

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, December 5, 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

1st and 3rd Wednesday

1:00 PM

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

Volume 112 Number 36

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, December 5, 2017, with President London Breed presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Breed called the meeting to order at 2:05 p.m. On the call of the roll, Supervisor Kim was noted not present. There was a quorum.

COMMUNICATIONS

There were no communications.

Supervisor Kim was noted present at 2:07 p.m.

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of October 31, 2017. There were no corrections.

Supervisor Sheehy, seconded by Supervisor Ronen, moved to approve the Board Meeting Minutes of October 31, 2017. The motion carried by the following vote, following general public comment:

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

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Land Use and Transportation Committee

170871 [Fire, Housing Codes - Residential Hotel Fire Safety Requirements Triggered by Sale or Transfer]

Sponsors: Peskin; Ronen

Ordinance amending the Fire and Housing Codes to require automatic sprinklers in non-residential areas of residential hotels sold or transferred after August 1, 2017; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Ordinance No. 239-17

FINALLY PASSED

170922 [Planning Code - Landmark Designation of 2731-2735 Folsom Street (aka Gaughran House)]

Sponsors: Peskin; Ronen

Ordinance amending the Planning Code to designate 2731-2735 Folsom Street (aka Gaughran House), Lot No. 031 in Assessor's Parcel Block No. 3640, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

Ordinance No. 240-17

FINALLY PASSED

Recommendation of the Rules Committee

170836 [Administrative Code - Requesting Findings From Assessment Appeals Board]

Sponsor: Peskin

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

Ordinance No. 238-17

FINALLY PASSED

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

Recommendations of the Budget and Finance Committee

President Breed requested File Nos. 170878, 170879, 170880, 170881, and 170882 be called together.

170878 [Resolution of Intention to Form Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project Area G-4 - Infrastructure Financing District No. 2 (Port of San Francisco, Pier 70)]

Sponsors: Mayor; Cohen

Resolution of Intention to establish Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project Area G-4 of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).

(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding language expanding the references to certification of a Final Environmental Impact Report, adopting findings under CEQA, and fixing the date of the special election and public hearing to April 17, 2018. The motion carried by the following vote:

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

Resolution of Intention to establish Sub-Project Area G-2, Sub-Project Area G-3 and Sub-Project Area G-4 of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco, Pier 70); to call a public hearing on April 17, 2018, on the establishment and to provide public notice thereof; and affirming the Planning Department's determination, and making findings under the California Environmental Quality Act.

(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried by the following vote:

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

170879 [Resolution of Intention to Issue Bonds - Not To Exceed \$273,900,000 for Sub-Project Area G-2, \$196,100,000 for Sub-Project Area G-3, and \$323,300,000 for Sub-Project Area G-4 - Infrastructure Financing District No. 2 (Port of San Francisco, Pier 70)]

Sponsors: Mayor; Cohen

Resolution of Intention to issue bonds in an amount not to exceed \$273,900,000 for Sub-Project Area G-2, \$196,100,000 for Sub-Project Area G-3, and \$323,300,000 for Sub-Project Area G-4, for the City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).

(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding language expanding the references to certification of a Final Environmental Impact Report, adopting findings under CEQA, and fixing the date of the special election and public hearing to April 17, 2018. The motion carried by the following vote:

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

Resolution of Intention to Issue Bonds in an Amount Not to Exceed \$273,900,000, \$196,100,000 and \$323,300,000 for Sub-Project Area G-2, Sub-Project Area G-3 and Sub-Project Area G-4, respectively, City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco, Pier 70); and affirming the Planning Department's determination, and making findings under the California Environmental Quality Act.

(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried by the following vote:

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

170880 [Resolution of Intention to Establish Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70)]

Sponsors: Mayor; Cohen

Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and County of San Francisco commonly known as the Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K South; to provide for future annexation; to call a public hearing on January 9, 2018, on the formation of the district and to provide public notice thereof; and determining other matters in connection therewith.

(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by noting that IRFD Law provides that the legislative body may add territory to a district or amend the infrastructure financing plan, adding the language clarifying how future annexations of property shall occur, fixing the date of the special election and public hearing to April 17, 2018, and clarifying that the IRFD shall fund affordable housing projects and supporting infrastructure and amenities. The motion carried by the following vote:

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

Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70) on land within the City and County of San Francisco commonly known as the Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K South; to provide for future annexation; to call a public hearing on April 17, 2018, on the formation of the district and to provide public notice thereof; determining other matters in connection therewith; and affirming the Planning Department's determination, and making findings under the California Environmental Quality Act.
(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried by the following vote:

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

170881 [Resolution Authorizing Executive Director of the Port of San Francisco to Prepare an Infrastructure Financing Plan - Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70)]

Sponsors: Mayor; Cohen

Resolution authorizing and directing the Executive Director of the Port of San Francisco, or designee thereof, to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure Financing District No. 2 (Hoedown Yard); and determining other matters in connection therewith.
(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by fixing the date of the special election and public hearing to April 17, 2018. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Resolution authorizing and directing the Executive Director of the Port of San Francisco, or designee thereof, to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other matters in connection therewith; and affirming the Planning Department's determination, and making findings under the California Environmental Quality Act.
(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried by the following vote:

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

170882 [Resolution of Intention to Issue Bonds Related to Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70)]

Sponsors: Mayor; Cohen

Resolution of Intention to issue bonds for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard); and determining other matters in connection therewith.
(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Farrell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by noting that IRFD Law provides that the legislative body may add territory to a district or amend the infrastructure financing plan, adding language clarifying how future annexations of property shall occur, and fixing the date of the special election and public hearing to April 17, 2018. The motion carried by the following vote:

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

Resolution of intention to issue bonds for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard, Pier 70); determining other matters in connection therewith; and affirming the Planning Department's determination, and making findings under the California Environmental Quality Act.

(Fiscal Impact)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED AS AMENDED to the Budget and Finance Committee. The motion carried 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

President Breed requested File Nos. 171041 and 171042 be called together.

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; 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.

Ordinance No. 229-17

FINALLY PASSED by the following vote:

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

Noes: 1 - Safai

Recommendation of the Rules Committee

171042 [Various Codes - Regulation of Cannabis Businesses]

Sponsors: Mayor; Sheehy

Ordinance amending the Administrative, Business and Tax Regulations, Health, and Police Codes to comprehensively regulate commercial activities relating to the cultivation, manufacture, distribution, testing, sale, and delivery of medicinal and adult use cannabis by, among other things: 1) requiring businesses that engage in commercial cannabis activities to obtain a permit from the Office of Cannabis; 2) requiring the Director of the Office of Cannabis to implement an Equity Program to promote equitable ownership and employment opportunities in the cannabis industry by providing priority permitting for Equity Applicants and Equity Incubators, as defined; 3) defining eligibility for temporary and permanent cannabis business permits; 4) establishing priorities for the review of cannabis business permit applications; 5) establishing operating standards for cannabis businesses; 6) establishing criteria for granting, denying, suspending, and revoking cannabis business permits; 7) requiring all cannabis businesses to ensure that 50% of work hours are performed by San Francisco residents, and cannabis businesses with ten or more employees to adopt labor peace agreements; 8) authorizing the imposition of fines and penalties for violation of local and state laws governing cannabis businesses, and establishing procedures by which cannabis businesses may appeal a fine or permit penalty; 9) allowing pre-existing non-conforming cannabis operators to register with the Office of Cannabis and apply for cannabis business permits in 2018; 10) prohibiting the consumption of cannabis and cannabis products on the premises of all cannabis businesses, except Storefront Cannabis Retailers and Cannabis Microbusinesses that obtain consumption permits from the Department of Public Health; 11) prohibiting until January 1, 2019, tours of cannabis cultivators, manufacturers, and cannabis microbusinesses, and authorizing the Director of Cannabis to extend the prohibition on tours, or establish guidelines for the operation of tours; 12) prohibiting the acceptance of new applications for medical cannabis dispensary permits, starting January 1, 2018; 13) allowing medical cannabis dispensaries to sell adult use cannabis for a period of 120 days, starting January 1, 2018, and prohibiting medical cannabis dispensaries from cultivating cannabis under the authority of a medical cannabis dispensary permit, starting April 1, 2018; 14) establishing a sunset date of December 31, 2018, for Article 33 of the Health Code ("Medical Cannabis Act"); 15) requiring the Department of Public Health to implement an ongoing public health education campaign about the safe consumption and health benefits of cannabis; 16) requiring the Controller to submit a report to the Board of Supervisors within one year of the effective date of Article 16 recommending whether the issuance of cannabis business permits should be subject to any limits; 17) establishing an Equity Operator Fund to receive any monies appropriated for the purpose of assisting Equity Operators; 18) eliminating the duty of the Clerk of the Board of Supervisors to send letters annually to state and federal officials requesting that cannabis be regulated and taxed; and affirming the Planning Department's determination under the California Environmental Quality Act.

Ordinance No. 230-17

FINALLY PASSED by the following vote:

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

Noes: 1 - Safai

NEW BUSINESS

Recommendations of the Land Use and Transportation Committee

President Breed requested File Nos. 171134, 170938, and 170939 be called together.

171134 [General Plan Amendment - 1629 Market Street]

Ordinance amending the General Plan to revise Maps 1 and 3 and Policy 7.2.5 of the Market and Octavia Area Plan to reflect the 1629 Market Street Special Use District; adopting findings under the California Environmental Quality Act, and Planning Code, Section 340; and making findings of consistency with the General Plan, and Planning Code, Section 101.1. (Planning Commission)

PASSED ON FIRST READING by the following vote:

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

170938 [Planning Code, Zoning Map - 1629 Market Street Special Use District]

Sponsors: Mayor; Kim and Sheehy

Ordinance amending the Planning Code and the Zoning Map to add the 1629 Market Street Special Use District; making findings 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 findings of public necessity, convenience, and welfare under Planning Code, Section 302.

PASSED ON FIRST READING by the following vote:

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

170939 [Development Agreement - Strada Brady, LLC - Market and Colton Streets]

Sponsors: Mayor; Kim

Ordinance approving a Development Agreement between the City and County of San Francisco and Strada Brady, LLC, a California limited liability company, for the development project at the approximately 2.2-acre site located at Market, 12th, Stevenson, Chase Court, and Brady Streets, with various public benefits including improved open spaces and supportive affordable housing; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); setting the impact fees and exactions as set forth in the Development Agreement; and confirming compliance with or waiving certain provisions of Administrative Code, Chapters 14B, 41, and 56; and ratifying certain actions taken in connection therewith.

PASSED ON FIRST READING by the following vote:

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

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.

Resolution No. 434-17

ADOPTED by the following vote:

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

171166 [Supporting California State Assembly Bill 1506 (Bloom) - Repealing the Costa-Hawkins Act]**Sponsors: Fewer; Ronen, Peskin, Kim and Breed**

Resolution urging the Mayor and the Board of Supervisors to support California State Assembly Bill 1506, authored by Assembly Member Richard Bloom, repealing the Costa-Hawkins Act.

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

Resolution No. 437-17**ADOPTED by the following vote:**

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

Recommendation of the Public Safety and Neighborhood Services Committee**170599 [Public Works, Police Codes - Permit for Testing of Autonomous Delivery Devices on Sidewalks]****Sponsors: Yee; Fewer, Ronen and Peskin**

Ordinance amending the Public Works Code to require a permit for the testing of autonomous delivery devices on sidewalks and to set rules governing the operations of such devices; amending the Public Works Code and Police Code to provide for administrative, civil, and criminal penalties for unlawful operation of such devices; and affirming the Planning Department's determination under the California Environmental Quality Act.

Privilege of the floor was granted unanimously to Rahul Shah (Public Works) who responded to questions raised throughout the discussion.

Supervisor Yee, seconded by Supervisor Peskin, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Line 1, by adding ' and the Director's written determination after such hearing' after '(g)(1)', on Line 5, by striking 'withdrawal' and adding 'suspension' after 'modification', and on Line 13, by adding 'date of the' after 'of the', and striking 'must' and adding 'shall' after 'decision, and'; on Page 9, Line 2, by striking 'withdraw' and adding 'suspend' after 'modify, or', and on Line 12, by adding 'Any such revocation may be appealed to the Board of Supervisors under subsection (g)(2).' after 'permits.'; and on Page 10, Line 8, by striking 'must' and adding 'shall' after 'Devices'. 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

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

There were no commendations.

SPECIAL ORDER 3:00 P.M.**171062 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, and 303, for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street, Assessor's Parcel Block No. 0067, Lot Nos. 010 and 017, identified in Case No. 2017-002430CUA, issued by the Planning Commission by Motion No. 19987 dated August 31, 2017, to allow two dwelling units on a single lot within the RH-1 (residential, house one-family) Zoning District and a 40-X height and bulk district; and adopting findings under the California Environmental Quality Act. (District 2) (Appellant: Kathleen Courtney of Russian Hill Community Association) (Filed October 2, 2017) (Clerk of the Board)

President Breed opened the public hearing and Supervisors Farrell and Peskin provided opening remarks. The President then inquired as to whether any individual wished to address the Board. Kathleen Courtney, on behalf of Russian Hill Community Association (Appellant), provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Katherine Petrin; Joseph Butler (Little Housing Committee); Stephanie Peek; John Burruso; Ozzie Rohm (Noe Neighborhood Council); Courtney Damkroger; Mike Buhler (SF Heritage); Nancy Weurful (Little House Committee); spoke in support of the appeal. Alexandra Kirby (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Tuija Catalano, on behalf of Eight Forty One, LLC (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 Butler (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

171063 [Approving Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street]

Motion approving the decision of the Planning Commission by its Motion No. 19987, approving a Conditional Use Authorization identified as Planning Case No. 2017-002430CUA for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

Motion No. M17-193

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

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

Noes: 1 - Fewer

171064 [Conditionally Disapproving Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 19987, approving a Conditional Use Authorization identified as Planning Case No. 2017-002430CUA for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

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

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

171065 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 948-950 Lombard Street and 841 Chestnut 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. 2017-002430CUA for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street. (Clerk of the Board)

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

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

SPECIAL ORDER 3:00 P.M. - CLOSED SESSION**CONFERENCE WITH LABOR NEGOTIATORS****171169 [Closed Session - Labor Negotiations - January 9, 2018]**

Closed Session for the Board of Supervisors to convene on January 9, 2018, 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. M17-172, approved October 31, 2017. (Clerk of the Board)

President Breed inquired as to whether any individual wished to address the Board on the proposed continuance. There were no speakers.

Supervisor Peskin, seconded by Supervisor Kim, moved that this Hearing be CONTINUED to the Board of Supervisors meeting of December 12, 2017. 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.

President Breed requested File Nos. 171128, 171129, 171130, 171131, 171188, 171189, 171190, and 171191 be called together. During discussion on these matters, privilege of the floor was granted unanimously to Brad Russi (Office of the City Attorney), Jesse Henry (Barbary Coast Dispensary) and Dan Sider (Planning Department) who responded to questions raised throughout the discussion.

Supervisor Cohen was noted absent at 5:05 p.m.

President Breed recessed the meeting at 8:34 p.m. and reconvened at 8:51 p.m.

Supervisor Farrell, seconded by Supervisor Ronen, moved that Supervisor Cohen be excused from attending today's meeting beginning at 5:05 p.m. The motion carried by the following vote:

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

Excused: 1- Cohen

Supervisor Cohen was noted present at 8:45 p.m.

Due to Supervisor Cohen's noted presence, the motion to excuse her was rescinded without objection.

171128 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303, and 732, for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037, identified in Case No.

2016-002424CUA, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary, within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district. (District 4) (Appellant: Flo Kimmerling for Mid-Sunset Neighborhood Association) (Filed October 17, 2017). (Clerk of the Board)

President Breed opened the public hearings and Supervisor Tang provided opening remarks. The President then inquired as to whether any individual wished to address the Board. Flo Kimmerling, on behalf of Mid-Sunset Neighborhood Association, Patrick Wolfe, and Salvatore Alioto, on behalf of Sunset Merchants and Neighbors Association, (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Speaker; Doreen; Hal Silva; Stella Cahill; Speaker; Dora Wong; Pauline Cheng; Patrick Legion; Mary Ma; Meina Young; Speaker; Steven Klein (San Francisco Montessori Academy); Speaker; Brian Young (Sunset Merchants and Neighbors Association); Speaker; Ms. Wong; Speaker; Tony Woo; Jack Ho; Speaker; Father Dano Semeno; Speaker; Speaker; Speaker; Lani Meneses; Speaker; Speaker; Mae; Cynthia; Stella Camco; Sarah; Susan Ng; Woo Fong; Kristy; Speaker; Speaker; Rose Kong; Cathy Kong; Alice; Jay; Speaker; Danny Kwong; Letinia Wong; Monica Ha; Speaker; Theresa Duque; Tan Ko Wong; Annie; Speaker; Speaker; Ellen Zhou; Karen Bouy; Audrey Yan; Speaker; Sherry; Joe Amperano; spoke in support of the appeal. Dan Sider and Nancy Tran (Planning Department), and Nicole Elliott, Director (Office of Cannabis), provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Brendan Hallonan and Jesse Henry, on behalf of Barbary Coast Dispensary (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. Speaker; James McConnell (A.L. Post 448/Grass Roots); Arnold Salvante; Susan Tevin; Patrick Mine; Ashley Provost, Samantha Fuller and Amelia Williams (Barbary Coast Dispensary); Speaker; Diana J. Brody; Rudy Corpus (United Playaz); Ron Stickelman; Kathy Rizer; Howard Edmond; Kiam Cua; Speaker; David Goldman; Michael Cohen; Ben Haas; Patricia Walsh; Mary Avery; Greg Longacre; Douglas Slocum; Tanya Fedan; Addy Chumpitaz; Kimberly Hartwig; Chris Schulman; Henrico; Gavin Schear; Jennifer Garcia (UFCW Local 648); Ron Stueckie (Sunset Youth Services); Richard Hastad; Penelope deVries (Bally Hallinan Properties); Michael McKluskey; Speaker; Otto Duffy; Andrew Silva; Kanhu Wang; Bert Hansen; Nicole Kelly; Arthur Hemingwood; Speaker; Henry Berkowski; Speaker; spoke in support of the project and in opposition to the appeal. Salvatore Alioto and Cathy Alioto, on behalf of Sunset Merchants and Neighbors Association (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

171129 [Approving Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Motion approving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

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

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Kim, Ronen, Safai, Sheehy, Yee

Noes: 2 - Peskin, Tang

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

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

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

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

Noes: 1 - Tang

171130 [Conditionally Disapproving the Conditional Use Authorization and Approving with Additional Conditions - Proposed Project at 2161-2165 Irving Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board) (Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Tang, seconded by Supervisor Yee, moved that this Motion be AMENDED by adding a condition that the Medical Cannabis Dispensary operate between 9:00 a.m. to 8:00 p.m. for one year during a trial period. The motion FAILED by the following vote:

Ayes: 6 - Fewer, Kim, Peskin, Ronen, Tang, Yee

Noes: 4 - Breed, Farrell, Safai, Sheehy

Excused: 1 - Cohen

Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding a condition that the Medical Cannabis Dispensary provide an indoor space for on-site smoking. The motion carried by the following vote:

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

Excused: 1 - Cohen

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; approving a Conditional Use Authorization for the same Planning Case and property with additional conditions, and subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Tang, seconded by Supervisor Yee, moved that this Motion be AMENDED by setting an expiration date of one year for the additional condition that the Medical Cannabis Dispensary provide an indoor space for on-site smoking. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Farrell, seconded by Supervisor Cohen, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Kim, Ronen, Safai, Sheehy, Yee

Noes: 2 - Peskin, Tang

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

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

Motion No. M17-194

Supervisor Farrell, seconded by Supervisor Yee, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

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

Noes: 1 - Tang

171131 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 2161-2165 Irving 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. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street. (Clerk of the Board)

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

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Kim, Ronen, Safai, Sheehy, Yee

Noes: 2 - Peskin, Tang

Supervisor Peskin, seconded by Supervisor Farrell, 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

Motion No. M17-195

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

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

Noes: 1 - Tang

SPECIAL ORDER 4:30 P.M.**171188 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 732, for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037, identified in Case No.

2016-002424CUA, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary, within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district. (District 4) (Appellant: Salvatore Alioto for Sunset Merchants and Neighbors Association) (Filed November 2, 2017). (Clerk of the Board)

President Breed opened the public hearings and Supervisor Tang provided opening remarks. The President then inquired as to whether any individual wished to address the Board. Flo Kimmerling, on behalf of Mid-Sunset Neighborhood Association, Patrick Wolfe, and Salvatore Alioto, on behalf of Sunset Merchants and Neighbors Association, (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Speaker; Doreen; Hal Silva; Stella Cahill; Speaker; Dora Wong; Pauline Cheng; Patrick Legion; Mary Ma; Meina Young; Speaker; Steven Klein (San Francisco Montessori Academy); Speaker; Brian Young (Sunset Merchants and Neighbors Association); Speaker; Ms. Wong; Speaker; Tony Woo; Jack Ho; Speaker; Father Dano Semeno; Speaker; Speaker; Speaker; Lani Meneses; Speaker; Speaker; Mae; Cynthia; Stella Camco; Sarah; Susan Ng; Woo Fong; Kristy; Speaker; Speaker; Rose Kong; Cathy Kong; Alice; Jay; Speaker; Danny Kwong; Letinia Wong; Monica Ha; Speaker; Theresa Duque; Tan Ko Wong; Annie; Speaker; Speaker; Ellen Zhou; Karen Bouy; Audrey Yan; Speaker; Sherry; Joe Amperano; spoke in support of the appeal. Dan Sider and Nancy Tran (Planning Department), and Nicole Elliott, Director (Office of Cannabis), provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Brendan Hallonan and Jesse Henry, on behalf of Barbary Coast Dispensary (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. Speaker; James McConnell (A.L. Post 448/Grass Roots); Arnold Salvante; Susan Tevin; Patrick Mine; Ashley Provost, Samantha Fuller and Amelia Williams (Barbary Coast Dispensary); Speaker; Diana J. Brody; Rudy Corpus (United Playaz); Ron Stickelman; Kathy Rizer; Howard Edmond; Kiam Cua; Speaker; David Goldman; Michael Cohen; Ben Haas; Patricia Walsh; Mary Avery; Greg Longacre; Douglas Slocum; Tanya Fedan; Addy Chumpitaz; Kimberly Hartwig; Chris Schulman; Henrico; Gavin Schear; Jennifer Garcia (UFCW Local 648); Ron Stueckie (Sunset Youth Services); Richard Hastad; Penelope deVries (Bally Hallinan Properties); Michael McKluskey; Speaker; Otto Duffy; Andrew Silva; Kanhu Wang; Bert Hansen; Nicole Kelly; Arthur Hemingwood; Speaker; Henry Berkowski; Speaker; spoke in support of the project and in opposition to the appeal. Salvatore Alioto and Cathy Alioto, on behalf of Sunset Merchants and Neighbors Association (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

171189 [Approving Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Motion approving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

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

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Kim, Ronen, Safai, Sheehy, Yee

Noes: 2 - Peskin, Tang

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

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

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

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

Noes: 1 - Tang

171190 [Conditionally Disapproving the Conditional Use Authorization and Approving with Additional Conditions - Proposed Project at 2161-2165 Irving Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board) (Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Tang, seconded by Supervisor Yee, moved that this Motion be AMENDED by adding a condition that the Medical Cannabis Dispensary operate between 9:00 a.m. to 8:00 p.m. for one year during a trial period. The motion FAILED by the following vote:

Ayes: 6 - Fewer, Kim, Peskin, Ronen, Tang, Yee

Noes: 4 - Breed, Farrell, Safai, Sheehy

Excused: 1 - Cohen

Supervisor Tang, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by adding a condition that the Medical Cannabis Dispensary provide an indoor space for on-site smoking. The motion carried by the following vote:

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

Excused: 1 - Cohen

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; approving a Conditional Use Authorization for the same Planning Case and property with additional conditions, and subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Tang, seconded by Supervisor Yee, moved that this Motion be AMENDED by setting an expiration date of one year for the additional condition that the Medical Cannabis Dispensary provide an indoor space for on-site smoking. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

Supervisor Farrell, seconded by Supervisor Cohen, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Kim, Ronen, Safai, Sheehy, Yee

Noes: 2 - Peskin, Tang

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

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

Motion No. M17-196

Supervisor Farrell, seconded by Supervisor Yee, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

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

Noes: 1 - Tang

171191 [Preparation of Findings Related to Conditional Use Authorization Appeal - Proposed Project at 2161-2165 Irving 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. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street. (Clerk of the Board)

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

Ayes: 9 - Breed, Cohen, Farrell, Fewer, Kim, Ronen, Safai, Sheehy, Yee

Noes: 2 - Peskin, Tang

Supervisor Peskin, seconded by Supervisor Farrell, 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

Motion No. M17-197

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

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

Noes: 1 - Tang

COMMITTEE REPORTS

Recommendations of the Budget and Finance Committee

171153 [Business and Tax Regulations, Health Codes - Permit, License and Inspection Fees for Cannabis Businesses]

Sponsor: Mayor

Ordinance amending the Business and Tax Regulations and Health Codes to require the Director of the Office of Cannabis to collect permit application fees of \$2,000 and annual license fees of \$5,000 for cannabis business permits; authorize the Department of Public Health to impose fees relating to the inspection of cannabis businesses; and establish annual license fees for cannabis consumption permits.

PASSED ON FIRST READING by the following vote:

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

171135 [License Support, and Hosting Agreement - Epic City Government, LLC - Electronic Health Records System - \$167,384,597]

Resolution approving an Agreement between Epic City Government, LLC, and the City and County of San Francisco, acting by and through the Department of Public Health (DPH), for the delivery of software, services, and hosting for an electronic health records system, for a ten-year term from the effective date following Board approval, in the amount of \$167,384,597 including a DPH contingency amount of \$17,934,064. (Public Health Department)
(Fiscal Impact)

Resolution No. 430-17

ADOPTED by the following vote:

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

171159 [Performance Contract Agreement No. 17-94549 - California Department of Health Care Services - Community Behavioral Health Services - Mental Health Services Act and Various Programs]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health, through Community Behavioral Health Services, to enter into Performance Contract No. 17-94549, between the California Department of Health Care Services and Community Behavioral Health Services, incorporating the Mental Health Services Act, Projects for Assistance in Transition from Homelessness, the Mental Health Plan, and Community Mental Health Services Grant for the period of July 1, 2017, through June 30, 2018.

Resolution No. 435-17

ADOPTED by the following vote:

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

171160 [Agreement No. 15-92348 - California Department of Health Care Services - County Children's Health Initiative Program - Up to \$9,492,495]**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to enter into Agreement No. 15-92348 with the California Department of Health Care Services to receive federal draw-down funding for children enrolled in the County Children's Health Initiative Program through the City and County of San Francisco's Healthy Kids Program, in the amount of up to \$9,492,495 for the period of July 1, 2015, through September 30, 2019.

Resolution No. 436-17**ADOPTED by the following vote:**

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

171178 [Real Property Lease - Vera Cort as Trustee -1380 Howard Street - Department of Public Health - \$3,417,862.50 Initial Annual Base Rent]

Resolution authorizing the extension of an existing lease for approximately 79,950 square feet of office space at 1380 Howard Street for the Department of Public Health's Community Behavioral Health Services Division with the Vera Cort as Trustee of the Robert J. Cort Marital Trust (99%) and as Trustee of the Vera Cort Survivor's Trust (1%), as Landlord, at an annual rent of \$3,417,862.50 during the five year term of January 1, 2018, through December 31, 2022, and adding three further five-year options to extend the term. (Real Estate Department)
(Fiscal Impact)

Resolution No. 438-17**ADOPTED by the following vote:**

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

171197 [Agreements - Sunnydale Parcel Q Housing Partners, L.P. - 1491 Sunnydale Avenue - Purchase and Sale for Real Estate and Ground Lease - \$3,000,000 and \$15,000 Respectively]**Sponsors: Mayor; Cohen**

Resolution approving and authorizing the execution and performance of an Agreement of Purchase and Sale of Real Estate in connection with the acquisition of the parcel located at 1491 Sunnydale Avenue Street (Assessor's Parcel Block No. 6356, Lot No. 61-68) ("the Property"), for \$3,000,000 and a long term, 75 years with a 24 year extension option, Ground Lease of the Property for \$15,000 annual base rent, with Sunnydale Parcel Q Housing Partners, L.P., to construct a 100% affordable, 55-unit multifamily rental housing development for low-income households; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein. (Mayor's Office of Housing and Community Development)
(Fiscal Impact)

Resolution No. 439-17**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

170985 [Public Works and Subdivision Codes - City Maintenance of Street Trees]

Sponsors: Sheehy; Safai

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.

PASSED ON FIRST READING by the following vote:

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

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

Appointment of President Pro Tempore

At the request of President Breed, Supervisor Safai assumed the chair at 4:30 p.m. The President resumed the chair at 4:36 p.m.

PUBLIC COMMENT

Wynship W. Hillier; requested that the members of the Board resign due to concerns regarding Citywide Case Management.

Otto Duffy; expressed concerns regarding climate change.

Speaker; shared concerns regarding sanctuary cities.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

171261 [Cancer Screen Week - December 4, 2017, through December 8, 2017]

Sponsor: Sheehy

Resolution declaring December 4, 2017, through December 8, 2017, as Cancer Screen Week, identifying the burden of cancer in San Francisco and the United States, and urging citizens to talk with their healthcare providers about appropriate screenings for prevention and early detection of cancer.

Resolution No. 440-17

ADOPTED by the following vote:

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

171266 [Board of Supervisors Regular Meeting Schedule - 2018]

Motion establishing the 2018 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1, by cancelling the Regular Board meetings of January 2, January 16, February 20, May 29, July 3, October 9, and November 13 and 27, 2018; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 26 through March 30, August 1 through September 3, and December 17 through January 4, 2019; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

Supervisor Kim, seconded by Supervisor Farrell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by waiving Board Rule 4.2 to schedule Regular Board meetings on November 13 and 27, 2017, and cancelling the Regular Board meetings of November 6 and 20, 2017. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee
Motion establishing the 2018 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1, by cancelling the Regular Board meetings of January 2, January 16, February 20, May 29, July 3, October 9, and November 6 and 20, 2018; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 26 through March 30, August 1 through September 3, and December 17 through January 4, 2019; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

Motion No. M17-198

APPROVED AS AMENDED by the following vote:

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

Ordinances

171280 [Redevelopment Plan Amendments - Mission Bay South]

Sponsors: Mayor; Kim

Ordinance approving amendments to the Mission Bay South Redevelopment Plan to remove a 0.3 acre parcel known as P20 from the Mission Bay South Redevelopment Plan Area; making findings 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.

12/05/17; ASSIGNED UNDER 30 DAY RULE to Board of Supervisors, expires on 1/4/2018.

170940 [Planning Code, Zoning Map - Mission Rock Special Use District]**Sponsors: Mayor; Kim**

Ordinance amending the Planning Code and the Zoning Map to add the Mission Rock Special Use District, generally bounded by China Basin to the north; Pier 48, the marginal wharf between Pier 48 and Pier 50, the associated shoreline area and Terry Francois Boulevard to the east; Mission Rock Street to the south; and 3rd Street to the west; to amend other related provisions; making findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and Planning Code, Section 302.

09/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/5/2017.

09/12/17; REFERRED TO DEPARTMENT.

12/05/17; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

171282 [Appropriation - Cigarette Litter Abatement Fees - Public Works Street Cleaning Program - \$300,000 - FY2017-2018]**Sponsors: Mayor; Peskin**

Ordinance appropriating \$300,000 of cigarette litter abatement fees to Public Works for street cleaning program in FY2017-2018.

(Fiscal Impact)

12/05/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/4/2018.

171283 [Appropriation - Cigarette Litter Abatement Fees - Public Works Street Cleaning Program - \$300,000 - FY2017-2018]**Sponsor: Peskin**

Ordinance appropriating \$300,000 of cigarette litter abatement fees to Public Works for street cleaning program in FY2017-2018.

(Fiscal Impact; No Budget and Legislative Analyst Report)

12/05/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/4/2018.

171284 [Building Code - Slope Protection Act]**Sponsor: Peskin**

Ordinance amending the Building Code to revise the City's Slope Protection Act by clarifying the scope of its application to properties exceeding an average slope of 25% grade, updating the map references, mandating review by the Department of Building Inspection's Structural Advisory Committee, and re-enacting and modifying a paragraph in the scope section regarding the type of proposed construction that triggers application of the Act which was omitted inadvertently in the adoption of the 2016 Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

12/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/4/2018.

171285 [Housing Code - All-Gender Bathrooms in Hotels]**Sponsors: Ronen; Kim, Sheehy and Peskin**

Ordinance amending the Housing Code to require that single-stall bathroom facilities in hotels be made available for the use of all residents, regardless of gender or gender identity, and to require that signage be posted to indicate the same; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

12/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/4/2018.

Resolutions

171286 [California Environmental Quality Act Findings - Mission Rock Project - Seawall Lot 337 and Pier 48]

Sponsors: Mayor; Kim

Resolution affirming the Planning Department's certification of the Final Environmental Impact Report and adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, including findings of fact, findings regarding significant impacts and significant and unavoidable impacts, evaluation of mitigation measures and alternatives, a statement of overriding considerations, and adoption of a mitigation monitoring and reporting program related to the approvals for the proposed Mission Rock mixed-use project located at Seawall Lot 337 and Pier 48.

12/05/17; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

171287 [Negotiate Purchase and Sale or Lease Agreements - California Department of Transportation (Caltrans) - Homeless Services on Caltrans Property]

Sponsors: Mayor; Sheehy

Resolution authorizing the Director of the Real Estate Department to negotiate with the California Department of Transportation (Caltrans) for the purpose executing purchase and sale or lease agreements to provide homeless services on Caltrans property to protect the health safety and welfare of people experiencing homelessness.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171288 [Real Property Lease - W.Y.L. Orion Properties, LLC - 125 Bayshore Blvd - \$489,000 in Initial Year]

Sponsor: Mayor

Resolution approving a lease of a parcel of approximately 31,200 square feet, with buildings totaling approximately 22,965 square feet at 125 Bayshore Blvd, with W.Y.L. Orion Properties, LLC, a California limited liability company as Landlord, for an initial six month term (immediate occupancy upon full execution of lease) plus five one-year annual renewals thereafter, rent commencement from approximately April 1, 2018, to no later than September 30, 2023, for use by the Department of Homelessness and Supportive Housing for emergency shelter purposes at an initial annual rent of \$489,000 with 3% annual increases; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact; No Budget and Legislative Analyst Report)

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171289 [Urging Congress to Cosponsor House Concurrent Resolution 63 - Supporting Infrastructure and Community Development Efforts]

Sponsors: Ronen; Kim and Sheehy

Resolution urging members of Congress to cosponsor House Concurrent Resolution 63, a national effort to create new jobs through public investment infrastructure improvements that benefit our communities.

12/05/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

171290 [Interim Zoning Controls - Conditional Use for Restaurants and Storefront Mergers]
Sponsor: Ronen

Resolution imposing interim zoning controls to require that for a 15-month period a Conditional Use authorization is required for a proposed restaurant use and for a commercial storefront merger resulting in a non-residential use size of 2,000 gross square feet or larger in the area generally defined by the following boundaries: 13th, Duboce, and Division Streets to the north, Mission Street to the west (including any parcel with a property line on either side of Mission Street), Cesar Chavez Street to the south, and Potrero Avenue to the east; 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.

12/05/17; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/4/2018.

171291 [Accept and Expend Grant - California Department of Public Health - Oral Health Program-Proposition 56-Support Local Oral Health Programs - \$308,879]
Sponsor: Safai

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$308,879 from California Department of Public Health to participate in a program entitled, California Department of Public Health Oral Health Program-Proposition 56-Support Local Oral Health Programs for the period of January 1, 2018, through June 30, 2018. (Public Health Department)

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171292 [Approval of a 30-Day Extension for Planning Commission Review of Amending the Zoning Map Pursuant to Settlement (File No. 171013)]
Sponsor: Sheehy

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 171013) amending the Planning Code by revising Zoning Map Sheet ZN06 to rezone Assessor's Parcel Block No. (AB) 2719C, Lot No. 023, located at Burnett Avenue and Burnett Avenue North, from Public (P) to Residential, Mixed Districts, Low Density (RM-1); rezoning a portion of Burnett Avenue North generally bounded by AB 2745, Lot No. 036, and AB 2719C, Lot No. 023, to RM-1; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings under Planning Code, Section 302.

12/05/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motions**171281 [Adoption of Findings Related to Rescission of Tax Sale - Presidio Terrace Common Area]**

Motion adopting findings in support of the Board of Supervisors' decision to rescind the tax sale of the Presidio Terrace Common Area, Assessor's Block No. 1355, Lot No. 001, pursuant to California Revenue and Taxation Code, Section 3731. (Clerk of the Board)

12/05/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

171293 [Committee of the Whole - Amendments to the Mission Bay South Redevelopment Plan - January 23, 2018]**Sponsor: Kim**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on January 23, 2018, at 3:00 p.m., to hold a public hearing to consider amendments to the Mission Bay South Redevelopment Plan as authorized by Assembly Bill 2796 (Chapter 529, Statutes 2016).

12/05/17; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

171294 [Initiative Ordinance - Business and Tax Regulations and Administrative Codes - Additional Gross Receipts Tax on Commercial Rents]**Sponsor: Peskin**

Motion ordering submitted to the voters, at an election to be held on June 5, 2018, an Ordinance amending the Business and Tax Regulations Code and Administrative Code to impose an additional tax of 2% on the gross receipts from the lease of commercial space in the City, to fund transportation operations and infrastructure; and increasing the City's appropriations limit by the amount collected under the new tax for four years from June 5, 2018.

(Economic Impact; No Economic Analysis Report)

12/05/17; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/4/2018.

Requests for Hearing**171295 [Hearing - Efficacy of Homeless Navigation Centers]****Sponsor: Cohen**

Hearing on the Homeless Navigation Center System, including number of people served, efficacy of wraparound services, and their impact on host neighborhoods; and requesting the Department of Homelessness and Supportive Housing and Department of Public Health to report.

12/05/17; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

171296 [Hearing - Business Tax Reform Transition and Progress]**Sponsor: Cohen**

Hearing to provide an update on the Business Tax Reform plan, its affect on revenue levels, and their impact on business and job growth; and requesting the Office of the Controller, Mayor's Office of Budget, and Office of Small Business to report.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171297 [Hearing - Status of First 5 in San Francisco]**Sponsor: Fewer**

Hearing on the status of First 5 in San Francisco and its impacts, efficacy and challenges and how agencies serving families with children ages 0 through 5 are coordinating strategies to support child development and school readiness; and requesting First 5 San Francisco; the Department of Children, Youth and Their Families; the Human Services Agency; and the Our Children, Our Families Council to report.

12/05/17; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

171298 [Hearing - Lead in the Water at San Francisco Unified Schools]**Sponsors: Sheehy; Safai**

Hearing on lead in the water at San Francisco Unified Schools, and to report on testing, health impacts, and repairs of the school district's water, including levels of chloramine; and requesting San Francisco Unified School District and the San Francisco Public Utilities Commission to report.

12/05/17; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services 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 RESOLUTIONS**171237 [Lease Agreement - Pacific Gateway Concessions, LLC - Airport Concession - \$1,531,761 Minimum Annual Guarantee]**

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0211 between Pacific Gateway Concessions, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$1,531,761. (Airport Commission)

11/21/17; RECEIVED FROM DEPARTMENT.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171238 [Lease Agreement - Pacific Gateway Concessions, LLC - Airport Concession - \$814,144 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0208 between Pacific Gateway Concessions, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$814,144. (Airport Commission)

11/21/17; RECEIVED FROM DEPARTMENT.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171239 [Lease Agreement - HG SFO Retailers 2017 JV - Airport Concession - \$1,540,000 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0207 between HG SFO Retailers 2017 JV and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$1,540,000. (Airport Commission)

11/21/17; RECEIVED FROM DEPARTMENT.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171240 [Lease Agreement - Canonica New York, LLC - Airport Concession - \$280,000 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0210 between Canonica New York, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$280,000. (Airport Commission)

11/21/17; RECEIVED FROM DEPARTMENT.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171241 [Lease Agreement - DFS Group, LP - Airport Concession - \$380,000 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0209 between DFS Group, LP and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$380,000. (Airport Commission)

11/21/17; RECEIVED FROM DEPARTMENT.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

171242 [Lease Modification - United States of America - United States Transportation Security Administration Administrative Offices - International Terminal and Terminal 2 - Not to Exceed \$5,988,335.04]

Resolution retroactively approving Modification No. 1 to Lease No. GS-09B-03014 with the United States of America for offices occupied by the United States Transportation Security Administration at the International Terminal and Terminal 2 at the San Francisco International Airport, to extend the lease term by three years through October 31, 2020, and adjust the annual rent to \$1,996,111.68 for a total amount not exceed \$5,988,335.04. (Airport Commission)

11/20/17; RECEIVED FROM DEPARTMENT.

12/05/17; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

Lorraine Taylor - Entire Board

Ester Naomi Lauter - Board President Breed and Supervisor Cohen

ADJOURNMENT

There being no further business, the Board adjourned at the hour 9:20 p.m.

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

Approved by the Board of Supervisors on January 23, 2018.

Angela Calvillo, Clerk of the Board