board to be used to advise the Rent Board of any change in address; clarify the evidentiary standard for finding that an OMI was not performed in good faith; require a landlord to file documentation with the Rent Board regarding the status of an OMI, with a penalty for not filing such documentation, and requiring the Rent Board to transmit a random sampling of such documentation to the District Attorney; extend from three to five years the time period after an OMI during which a landlord who intends to re-rent the unit must first offer the unit to the displaced tenant; provide that a landlord who charges above the maximum allowable rent during the five-year period after an OMI is guilty of a misdemeanor; require the Rent Board to annually notify the unit occupant of the maximum rent for the unit for five years after an OMI, and authorize the occupant to sue for three times any excess rent charged; extend the statute of limitations for wrongful eviction claims based on an unlawful OMI from one year to five years; and making clarifying changes.

Ordinance No. 160-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendation of the Public Safety and Neighborhood Services Committee**170443 [Police Code - Outdoor Amplified Sound Permits]****Sponsors: Sheehy; Safai**

Ordinance amending the Police Code to recodify and revamp permit procedures for outdoor amplified sound by providing for distinct permits for Fixed Place Outdoor Amplified Sound, One Time Outdoor Amplified Sound, and Sound Trucks, and establishing fees for those permits, while also providing amplified sound requirements for Place of Entertainment and Limited Live Performance permits; to impose a fee for Sound Monitoring; to increase the fee for One Time Event permits; to declare operation of a business without these various permits (when required) to be a public nuisance; and to strengthen penalties for permit-related violations and noise violations; and making environmental findings.

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

Ordinance No. 163-17

FINALLY PASSED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

NEW BUSINESS

Recommendations of the Land Use and Transportation Committee

170209 [Police Code - Bicycle Chop Shops]

Sponsor: Sheehy

Ordinance amending the Police Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, or offer of distribution on public property or public rights-of-way of bicycles and bicycle parts, under certain conditions and with certain exceptions; authorize the Police Department (SFPD) to seize bicycles and bicycle parts following violations of this prohibition; and require SFPD to return seized items to their rightful owners without charging any fees, except that SFPD may charge an impound fee if the rightful owner consented to or participated in the acts that led to the seizure.

(Supervisor Peskin dissented in committee.)

Supervisor Sheehy, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of July 25, 2017. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170693 [Planning Code - Child Care Facilities]

Sponsors: Yee; Tang, Ronen, Farrell, Safai, Kim, Sheehy, Cohen, Breed and Fewer

Ordinance amending the Planning Code to allow residential uses and Child Care Facility uses to share required open space; make Child Care Facilities principally permitted in all zoning districts except the Production, Distribution, and Repair (Light Industrial Buffer) (PDR-1-B), Production, Distribution, and Repair (General) (PDR-1-G), and Industrial (Light Industrial) (M-1) zoning districts where they would be conditionally permitted, and in the Production, Distribution, and Repair (Core Production, Distribution, and Repair) (PDR-2), and Industrial (Heavy Industrial) (M-2) zoning districts where they would not be permitted; remove certain notice requirements for Child Care Facilities; make other conforming changes to references to the definition of Child Care Facility; 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)

Supervisors Safai, Kim, and Sheehy requested to be added as co-sponsors.

Privilege of the floor was granted unanimously to Aaron Starr (Planning Department) who responded to questions raised throughout the discussion.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170650 [California Environmental Quality Act Findings - San Francisco Public Utilities Commission Water System Improvement Program, San Andreas Pipeline No. 2 Replacement Project]

Resolution adopting findings under the California Environmental Quality Act related to modifications to the San Francisco Public Utilities Commission Water System Improvement Program, San Andreas Pipeline No. 2 Replacement Project, located in the City of San Bruno, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

Resolution No. 287-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170768 [Interdepartmental Jurisdictional Transfer of City Property - 25th, Illinois, Cesar Chavez, and Maryland Streets - \$29,700,000]

Sponsor: Cohen

Resolution approving the jurisdictional transfer of approximately 17 acres of City-owned real property comprised of portions of Assessor's Parcel Block Nos. 4297, 4298, 4299, 4300, 4310, and 4313, and bounded by 25th, Illinois, Cesar Chavez, and Maryland Streets, in the City and County of San Francisco, from the Port Commission to the Municipal Transportation Agency for no additional consideration; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Resolution No. 298-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendations of the Public Safety and Neighborhood Services Committee

170428 [Liquor License Transfer - 901 Rankin Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage license to Good Eggs, Inc., dba Good Eggs, located at 901 Rankin Street (District 10), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4; and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)
(Supervisor Fewer dissented in committee.)

Resolution No. 283-17

ADOPTED by the following vote:

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

Noes: 3 - Fewer, Kim, Peskin

170513 [Liquor License Transfer - 799 Beach Street]

Resolution determining that the transfer of a Type 20 off-sale beer and wine license Garfield Beach CVS, LLC, dba CVS, located at 799 Beach Street (District 2), will serve the public convenience or necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4; and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

Resolution No. 286-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Referred Without Recommendation from the Public Safety and Neighborhood Services Committee**170442 [Public Works, Administrative Codes - Requirements for Surface-Mounted Facility Site Permits]**

Sponsor: Cohen

Ordinance amending the Public Works Code to modify the exceptions to the Surface-Mounted Facility Site Permit requirement; to allow a permittee to choose to pay an "in-lieu" fee instead of installing a street tree; to allow a permittee to choose to pay an "in-lieu" fee instead of permitting the installation of a mural on its Surface-Mounted Facility; to repeal the requirements that a permittee install landscaping or pay an "in-lieu" fee and maintain the required landscaping; to repeal the requirement that an applicant for a Surface-Mounted Facility Site Permit make reasonable efforts to locate the facility on private property before submitting an application; to require Public Works to submit a report to the Board of Supervisors every two years on the number of applications for Surface-Mounted Facility Site Permits submitted and issued, and on maintenance and graffiti abatement activities at existing Surface-Mounted Facilities; and to amend the requirement that a permittee maintain any required street tree.

Privilege of the floor was granted unanimously to Jerry Sanguinetti (Public Works), Jon Givner (Office of the City Attorney), and Susan Pontious, Director of Public Arts (Arts Commission) who responded to questions raised throughout the discussion.

Supervisor Cohen, seconded by Supervisor Sheehy, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 12, Line 12, by adding 'and the installation of any', Line 14, by adding 'permitted' and 'the installation'. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Supervisor Cohen requested this Ordinance be DUPLICATED.

Supervisor Cohen, seconded by Supervisor Tang, moved to AMEND the DUPLICATED Ordinance to define 'Service Mounted Facilities' as being no more than 25 feet.

Before the vote was taken on the previous motion, Supervisor Cohen withdrew her request to DUPLICATE the Ordinance and the motion to AMEND the DUPLICATED Ordinance, without objection.

Supervisor Cohen, seconded by Supervisor Safai, moved that this Ordinance be RE-REFERRED AS AMENDED to the Public Safety and Neighborhood Services Committee. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendation of the Rules Committee

170816 [Appointment, Immigrant Rights Commission - Ruslan Gurvits]

Motion appointing Ruslan Gurvits (residency requirement waived), term ending June 6, 2019, to the Immigrant Rights Commission. (Rules Committee)

Motion No. M17-113

APPROVED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

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

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

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Supervisor Tang introduced, welcomed, and presented a Certificate of Honor to Cyndi Khan, a living donor, in recognition of her kidney donation and her advocacy bringing attention to the need for more donors.

Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to Officers Michael Shavers, Lamar Toney, Darryl Auyoung, Arturo Ramirez, Marco Zamudio, Sarah Jones, Shawn Phillips, Richard Trujillo, Victor Hui, and Carla Hurley of the San Francisco Police Department in recognition of their heroic efforts and exceptional work expeditiously solving a kidnapping case and reuniting an infant with her parents.

President Breed recessed the meeting at 2:50 p.m. and reconvened at 2:52 p.m.

Supervisor Sheehy introduced, welcomed, and presented a Certificate of Honor to Jocelyn Kane, Director (Entertainment Commission) on the occasion of her retirement from the City and County of San Francisco after 30 years of public service and her many accomplishments and continued community support. Supervisors Farrell and Breed shared in this commendation. Bryant Tan, President (Entertainment Commission), provided additional remarks on behalf of the Commission commending Director Kane.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Lee Radner (FOGG) on the occasion of his 205th consecutive swim at the Golden Gateway Recreation Pool.

Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to Dino Anderson and William Fitzgerald in recognition of their work feeding the homeless in their area, their exceptional efforts assisting a homeless woman finding permanent residency, and their continued community support.

COMMITTEE REPORTS

Recommendations of the Budget and Finance Sub-Committee

170703 [Business and Tax Regulations Code - Administration of Real Property Transfer Tax]

Sponsor: Breed

Ordinance amending the Business and Tax Regulations Code to specify processes for the auditing, determination, and collection of real property transfer taxes, including among other things, taxpayer reporting requirements, authority to reject a document for recordation, authority to issue subpoenas for information, audit procedures, issuance of deficiency and jeopardy determinations, additional penalties for fraud or intent to evade taxes, collection of delinquent taxes by the Tax Collector and by liens on the property, and confidentiality of taxpayer information.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170509 [Contract Agreement Amendment - NextBus, Inc. - Automatic Vehicle Location System - Not to Exceed \$12,444,090]

Resolution approving the Third Amendment to San Francisco Municipal Transportation Agency ("SFMTA") Contract No. SFMTA 2013-30, with NextBus, Inc., for software and equipment maintenance services for the SFMTA's Automatic Vehicle Location System, to extend the Agreement for one year for a total term of August 1, 2013, through July 31, 2018, with one one-year option to extend, and increasing the contract amount by \$3,780,474, for a total not to exceed \$12,968,676. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 284-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170510 [Agreement - Intercare Holdings Insurance Services, Inc. - Workers' Compensation Third Party Administrator - Not to Exceed \$26,179,119]

Resolution authorizing the San Francisco Municipal Transportation Agency and the Department of Human Resources to execute an agreement with Intercare Holdings Insurance Services, Inc., for Workers' Compensation Third Party Administrator services for an amount not to exceed \$26,179,119 and for a term of three years, from August 1, 2017, through July 31, 2020, with an option to extend the term for up to an additional two years. (Municipal Transportation Agency)
(Fiscal Impact)

Resolution No. 285-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170695 [Real Property Lease - Crystal Springs Golf Partners, L.P. - 6650 Golf Course Drive, Burlingame, California - \$1,000,000 Annual Base Rent]

Resolution authorizing a new lease to Crystal Springs Golf Partners, L.P., for the use of property owned by the City and County of San Francisco on property known as San Francisco Public Utilities Commission (SFPUC) Parcel No. 31, located at 6650 Golf Course Drive, Burlingame, California, for a term of 20 years to commence following Board approval, for rent equal to the greater of percentage rent or \$1,000,000 annual base rent; and authorizing the Director of Property and/or the SFPUC General Manager to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Public Utilities Commission)

Resolution No. 296-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170275 [Administrative Code - Establishing an Office of Cannabis and Extending the Term of the Cannabis State Legalization Task Force]

Sponsors: Sheehy; Cohen

Ordinance amending the Administrative Code to establish an Office of Cannabis; to authorize the Director of the Office of Cannabis to issue permits to cannabis-related businesses; to direct the Director of the Office of Cannabis to collect permit application and annual license fees following the enactment of a subsequent ordinance establishing the amounts of those fees; and to extend the term of the Cannabis State Legalization Task Force.
(Fiscal Impact)

Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney), Debra Newman (Office of the Budget and Legislative Analyst), and Adam Nguyen (Office of the City Administrator) who responded to questions raised throughout the discussion.

Supervisor Fewer, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED to the Board of Supervisors meeting of September 12, 2017. The motion FAILED by the following vote:

Ayes: 3 - Fewer, Kim, Ronen

Noes: 8 - Breed, Cohen, Farrell, Peskin, Safai, Sheehy, Tang, Yee

(Fiscal Impact)

Supervisor Safai, seconded by Supervisor Sheehy, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Line 13, by adding 'The Office shall ensure that the perspectives of communities that historically have been disproportionately impacted by federal drug enforcement policies are included and considered in all policy decisions.' The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee
(Fiscal Impact)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Appointment of President Pro Tempore

At the request of President Breed, Supervisor Farrell assumed the chair at 4:22 p.m. The President resumed the chair at 4:26 p.m.

Recommendation of the Land Use and Transportation Committee

170692 [General Plan Amendments - Implementing the City's Vision Zero Policy Regarding Pedestrian Safety]

Ordinance amending the Transportation and Urban Design Elements of the General Plan to implement the City's Vision Zero policy regarding pedestrian safety; making findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and affirming the Planning Department's determination under the California Environmental Quality Act. (Planning Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Referred Without Recommendation from the Land Use and Transportation Committee

170761 [Public Works, Administrative Codes - Street Encroachment Permits and Maintenance Fund for Certain Permits]

Sponsor: Mayor

Ordinance amending the Public Works Code to update provisions on street encroachment permits, establish appeals procedures and fees for such appeals, waive the annual public right-of-way occupancy assessment fee in lieu of the waiver for permit fee payment for certain permits, modify the street encroachment permit process for governmental entities, and create a temporary street encroachment permit for a maximum period of 30 months; amending the Administrative Code to establish an encroachment maintenance fund for permits where the permittee is not an adjacent property owner; and affirming the Planning Department's determination under the California Environmental Quality Act.

Privilege of the floor was granted unanimously to Robin Havens (Office of Economic and Workforce Development) and John Malamut (Office of the City Attorney) who responded to questions raised throughout the discussion.

Supervisor Peskin, seconded by Supervisor Yee, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 11-12, by requiring additional Board approval on encroachments that are determined to be new or modified, and Line 22, by striking 'return' and adding 'restore'; on Page 6, Line 16, through Page 8, Line 2, by adding 'Sections 786(e)(2)(A), 786(e)(2)(B), 786(e)(2)(C), and 786(e)(2)(D)' to create an avenue for members of the public to petition the Public Works Director to revoke a permit and establishes a process; on Page 15, Lines 3-9, by adding 'Section 786.8(h)' to require a bond for street encroachments with a construction cost of \$1 million or greater; and on Page 17, Lines 13-22, by establishing how funds deposited into the Encroachment Maintenance Fund are used and when they may be refunded to the permittee. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendations of the Land Use and Transportation Committee

170820 [Planning Code - Valencia Street Neighborhood Commercial Transit District Zoning Control Table]

Sponsor: Mayor

Ordinance amending the Planning Code to adopt the zoning control table for the Valencia Street Neighborhood Commercial Transit District, which was deleted inadvertently from Ordinance No. 129-17, the Article 7 Reorganization Ordinance; making environmental findings and 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.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170783 [Extending Interim Zoning Controls - Indoor Agriculture]

Sponsor: Mayor

Resolution extending 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.

Resolution No. 299-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Recommendations of the Government Audit and Oversight Committee

President Breed requested File Nos. 170728, 170729, 170730, 170731, 170732, 170753, 170794, 170795, 170797 be called together.

170727 [Settlement of Lawsuit - Alfred Fred Pittman - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Alfred Fred Pittman against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 20, 2013, in United States District Court, Case No. 13-CV-02095; entitled Alfred Fred Pittman v. City and County of San Francisco; the lawsuit involves alleged civil rights violations. (City Attorney)

This item was not sent as a Committee Report.

170728 [Settlement of Lawsuit - Barbara Burke and Miles Burke - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Barbara Burke and Miles Burke against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 20, 2015, in San Francisco Superior Court, Case No. CGC-15-545917; entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10; the lawsuit involves personal injury from an alleged dangerous condition of public property. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170729 [Settlement of Lawsuit - San Francisco Apartment Association, et al. - \$130,440]

Ordinance authorizing settlement of the lawsuit filed by San Francisco Apartment Association, Coalition For Better Housing, and San Francisco Association of Realtors against the City and County of San Francisco for \$130,440; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513452; entitled San Francisco Apartment Association, et al. v. City and County of San Francisco; the lawsuit involves a claim for attorney's fees and costs following Petitioners' challenge to Section 317(e)(4) of Ordinance No. 287-13 on the grounds it is preempted by the state Ellis Act. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170730 [Settlement of Lawsuit - Jose H. Lima Osorio - \$57,500]

Ordinance authorizing settlement of the lawsuit filed by Jose H. Lima Osorio against the City and County of San Francisco for \$57,500; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550862; entitled Jose H. Lima Osorio v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injuries when plaintiff was struck by a vehicle while in the crosswalk. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170731 [Settlement of Lawsuit - BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. - \$1,613,554.74]

Ordinance authorizing settlement of two lawsuits filed by BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. against the City and County of San Francisco for \$1,613,554.74 to be distributed as follows: BHR Operations LLC \$379,969.68, Hotel Nikko of San Francisco Inc. \$201,741.40, Datam S.F. LLC \$277,953.69, RP/Kinetic Parc 55 Owner, LLC \$25,601.63, S.F. Hilton LLC \$447,301.52, W2005 Argent Hotel Realty LLC \$42,857.19, British Airways Plc \$163,369.38, Cathay Pacific Airways Ltd \$74,760.25; the lawsuits were filed in San Francisco Superior Court, as Case No. CGC-10-498514 entitled BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. v. City and County of San Francisco, et al. filed on April 9, 2010, and Case No. CGC-10-505526 entitled British Airways Plc v. City and County of San Francisco, et al. filed on November 19, 2010; other material terms of the settlement include the City's retaining transient occupancy taxes collected by the Tax Collector, and the plaintiffs' agreement to pay transient occupancy taxes in the future according to the Tax Collector's regulations; the lawsuits involve a dispute between the City and the hotel and airline industry about whether airline crew rooms are exempt from the City's transient occupancy tax. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170732 [Settlement of Lawsuit - Betsy Isabel Ayala - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Betsy Isabel Ayala against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 7, 2015, in San Francisco Superior Court, Case No. CGC-15-546742; entitled Betsy Isabel Ayala v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170752 [Settlement of Lawsuit - Zhen Qiang Zhang - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Zhen Qiang Zhang against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 13, 2014, in San Francisco Superior Court, Case No. CGC-14-542708; entitled Zhen Qiang Zhang v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

This item was not sent as a Committee Report.

170753 [Settlement of Lawsuit - Pedro Figueroa Zarceno - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Pedro Figueroa Zarceno against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 17, 2017, in United States District Court for the Northern District of California, Case No. 17-cv-00229 JST; entitled Pedro Figueroa Zarceno v. City and County of San Francisco, et al.; the lawsuit involves unlawful arrest. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170754 [Settlement of Lawsuit - Stuart Kohler - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Stuart Kohler against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 8, 2016, in United States District Court, Case No. 16-CV-6502; entitled Stuart Kohler v. City and County of San Francisco et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

This item was not sent as a Committee Report.

170794 [Settlement of Lawsuit - Sarah Loomis - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Sarah Loomis against the City and County of San Francisco for \$95,000; the lawsuit was filed on February 19, 2016, in San Francisco Superior Court, Case No. CGC-16-550399; entitled Sarah Loomis v. Nathaniel David Mansker, City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170795 [Settlement of Lawsuit - Sonia Meyerson - \$52,500]

Ordinance authorizing settlement of the lawsuit filed by Sonia Meyerson against the City and County of San Francisco for \$52,500; the lawsuit was filed on April 22, 2015, in San Francisco Superior Court, Case No. CGC-15-545451; entitled Sonia Meyerson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170796 [Settlement of Lawsuit - Bernard Sandoval - \$120,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard Sandoval against the City and County of San Francisco for \$120,000; the lawsuit was filed on June 25, 2015, in San Francisco Superior Court, Case No. CGC-15-546562; entitled Bernard Sandoval v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

This item was not sent as a Committee Report.

170797 [Settlement of Lawsuit - Paula Ginsburg - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Paula Ginsburg against the City and County of San Francisco for \$225,000; the lawsuit was filed on February 17, 2016, in San Francisco Superior Court, Case No. CGC-16-550470; entitled Paula Ginsburg v. City and County of San Francisco, and Does 1 to 25, Inclusive; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Male Speaker; spoke on various religious concerns.

Andrew Yip; shared his various thoughts and experiences with the Board.

Robert Cesana; shared concerns regarding transportation network companies.

Male Speaker; shared concerns regarding sanctuary city policies and using city resources.

Curtis; shared concerns regarding big banks and requesting the City divest from these relationships.

Aaron Danzig (Jewish Community Relations Council); expressed support of the newly introduced Resolution condemning anti-Semitism.

Mike Dario; shared concerns regarding the recent murder of a photographer at Twin Peaks.

Eric Payne; thanked the Board for their policies on small businesses and shared various concerns regarding the growth of businesses.

Seth Brysk (Anti-Defamation League); expressed support of the newly introduced Resolution condemning anti-Semitism.

Nikhil Panu; shared concerns regarding ways to generate additional revenue while increasing community engagement.

Tom Gilberty; shared concerns regarding affordable housing and encouraged reforms on this matter.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE**170826 [Urging Wells Fargo to Compensate Employees Terminated in Retaliation for Whistle-blowing]**

Sponsors: Kim; Peskin and Ronen

Resolution urging Wells Fargo & Company to remediate the economically damaging effects of defamatory statements made against employees in retaliation for attempting to blow the whistle on past fraudulent practices, conduct a card check of all employees nationwide, and conduct a thorough review of lending practices.

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

Resolution No. 301-17

ADOPTED

170828 [Adopting the Planning Department's Report on Interim Zoning Prohibition on Commercial Mergers - Proposed Calle 24 Special Use District]**Sponsor: Ronen**

Motion adopting the Planning Department's report on the interim zoning prohibition on commercial storefront mergers of greater than 799 gross square feet in the proposed Calle 24 Special Use District, which generally includes all lots bounded by 22nd Street, Potrero Avenue, Cesar Chavez Street, Capp Street, and both sides of 24th Street from Capp Street to Bartlett Street, as well as certain additional adjacent lots.

Motion No. M17-114

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Cohen requested that File No. 170827 be severed so that it may be considered separately.

170827 [Opposing California State Assembly Bill 943 (Santiago) - Land Use Regulations: Local Initiatives: Voter Approval]**Sponsor: Peskin**

Resolution opposing California State Assembly Bill 943, authored by Assembly Member Miguel Santiago, which would impose a supermajority voting requirement of 55% on all ballot measures in cities and counties with populations of 750,000 or more that are qualified for the ballot by citizen petition and are designated by the county counsel or city attorney in those cities and counties to inhibit unchecked development.

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Supervisor Cohen, seconded by Supervisor Peskin, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Supervisor Cohen, seconded by Supervisor Safai, moved that this Resolution be REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

Ordinances

170625 [Planning Code - Car-Share and Shared Short Range Vehicle Parking Requirements]

Sponsor: Breed

Ordinance amending the Planning Code to allow Shared Short Range Vehicle (scooter) off-street parking in certain designated spaces and amending the Car-Share Program provisions; 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 making findings under Planning Code, Section 302.

05/23/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/22/2017.

05/31/17; REFERRED TO DEPARTMENT.

06/06/17; RESPONSE RECEIVED.

07/18/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

170835 [Amending Ordinance No. 49-17 - 180 Jones Street Affordable Housing Fund]

Sponsor: Kim

Ordinance amending Ordinance No. 49-17 to change the timeline, for the first payment of \$1,500,000 from the project sponsor of 950-974 Market Street to the 180 Jones Street Affordable Housing Fund, from "the issuance of the first construction document for that project or July 1, 2017, whichever comes first," to "the issuance of the first construction document."

07/18/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/17/2017.

170419 [Planning Code - North Beach, Telegraph Hill, Broadway and Chinatown Area Controls; Formula Retail]**Sponsor: Peskin**

Ordinance amending the Planning Code to support Legacy Businesses; expand the definition of historic buildings and impose additional requirements in the Broadway Neighborhood Commercial District (NCD) and North Beach Special Use District (SUD); prohibit certain uses in the North Beach SUD; reduce the lot size limit in the North Beach SUD; modify the requirements for approval of parking garages in the Telegraph Hill-North Beach Residential SUD, the North Beach NCD, and Chinatown Mixed Use Districts; revise the definition of Formula Retail; 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 making findings of public convenience, necessity, and welfare under Planning Code, Section 302.

04/11/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 5/11/2017.

04/21/17; REFERRED TO DEPARTMENT.

04/28/17; RESPONSE RECEIVED.

07/11/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

07/14/17; REFERRED TO DEPARTMENT.

07/18/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

170836 [Administrative Code - Requesting Findings From Assessment Appeals Board]**Sponsor: Peskin**

Ordinance amending the Administrative Code to require parties to pay a refundable deposit when requesting written findings from the Assessment Appeals Board, and to establish procedures concerning the waiver and renewal of requests for written findings.

07/18/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/17/2017.

170837 [Building Code - Mandatory Disability Access Improvements - Extension of Time For Compliance and Report to the Board of Supervisors]**Sponsor: Tang**

Ordinance amending Chapter 11D of the Building Code to extend the time for compliance with the requirement that an existing building with a place of public accommodation either have all primary entries and path of travel into the building accessible by persons with disabilities or receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship, the Department of Building Inspection's report to the Board of Supervisors, and the limitation on granting extensions of time; restating the findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage.

07/18/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/17/2017.

Resolutions

170838 [Recreation and Parks Month - July 2017]

Sponsor: Breed

Resolution proclaiming July 2017 as Recreation and Parks Month in the City and County of San Francisco.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

170839 ["The Time To Ask" - Summer Break 2017]

Sponsor: Farrell

Resolution recognizing Brady Campaign's ASK (Asking Saves Kids) Campaign, which promotes a plan to prevent more children from dying due to access to unlocked guns by asking parents if there is an unlocked gun where their child is playing, and declaring summer break 2017 as "The Time To Ask," in the City and County of San Francisco.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

170840 [Urging the United States Congress to Oppose the Protecting Americans from Credit Entanglements Act of 2017]

Sponsor: Farrell

Resolution urging the United States Congress not to pass the Protecting Americans from Credit Entanglements Act of 2017 as it would undermine consumer protections, an essential component to Property Assessed Clean Energy programs.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

170841 [Condemning Increase of Anti-Semitic Harassment]

Sponsors: Ronen; Kim, Peskin, Farrell, Cohen, Safai, Sheehy, Breed, Tang, Yee and Fewer

Resolution condemning the increase in incidents of anti-Semitism and other forms of bias, prejudice, and discrimination.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

170842 [Year of Recognizing Youth Experiencing Homelessness in San Francisco - FY2017-2018]

Sponsor: Sheehy

Resolution declaring FY2017-2018 as the year of recognizing youth experiencing homelessness in the City and County of San Francisco, supporting the plan to end youth homelessness, and urging the Department of Public Health and the Department of Homelessness and Supportive Housing to allocate resources for homeless youth and transitional age youth populations proportional to their representation among the homeless population in San Francisco.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

170845 [Opposing California State Assembly Bill 943 (Santiago) - Land Use Regulations: Local Initiatives: Voter Approval]**Sponsor: Peskin**

Resolution opposing California State Assembly Bill 943, authored by Assembly Member Miguel Santiago, which would impose a supermajority voting requirement of 55% on all ballot measures in cities and counties with populations of 750,000 or more that are qualified for the ballot by citizen petition and are designated by the county counsel or city attorney in those cities and counties to inhibit unchecked development.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion**170847 [Local Agency Formation Commission - Interim Administrative Officer - Clerk of the Board]****Sponsor: Fewer**

Motion authorizing the Clerk of the Board of Supervisors to accept the appointment as the Interim Administrative Officer to perform administrative duties on behalf of the San Francisco Local Agency Formation Commission, commencing upon the elimination of the 9775 Senior Community Development Specialist II position occurring through the approval of the City and County of San Francisco's FYs 2017-2018 and 2018-2019 budget, until such time as the San Francisco Local Agency Formation Commission has selected their Executive Officer.

07/18/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing**170843 [Hearing - City and County's Healthy and Sustainable Food Policy]****Sponsor: Fewer**

Hearing to address the City and County's Health and Sustainable Food Policy; and requesting the Department of Public Health's Interagency Healthy and Sustainable Foods Working Group to report.

07/18/17; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

170844 [Hearing - Utility Undergrounding]**Sponsor: Fewer**

Hearing on the status of a master plan regarding utility undergrounding in San Francisco; and requesting Public Works to report.

07/18/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

Introduced at the Request of a Department

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

PROPOSED RESOLUTION

170818 [Settlement of Unlitigated Claim - DiamondRock Hospitality, L.P. - \$245,000]

Resolution approving the settlement of the unlitigated claim filed by DiamondRock Hospitality, L.P., against the City and County of San Francisco for \$245,000; the claim involves an alleged overpayment of real property transfer tax paid in connection with the November 14, 2012, purchase of the Hotel Rex, located at 562 Sutter Street. (City Attorney)

07/10/17; RECEIVED FROM DEPARTMENT.

07/18/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Requests Granted

From: Supervisor Sheehy

To: San Francisco Municipal Transportation Agency

Requesting/Inquiring: Supervisor Sheehy inquires about the outreach efforts to organizers and patrons of Up Your Alley street fair on July 30th and operational proposals prior to the weekend to assist passengers in navigating transit options.

From: Supervisor Sheehy

To: San Francisco Airport

Requesting/Inquiring: Supervisor Sheehy inquires about the Airport's views on implementation of the Airport Facilities Naming Advisory Committee's June 26 recommendation to rename Terminal 1 after Harvey Milk.

In Memoriams

Steven Louis Lair - Supervisor Tang

Robert Fugate - Supervisor Tang

Stuart James McFarland - Supervisor Tang

Michael William Laughlin - Supervisor Tang

ADJOURNMENT

There being no further business, the Board adjourned at the hour 6:15 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 September 5, 2017.

Angela Calvillo, Clerk of the Board