

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, October 2, 2018 - 2:00 PM

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

Regular Meeting

MALIA COHEN, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, JANE KIM, RAFAEL MANDELMAN,
AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI, KATY TANG,
NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Brown

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Public Safety and Neighborhood Services Committee
Supervisors Mandelman, Ronen, Peskin

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
10:00 AM

2nd and 4th Thursday
1:15 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

Wednesday
10:00 AM

Members Present: Vallie Brown, Malia Cohen, Sandra Lee Fewer, Jane Kim, Rafael Mandelman, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Katy Tang, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, October 2, 2018, with President Malia Cohen presiding.

ROLL CALL AND PLEDGE OF ALLEGIANCE

President Cohen called the meeting to order at 2:05 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.

COMMUNICATIONS

There were no communications.

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendations of the Government Audit and Oversight Committee

180817 [Settlement of Lawsuit - Terrance Heyward - \$37,500]

Ordinance authorizing settlement of the lawsuit filed by Terrance Heyward against the City and County of San Francisco for \$37,500; the lawsuit was filed on October 12, 2016, in San Francisco Superior Court, Case No. CGC-16-554799; entitled Terrance Heyward v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

FINALLY PASSED

180819 [Settlement of Lawsuit - Patricia Gambino - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Gambino against the City and County of San Francisco for \$50,000; the lawsuit was filed on July 31, 2017, in San Francisco Superior Court, Case No. CGC-17-560484; entitled Patricia Gambino v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

FINALLY PASSED

180820 [Settlement of Lawsuit - Sam Percival Stewart - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Sam Percival Stewart against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 2, 2016, in San Francisco Superior Court, Case No. CGC-16-552341; entitled Sam Percival Stewart v. City and County of San Francisco et al., removed to federal court on November 22, 2016, and re-captioned as Sam Percival Stewart v. City and County of San Francisco et al., United States District Court, Case No. 3:16-cv-6744; the lawsuit involves an alleged civil rights violation; other material terms of the settlement are waiver of the Zuckerberg San Francisco General Hospital lien in the amount of \$735. (City Attorney)

FINALLY PASSED

180821 [Settlement of Lawsuit - Juanita Stockwell, et al. - \$400,000]

Ordinance authorizing settlement of the lawsuit filed by Guillermo Amigo, E.R. Balinton, Mike Bolte, Nikolaus Borthne, Edward Browne, Peter Busalacchi, Gary Castel, Philip Fleck, Severo Flores, George S. Fogarty, Malcolm Fong, Mary Godfrey, Jason Hui, Terrye Ivy, Jacklyn Jehl, Bartholomew Johnson, James Jones, Richard Jue, Robert Leung, Michael Lewis, Paul Lozada, D.H. Bud Massey, Bruce Meadors, Vince Neeson, Thomas O'Connor, Susan Rolovich, Juanita Stockwell, Jessie A. Washington, and Michael Wells against the City and County of San Francisco for \$400,000; the lawsuit was filed on December 17, 2015, in San Francisco Superior Court, Case No. CGC 15-549482; entitled Juanita Stockwell, et al. v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

180822 [Settlement of Lawsuit - Cui Ying Zhou, Jian Cong Tan, Angelina Tan, and Arosia Tan - \$14,500,000]

Ordinance authorizing settlement of the lawsuit filed by Cui Ying Zhou, Jian Cong Tan, Angelina Tan, and Arosia Tan against the City and County of San Francisco for \$14,500,000; the lawsuit was filed on November 26, 2016, in San Francisco Superior Court, Case No. CGC-16-555523; entitled Cui Ying Zhou, et al. v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in Washington Square Park. (City Attorney)

FINALLY PASSED

180847 [Settlement of Lawsuit - Nikolas P. Lemos - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Nikolas P. Lemos against the City and County of San Francisco for \$100,000; the lawsuit was filed on February 16, 2017, in San Francisco Superior Court, Case No. CGC 17-557100; entitled Nikolas P. Lemos v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

FINALLY PASSED

180848 [Settlement of Lawsuit - Quincy Lewis - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Quincy Lewis against the City and County of San Francisco for \$60,000; the lawsuit was filed on November 2, 2017, in United States District Court, Case No. 17-cv-06405; entitled Quincy Lewis v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violation. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

170297 [Administrative Code - Increasing the Minimum Compensation Hourly Rate]

Sponsors: Kim; Fewer, Ronen and Cohen

Ordinance amending the Administrative Code to increase the minimum hourly compensation rate for employees of City contractors other than nonprofit corporations or public entities to \$17.00 per hour and followed thereafter by annual cost-of-living increases; to increase the minimum hourly compensation rate for employees under contracts with nonprofit corporations and public entities to minimum wage; and to require that City contractors pay the minimum hourly compensation rate to employees who perform any work funded under an applicable contract with the City.

(Fiscal Impact)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 180733 and 180734 be called together.

180733 [Waiver of Temporary Street Space Occupancy Fee - Street Tree Maintenance Activities - Greater Rincon Hill Association]

Sponsor: Kim

Ordinance waiving the fee required by Public Works Code, Section 724.1, for temporary street space occupancy permits in connection with tree maintenance by the Greater Rincon Hill Association within the Greater Rincon Hill Community Benefit District, also known as the East Cut Community Benefit District, between September 1, 2018, and June 30, 2019.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180734 [Waiver of Banner Fee - Filipino American Arts Exposition]

Sponsor: Kim

Ordinance waiving the banner fee under Public Works Code, Section 184.78, for up to 100 banners to be placed on City-owned utility poles by the Filipino American Arts Exposition to publicize the August 2018 Pistahan Festival and Parade.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180753 [Business and Tax Regulations Code - Administration of Early Care and Education Commercial Rents Tax]**Sponsors: Kim; Yee**

Ordinance amending the Business and Tax Regulations Code to add provisions to administer the Early Care and Education Commercial Rents Tax, to increase the payment required to obtain an extension of time to file business tax returns, and to make other, non-substantive changes.

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendation of the Rules Committee**180900 [Urging Kaiser Permanente to Protect Its Messenger Driver, Parking Attendant, Licensed Vocational Nurse, and Department Secretary Employees From Being Outsourced]****Sponsors: Yee; Fewer, Mandelman, Kim, Ronen, Peskin, Safai, Brown and Stefani**

Resolution urging Kaiser Permanente to protect its messenger driver, parking attendant, licensed vocational nurse, and department secretary employees from being outsourced.

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

NEW BUSINESS**Recommendations of the Budget and Finance Committee****180518 [Administrative Code - Film Commission Programs]****Sponsor: Stefani**

Ordinance amending the Administrative Code to modify the daily use fees to engage in film production, to extend the Film Rebate Program through 2028, to correspondingly increase the authorized funding cap for the Film Rebate Project Account from \$4,000,000 to \$13,000,000; and to add administrative penalties for violations of requirements of Film Commission programs. (Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180442 [2011 Lease and Use Agreement - Thomas Cook Airlines Limited]

Resolution approving a 2011 Lease and Use Agreement No. 18-0086 between Thomas Cook Airlines Limited, and the City and County of San Francisco, acting by and through its Airport Commission, to conduct flight operations at the San Francisco International Airport, with no change to the term length to expire on June 30, 2021, to commence on the first day of the month following upon approval by the Board of Supervisors. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180740 [Accept and Expend Grant - Alternative and Renewable Fuel and Vehicle Technology Program - Electric Vehicle Ready Blueprint - \$199,398]**Sponsor: Tang**

Resolution retroactively authorizing the Department of the Environment to accept and expend a grant in the amount of \$199,398 from the California Energy Commission's Alternative and Renewable Fuel and Vehicle Technology Program to develop an Electric Vehicle Ready Blueprint to accelerate regional vehicle electrification for the period of July 1, 2018, through June 30, 2019.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180769 [Real Property Lease Amendment - 25 Van Ness Avenue, Lower Level - New Conservatory Theatre Center - Monthly Base Rent \$7,983]

Resolution authorizing the lease amendment to extend approximately 14,229 rentable square feet of space at 25 Van Ness, Lower Level, to New Conservatory Theatre Center, a California non-profit corporation, for a monthly base rent of \$7,983 for a total annual base rent of \$95,796 for the period of October 1, 2018, through September 30, 2023. (Real Estate Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180770 [Contract Agreement - Western States Oil and SC Fuels - Gasoline - Not to Exceed \$32,000,000]

Resolution retroactively approving the Agreement between the City and County of San Francisco and the Primary Contractor, Western States Oil, and the Secondary Contractor, SC Fuels, for gasoline, for an initial term of three years from September 1, 2018, through August 21, 2021, with two one-year options to extend, for a not to exceed amount of \$32,000,000 pursuant to Charter, Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 180827, 180828, and 180829 be called together.

180827 [Contract Agreement - Baker Places, Inc. - Behavioral Health Services - Not to Exceed \$55,475,141]

Resolution retroactively approving a contract agreement with Baker Places, Inc., for behavioral health services, in an amount not to exceed \$55,475,141 for a total contract term of July 1, 2018, through June 30, 2022, with one six-year option to extend. (Public Health Department)
(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180828 [Contract Agreement - Seneca Family of Agencies - dba Seneca Center - Behavioral Health Services - Not to Exceed \$40,529,444]

Resolution retroactively approving a contract agreement with Seneca Family of Agencies dba Seneca Center, for behavioral health services, in an amount not to exceed \$40,529,444 for a total contract term of July 1, 2018, through June 30, 2022, with one six-year option to extend. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180829 [Contract Agreement - Health RIGHT 360 - Behavioral Health Services for Adults and Older Adults - Not to Exceed \$84,064,915]

Resolution retroactively approving an original agreement for behavioral health services for adults and older adults between Health RIGHT 360 and the Department of Public Health, in the amount of \$84,064,915 for a total contract term of July 1, 2018, through June 30, 2022, with one five-year option to extend. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

President Cohen requested File Nos. 180866, 180876, and 180868 be called together.

180866 [Accept and Expend Grant - California Governor's Office of Emergency Services - County Victim Services Program - \$1,331,556]**Sponsor: Brown**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant increase of \$560,258 for a total amount of \$1,331,556 from the California Governor's Office of Emergency Services, for the County Victim Services Program, for the grant period of July 1, 2016, through December 31, 2019.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180867 [Accept and Expend In-Kind Gift - Urban Institute - Technical Assistance, Data Analytics and Research Support - \$50,000]**Sponsor: Brown**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend an in-kind gift estimated at \$50,000 from the Urban Institute for data analytics and research support, from January 1, 2017, through June 15, 2018.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180868 [Accept and Expend In-Kind Gift - Technical Assistance - Office of the District Attorney - \$150,000]**Sponsor: Brown**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend an in-kind gift estimated at \$150,000 from Code for America (CFA) to pilot a new approach to automate criminal record expungement for eligible convictions under Proposition 64, from May 7, 2018, through July 31, 2018.

ADOPTED by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Recommendation of the Land Use and Transportation Committee**180618 [Building Code - Process for Building Inspection Commission and Code Advisory Committee - Review of Legislation Proposed by the Board of Supervisors]****Sponsor: Tang**

Ordinance amending the Building Code to establish a process for review by the Building Inspection Commission and Code Advisory Committee of legislation proposed by the Board of Supervisors; and affirming the Planning Department's determination under the California Environmental Quality Act.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Referred Without Recommendation from the Land Use and Transportation Committee**180785 [Supporting California State Proposition 10 - The Affordable Housing Act - November 6, 2018 Ballot]****Sponsors: Peskin; Fewer, Mandelman, Ronen, Kim and Brown**

Resolution supporting California State Proposition 10, The Affordable Housing Act, on the November 6, 2018, ballot; and reaffirming the City and County of San Francisco's support for repeal of the Costa-Hawkins Rental Housing Act.

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 3, Lines 11-12, by striking 'FURTHER RESOLVED, That the City and County of San Francisco also affirms that single-family homes should be exempted from rent control; and, be it', and Lines 13-14, by striking 'and/or single-family homes'. Before the vote was taken, a request to DIVIDE the question was made.

Supervisor Peskin requested the question to amend the Resolution be DIVIDED to consider each amendment separately.

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Resolution be AMENDED on Page 3, Lines 11-12, by striking 'FURTHER RESOLVED, That the City and County of San Francisco also affirms that single-family homes should be exempted from rent control; and, be it'. The motion carried by the following vote:

Ayes: 8 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Yee

Noes: 3 - Safai, Stefani, Tang

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Resolution be AMENDED on Page 3, Lines 13-14, by striking 'and/or single-family homes'. The motion carried by the following vote:

Ayes: 6 - Brown, Fewer, Kim, Mandelman, Peskin, Ronen

Noes: 5 - Cohen, Safai, Stefani, Tang, Yee

Upon approval of both divided questions to amend the Resolution, the Resolution was AMENDED as a whole.

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Yee

Noes: 2 - Stefani, Tang

Recommendations of the Public Safety and Neighborhood Services Committee

170781 [Administrative Code - Maya Angelou Artistic Representation at Main Library - City Policy Regarding Depiction of Women on City Property - Women's Recognition Public Art Fund]

Sponsors: Stefani; Ronen, Kim, Brown, Cohen, Fewer and Tang

Ordinance directing the Arts Commission to erect a work of art depicting Maya Angelou at the Main Library; setting a City policy that at least 30% of nonfictional figures depicted or commemorated in statues and other works of art on City-owned property, public building names, and street names, be women; amending the Administrative Code to create a fund to accept gifts to pay for the design, construction, repair, maintenance, and improvement of public art depicting historically significant women on City property; and affirming the Planning Department's determination under the California Environmental Quality Act.

Supervisors Cohen, Fewer and Tang requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180732 [Police Code - Neighborhood-Restricted Liquor Licenses]

Sponsors: Mayor; Ronen

Ordinance amending the Police Code to authorize the Chief of Police, or the Chief's designee, to provide signed verification of preapplication meetings for neighborhood-restricted liquor licenses.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180804 [Health Code - Surplus Medication Repository and Distribution Program]

Sponsors: Safai; Stefani, Ronen, Brown, Mandelman and Cohen

Ordinance amending the Health Code to establish a Surplus Medication Repository and Distribution Program, to be overseen by the Department of Public Health.

Supervisors Mandelman and Cohen requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180541 [Liquor License Transfer - 1706 Post Street - Ichipub]

Resolution determining that the premise-to-premise transfer of the Type-48 on-sale general public premises liquor license to Kevin Chi Duong, doing business as Ichipub, located at 1706 Post Street (District 5), 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 requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee
Excused: 1 - Stefani

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

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Supervisor Fewer introduced, welcomed, and presented Certificates of Honor to Officer Jarrod Yee and Officer Mike Mellone (San Francisco Police Department) in recognition of their heroic response and rescue of multiple residents from an apartment building and their continued community support and service.

Supervisor Brown introduced, welcomed, and presented a Certificate of Honor to the members and allies of the Native American community who led the charge in having the Early Days Statue removed at Civic Center.

Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to Scott Sanchez, Zoning Administrator (Planning Department), on the occasion of his retirement as the Zoning Administrator and in recognition of his many accomplishments and expertise of the Planning Code, planning enforcement, neighborhood planning, and project review. Supervisors Tang, Kim, and Cohen shared in this commendation.

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 180787, 180788, 180789, and 180790 be called together.

180787 [Hearing - Appeal of Conditional Use Authorization - 143 Corbett Avenue]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 249.77(D)(4) and 303(C), for a proposed project at 143 Corbett Avenue, Assessor's Parcel Block No. 2656, Lot No. 060, identified in Planning Case No. 2017-009348CUA, issued by the Planning Commission by Motion No. 20220 dated June 21, 2018, to legalize interior alterations and horizontal additions at the rear building wall's bay window and decks, and the addition of a second unit within an existing single-family dwelling. (District 8) (Appellant: Gary Weiss, on behalf of Corbett Heights Neighbors) (Filed July 23, 2018) (Clerk of the Board)

President Cohen opened the public hearing and Supervisor Mandelman provided opening remarks and indicated the appellant has withdrawn their appeal. The President then inquired as to whether any individual wished to address the Board. There were no speakers. President Cohen closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

180788 [Approving Conditional Use Authorization - 143 Corbett Avenue]

Motion approving the decision of the Planning Commission by its Motion No. 20220, approving a Conditional Use Authorization identified as Planning Case No. 2017-009348CUA for a proposed project located at 143 Corbett Avenue; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

Motion No. M18-134

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180789 [Conditionally Disapproving Conditional Use Authorization - 143 Corbett Avenue]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20220, approving a Conditional Use Authorization identified as Planning Case No. 2017-009348CUA for a proposed project at 143 Corbett Avenue, subject to the adoption of written findings by 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 Mandelman, seconded by Supervisor Peskin, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

180790 [Preparation of Findings Related to Conditional Use Authorization Appeal - 143 Corbett Avenue]

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 in Planning Case No. 2017-009348CUA for a proposed project at 143 Corbett Avenue. (Clerk of the Board)

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

Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

SPECIAL ORDER 3:00 P.M.

President Cohen requested File Nos. 180841, 180842, 180843, and 180844 be called together.

Supervisor Stefani was noted absent at 5:45 p.m. and for the remainder of the meeting.

Supervisor Stefani Excused from Attendance

Supervisor Cohen, seconded by Supervisor Safai, moved that Supervisor Stefani be excused from today's meeting beginning at 5:45 p.m. and for the remainder of the meeting. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

Appointment of President Pro Tempore

At the request of President Cohen, Supervisor Yee assumed the chair at 5:16 p.m. The President resumed the chair at 5:24 p.m.

180841 [Hearing - Appeal of Final Environmental Impact Report Certification - India Basin Mixed-Use Project]

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for a proposed project at 700 Innes Avenue, 900 Innes Avenue, India Basin Open Space, and India Basin Shoreline Park, identified in Planning Case No. 2014-002541ENV, issued by the Planning Commission through Motion No. 20248, dated July 26, 2018; to develop about 29.26 undeveloped acres resulting in approximately 1,575 residential units, 209,000 gross square feet of nonresidential use, up to 1,800 parking spaces, 1,575 bicycle parking spaces, 15.5 acres of new and improved publicly accessible open space, new streets and other public realm improvements; and a Recreation and Park Department component making improvements to the 900 Innes, India Basin open space, and India Basin shoreline park properties, including enhancing existing and developing new open space and recreation facilities totaling about 8.98 acres within the M-1 (Light Industrial), M-2 (Heavy Industrial), NC-2 (Small-Scale Neighborhood Commercial), and P (Public) use districts and 40-X and OS (Open Space) Height and Bulk Districts. (District 10) (Appellants: Mikhail Brodsky, on behalf of Archimedes Banya SF and 748 Innes Avenue HOA; Bradley Angel, for Greenaction for Health and Environmental Justice) (Filed August 23, 2018, and August 27, 2018, respectively) (Clerk of the Board)

President Cohen opened the public hearing and provided opening remarks and background information. The President then inquired as to whether any individual wished to address the Board. Mikhail Brodsky, on behalf of Archimedes Banya SF; and Marie Harrison and Bradley Angel, on behalf of Greenaction for Health and Environmental Justice, (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Francisco Da Costa; Mr. Wright; Joseph Dubough; Speaker; Dana Shay; Ace Flores; James Fahey; Speaker; Dara Ashari; Iris Biblowitz; Tony Kelly (Potrero Hill Democratic Club); Sydney Wolforth; Jackie Barshand; Chad Monamisa; David Rosebud; Justin Avery; Gene Visalia; Mika; Tom Gilbert; Speaker; Steve Castleman; spoke in support of the appeal. Michael Li, Lisa Gibson, Environmental Review Officer, Jessica Range, and Joy Navarrete (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Heidi Gewertz (Office of the City Attorney), Alison Kirk (Bay Area Air Quality Management District), and Jon Givner (Office of the City Attorney) presented additional information and answered questions raised during the discussion. Mary Murphy, on behalf of India Basin Investment 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. Marcus Tart; Jill Fox; Corey Smith; Angela Tompkins; Ron Wilson; Harvey Turner; Jeff Hickey; Speaker; Chester Meadows; Timothy Reiff (Local 22); Philip Vitale; True Becker; Speaker; Andrea; Jackie Flynn; Roy Williams; Michael Hamman; Lucia Sanchez; spoke in support of the project and in opposition to the appeal. Anubis Daugherty; spoke on various concerns related to the appeal hearing matter. Mikhail Brodsky, on behalf of Archimedes Banya SF; and Steve Castleman and Marie Harrison, on behalf of Greenaction for Health and Environmental Justice, (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. President Cohen closed public comment on the majority of the appeal matters, except for the new air quality mitigation measure, air quality impacts, and any further mitigations which shall be continued for further narrow discussion at the October 16, 2018, continued appeal hearing.

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Hearing be CONTINUED OPEN to the Board of Supervisors meeting of October 16, 2018, for further narrow discussion regarding the new air quality mitigation measure, air quality impacts, and any further mitigations. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180842 [Affirming the Final Environmental Impact Report Certification - India Basin Mixed-Use Project]

Motion affirming the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project. (Clerk of the Board)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 16, 2018. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180843 [Conditionally Reversing the Final Environmental Impact Report Certification - India Basin Mixed-Use Project]

Motion conditionally reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project, subject to the adoption of written findings of the Board of Supervisors in support of this determination. (Clerk of the Board)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 16, 2018. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180844 [Preparation of Findings to Reverse the Final Environmental Impact Report Certification - India Basin Mixed-Use Project]

Motion directing the Clerk of the Board to prepare findings related to reversing the Planning Commission's certification of the Final Environmental Impact Report prepared for the proposed India Basin Mixed-Use Project. (Clerk of the Board)

Supervisor Cohen, seconded by Supervisor Peskin, moved that this Motion be CONTINUED to the Board of Supervisors meeting of October 16, 2018. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

COMMITTEE REPORTS

Recommendations of the Budget and Finance Committee

180894 [Apply for Grant Application - Alternative Process County Designation - California Department of Housing and Community Development - No Place Like Home Program]

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing and Community Development, on behalf of the City and County of San Francisco, to execute a grant application, as defined herein, under the California Department of Housing and Community Development No Place Like Home Program which provides funding for counties to develop multifamily housing specifically for persons with serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness. (Mayor's Office of Housing and Community Development)

ADOPTED by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180898 [Multifamily Housing Revenue Bonds - 711 Eddy Street (Eastern Park Apartments) - Not to Exceed \$95,000,000]

Sponsor: Kim

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 \$95,000,000 for 711 Eddy 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 \$95,000,000; 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.

ADOPTED by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

Referred Without Recommendation from the Land Use and Transportation Committee

President Cohen requested File Nos. 180816, 180680, and 180681 be called together.

180816 [General Plan - India Basin Mixed-Use Project]

Sponsors: Mayor; Cohen

Ordinance amending the General Plan to revise the Bayview Hunters Point Area Plan, and the Urban Design, Commerce and Industry, and Recreation and Open Space Elements, to reflect the India Basin Mixed-Use Project; adopting findings under the California Environmental Quality Act; and making findings under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

Supervisor Peskin, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of October 16, 2018. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180680 [Planning Code, Zoning Map - India Basin Special Use District]

Sponsors: Mayor; Cohen

Ordinance amending the Planning Code to establish the India Basin Special Use District, located generally at Innes Avenue between Griffith Street and Earl Street, along the India Basin shoreline, in the south-east part of San Francisco; amending the Planning Code by amending the Zoning Map to change zoning designations, height districts, and add the India Basin Special Use District; and making findings under the California Environmental Quality Act, 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.

Supervisor Peskin, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of October 16, 2018. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

180681 [Development Agreement - India Basin Investment LLC - India Basin Project - Innes Avenue at Griffith Street]**Sponsors: Mayor; Cohen**

Ordinance approving a Development Agreement between the City and County of San Francisco and India Basin Investment LLC, a California limited liability company, for the India Basin Project at the approximately 28-acre site located at Innes Avenue between Griffith Street and Earl Street, with various public benefits, including 25% affordable housing and 11 acres of parks and open space; making findings under the California Environmental Quality Act and findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); approving a Public Trust Exchange Agreement, making public trust findings, and authorizing the transfer and acceptance of real property and the recording of a land use covenant consistent with the Public Trust Exchange Agreement; approving specific development impact fees and waiving any conflicting provision in Planning Code, Article 4, or Administrative Code, Article 10; confirming compliance with or waiving certain provisions of Administrative Code, Chapters 14B, 23, 56, and 82, and Subdivision Code, Section 1348; and ratifying certain actions taken in connection therewith.

Supervisor Peskin, seconded by Supervisor Cohen, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of October 16, 2018. The motion carried by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee
Excused: 1 - Stefani

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Francisco Da Costa; shared concerns regarding the public participation process.

Mr. Wright; expressed concerns regarding project developments and disparity in the cost of housing.

Anubis Daugherty; shared concerns regarding homelessness and the criminalization of the homeless.

Tom Gilberty; shared concerns regarding Lieutenant Governor Newsom and the need for more affordable housing.

Speaker; shared various religious concerns.

Wynship W. Hillier; shared various mental illness experiences and unconstitutional outpatient treatment that occurred after the 9/11 terrorist attack, and requested the Board stop funding Citywide Case Management/Community Focus.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

180944 [Consolidation of Elections Scheduled for November 6, 2018]

Sponsor: Cohen

Resolution consolidating the following elections, all of which will be held on November 6, 2018: the State of California General Election; the City and County of San Francisco Municipal Election; the City and County of San Francisco Special Bond Election; the Bay Area Rapid Transit District Election; the San Francisco Unified School District Board of Education Election; and the Governing Board of the San Francisco Community College District Election; and providing that the election precincts, voting places, and officers for these elections shall be the same as for the California General Election.

ADOPTED

180931 [Final Map 9366 - 758 Haight Street]

Motion approving Final Map 9366, a five residential unit condominium project, located at 758 Haight Street, being a subdivision of Assessor's Parcel Block No. 0846, Lot No. 015; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

Motion No. M18-135

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Tang, Yee

Excused: 1 - Stefani

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.

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

Introduced at the Request of a Department

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

PROPOSED ORDINANCES

180925 [Administrative Code - Acceptance of Gifts to the SFO Museum]

Ordinance amending the Administrative Code to authorize the Airport Commission to accept certain gifts, devises, and bequests of objects or other articles for the SFO Museum collection. (Airport Commission)

09/17/18; RECEIVED FROM DEPARTMENT.

10/02/18; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

180926 [Administrative Code - Extension of Termination Date - Department of Public Health Managed Care Contracts]

Ordinance amending the Administrative Code to extend the termination date of managed care contracts approved under Section 21A.3 from December 31, 2020, to December 31, 2025. (Public Health Department)

09/24/18; RECEIVED FROM DEPARTMENT.

10/02/18; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

PROPOSED RESOLUTIONS

180927 [Accept and Expend Grant - Association of Bay Area Governments - Bay Area Regional Network - Energy Efficiency Program Implementation - \$334,500]

Sponsor: Yee

Resolution retroactively authorizing the Department of the Environment to accept and expend grant funds in the amount of \$334,500 from the Association of Bay Area Governments to perform additional multifamily and commercial energy efficiency program implementation, as part of a Bay Area Regional Energy Network program, an energy efficiency program for the term from July 1, 2018, through December 31, 2018. (Environment)

09/24/18; RECEIVED FROM DEPARTMENT.

10/02/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180928 [Real Property Lease Extension - AIM TWO - 755 and 759 South Van Ness Avenue - \$541,258.20 Annual Base Rent]

Resolution authorizing the Director of Real Estate to exercise a Lease Extension for the real property located at 755 and 759 South Van Ness Avenue and the adjacent parking lot with AIM TWO, as landlord, for a four-year extension term commencing upon approval by the Board of Supervisors and the Mayor at the monthly base rent of \$45,104.85 for a total annual base rent of \$541,258.20. (Public Health Department)

09/24/18; RECEIVED FROM DEPARTMENT.

10/02/18; RECEIVED AND ASSIGNED to Budget and Finance Committee.

180929 [Bylaws Amendment - Treasure Island/Yerba Buena Island Citizen's Advisory Board - Decrease Number of Board Members]

Resolution approving the Eighth Amendment to the Bylaws of the Treasure Island/Yerba Buena Island Citizen's Advisory Board to decrease the current number of Board members from 25 members to 17 members. (Treasure Island Development Authority)

09/18/18; RECEIVED FROM DEPARTMENT.

10/02/18; RECEIVED AND ASSIGNED to Rules Committee.

180930 [Bylaws Amendment - Treasure Island Development Authority - Contract Authorization of Up to \$10,000,000]

Resolution approving the Fourth Amendment to the Treasure Island Development Authority (the "Authority") Bylaws to allow the Authority Board of Directors to authorize contracts with a value of up to \$10,000,000 consistent with City departments, under Charter, Section 9.118, before requiring Board of Supervisors approval; and to update the Authority's office address. (Treasure Island Development Authority)

09/18/18; RECEIVED FROM DEPARTMENT.

10/02/18; RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 6:21 p.m.