

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 3, 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

1:00 PM

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

Volume 112 Number 30

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, October 3, 2017, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS

There were no communications.

AGENDA CHANGES

There were no agenda changes.

Supervisor Sheehy was noted present at 2:04 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

170553 [Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]

Sponsor: Fewer

Ordinance retroactively waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy permits on certain City streets on Saturday, May 20, 2017, as part of Small Business Week sidewalk sales.

Ordinance No. 202-17

FINALLY PASSED

Recommendation of the Rules Committee

171025 [Appointment, Commission on the Aging Advisory Council - Anne Kathleen Gallagher]

Motion appointing Anne Kathleen Gallagher, term ending March 31, 2019, to the Commission on the Aging Advisory Council. (Rules Committee)

Motion No. M17-153

APPROVED

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 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.

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

Supervisor Kim, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 12, Lines 6-11, by adding "25% of the units as affordable at 50% of area median income for off-site housing. The income table to be used for such projects when the units are priced at 50% of area median income is the income table used by MOHCD for the Inclusionary Housing Program, not that used by TCAC or CDLAC.;" 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

NEW BUSINESS

Recommendations of the Budget and Finance Committee

170669 [Software License and Maintenance Agreement - Mythics Inc. - Oracle Licenses and Software Support - Not to Exceed \$11,832,968.89]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1090 with Mythics Inc. for the purchase of certain as-needed Oracle licenses and software support, for an amount not to exceed \$11,832,968.89, and with an anticipated term to commence November 30, 2017, through March 22, 2023. (Public Utilities Commission)
(Fiscal Impact)

NOT ADOPTED by the following vote:

Ayes: 5 - Cohen, Farrell, Safai, Sheehy, Tang

Noes: 6 - Breed, Fewer, Kim, Peskin, Ronen, Yee

Supervisor Farrell, seconded by Supervisor Safai, 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

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

Supervisor Farrell, seconded by Supervisor Tang, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of October 17, 2017. The motion carried by the following vote:

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

170955 [Accept and Expend Grant - The Regents of the University of California, Office of the President - PrEP-T: Advancing PrEP Delivery in the Transgender Community - \$144,996]

Sponsor: Sheehy

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$144,996 from The Regents of the University of California, Office of the President to participate in a program entitled PrEP-T: Advancing PrEP Delivery in the Transgender Community for the period of April 1, 2016, through March 31, 2018. (Public Health Department)

Resolution No. 371-17

ADOPTED by the following vote:

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

Recommendation of the Land Use and Transportation Committee

170209 [Public Works Code - Bicycle Chop Shops]

Sponsor: Sheehy

Ordinance amending the Public Works Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, offer of distribution, or storage of bicycles and bicycle parts on the public right-of-ways, under certain conditions and with certain exceptions; authorize Public Works to remove and seize bicycles and bicycle parts following issuance of a notice of violation; and allow either the recipient of the notice or any other person who can demonstrate lawful ownership to retrieve seized items from Public Works after 30 days.

Supervisor Sheehy, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 8-9, by striking ‘, upon payment of an impound fee equal to the actual cost to Public Works of removal and storage’. 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: 9 - Breed, Cohen, Farrell, Kim, Peskin, Safai, Sheehy, Tang, Yee

Noes: 2 - Fewer, Ronen

Recommendations of the Public Safety and Neighborhood Services Committee

As noted during the Closed Session, Supervisor Yee was noted absent at 4:30 p.m.

170763 [Environment Code - Antibiotic Use in Food Animals]

Sponsors: Sheehy; Ronen

Ordinance amending the Environment Code to require certain retailers of raw meat and poultry to report the use of antibiotics in such products to the Department of the Environment, and require City departments to report the use of antibiotics in raw meat and poultry purchased by the City to the Department of the Environment.

Supervisor Sheehy, seconded by Supervisor Safai, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 8, Lines 5-6, by striking ‘the average number of days of antibiotic use per animal, the percentage of animals treated with antibiotics’; and on Page 9, Lines 5-8, by striking ‘Such review shall occur every two years thereafter.’ and adding ‘and shall submit a written report based on the evaluation to the Mayor and the Board of Supervisors with recommendations, if any, for changes to City laws or programs.’ The motion carried by the following vote:

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

Absent: 1 - Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

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

Absent: 1 - Yee

170789 [Liquor License - 334 Grant Avenue - Harlan Place by Café de la Presse]

Resolution determining that the issuance of a Type-42 on-sale beer and wine public premises license to Presse LLC, doing business as Harlan Place by Café de la Presse located at 334 Grant Avenue (District 3), 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. 370-17

ADOPTED by the following vote:

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

Absent: 1 - Yee

Recommendations of the Rules Committee

President Breed requested File Nos. 171031 and 171032 be called together.

171031 [Appointments, Assessment Appeals Board No. 1 - Scott Spertzel, Edward Campana, Diane Robinson and Richard Lee]

Motion appointing Scott Spertzel and Edward Campana, terms ending September 3, 2018, and reappointing Diane Robinson and Richard Lee, terms ending September 7, 2020, to the Assessment Appeals Board No. 1. (Rules Committee)

Motion No. M17-154

APPROVED by the following vote:

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

Absent: 1 - Yee

171032 [Appointment, Assessment Appeals Board No. 2 - Elizabeth Zareh]

Motion appointing Elizabeth Zareh, term ending September 7, 2020, to the Assessment Appeals Board No. 2. (Rules Committee)

Motion No. M17-155

APPROVED by the following vote:

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

Absent: 1 - Yee

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

President Breed recognized Former United States Secretary of State George Shultz and his wife, Chief of Protocol Charlotte Shultz, who were in attendance at today's meeting.

Supervisor Tang introduced, welcomed, and presented a Certificate of Honor to Arnie Davis of the Davis Foot Comfort Center in recognition of his many accomplishments providing creative solutions to chronic foot and footwear-related problems. Former United States Secretary of State George Shultz provided additional remarks and shared in this commendation.

Supervisor Sheehy introduced, welcomed, and presented a Certificate of Honor to Park Ranger Jayel Whitted in recognition of his commitment to enforcing solutions and making Dolores Park safe and open for all residents.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Anne Kronenberg, Director, and the Department of Emergency Management in recognition of their timely in-house work on the 9-1-1 public education campaign. Supervisor Cohen shared in this commendation.

Supervisor Farrell introduced, welcomed, and presented a Certificate of Honor to Sam Dodge, Deputy Director (Department of Homelessness and Supportive Housing), on the occasion of his move from the Department of Homelessness and Supportive Housing to Public Works, and in recognition of his many accomplishments providing support and high-quality services to prevent and end homelessness in San Francisco. Supervisors Tang, Ronen, Safai, Sheehy, and Kim shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Breed requested File Nos. 141018, 141019, 141020, and 141021 be called together.

141018 [Hearing - Appeal of Tentative Map - 639 Peralta Avenue]

Hearing of persons interested in or objecting to the decision of Public Works, dated September 18, 2014, approving a Tentative Map for a 2-Unit New Construction Condominium Project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014. (District 9) (Appellant: Alexander M. Weyand, on behalf of William H. Bradley) (Filed September 29, 2014). (Clerk of the Board)

President Breed opened the public hearing, informed the Board that this appeal has been withdrawn, and inquired as to whether any individual wished to address the Board. There were no speakers. President Breed closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

141019 [Approving Decision of Public Works and Approving the Tentative Parcel Map - 639 Peralta Avenue]

Motion approving decision of Public Works and approving the Tentative Parcel Map for a 2-unit new construction condominium project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

Motion No. M17-156

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, Safai, Sheehy, Tang

Absent: 1 - Yee

141020 [Disapproving Decision of Public Works and Disapproving the Tentative Parcel Map - 639 Peralta Avenue]

Motion disapproving the decision of Public Works and disapproving the Tentative Parcel Map for a 2-unit new construction condominium project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, subject to the adoption of written findings of the Board in support of this determination. (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, Safai, Sheehy, Tang

Absent: 1 - Yee

141021 [Preparation of Findings Related to the Tentative Parcel Map - 639 Peralta Avenue]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 2-unit new construction condominium project located at 639 Peralta Avenue, Assessor's Block No. 5634, Lot No. 014. (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, Safai, Sheehy, Tang

Absent: 1 - Yee

SPECIAL ORDER 3:00 P.M. - CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

171023 [Closed Session - Labor Negotiations - October 3, 2017]

Closed Session for the Board of Supervisors to convene on October 3, 2017, at 3:00 p.m., 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; scheduled pursuant to Motion No. M17-147, approved September 19, 2017. (Clerk of the Board)

President Breed inquired as to whether any member of the public wished to address the Board regarding the closed session. James Scovell; spoke on various concerns. The President declared public comment closed.

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 3:31 p.m. to convene in closed session pursuant to Motion No. M17-147, approved on September 19, 2017.

The following Supervisors were noted present: Supervisors Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Persons in attendance: Jon Givner and Jonathan Yank (Office of the City Attorney); Micki Callahan, Director, Carol Isen, Employee Relations Director, and Lawanna Preston (Department of Human Resources); Ben Rosenfield, City Controller (Office of the City Controller); Mawuli Tugbenyoh and Melissa Whitehouse (Mayor's Office); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

Matter was heard in closed session, no action was taken, and the hearing was filed.

Supervisor Yee was noted absent at 4:30 p.m.

RECONVENED IN OPEN SESSION

The Board reconvened at the hour of 4:37 p.m.

The following Supervisors were noted present: Supervisors Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang

HEARD IN CLOSED SESSION

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Peskin, seconded by Supervisor Cohen, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:

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

Supervisor Yee was noted present at 4:49 p.m.

SPECIAL ORDER 4:30 P.M.

President Breed requested File Nos. 170917, 170918, 170919, 170920, 170898, 170899, 170900, and 170901 be called together.

170917 [Hearing - Appeal of Determination of Exemption From Environmental Review - 2505 Noriega 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 2, 2017, for the proposed project at 2505 Noriega Street, approved on July 13, 2017, to change the use from retail pharmacy to Medical Cannabis Dispensary, interior tenant improvements, and repair/in-kind replacement of storefront material finishes. (District 4) (Appellant: Wilson Chu, on behalf of Zhiming Bi) (Filed August 14, 2017) (Clerk of the Board)

President Breed opened the public hearings, reiterated the Clerk of the Board's indication that the CEQA Appeal (File Nos. 170917, 170918, 170919, and 170920) has been withdrawn, and inquired as to whether any individual wished to address the Board. Supervisor Tang provided opening remarks and spoke on the proposed project. Ray Hacke, on behalf of Ark of Hope Preschool (Conditional Use Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Stella Cahill; Andrew Yip; Speaker; Gus Milo; Janet Chiq; Speaker; Solomon Mirza; Connie; Vicky Lan; Speaker; Mary Ping and Will Ping (Ark of Hope Preschool); Frank Lee; Meina Young; Speaker; Shirley Chang; Kristen Chu; Joyce Lau; Speaker; Jennifer; Kitty Cheng (Sunset Golden Age Club); Stephen Tong; Areli; Sherry Lau (Sunset Friends); Bing; Speaker; Mae Lin; Po Ahn Lee; Delia Wong; Speaker; Vicki; Sandra Chan; Tham Yu; Jenny; Cam; Yen Leu; Jane; Leyla; Leann Lew; Jan Wong; Rosa; Frank Mei; Steven Lewinski; Olson Chi; Vicki Ho; Larry Yee; Wanda Lee; Sarah Ro; Charles Wong (Sunset Golden Age Club); Larry Fong; Rhonda Sing; Betty Chang; Speaker; Speaker; Speaker; Emma Lee; Steven Mack; Anthony Shen; Speaker; Dawn Tran; Bo Sencil; Ned Wong; Jed; David Lee; Speaker; Speaker; Hong; Bree Pon; Anna; Grace; Amy; Brianna Lee; Speaker; David Wong; Speaker; Ann Sherry; Asa Man; Josephine Chao; Theresa Duque; Anna Lynne; Speaker; Billy; spoke in support of the appeal. AnMarie Rodgers and Andrew Perry (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Ryan Hudson, Dr. Floyd Huen and Brett Gladstone (Project Sponsor) 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. Joseph Seawall; Troy Bernae; Shana Mallett; Brianna Scott; Scott McFadden; Joseph Tobin; Susan Pfeiffer; Diane Jane Brody; Elliott Bogus; Harley Nelson, on behalf of Douglas Chan; Speaker; Tim Cahill; Art Tom; Carol Le; Michael Aldrich; Michelle Aldrich; Speaker; Richard Goldman; Kevin Gonzales; Speaker; David Goldman; Eric Mar; Michael Cohen; Speaker; Enrico Sanchez; Neal Lin; Speaker; Colleen; Shawn; Jonathan Eslo; Calvin Conor; Amina Kushner; Andrea Ayolo; Tre Allen; Kim Isaac; Teresa Creston; Speaker; Jon Yachts; Ryan Miller; Gene Millborn; Michelle; Andy; Mike Metcalfe; Sharon; Silas; Harry Brudwell; Otto Duffy; Brenda Cyn; Molly Jack; Lisa; Cathy; Speaker, on behalf of Jill Wynn; Michael Nguyen; Speaker; Speaker; Speaker; Kevin Clark; David Gua; Jean Quan; spoke in support of the project and in opposition to the appeal. Ray Hacke, on behalf of Ark of Hope Preschool (Conditional Use Appellant), 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

170918 [Affirming the Categorical Exemption Determination - 2505 Noriega Street]

Motion affirming the determination by the Planning Department that a proposed project at 2505 Noriega Street is categorically exempt from further environmental review. (Clerk of the Board)

Motion No. M17-157

Supervisor Tang, 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

170919 [Conditionally Reversing the Categorical Exemption Determination - 2505 Noriega Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 2505 Noriega 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 Tang, 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

170920 [Preparation of Findings to Reverse the Categorical Exemption Determination - 2505 Noriega Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that the proposed project at 2505 Noriega Street is categorically exempt from further environmental review. (Clerk of the Board)

Supervisor Tang, 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 4:30 P.M.**170898 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2505 Noriega Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303, 739.84, and formerly pursuant to Planning Code, Section 306.7, and interim zoning controls established under Resolution Nos. 179-15 and 544-16, for a proposed project located at 2505 Noriega Street, Assessor's Parcel Block No. 2069, Lot No. 012, identified in Case No. 2014-003153CUA, issued by the Planning Commission by Motion No. 19961, dated July 13, 2017, to establish a medical cannabis dispensary (MCD) (dba "The Apothecarium") within the Noriega Street Neighborhood Commercial District and a 40-X height and bulk district; and adopting findings under the California Environmental Quality Act. (District 4) (Appellant: Ray Hacke of Pacific Justice Institute, on behalf of Ark of Hope Preschool) (Filed July 27, 2017) (Clerk of the Board)

President Breed opened the public hearings, reiterated the Clerk of the Board's indication that the CEQA Appeal (File Nos. 170917, 170918, 170919, and 170920) has been withdrawn, and inquired as to whether any individual wished to address the Board. Supervisor Tang provided opening remarks and spoke on the proposed project. Ray Hacke, on behalf of Ark of Hope Preschool (Conditional Use Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Stella Cahill; Andrew Yip; Speaker; Gus Milo; Janet Chiq; Speaker; Solomon Mirza; Connie; Vicky Lan; Speaker; Mary Ping and Will Ping (Ark of Hope Preschool); Frank Lee; Meina Young; Speaker; Shirley Chang; Kristen Chu; Joyce Lau; Speaker; Jennifer; Kitty Cheng (Sunset Golden Age Club); Stephen Tong; Areli; Sherry Lau (Sunset Friends); Bing; Speaker; Mae Lin; Po Ahn Lee; Delia Wong; Speaker; Vicki; Sandra Chan; Tham Yu; Jenny; Cam; Yen Leu; Jane; Leyla; Leann Lew; Jan Wong; Rosa; Frank Mei; Steven Lewinski; Olson Chi; Vicki Ho; Larry Yee; Wanda Lee; Sarah Ro; Charles Wong (Sunset Golden Age Club); Larry Fong; Rhonda Sing; Betty Chang; Speaker; Speaker; Speaker; Emma Lee; Steven Mack; Anthony Shen; Speaker; Dawn Tran; Bo Sencil; Ned Wong; Jed; David Lee; Speaker; Speaker; Hong; Bree Pon; Anna; Grace; Amy; Brianne Lee; Speaker; David Wong; Speaker; Ann Sherry; Asa Man; Josephine Chao; Theresa Duque; Anna Lynne; Speaker; Billy; spoke in support of the appeal. AnMarie Rodgers and Andrew Perry (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Ryan Hudson, Dr. Floyd Huen and Brett Gladstone (Project Sponsor) 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. Joseph Seawall; Troy Bernae; Shana Mallett; Brianna Scott; Scott McFadden; Joseph Tobin; Susan Pfeiffer; Diane Jane Brody; Elliott Bogus; Harley Nelson, on behalf of Douglas Chan; Speaker; Tim Cahill; Art Tom; Carol Le; Michael Aldrich; Michelle Aldrich; Speaker; Richard Goldman; Kevin Gonzales; Speaker; David Goldman; Eric Mar; Michael Cohen; Speaker; Enrico Sanchez; Neal Lin; Speaker; Colleen; Shawn; Jonathan Eslo; Calvin Conor; Amina Kushner; Andrea Ayolo; Tre Allen; Kim Isaac; Teresa Creston; Speaker; Jon Yachts; Ryan Miller; Gene Millborn; Michelle; Andy; Mike Metcalfe; Sharon; Silas; Harry Brudwell; Otto Duffy; Brenda Cyn; Molly Jack; Lisa; Cathy; Speaker, on behalf of Jill Wynn; Michael Nguyen; Speaker; Speaker; Speaker; Kevin Clark; David Gua; Jean Quan; spoke in support of the project and in opposition to the appeal. Ray Hacke, on behalf of Ark of Hope Preschool (Conditional Use Appellant), 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

170899 [Approving Conditional Use Authorization - Proposed Project at 2505 Noriega Street]

Motion approving the decision of the Planning Commission by its Motion No. 19961, approving a Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed project located at 2505 Noriega Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

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

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

170900 [Conditionally Disapproving Conditional Use Authorization - Proposed Project at 2505 Noriega Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 19961, approving a Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed project located at 2505 Noriega Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

Motion No. M17-158

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

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

170901 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 2505 Noriega Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2014-003153CUA for a proposed project located at 2505 Noriega Street. (Clerk of the Board)

Motion No. M17-159

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

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

Appointment of President Pro Tempore

At the request of President Breed, Supervisor Safai assumed the chair at 6:09 p.m. Supervisor Farrell assumed the chair at 6:45 p.m. The President resumed the chair at 6:49 p.m.

At the request of President Breed, Supervisor Peskin assumed the chair at 6:54 p.m. The President resumed the chair at 7:14 p.m.

COMMITTEE REPORTS

Recommendations of the Budget and Finance Committee

President Breed requested File Nos. 170997 and 171021 be called together.

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.

Resolution No. 367-17

ADOPTED by the following vote:

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

Absent: 1 - Yee

171021 [Multifamily Housing Revenue Bonds - One Church Street, 45 Church Street, and One Webster Street - Not to Exceed \$45,000,000]**Sponsor: Sheehy**

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 \$45,000,000 for One Church Street, 45 Church Street, and One Webster Street; 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 \$45,000,000; 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.

Resolution No. 369-17**ADOPTED by the following vote:**

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

Absent: 1 - Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

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

Emil Lawrence; spoke on concerns regarding transportation network companies and the harassment of taxi drivers.

Joanne Keaney; spoke on regarding the Police Department, the Police Officers Association, and the need for transparent reform.

Maria Victoria Hearn; spoke on regarding the Police Department, the Police Officers Association, and the need for transparent reform.

Rodrigo Toquetao; spoke on regarding the Police Department, the Police Officers Association, and the need for transparent reform.

Jean Bridges; spoke on regarding the Police Department, the Police Officers Association, and the need for transparent reform.

Daniel Caffer; spoke on regarding the Police Department, the Police Officers Association, and the need for transparent reform.

Tom Gilberty; expressed concerns regarding police shootings, those with mental illness, and the need for affordable housing.

Male Speaker; expressed concerns regarding mass murders and shootings.

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

171041 [Planning Code - Cannabis Regulation]

Sponsors: Mayor; Sheehy

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; and 6) delete superseded Planning Code provisions; 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, and public necessity, convenience and welfare findings pursuant to Planning Code, Section 302.

09/26/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/26/2017.

10/02/17; REFERRED TO DEPARTMENT.

10/03/17; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

170867 [Environment Code - Flame Retardant Chemicals in Upholstered Furniture and Juvenile Products]

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

Ordinance amending the Environment Code to ban the sale in San Francisco of upholstered furniture and juvenile products made with or containing an added flame retardant chemical.

07/25/17; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 8/24/2017.

08/02/17; REFERRED TO DEPARTMENT.

10/03/17; SUBSTITUTED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

171066 [Campaign and Governmental Conduct Code - Failure to File Form 700s, Sunshine Ordinance Declarations, and Certificates of Ethics Training]

Sponsor: Peskin

Ordinance amending the Campaign and Governmental Conduct Code to disqualify members of City boards and commissions who have not filed their Form 700s from participating in or voting on certain matters. (Ethics Commission)

10/03/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/2/2017.

Resolutions

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, of the City and County of San Francisco currently under the jurisdiction of the Real Estate Division to the Fire Department; approving the transfer price of \$0; adopting findings, including environmental findings, General Plan findings, and Planning Code, Section 101.1, findings; and authorizing other actions in furtherance of this Resolution, as defined herein.

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

09/19/17; REFERRED TO DEPARTMENT.

10/03/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

171067 [Urging the United States Congress to Oppose United States House of Representatives Bill 38, and United States Senate Bill 446]

Sponsors: Farrell; Cohen

Resolution urging the United States Congress to oppose the United States House of Representatives Bill 38, the Concealed Carry Reciprocity Act of 2017, and United States Senate Bill 446, the Constitutional Concealed Carry Reciprocity Act of 2017.

10/03/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

171068 [Urging the Recreation and Park Commission to Name the Batting Cage at Victoria Manalo Draves Park - "Tim Figueras Batting Cage"]

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

Resolution declaring the new batting cages installed at Victoria Manalo Draves Park be named "Tim Figueras Batting Cage" after former Gene Friend Recreation Center and longtime community member, Tim Figueras.

10/03/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

171069 [Memorandum of Understanding - San Francisco Community College District - Use of San Francisco City College Enrollment Fee Assistance Fund - Not to Exceed \$11,233,904]

Sponsor: Kim

Resolution approving a Memorandum of Understanding between the City and County of San Francisco and the San Francisco Community College District for the City to provide financial support to the Free City College Program not to exceed \$11,233,904 for a term beginning upon certification of available funds by the Controller and ending on June 30, 2019.

(Fiscal Impact)

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171070 [Accept and Expend Gift - Comfort Women Justice Coalition - Gift of Artwork and Funds for the Maintenance of the Artwork Entitled "Comfort Women's" Column of Strength - Total Gift Value of 398,000]

Sponsors: Kim; Fewer and Peskin

Resolution retroactively authorizing the San Francisco Arts Commission to accept a gift of art, entitled The "Comfort Women's" Column of Strength, valued at \$190,000 from the "Comfort Women" Justice Coalition, a non-profit organization, for display in a new plaza adjacent to St. Mary's Square known as St. Mary's Extension; and retroactively authorizing the Arts Commission to accept and expend a donation from the "Comfort Women" Justice Coalition of \$208,000 for the purpose of maintaining the artwork for a period not less than 20 years, for a total gift value of \$398,000.

10/03/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests for Hearing

171071 [Hearing - San Francisco's Five-Year Strategic Framework Plan to Reduce Homelessness]

Sponsor: Farrell

Hearing on San Francisco's five-year strategic framework plan to reduce homelessness; and requesting the Department of Homelessness and Supportive Housing to report.

10/03/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

170843 [Hearing - Exploration of Good Food Purchasing Policy]

Sponsor: Fewer

Hearing to explore the development of good food purchasing policies for key City departments; and requesting the Department of Public Health, Sheriff's Department, and San Francisco Unified School District to report.

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

07/21/17; REFERRED TO DEPARTMENT.

10/03/17; SUBSTITUTED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

171072 [Hearing - Update on Recreation and Parks Department's Strategic, Operational, and Capital Plans]

Sponsor: Kim

Hearing on the progress the Recreation and Parks Department has made in reviewing and updating its Strategic, Operational, and Capital Plans; and requesting the Recreation and Parks Department to report.

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171073 [Hearing - Production, Funding, and Preservation of Workforce and Middle-Class Housing]**Sponsor: Safai**

Hearing to examine the past ten years of the production, funding, and preservation of workforce and middle-class housing, examine the City's projected development and preservation of workforce and middle-class affordable rental and ownership housing over the next ten years, focusing the reports on housing between 55% to 175% area median income; and requesting the Mayor's Office of Housing and Community Development, Office of Community Investment and Infrastructure, Office of Economic Workforce Development, and Planning Department to report.

10/03/17; 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 ORDINANCES**171033 [Settlement of Lawsuit - Dora Delfi Mejia Jacobo - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Dora Delfi Mejia Jacobo against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 19, 2015, in San Francisco Superior Court, Case No. CGC-15-545823; entitled Dora Delfi Mejia Jacobo v. Greg Suhr in his official capacity, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171034 [Settlement of Lawsuit - Tasha Spencer - \$160,000]

Ordinance authorizing settlement of the lawsuit filed by Tasha Spencer against the City and County of San Francisco for \$160,000; the lawsuit was filed on September 27, 2016, in San Francisco Superior Court, Case No. CGC 16-554523; entitled Tasha Spencer v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS**171035 [Settlement of Unlitigated Claim - Kelli Grotzke - \$78,193]**

Resolution approving the settlement of the unlitigated claim filed by Kelli Grotzke against the City and County of San Francisco for \$78,193; the claim was filed on September 24, 2013; the claim involves an employment dispute. (City Attorney)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171036 [Settlement of Unlitigated Claim - Kacey Christie - \$62,500]

Resolution approving the settlement of the unlitigated claim filed by Kacey Christie against the City and County of San Francisco for \$62,500; the claim was filed on May 31, 2017; the claim involves a personal injury on a City street. (City Attorney)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171037 [Settlement of Unlitigated Claim - UBS Financial Services, Inc. - \$125,266.48]

Resolution approving the settlement of the unlitigated claim filed by UBS Financial Services against the City and County of San Francisco for \$125,266.48; the claim was filed on February 17, 2017; the claim involves personal property tax refund. (City Attorney)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

171038 [Emergency Declaration - Repair of the Moccasin Powerhouse Unit 2 Generator Step-up Transformer - Total Estimated Cost Not to Exceed \$400,000]

Resolution approving an emergency declaration of the San Francisco Public Utilities Commission (SFPUC) pursuant to San Francisco Administrative Code, Section 6.60, to repair the buswork and bushings on the Moccasin Powerhouse Unit 2 generator step-up transformer, with a total estimated cost not to exceed \$400,000. (Public Utilities Commission)
(Fiscal Impact)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171039 [Purchase and Sale Agreement - Buddhi Dharma Lien Guo Foundation - 7484 Sheridan Road, Sunol, CA - \$3,305,000]

Resolution approving and authorizing the execution of a Purchase and Sale Agreement with the Buddhi Dharma Lien Guo Foundation ("Buyer") or Buyer's assignee, for the sale by the City and County of San Francisco, acting through the San Francisco Public Utilities Commission, to Buyer of approximately 84 acres of improved real property located at 7484 Sheridan Road, Sunol, California for \$3,305,000; adopting findings under the California Environmental Quality Act; adopting findings that the sale is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property and/or the SFPUC's General Manager to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution, as defined herein. (Public Utilities Commission)
(Fiscal Impact)

09/22/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171040 [Contract Amendment No. 3 - New Flyer of America, Inc. - Purchase of Low Floor Diesel-Hybrid Buses - Not to Exceed \$413,774,673]

Resolution approving Amendment No. 3 to Contract No. CPT 713 (Procurement of 40-Ft and 60-Ft Low Floor Diesel Hybrid Coaches) with New Flyer of America Inc., to revise the list of spare parts and special tools and to include the list of additional equipment added to the vehicles during the production phase of the Contract, for an additional amount of \$1,504,252 and a total contract amount not to exceed \$413,774,673 with no change to the term of the contract. (Municipal Transportation Agency)
(Fiscal Impact)

09/25/17; RECEIVED FROM DEPARTMENT.

10/03/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Request Granted

From: Supervisor Peskin

To: City Attorney

Requesting/Inquiring: Supervisor requests a Charter Amendment, amending Section 12.100 of the City Charter, changing the composition of the Board of the San Francisco Employee Retirement System to remove certain members of the Retirement Board and add certain members to that body.

In Memoriams

Victims of the mass shooting in Las Vegas - Full Board

Stacey Etchebar - Full Board

Paul Otellini - Supervisor Farrell

Susana Robles Desgarenes - Supervisor Sheehy

Michael Jones - Supervisor Kim

Janet K. Tandy - Supervisor Peskin

Sidney Chan - Supervisor Peskin

ADJOURNMENT

There being no further business, the Board adjourned at the hour 9:24 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 November 14, 2017.

Angela Calvillo, Clerk of the Board