

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, September 12, 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

Thursday

10:00 AM

**Budget and Finance Federal Select Committee**

Supervisors Cohen, Sheehy, Fewer

Thursday

1:00 PM

**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 27

**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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, September 12, 2017, with President London Breed presiding.*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*President Breed called the meeting to order at 2:04 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 by SFGovTV, that the contractor Granicus is having technical difficulties livestreaming the Board of Supervisor meeting on the website today. If members of the public want to watch the meeting on their computer, please to go to [youtube.com/sfgtv](https://youtube.com/sfgtv).*

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

## **AGENDA CHANGES**

*There were no agenda changes.*

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

*There were no questions submitted from Supervisors representing the odd districts. Mayor Edwin Lee addressed the Board of Supervisors regarding climate change and what the City and County of San Francisco is doing to minimize the effects. Following public comment this matter was filed. No further action was taken.*

## CONSENT AGENDA

### Recommendations of the Government Audit and Oversight Committee

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**PASSED ON FIRST READING**

**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)

**Resolution No. 339-17**

**ADOPTED**

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### From the Board

#### **170834 [Planning Code - Inclusionary Affordable Housing Fee and 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; to clarify Inclusionary Housing requirements in the Transbay C-3 Special Use District; 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 Safai, seconded by Supervisor Kim, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by removing minimum dwelling unit mix requirements in most residential districts from the title, amending requirement language for projects consisting of 25 dwelling units or more that are subject to Section 415.3(d), adding Inclusionary Housing requirements to the Transbay C-3 Special Use District in Section 249.28, and making other clarifying and conforming changes pursuant to the passage of a previous Ordinance. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
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 clarify Inclusionary Housing requirements in the Transbay C-3 Special Use District; 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, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED. Before the vote was taken, Supervisor Kim withdrew this motion with the unanimous consent of the Board.*

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

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

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

**Recommendation of the Budget and Finance Sub-Committee**

**170759** **[Real Property Lease - Various Owners - 170-9th Street - \$1,256,250 in Initial Year]**  
Resolution approving a lease of approximately 25,125 square feet at 170-9th Street, with Michael E. Hornstein and Ellen F. Hornstein, Trustees of the Michael & Ellen Hornstein 1998 Revocable Trust, Jordan D. Hornstein and Emily F. Hornstein as Landlord, for the 12 year term expected to be from April 1, 2018, through March 31, 2030, for use by the Department of Homelessness and Supportive Housing at an initial annual rent of \$1,256,250 with 3% annual increases with two five-year options to extend; and finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Department of Homelessness and Supportive Housing)  
(Fiscal Impact)

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Resolution be TABLED. The motion carried 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**

**170552** **[Amending Ordinance No. 1061 - Sidewalk Width Change - Masonic Avenue at Fulton and Turk Streets]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" to reduce the official sidewalk width of certain locations along Masonic Avenue at the southwest corner of the intersection of Masonic Avenue and Fulton Street, and the northeast corner of the intersection of Masonic Avenue and Turk Street; 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. (Public Works)

**Ordinance No. 188-17**

**FINALLY PASSED 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, Fewer and Peskin**  
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)

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

**Ordinance No. 189-17**

**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****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.

**Supervisor Peskin, seconded by Supervisor Safai, moved that this Ordinance be RE-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

## NEW BUSINESS

### Recommendations of the Government Audit and Oversight Committee

#### **170601 [Tourism Improvement District - Annual Reports to the City - FYs 2009-2016]**

**Sponsor: Mayor**

Resolution receiving and approving annual reports for the Tourism Improvement District for FYs 2009-2016, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

**Resolution No. 336-17**

**ADOPTED by the following vote:**

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

#### **170604 [Moscone Expansion District - Annual Report to the City - FYs 2014-2015 and 2015-2016]**

**Sponsor: Mayor**

Resolution receiving and approving annual reports for the Moscone Expansion District for FYs 2014-2015 and 2015-2016, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

**Resolution No. 337-17**

**ADOPTED by the following vote:**

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

#### **170661 [Board Response - Civil Grand Jury Report - Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2016-2017 Civil Grand Jury Report, entitled "Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

**Resolution No. 338-17**

**ADOPTED by the following vote:**

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

**170305 [Urging the Retirement Board to Renew Its Commitment to Divest from Fossil Fuel Companies]****Sponsors: Peskin; Fewer, Ronen and Sheehy**

Resolution urging the Retirement Board of the Employees' Retirement System to renew its commitment to divest from publicly-traded fossil fuel companies, pursuant to its commitments to do so since October 2013, and to provide an update on public and private equity fossil fuel holdings.

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

**Resolution No. 335-17**

**ADOPTED 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 Farrell, seconded by Supervisor Ronen, 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 Farrell introduced, welcomed, and presented a Certificate of Honor to Captain John Jaimerena, on behalf of the Northern Police Station of the City and County of San Francisco, in recognition of their hard work and efforts during the rally recently held at Crissy Field.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Sergeant Carla Hurley of the Bay View District Station in recognition of her accomplishments on solving a recent crime in District 9.*



## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 170804, 170805, 170806, and 170807 be called together.*

### **170804 [Hearing - Appeal of Community Plan Evaluation - 1850 Bryant Street]**

Hearing of persons interested in or objecting to a Community Plan Evaluation issued by the Planning Department under the California Environmental Quality Act on May 10, 2017, for the proposed project at 1850 Bryant Street, approved on June 1, 2017, to demolish an existing two-story building, and construct a new five-story, 68-foot-tall building, totaling 187,416 gross square feet that includes 18,652 gross square feet of Production, Distribution and Repair, 166,483 gross square feet of Social Service/Community Facility, and 2,281 gross square feet of ground-floor retail Commercial uses; including 89 off-street, two car share, four service vehicle, and one truck loading parking space; 30 Class 1 and 15 Class 2 bike parking spaces; in the PDR-1-G (Production, Distribution & Repair - 1 - General) Zoning District and 68-X height and bulk district. (District 9) (Appellant: Bijal Patel, on behalf of Franklin Square Owners Association) (Filed July 3, 2017) (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

*Supervisor Ronen, seconded by Peskin, moved to reopen public comment to allow the project sponsor to address the Board. The motion carried without objection.*

*William Fleishhacker (Project Sponsor); spoke on various concerns relating to the project and appeal. There were no other speakers. President Breed re-closed public comment and re-declared the public hearing heard and filed.*

**HEARD AND FILED**

### **170805 [Affirming the Community Plan Evaluation - 1850 Bryant Street]**

Motion affirming the determination by the Planning Department that a proposed project at 1850 Bryant Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

**Motion No. M17-128**

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

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

### **170806 [Conditionally Reversing the Community Plan Evaluation - 1850 Bryant Street]**

Motion conditionally reversing the determination by the Planning Department that a proposed project at 1850 Bryant Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

**170807 [Preparation of Findings to Reverse the Community Plan Evaluation - 1850 Bryant Street]**

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 1850 Bryant Street is exempt from further environmental review. (Clerk of the Board)

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

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

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

*President Breed requested File Nos. 170812, 170813, 170814, and 170815 be called together.*

**170812 [Hearing - Appeal of Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed project at 1500-1540 Market Street (One Oak Street) identified in Planning Case No. 2009.0159E, certified by the Planning Commission through Motion No. 19938 dated June 15, 2017. (District 5) (Appellant: Sue Hestor, on behalf of Jason Henderson) (Filed July 17, 2017) (Clerk of the Board)

*President Breed opened the public hearing and indicated she would be entertaining a motion to continue this appeal to September 26, 2017. The President then inquired as to whether any member of the public wished to address the Board on the proposed continuance. Jason Henderson (Appellant); Male Speaker; Jay Battioni; spoke in support of the continuance. There were no other speakers. President Breed closed public comment on the continuance.*

**Supervisor Breed, seconded by Supervisor Farrell, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of September 26, 2017. The motion carried by the following vote:**

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

**170813 [Affirming the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street). (Clerk of the Board)

**Supervisor Breed, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 26, 2017.**

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

**170814 [Conditionally Reversing the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed project at 1500-1540 Market Street (One Oak Street), subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Supervisor Breed, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 26, 2017.**

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

**170815 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - 1500-1540 Market Street (One Oak Street)]**

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report for the proposed project at 1500-1540 Market Street (One Oak Street). (Clerk of the Board)

**Supervisor Breed, seconded by Supervisor Farrell, moved that this Motion be CONTINUED to the Board of Supervisors meeting of September 26, 2017.**

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

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

*President Breed requested File Nos. 170750 and 170751 be called together. Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion on these matters.*

**170750 [General Plan Amendments - One Oak Street Project]**

Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340. (Planning Commission)

**NOT PASSED ON FIRST READING by the following vote:**

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

**170751 [Planning Code, Zoning Map - One Oak Street Project]**

Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Assessor's Parcel Block No. 0836, portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No. 001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

**NOT PASSED ON FIRST READING by the following vote:**

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

## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 170851, 170852, 170853, and 170854 be called together. Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion on these matters.*

### **Supervisor Safai Excused from Voting**

**Supervisor Ronen, seconded by Supervisor Fewer, moved that Supervisor Safai be excused from voting on File Nos. 170851, 170852, 170853, and 170854, due to a possible conflict of interest. The motion carried by the following vote:**

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

### **170851 [Hearing - Appeal of Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**

Hearing of persons interested in or objecting to the adoption of a Mitigated Negative Declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street, Assessor's Parcel Block No. 5626, Lot Nos. 013 and 014, identified in Planning Case No. 2013.1383ENV, adopted on June 15, 2017. (District 9) (Appellant: Ryan J. Patterson of Zacks Freedman & Patterson, PC, on behalf of Kathy Angus for Bernal Heights South Slope Organization, Marilyn Waterman and Sam Orr for Bernal Safe and Livable, Herbert Felsenfeld for Neighbors Against the Upper Folsom Street Extension, Gail Newman, and Ann Lockett.) (Filed July 17, 2017). (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board. Ryan Patterson (Zacks Freedman & Patterson, PC); Kathy Angus (Bernal Heights South Slope Organization); Steve Viani; Kenneth Ridings (Engineering Design & Testing Corp.); provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Larry Carter; Male Speaker; Barbara Underberg; Sara McHerman; Pamela Herman; Female Speaker on behalf of Linda Whinner; Linda Rainee; Female Speaker; Nic Griffin; Pat Huse; Female Speaker; Herb P.; Deborah Durson; Terry Mill; spoke in support of the appeal. Justin Horner; Lisa Gibson, Joy Navarrete (Planning Department); Kristen Jensen (Office of the City Attorney); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Charles Olson (Lubin Olson & Niewiadomski, LLP); provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Starr Jia; Moe Kontos; Ramon Romero; Todd David; Sean Kingrin; spoke in support of the project and in opposition to the appeal. Ryan Patterson (Zacks Freedman & Patterson, PC); Kenneth Ridings (Engineering Design & Testing Corp.); provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**170852 [Affirming the Approval of a Final Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**

Motion affirming the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act, for a proposed project at 3516 and 3526 Folsom Street. (Clerk of the Board)

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

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

Excused: 1 - Safai

**170853 [Conditionally Reversing the Approval of a Final Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**

Motion conditionally reversing the approval by the Planning Commission of a Final Mitigated Negative Declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

**Motion No. M17-130**

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

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

Excused: 1 - Safai

**170854 [Preparation of Findings to Reverse the Final Mitigated Negative Declaration - Proposed Project at 3516 and 3526 Folsom Street]**

Motion directing the Clerk of the Board to prepare findings reversing the approval by the Planning Commission of a final mitigated negative declaration under the California Environmental Quality Act for a proposed project at 3516 and 3526 Folsom Street. (Clerk of the Board)

**Motion No. M17-131**

**Supervisor Ronen, seconded by Supervisor Fewer, moved that this Motion be APPROVED, and to direct the findings include additional environmental review on vibration effects. The motion carried by the following vote:**

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

Excused: 1 - Safai

**Appointment of President Pro Tempore**

*At the request of President Breed, Supervisor Tang assumed the chair at 5:25 p.m. The President resumed the chair at 6:19 p.m.*

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

*President Breed requested File Nos. 170855, 170856, 170857, and 170858 be called together.*

**170855 [Hearing - Appeal of Determination of Exemption From Environmental Review - 43 Everson Street]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on July 29, 2017, approved on June 15, 2017, for the proposed project at 43 Everson Street, to include horizontal and vertical additions to an existing three-story single family home, increase the gross square footage of the residence from 5,364 square feet to approximately 6,780 square feet, and increase the height of the building from approximately 13 feet to approximately 30 feet measured from the Everson Street frontage. (District 8) (Appellant: Ryan J. Patterson, on behalf of David Cowfer) (Filed July 17, 2017) (Clerk of the Board)

*President Breed opened the public hearing, informed the public that the determination has been withdrawn by the Planning Department, and inquired as to whether any member of the public wished to address the Board. Devyani Jain (Planning Department) provided an overview of the decision withdraw by the Planning Department and responded to questions raised throughout the discussion. Ryan Patterson; Tara Sirus; spoke neither in support nor against the appeal or withdraw. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

**170856 [Affirming the Categorical Exemption Determination - 43 Everson Street]**

Motion affirming the determination by the Planning Department that a proposed project at 43 Everson Street is categorically exempt from further environmental review. (Clerk of the Board)

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

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

**170857 [Conditionally Reversing the Categorical Exemption Determination - 43 Everson Street]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 43 Everson Street is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

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

**170858 [Preparation of Findings to Reverse the Categorical Exemption Determination - 43 Everson Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 43 Everson Street is categorically exempt from further environmental review. (Clerk of the Board)

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

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



## SPECIAL ORDER 3:00 P.M.

*President Breed requested File Nos. 170907, 170908, 170909, and 170910 be called together. Supervisors Cohen and Farrell were excused from voting on these matters, pursuant to their excusals recorded later in the minutes.*

### **Supervisor Peskin Excused from Voting**

**Supervisor Yee, seconded by Supervisor Tang, moved to excuse Supervisor Peskin from voting on File Nos. 170907, 170908, 170909, and 170910, due to a possible conflict of interest. The motion carried by the following vote:**

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

### **170907 [Hearing - Appeal of Determination of Exemption From Environmental Review - 302 Greenwich Street/1531 Montgomery Street]**

Hearing of persons interested in or objecting to the determination of exemption from environmental review under the California Environmental Quality Act issued as a Categorical Exemption by the Planning Department on June 28, 2017, approved on July 6, 2017, for the proposed project at 302 Greenwich Street/1531 Montgomery Street, for a change of use to return the property to its historic use as a restaurant (dba "Julius' Castle"), to include a street level bar with dining at the second and third floors, and third floor terrace located at the rear of the property. (District 3) (Appellants: Gordon Francis, representing La Colline Home Owners Association, Norman Laboe, and Dan Lorimer) (Filed August 4, 2017) (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Board. Gordon Francis (La Colline Home Owners Association); (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Robert Rickler; Pat Sheein; spoke in support of the appeal. Laura Lynch (Planning Department); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Paul Scott (Julius' Castle); provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department. Jacker Bearer; Male Speaker; Alex Camper; spoke in support of the project and in opposition to the appeal. Gordon Francis (La Colline Home Owners Association); provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Breed closed public comment and declared the public hearing heard and filed.*

*Supervisor Yee, seconded by Supervisor Tang, moved to reopen public comment on this matter to allow additional speakers. The motion carried without objection.*

*Norman Liberal; spoke in support of the appeal. President Breed re-closed public comment and re-declared the public hearing heard and filed.*

**HEARD AND FILED**

**170908 [Affirming the Exemption Determination - 302 Greenwich Street/1531 Montgomery Street]**

Motion affirming the determination by the Planning Department that a proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review.

**Motion No.** M17-132

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

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

Excused: 3 - Cohen, Farrell, Peskin

**170909 [Conditionally Reversing the Exemption Determination - 302 Greenwich Street/1531 Montgomery Street]**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination.

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

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

Excused: 3 - Cohen, Farrell, Peskin

**170910 [Preparation of Findings to Reverse the Categorical Exemption Determination - 302 Greenwich Street/1531 Montgomery Street]**

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 302 Greenwich Street/1531 Montgomery Street is exempt from further environmental review. (Clerk of the Board)

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

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

Excused: 3 - Cohen, Farrell, Peskin



**SPECIAL ORDER 3:00 P.M.****Board of Supervisors Sitting as a Committee of the Whole****170965 [Hearing - Committee of the Whole - Closing of Skilled Nursing and Sub-Acute Unit at St. Luke's Hospital - September 12, 2017]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 12, 2017, at 3:00 p.m., to discuss the closing of the skilled nursing and sub-acute units at St. Luke's Hospital, as well as legislative solutions; and requesting the Department of Public Health, Human Services Agency, and Office of Economic and Workforce Development to report; scheduled pursuant to Motion No. M17-127, approved by the Board on September 5, 2017. (Clerk of the Board)

*President Breed opened the public hearing and inquired as to whether any member of the public wished to address the Committee of the Whole relating to File No. 170965. Barbara Garcia, Director (Department of Public Health); Ken Rich (Office of Economic and Workforce Development); David Serrano Sewell (Hospital Council of Northern and Central California); Dr. Warren Browner (CMPC); provided an overview of the project and responded to questions raised throughout the discussion. Raquel Rivera; Dr. Ken Barnes (St. Lukes Hospital); spoke neither in support or opposition to the hearing matter. Teresa Palmer, M.D. (for complete statement see page 26); Bruce Allison; Iris Biblowitz; Fran Taylor; Geoff (Jeff Hicks); Spencer McGell; Female Speaker; Kim Tavaglione; Michael Lyon; Jessica Lehman; Female Speaker; Juan Jose Cativo; Roberto Cativo; Marlene Latino; Gary Buguell; Female Speaker; Margaret Katherin; Ann Ludiwig; Linda Rosario; Donna Stoven; Andrea Leung; Marcia Buchae; Ron Anderson; Mr. Marshall; Gordon Mar; Female Speaker; Ms. Brookes; Male Speaker; spoke on various concerns regarding the hearing matter. There were no other speakers. President Breed declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.*

*Supervisor Safai submitted the following proposals on actions the Board of Supervisors should take during future hearings:*

- 1) Direct the Department of Public Health to prepare - within two months - a report identifying all beds in San Francisco hospitals that are licensed or could be re-licensed for use as SNF beds or "swing" beds for SNF, including sub-acute care patients.*
- 2) Direct the Department of Public Health to take actions to develop both short-term and long-term solutions for insuring a sufficient number and range of post-acute care beds and facilities within the City and County of San Francisco for San Francisco residents discharged from San Francisco hospitals.*
- 3) Direct the Department of Public Health to analyze and propose solutions to the insufficient number and range of post-acute care beds and facilities, such as the following along with other options:*
  - a. Cooperation agreements among private and public hospitals to operate and fund jointly hospital-based SNF, including sub-acute care beds and facilities within the City and County of San Francisco.*
  - b. The enactment of local legislation requiring the imposition of fines whenever a private hospital or healthcare facility removes a SNF bed from service without guaranteeing beforehand the availability of a similarly staffed bed elsewhere within the City and County of San Francisco.*
  - c. The enactment of local legislation that mandates the minimum number of and range of hospital-based post-acute care beds that public and private hospitals within the City and County of San Francisco must create and maintain.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

### COMMITTEE REPORTS

#### Recommendation of the Budget and Finance Committee

**170883 [Multifamily Housing Revenue Note - 455 Fell Street (“455 Fell Street Apartments”) - Not to Exceed \$43,000,000]**

**Sponsor: Breed**

Resolution authorizing the execution and delivery of a multifamily housing revenue note in one or more series in an aggregate principal amount not to exceed \$43,000,000 for the purpose of providing financing for the acquisition and construction of a 108-unit multifamily rental housing project known as “455 Fell Street Apartments;” approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the loan from the funding lender to the City and the execution and delivery of the note; approving the form of and authorizing the execution of a borrower loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project; granting general authority to City officials to take actions necessary to implement this Resolution; and related matters, as defined herein.

**Resolution No. 340-17**

**ADOPTED 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**

### **170865 [Zoning - Interim Moratorium on Medical Cannabis Dispensaries]**

**Sponsor: Cohen**

Urgency ordinance approving an interim zoning moratorium on the approval of medical cannabis dispensaries for 45 days, in accordance with California Government Code, Section 65858; 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.

(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

**Supervisor Tang, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Line 1, by striking 'mandatory discretionary review'; on Page 7, Lines 3-7, by striking '(b) A proposed Medical Cannabis Dispensary use that is required to obtain a conditional use authorization, and for which a final determination on the conditional use authorization, including the resolution of any appeal, has not yet been made as of the effective date of this ordinance, is subject to this ordinance. (c) Except as specified in subsection (b) above'; on Page 7, Line 7, by adding 'In addition'; on Page 7, Line 11, by changing subsection 'd' to subsection 'b'; and on Page 7, Line 11, by changing subsection 'e' to subsection 'c'. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
(Pursuant to California Government Code, Section 65858(a), this matter requires a four-fifths vote of the full membership of the Board of Supervisors (9 votes) for passage.)

**FINALLY PASSED AS AMENDED by the following vote:**

Ayes: 9 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Tang, Yee  
Noes: 2 - Farrell, Sheehy

## **ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

## **PUBLIC COMMENT**

*Male Speaker; spoke on religious matters.*

*Peter Warfield; spoke on various concerns regarding the Public Library.*

*Tom Goodbird; spoke on various concerns regarding hospitals in the city.*

*Bryan Seimus; spoke on his experience with MUNI.*

*Supervisors Cohen and Farrell were noted absent 7:08 p.m. and for the remainder of the meeting.*

## **Supervisor Farrell Excused from Attendance**

**Supervisor Peskin, seconded by Supervisor Yee, moved that Supervisor Farrell be excused beginning at 7:08 p.m. and for the remainder of the meeting. The motion carried by the following vote:**

Ayes: 9 - Breed, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 2 - Cohen, Farrell

**Supervisor Cohen Excused from Attendance**

Supervisor Safai, seconded by Supervisor Tang, moved that Supervisor Cohen be excused beginning at 7:08 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 9 - Breed, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee  
Excused: 2 - Cohen, Farrell

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****170946 [Approval of a 90-Day Extension for Planning Commission Review of Fulton Street Grocery Store Special Use District (File No. 170514)]**

**Sponsor: Breed**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 170514) amending the Planning Code to allow a grocery store that may be defined as a formula retail use in the Fulton Street Grocery Store Special Use District, and adding criteria for approval; extending the duration of the controls; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**Resolution No. 341-17**

**ADOPTED**

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**170957 [Commending Kim Shuck - San Francisco's Seventh Poet Laureate]**

**Sponsor: Sheehy**

Resolution commending Kim Shuck on her appointment as San Francisco's seventh poet laureate and celebrating her inaugural address on September 14, 2017, at the Main Library.

**Resolution No. 343-17**

**ADOPTED**

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**170905 [Final Map 8496 - 3124-3128A Laguna Street]**

Motion approving Final Map 8496, a six residential unit condominium project, located at 3124-3128A Laguna Street, being a subdivision of Assessor's Parcel Block No. 0506, Lot No. 038; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M17-133**

**APPROVED**

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**170934 [Final Map 8992 - 1400 Baker Street]**

Motion approving Final Map 8992, a parcel merger project, located at 1400 Baker Street, being a merger of Assessor's Parcel Block No. 1075, Lot No. 001; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M17-134**

**APPROVED**

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**170935 [Final Map 8589 - 99 Rausch Street]**

Motion approving Final Map 8589, a 112 residential unit and three commercial unit, mixed-use condominium project, located at 99 Rausch Street, being a merger and subdivision of Assessor's Parcel Block No. 3730, Lot Nos. 015, 075, 077, 078, and 080; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M17-135**

**APPROVED**

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

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

Excused: 2 - Cohen, Farrell

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

*Supervisor Kim requested that File No. 170949 be severed so that it may be considered separately.*

**170949 [Defend DACA and All Immigrants]**

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

Resolution condemning the rescission of the Deferred Action for Childhood Arrivals (DACA) Program and expressing continued support for all immigrants.

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

**Supervisor Kim, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to state that the former Secretary of Homeland Security issued a memorandum on June 15, 2012, to clarify that the Board of Supervisors will hold City departments accountable rather than public agencies that violate the City's sanctuary laws, and to make other clarifying and conforming changes. The motion carried by the following vote:**

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

Excused: 2 - Cohen, Farrell

**Resolution No. 342-17**

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

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

Excused: 2 - Cohen, Farrell

## 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

#### **170983 [Administrative Code Waivers - Public Offering of Port Property - "Parcel K North"]**

**Sponsors: Mayor; Cohen**

Ordinance approving the sale of Parcel K North, located at 20th Street and Illinois Street, by the Port Commission; waiving certain provisions of the Administrative Code; and adopting findings under the California Environmental Quality Act, public trust findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1(b).  
(Fiscal Impact; no Budget and Legislative Analyst Report)

09/12/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/12/2017.

#### **170984 [Appropriation - Grants to Businesses in Chinatown Affected by Delay of the Central Subway Project - \$225,000 - FY2017-2018]**

**Sponsor: Peskin**

Ordinance appropriating \$225,000 from the General Reserve to General City Responsibility to provide grants to businesses in Chinatown that have suffered economic losses due to unanticipated delays in construction of the Central Subway Project.  
(Fiscal Impact; no Budget and Legislative Analyst Report)

09/12/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 10/12/2017.

**170869 [Police Code - Noise Permits for Construction at Night]****Sponsor: Peskin**

Ordinance amending the Police Code to prohibit the Department of Public Works and the Department of Building Inspection from granting special permits to exceed ambient noise levels during night time construction unless certain written findings are made, and to prohibit the Department of Public Works from issuing such permits for projects in certain residential areas (outside the area bounded by Pine, Taylor, Market, 8th, Folsom, Fremont, and Front Streets) covered by the Holiday Moratorium on issuance of daytime special traffic permits; and affirming the Planning Department's determination under the California Environmental Quality Act.

07/25/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 8/24/2017.

08/01/17; REFERRED TO DEPARTMENT.

08/04/17; RESPONSE RECEIVED.

09/12/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

**170985 [Public Works and Subdivision Codes - City Maintenance of Street Trees]****Sponsor: Sheehy**

Ordinance amending the Public Works Code to implement Charter, Section 16.129 (Proposition E, November 2016) and generally provide that the City shall maintain Street Trees and be liable for injuries and property damage resulting from the failure to maintain Street Trees; amending the Subdivision Code to incorporate conforming changes regarding Street Tree maintenance; and affirming the Planning Department's determination under the California Environmental Quality Act.

09/12/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/12/2017.

**Resolutions****170986 [Disposition and Development Agreement - FC Pier 70, LLC - Pier 70 Project]****Sponsors: Mayor; Cohen**

Resolution approving a Disposition and Development Agreement between the Port and FC Pier 70, LLC, for 28 acres of real property located in the southeast portion of the larger area known as Seawall Lot 349 or Pier 70; adopting findings under the California Environmental Quality Act; adopting findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1(b); and adopting public trust consistency findings.  
(Fiscal Impact; no Budget and Legislative Analyst Report)

09/12/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**170987 [Public Trust Exchange Agreement - California State Lands Commission - Pier 70 Project]****Sponsors: Mayor; Cohen**

Resolution approving the Compromise Title Settlement and Land Exchange Agreement for Pier 70 between the City and the California State Lands Commission in furtherance of the Pier 70 Mixed Use Project located at Pier 70; and adopting findings under the California Environmental Quality Act.

09/12/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.



**170988 [Memorandum of Understanding Regarding Interagency Cooperation - Pier 70 Project]****Sponsors: Mayor; Cohen**

Resolution approving the Memorandum of Understanding between the Port and other City Agencies regarding Interagency Cooperation; and adopting findings under the California Environmental Quality Act.

09/12/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**170989 [Jurisdictional Transfer of City Property - Real Estate Division - Fire Department - 2245 Jerrold Avenue - \$0]****Sponsor: Cohen**

Resolution approving the jurisdictional transfer of 2245 Jerrold Avenue (Assessor's Parcel Block No. 5286A, Lot No. 004) currently under the jurisdiction of Real Estate Division to the Fire Department; approving the transfer price of \$0; adopting environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code Section 101.1; and authorizing other actions in furtherance of this Resolution, as defined herein.

09/12/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**170990 [Approval of a 120-Day Extension for Planning Commission Review of Planning Code, Zoning Map - Establishment of Geary- Masonic Special Use District (File No. 161109)]****Sponsor: Farrell**

Resolution retroactively extending by 120 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 161109) amending the Planning Code by adding Section 249.20; and amending Sheet 4 SU03 of the Zoning Map, to establish the Geary- Masonic Special Use District in the area generally bounded by Geary Boulevard to the south, Masonic Avenue to the east, and Assessor's Parcel Block No. 1071, Lot Nos. 001 and 004, to the north and west, respectively; 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.

09/12/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**170991 [Comfort Women Day - September 22, 2017]****Sponsors: Fewer; Kim, Ronen and Yee**

Resolution declaring September 22, 2017, as Comfort Women Day in the City and County of San Francisco.

09/12/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**170992 [Bi-Annual Housing Balance Report - May 2017]****Sponsor: Kim**

Resolution receiving and approving the bi-annual Housing Balance Report dated May 12, 2017, submitted as required by Planning Code, Section 103.

09/12/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.



**170993 [Lower Polk Community Benefit District - Annual Report for FY2015-2016]****Sponsor: Peskin**

Resolution receiving and approving annual report for the Lower Polk Community Benefit District for FY2015-2016, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

09/12/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**170994 [Revenue Agreement Amendment - JC Decaux San Francisco, Inc. - Extending Term to December 16, 2017]****Sponsor: Peskin**

Resolution approving the Third Amendment to the Revenue Agreement between San Francisco Public Works and JC Decaux San Francisco, LLC, for the Automatic Public Toilet and Public Service Kiosk Program extending the contract term by 60 days, changing the termination date from October 17, 2017, to December 16, 2017.

09/12/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**170995 [Commemorative Street Name Designation - "Tony Bennett Way" - 900 Block of Mason Street]****Sponsor: Peskin**

Resolution adding the commemorative street name "Tony Bennett Way" to the 900 block of Mason Street in recognition of legendary singer Tony Bennett and his ambassadorship to the City and County of San Francisco, as well as his long and celebrated history with the Fairmont Hotel and San Francisco communities.

09/12/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

**170996 [Urging the U.S. Navy to Name a Ship in Honor of Joseph Rosenthal]****Sponsor: Peskin**

Resolution urging the naming of a United States Navy Ship in honor of Joseph Rosenthal, whose Pulitzer Prize-winning photo of the raising of the American Flag at Iwo Jima captured the sacrifice of an entire generation of Americans.

09/12/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**170997 [Multifamily Housing Revenue Bonds - 2675 Folsom Street and 970 Treat Avenue - Not to Exceed \$130,000,000]****Sponsor: Ronen**

Resolution declaring the intent of the City and County of San Francisco ("City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development ("Director") to submit an application and related documents to the California Debt Limit Allocation Committee ("CDLAC") to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$130,000,000 for 2675 Folsom Street and 970 Treat Avenue; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$130,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

09/12/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Motions****170998 [Issuance of Subpoena Duces Tecum - Derrick Roorda]****Sponsor: Peskin**

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing of File No. 160975 and respond to questions regarding the design, engineering, and cost benefit analysis for the project at 301 Mission Street; and requiring him to produce documents, correspondence, records, and other materials in his possession related to that project.

09/12/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**170999 [Closed Session - Labor Negotiations - October 3, 2017]****Sponsor: Peskin**

Motion that the Board of Supervisors convene in closed session on October 3, 2017, with the Department of Human Resources under Administrative Code, Section 67.10(e), and California Government Code, Section 54957.6, regarding labor negotiations of the City's open labor contracts.

09/12/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**171000 [Adopting Findings Reversing the Final Environmental Impact Report Certification - Alameda Creek Recapture Project]**

Motion adopting findings reversing the Planning Commission's certification of the Final Environmental Impact Report for the San Francisco Public Utilities Commission's proposed Alameda Creek Recapture Project. (Clerk of the Board)

09/12/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Request for Hearing**

### **171001 [Hearing - San Francisco Municipal Transportation Agency's Use of On-board Diagnostics for Muni Emissions Control]**

**Sponsor: Peskin**

Hearing on the testing, measuring, tracking, and recording of smoke emissions on San Francisco's Muni fleet through the use of On-Board Diagnostics computer systems; and requesting the San Francisco Municipal Transportation Agency to report.

09/12/17; 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 ORDINANCE**

### **170903 [Settlement of Lawsuit - Andre Price, Kenneth Farris, Jr., Abdelaziz Aineb - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Andre Price, Abdelaziz Aineb, and Kenneth Farris, Jr. against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 22, 2014, in San Francisco Superior Court, Case No. CGC-14-543349; entitled Andre Price, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

08/30/17; RECEIVED.

09/12/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTION**

### **170904 [Mental Health Services Act - Program and Expenditure Plan (Integrated Plan)]**

Resolution adopting the Mental Health Services Act Program and Expenditure Plan (Integrated Plan) for FY2017-2018 through FY2019-2020. (Public Health Department)

09/01/17; RECEIVED FROM DEPARTMENT.

09/12/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## **In Memoriams**

*Terrence Daniel Hanley - Supervisor Fewer  
Anthony "Bubbles" Torres - Supervisors Kim, Ronen and Sheehy  
Fr. Larry Lorenzoni - Supervisor Peskin  
Kevin O'Boyle - Supervisor Tang  
Terry Smerdel - Full Board*

## **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 8:16 p.m.*

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

*Approved by the Board of Supervisors on October 17, 2017.*

**ADDENDUM**

*The following information is provided by speaker(s), pursuant to Administrative Code, Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.*

*Teresa Palmer, M.D. submitted the following additional information during the Committee of the Whole hearing on File No. 170965 (on Page 15) related to the closing of units at St. Luke's Hospital, as follows:*

*"Loss of hospital based Skilled Nursing (SNF) causes cascading bed shortages. Long term SNF beds are lose when freestanding SNFs take over post hospital care. Subacute SNF care is specialized, requiring full service hospital campus with an ICU. After hospital discharge, the most complex patients need hospital based SNFs, (even if not at subacute level). This is clearly supported in the medical literature. Freestanding SNFs do not have staff for the most complex post-hospital patients (even if they say they do). And limited staff are diverted from other patients. Health Commission and Dept. of Aging and Adult Services have been ineffective or absent in protecting SNF care. Many San Franciscans have been shipped out of county for rehab or long-term SNF care (including subacute) already. Patients transferred out of county get less family contact, stay in bed more and die sooner. BOS needs to legislate to reverse this horrible trend."*

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Angela Calvillo, Clerk of the Board