

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, December 4, 2018 - 2:00 PM

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

### Regular Meeting

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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, Safai, Kim

**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

1st, 3rd and 4th Wednesday  
1:00 PM

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

Volume 113 Number 37

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

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, December 4, 2018, with President Malia Cohen presiding.*

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

*President Cohen called the meeting to order at 2:04 p.m. On the call of the roll, Supervisor Fewer was noted not present. There was a quorum.*

## **COMMUNICATIONS**

*Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence from Supervisor Sandra Lee Fewer, dated December 4, 2018, informing the Board of her absence and requesting to be excused from today's meeting.*

### **Supervisor Fewer Excused from Attendance**

Supervisor Cohen, seconded by Supervisor Tang, moved that Supervisor Fewer be excused from attending today's meeting. The motion carried by the following vote:

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

## **APPROVAL OF MEETING MINUTES**

*President Cohen inquired whether any Board Member had any corrections to the October 30, 2018, Board Meeting Minutes. There were no corrections.*

Supervisor Mandelman, seconded by Supervisor Ronen, moved to approve the October 30, 2018, Board Meeting Minutes. The motion carried by the following vote, following general public comment:

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

## **AGENDA CHANGES**

*There were no agenda changes.*

## REGULAR AGENDA

## UNFINISHED BUSINESS

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

#### **180184 [Administrative, Planning Codes - Central South of Market Area Plan]**

**Sponsors:** Mayor; Kim

Ordinance amending the Administrative and Planning Codes to give effect to the Central South of Market Area Plan, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; making approval findings under the California Environmental Quality Act, including adopting a statement of overriding considerations; 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.

(Economic Impact)

(Proposition X, November 2016, requires a two-thirds vote (eight votes) of the membership to amend the requirements imposed by Planning Code, Section 249.78.)

**Ordinance No.** 296-18

**FINALLY PASSED** by the following vote:

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

Excused: 1 - Fewer

## NEW BUSINESS

### Recommendation of the Government Audit and Oversight Committee

#### **181082 [Business and Tax Regulations Code - Early Care and Education Commercial Rents Tax Credit and Exclusions]**

**Sponsors:** Kim; Yee

Ordinance amending the Business and Tax Regulations Code to provide a credit against the Early Care and Education Commercial Rents Tax for the operation of certain child care facilities, and to exclude from the Early Care and Education Commercial Rents Tax base amounts subject to the hotel tax or parking tax.

(Fiscal Impact)

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

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

Excused: 1 - Fewer

## **Recommendations of the Land Use and Transportation Committee**

### **180282 [Dedication for Public Use - Brewster Street Extension Project]**

Ordinance dedicating the Brewster Street extension consisting of improvements on portions of Brewster Street and Martin Avenue in the Bernal Heights neighborhood to public use, declaring this area as shown on official Public Works drawings as open public right-of-way, and designating it for street and roadway purposes; establishing official sidewalk widths, public right-of-way widths, and street grades in connection with the Brewster Street extension; accepting the Brewster Street extension for City maintenance and liability; accepting a Public Works Order recommending dedication and acceptance of Brewster Street extension; authorizing official acts in connection with this Ordinance; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

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

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

Excused: 1 - Fewer

### **180778 [Building Code - Penalties for Constructing an Impervious Surface in the Front Yard Setback Without the Required Permit]**

**Sponsor: Safai**

Ordinance amending the Building Code to modify the penalty for constructing an impervious surface in the front yard setback without a permit; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission upon final passage.

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

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

Excused: 1 - Fewer

### **180935 [Planning Code, Zoning Map - 1550 Evans Avenue Special Use District]**

**Sponsor: Cohen**

Ordinance amending the Planning Code and Zoning Map to create the 1550 Evans Avenue Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

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

Excused: 1 - Fewer

### **181026 [Public Works Code - Temporary Mobile Caterer Permit]**

**Sponsor: Mandelman**

Ordinance amending the Public Works Code to create a Temporary Mobile Caterer permit for restaurants that cannot operate during mandatory seismic retrofits of their buildings.

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

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

Excused: 1 - Fewer

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**Referred Without Recommendation from the Land Use and Transportation Committee****181028 [Planning Code - Off-Street Parking Requirements]****Sponsors: Kim; Peskin, Brown and Mandelman**

Ordinance amending the Planning Code to eliminate minimum off-street parking requirements City-wide; 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.

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

*Supervisor Cohen, seconded by Supervisor Safai, moved that this Ordinance be AMENDED by removing District 10 from the requirements of this Ordinance to eliminate minimum off-street parking. Before the vote was taken, Supervisor Cohen rescinded this motion.*

**Supervisor Yee requested this Ordinance be DUPLICATED.**

*See duplicated File No. 181184.*

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

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

Noes: 4 - Cohen, Safai, Stefani, Yee

Excused: 1 - Fewer

**181184 [Planning Code - Off-Street Parking Requirements]****Sponsor: Kim**

Ordinance amending the Planning Code to eliminate minimum off-street parking requirements City-wide; 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.

*Duplicated from File No. 181028.*

**Supervisor Yee, seconded by Supervisor Kim, moved that this Ordinance be REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:**

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

Excused: 1 - Fewer

## **Recommendations of the Public Safety and Neighborhood Services Committee**

### **181002 [Police Code - Prohibiting Criminal History Inquiries in Private College Admissions]**

**Sponsors: Cohen; Ronen, Mandelman, Kim and Yee**

Ordinance amending the Police Code to prohibit private post-secondary educational institutions from using an application form that contains questions about an applicant's criminal history, or asking U.S. applicants about criminal history for the purpose of deciding whether to offer admission; requiring educational institutions to retain relevant records for three years authorizing the Office of Labor Standards Enforcement to investigate possible violations and impose penalties; and providing for a private right of action.

*Supervisors Kim and Yee requested to be added as co-sponsors.*

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

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

Excused: 1 - Fewer

### **181096 [Special On-Sale General Liquor License - Verifying Completion of Preapplication Meeting - 3657 Taraval Street]**

**Sponsor: Tang**

Motion verifying that Q&M LLC located at 3657 Taraval Street has completed the preapplication meeting requirement under California Business and Professions Code, Section 23826.13, for the issuance of a new, non-transferable, Type-87 neighborhood-restricted special on-sale general liquor license.

**Motion No. M18-160**

**APPROVED by the following vote:**

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

Excused: 1 - Fewer

## **Recommendations of the Rules Committee**

### **180317 [Campaign and Governmental Conduct Code - Expanding Whistleblower Protections]**

**Sponsor: Cohen**

Ordinance amending the Campaign and Governmental Conduct Code to provide additional retaliation protections for whistleblowers, establish retaliation protections for City contractors, increase the remedies available for whistleblowers who have suffered retaliation, and establish greater confidentiality protections for whistleblowers' identities.

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

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

Excused: 1 - Fewer

**180925 [Administrative Code - Acceptance of Gifts - 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)

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

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

**180937 [Administrative Code - Composition and Sunset Date - Single Room Occupancy Task Force]**

**Sponsor: Kim**

Ordinance amending the Administrative Code to extend the sunset date of the Single Room Occupancy (SRO) Task Force by three years to December 31, 2021; to eliminate one seat on the Task Force; and to change the membership of one seat on the Task Force.

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

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

**180960 [Administrative Code - Official Band - San Francisco Lesbian/Gay Freedom Band]**

**Sponsor: Mandelman**

Ordinance amending the Administrative Code to designate the San Francisco Lesbian/Gay Freedom Band as the official band of the City and County of San Francisco.

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

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

**Referred Without Recommendation from the Rules Committee****181105 [Mayoral Appointment, Residential Rent Stabilization and Arbitration Board - Jeffrey Joshua Panzer]**

Motion approving the Mayor's appointment of Jeffrey Joshua Panzer to the Residential Rent Stabilization and Arbitration Board, for a term ending September 1, 2022. (Clerk of the Board) (Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment within the 30-day period shall result in the appointee continuing to serve as appointed. Transmittal date: November 13, 2018.)

**Supervisor Cohen, seconded by Supervisor Ronen, moved that this Motion be CONTINUED to the Board of Supervisors meeting of December 11, 2018. The motion carried by the following vote:**

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

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

**Supervisor Ronen, seconded by Supervisor Yee, 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: 10 - Brown, Cohen, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang, Yee

Excused: 1 - Fewer

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Fred Pecker (ILWU Local 6) in recognition of his many years of accomplishments supporting and advocating for labor unions in San Francisco.*

*Supervisor Yee introduced, welcomed, and presented a Certificate of Honor to the members of the Medical Reserve Corps and public health nurses in recognition of their service and efforts opening and supporting the various shelters during the Butte and Yuba County fires.*

*Supervisor Peskin introduced, welcomed, and presented a Certificate of Honor to the Chinatown cohort in recognition of their efforts helping to educate San Francisco residents regarding solutions to homelessness and co-leading the "Our City, Our Home" ballot initiative across the finish line to victory.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to the Mission organizers in recognition of their efforts helping to advance the "Our City, Our Home" ballot initiative.*

*Supervisor Kim introduced, welcomed, and presented a Certificate of Honor to the Coalition on Homeless in recognition of their advocacy efforts to end homelessness and their leadership on the victorious "Our City, Our Home" ballot initiative.*

*Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to the LGBTQ cohort in recognition of their efforts helping to advance the "Our City, Our Home" ballot initiative.*

*Supervisor Brown introduced, welcomed, and presented a Certificate of Honor to Christin Evans of the Haight Ashbury in recognition of her successful community organizing efforts helping to advance the "Our City, Our Home" ballot initiative.*

*Supervisor Kim, on behalf of Supervisor Fewer, introduced, welcomed, and presented a Certificate of Honor to GLIDE in recognition of their community organizing efforts helping to advance the "Our City, Our Home" ballot initiative, and changing hearts and minds around the issue of homelessness.*

## **Appointment of President Pro Tempore**

*At the request of President Cohen, Supervisor Safai assumed the chair at 3:04 p.m. The President resumed the chair at 3:13 p.m.*

*President Cohen recessed the meeting at 3:37 p.m. and reconvened at 3:43 p.m.*



## COMMITTEE REPORTS

### Recommendations of the Budget and Finance Committee

#### 180646 [Environment Code - Refuse Separation Compliance]

**Sponsors: Safai; Tang**

Ordinance amending the Environment Code to require audits every three years of large refuse generators for compliance with refuse separation requirements; to establish enforcement measures applicable to large refuse generators found noncompliant; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

**Supervisor Safai, seconded by Supervisor Tang, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by allowing the Director to consider issuance of a financial hardship waiver for 100% Affordable Housing projects, non-profit wholesale food providers, and businesses whose primary source of revenue is the sale of fresh cut flowers; and allow two audits to achieve a remedy after a Director's notice for 100% Affordable Housing projects, non-profit wholesale food providers, and businesses whose primary source of revenue is the sale of fresh cut flowers that must adhere to the requirements of this Ordinance. The motion carried by the following vote:**

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

Excused: 1 - Fewer

(Fiscal Impact)

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

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

Excused: 1 - Fewer

*President Cohen requested File Nos. 180932 and 180940 be called together.*

#### 180932 [Appropriation - Proceeds from Special Tax Bonds - Transbay Transit Center Project - FY2018-2019 - \$200,000,000]

**Sponsor: Mayor**

Ordinance appropriating \$200,000,000 of Special Tax Bonds, Series 2018A and Series 2018B, for financing related to the Transbay Transit Center Project and Transbay Plan Infrastructure Project in FY2018-2019.

(Fiscal Impact)

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

Ayes: 9 - Brown, Cohen, Kim, Mandelman, Ronen, Safai, Stefani, Tang, Yee

Noes: 1 - Peskin

Excused: 1 - Fewer

**180940 [Authorizing Issuance of Special Tax Bonds - Community Facilities District No. 2014-1 (Transbay Transit Center) - Not to Exceed Aggregate Principal Amount of \$200,000,000; Confirming Annexation of Properties into Community Facilities District No. 2014-1]**

**Sponsor: Mayor**

Resolution authorizing the issuance and sale of one or more series of Special Tax Bonds for City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) in the aggregate principal amount not to exceed \$200,000,000; approving related documents, including an Official Statement, First Supplement to Fiscal Agent Agreement, Bond Purchase Agreement and Continuing Disclosure Undertaking; confirming annexation of properties into City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center); and determining other matters in connection therewith, as defined herein.

**Resolution No. 419-18**

**ADOPTED by the following vote:**

Ayes: 9 - Brown, Cohen, Kim, Mandelman, Ronen, Safai, Stefani, Tang, Yee

Noes: 1 - Peskin

Excused: 1 - Fewer

**181077 [Business and Tax Regulations Code - Validation Actions and Statute of Repose for November 2018 Proposition C]**

**Sponsors: Mayor; Cohen, Kim, Ronen and Yee**

Ordinance amending the Business and Tax Regulations Code to permit validation actions and impose a statute of repose with respect to Proposition C, adopted by San Francisco voters on November 6, 2018.

*Supervisors Kim, Ronen, and Yee requested to be added as co-sponsors.*

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

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

Excused: 1 - Fewer

*President Cohen requested File Nos. 181078 and 181079 be called together.*

**181078 [Appropriation and Re-Appropriation - Federal and State Revenues - \$1,120,193 - SSI Cash Out Program - \$197,681; CalWORKs HVI Program - \$295,176; and Housing Support Program Revenue - \$968,320 - Grant and Aid Assistance - FY2018-2019]**

**Sponsor: Mayor**

Ordinance appropriating \$1,120,193 of Federal and State revenue and re-appropriating \$197,681 for the Supplemental Security Income (SSI) Cash Out program; re-appropriating \$295,176 for the CalWORKs Home Visiting Initiative program; and appropriating \$968,320 of CalWORKs Housing Support program revenue for City grant and aid assistance at the Human Services Agency for FY2018-2019.

(Fiscal Impact)

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

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

Excused: 1 - Fewer

**181079 [Public Employment - Amendment to the Salary Ordinance - Human Services Agency and Department of Public Health - Implementation of SSI Cash Out and CalWORKs Home Visiting Program - FY2018-2019]**

**Sponsor: Mayor**

Ordinance amending Ordinance No. 182-18 (Salary Ordinance FYs 2018-2019 and 2019-2020) to reflect the addition of 37 new positions (13.0 FTEs) in FY2018-2019 at the Human Services Agency and the Department of Public Health to implement the Supplemental Security Income (SSI) Cash Out and CalWORKs Home Visiting Initiative programs.  
(Fiscal Impact)

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

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

**Recommendations of the Land Use and Transportation Committee**

**180915 [Planning Code - Residential Care Facilities]**

**Sponsors: Mandelman; Yee**

Ordinance amending the Planning Code to allow Residential Care Facilities with seven or more persons as a principally permitted use in RH-3 (Residential House, Three-Family), RC (Residential Commercial), RM (Residential Mixed), and RTO (Residential Transit Oriented) Districts, in Neighborhood Commercial Districts, and in certain Mixed Use Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

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

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

**180916 [Planning, Administrative Codes - Zoning Controls and Fees in the C-3-R (Downtown Retail) District]**

**Sponsor: Peskin**

Ordinance amending the Planning Code to change zoning controls for Non-Retail Sales and Service Uses in the C-3-R (Downtown Retail) Zoning District; amending the Planning and Administrative Codes to create the Union Square Park, Recreation, and Open Space Fund and Fee; affirming 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 findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

*This item was not sent as a Committee Report.*

**181031 [Planning Code - Permit Review Procedures for Uses in Neighborhood Commercial Districts]****Sponsors: Tang; Safai**

Ordinance amending the Planning Code to make permanent the pilot program removing neighborhood notice and Planning Commission review for certain uses in Neighborhood Commercial Districts in the areas generally bounded by Supervisorial Districts 4 and 11; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

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

Excused: 1 - Fewer

**Recommendations of the Rules Committee****181001 [Charter Amendment - Free City College Fund]****Sponsors: Kim; Mandelman, Yee, Ronen, Brown, Fewer and Safai**

Charter Amendment (Second Draft) to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund; at an election to be held on November 5, 2019.

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

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

**Supervisor Kim, seconded by Supervisor Mandelman, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing the ending date of the annual baseline contribution to the Free City College Fund from 'fiscal year 2040-2041' to 'fiscal year 2030-2031'; adding a provision to allow the Board to adjust the contributions to the Fund during certain circumstances by a two-thirds vote; and making other clarifying and conforming changes.**

**The motion carried by the following vote:**

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

Excused: 1 - Fewer

Charter Amendment (Third Draft) to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund; at an election to be held on November 5, 2019.

**Supervisor Stefani, seconded by Supervisor Tang, moved that this Charter Amendment be AMENDED by adding an annual reporting requirement to be accepted by the Board of Supervisors by ordinance, with the first report being accepted by March 1, 2020. The motion FAILED by the following vote:**

Ayes: 3 - Cohen, Stefani, Tang

Noes: 7 - Brown, Kim, Mandelman, Peskin, Ronen, Safai, Yee

Excused: 1 - Fewer

**Supervisor Kim, seconded by Supervisor Mandelman, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Line 12, by changing 'fiscal year 2025-2026' to 'fiscal year 2024-2025'. The motion carried by the following vote:**

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

Excused: 1 - Fewer

Supervisor Kim, seconded by Supervisor Ronen, moved that this Charter Amendment be CONTINUED AS AMENDED to a Committee of the Whole hearing at the Board of Supervisors meeting of December 11, 2018. The motion carried by the following vote:

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

**180805 [Police Code - Apprentice Hiring Requirements for Cannabis Businesses]**

**Sponsor: Safai**

Ordinance amending the Police Code to require Cannabis Businesses, when entering into a City-mandated Labor Peace Agreement or collective bargaining agreement, to also agree that 35% of new hires shall be graduates of State-approved apprenticeship programs or of City-certified pre-apprenticeship programs, if a relevant program of either type exists.

Supervisor Safai, seconded by Supervisor Peskin, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of December 11, 2018. The motion carried by the following vote:

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

**180912 [Police and Health Codes - Regulation of Cannabis Businesses]**

**Sponsors: Mayor; Mandelman and Cohen**

Ordinance amending the Police Code by making a number of changes in the regulation of commercial cannabis activity, including, among other things: 1) defining ownership interest and revising Equity Criteria, for purposes of the Equity Program; 2) modifying the Cannabis Equity Incubator Program requirements; 3) extending by one year the possible duration of a Temporary Cannabis Business Permit; 4) authorizing the Director of the Office of Cannabis to issue Cannabis Business Permits to Medical Cannabis Dispensaries forced to discontinue operations due to a no-fault lease termination before December 31, 2018; 5) modifying the order in which the Director may review and process Cannabis Business Permit applications; 6) revising requirements associated with a Cannabis Business' change in ownership and structure; 7) revising Cannabis Business Permit application requirements; 8) requiring Cannabis Businesses to comply with all permit conditions whether or not they are currently engaging in the permitted activity; 9) modifying the amount of Cannabis that may be delivered or sold to a customer; and 10) authorizing Cannabis Microbusinesses to conduct either storefront or delivery sales, but not both, and reducing from four to three the categories of Commercial activity required to operate as a Cannabis Microbusiness; and amending the Health Code by revising eligibility requirements for medical cannabis dispensaries seeking authorization to Sell Adult Use Cannabis, and extending by one year to December 31, 2019 the date on which Article 33 (Medical Cannabis Act) expires.

*Privilege of the floor was granted unanimously to Israel Nieves (Department of Public Health) who responded to questions raised throughout the discussion.*

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

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

**181023 [Administrative Code - Extension of the Public Utilities Revenue Bond Oversight Committee]**

Ordinance amending the Administrative Code to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee; and suspend provisions of Board Rule 2.21, to extend the Committee for an additional six years to January 1, 2025. (Public Utilities Commission)

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

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

**181080 [Administrative Code - African American Arts and Cultural District]****Sponsors: Cohen; Ronen**

Ordinance amending the Administrative Code to establish the African American Arts and Cultural District in the Bayview Hunters Point neighborhood; to require City departments to submit written reports and recommendations to the Board of Supervisors and the Mayor describing the cultural attributes of the District, and proposing strategies to acknowledge and preserve the cultural legacy of the District; and to establish the African American Arts and Cultural District Community Advisory Committee to advise the City on the same matters; and affirming the Planning Department's determination under the California Environmental Quality Act.

**Supervisor Cohen, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 7, Lines 9-15, by striking 'describe public amenities and infrastructure that reflect the character of the District, which may include but need not be limited to signage, street names, and light posts' and adding '(A) describe potential improvements to public amenities and infrastructure in the District that could better reflect the culture of the District; and (B) evaluate available opportunities for adding to the public amenities and infrastructure that reflect and enhance the culture of the District, and make recommendations for potential funding sources to support those additions'. The motion carried by the following vote:**

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

Excused: 1 - Fewer

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

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

Excused: 1 - Fewer

**ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

**Appointment of President Pro Tempore**

*At the request of President Cohen, Supervisor Tang assumed the chair at 5:33 p.m. The President resumed the chair at 5:43 p.m.*

**PUBLIC COMMENT**

*Mr. Wright; shared concerns regarding the median income limits for inclusionary housing qualifications.*

*Daniel Landry; shared an October 5, 2018, incident when they were racially profiled at a San Francisco grocery business.*

*Wynship W. Hillier; shared concerns regarding mental health programs and unconstitutional outpatient treatment, and requested the Board stop funding Citywide Case Management/Community Focus.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **181163 [Declaration of Election Results - November 6, 2018 - Consolidated General Election]**

**Sponsor: Cohen**

Resolution declaring the results of the Consolidated General Election of November 6, 2018.

**Resolution No. 420-18**

**ADOPTED**

### **181149 [Final Map 8519 - 140 Divisadero Street]**

Motion approving Final Map 8519, a six residential unit condominium project, located at 140 Divisadero Street, being a subdivision of Assessor's Parcel Block No. 1260, Lot No. 056; and adopting findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M18-161**

**APPROVED**

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

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

Excused: 1 - Fewer

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

*Supervisor Yee requested that File No. 181164 be severed so that it may be considered separately.*

### **181164 [Board of Supervisors Regular Meeting Schedule - 2019]**

Motion establishing the 2019 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Rules 4.2 and 4.2.1, by cancelling the Regular Board meetings of January 1 and 22, February 19, May 28, July 2, October 15, November 26, and December 3, 2019; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 25 through March 29, July 31 through September 2, and December 18 through January 6, 2020; 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. M18-162**

**APPROVED by the following vote:**

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

Excused: 1 - Fewer

## **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

**181185 [Appropriation - Educational Revenue Augmentation Fund Property Tax - Department of Homelessness and Supportive Housing - Department of Public Health - Mayor's Office of Housing and Community Development - \$181,000,000 - FY2018-2019]**

**Sponsors: Mayor; Cohen**

Ordinance appropriating \$181,000,000 in excess Education Revenue Augmentation Fund Property Taxes to the Department of Homelessness and Supportive Housing and Department of Public Health for homelessness and behavioral health services, and to the Mayor's Office of Housing and Community Development for affordable housing projects.  
(Fiscal Impact; No Budget and Legislative Analyst Report)

12/04/18; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/3/2019.

**181186 [Appropriation - Educational Revenue Augmentation Fund Property Tax - Mayor's Office of Housing and Community Development - Department of Public Health - Human Services Agency - \$181,000,000 - FY2018-2019]**

**Sponsors: Peskin; Ronen, Mandelman, Fewer, Kim and Yee**

Ordinance appropriating \$181,000,000 of excess Education Revenue Augmentation Fund Property Taxes to the Mayor's Office of Housing and Community Development and Department of Public Health for affordable housing small site, single residence occupancy hotel, and behavioral health acquisition and renovation, and to the Human Services Agency for early childhood education bridge funding, and to support utility distribution acquisition.  
(Fiscal Impact; No Budget and Legislative Analyst Report)

12/04/18; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 1/3/2019.



**181187 [Summary Street Vacation - Portions of Bradford Street and Ogden and Crescent Avenues - Property Transfer]****Sponsor: Ronen**

Ordinance ordering the summary street vacation of portions of Bradford Street, Ogden Avenue, and Crescent Avenue within the perimeter of the Alemany Farmers' Market (Assessor's Parcel Block Nos. 5731, 5732, 5733, 5733A, and 5734), bounded by Alemany Boulevard and Putnam Street; approving jurisdictional transfers of property at the site of the Market from Public Works and the Agricultural Commissioner to the General Services Agency - Real Estate Division; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein.

12/04/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/3/2019.

**181188 [Administrative Code - Implicit Bias Training - Department Heads and Commissioners]****Sponsor: Stefani**

Ordinance amending the Administrative Code to require department heads and members of City boards and commissions to complete implicit bias training by June 30, 2019; to require newly appointed department heads and members of City boards and commissions to complete implicit bias training within 60 days of assuming office; and to require the Department of Human Resources to provide the training.

12/04/18; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/3/2019.

**180917 [Planning Code - Small Family Child Care in an Affordable Dwelling Unit on the Ground Floor]****Sponsors: Yee; Ronen, Kim, Cohen, Safai and Brown**

Ordinance amending the Planning Code to permit an affordable dwelling unit with a State-licensed Small Family Child Care Home on the ground floor on certain commercial streets; excluding certain Child Care units from the calculation of maximum density permitted on the site; and making environmental findings, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

09/18/18; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 10/18/2018.

09/26/18; REFERRED TO DEPARTMENT.

09/27/18; RESPONSE RECEIVED.

12/04/18; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

## RESOLUTIONS

### **181189 [Urging the Mayor's Office to Maintain the Structural Independence of the Pretrial Services Program in San Francisco]**

**Sponsors: Cohen; Mandelman, Peskin, Safai, Ronen, Fewer, Brown, Kim, Tang, Stefani and Yee**

Resolution urging the Mayor's Office to convene a roundtable to recommend a City and County pretrial services model that is consistent with the implementation of statewide bail reform (California State Senate Bill No. 10), and maintains the tradition of independence between pretrial services and law enforcement.

12/04/18; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **181190 [Approval of a 90-Day Extension for Planning Commission Review of District 11 Large Residence Special Use District (File No. 180939)]**

**Sponsor: Safai**

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 180939) amending the Planning Code and Zoning Map to create the District 11 large residence Special Use District (the area within a perimeter established by Interstate 280, Orizaba Avenue, Brotherhood Way, Junipero Serra Boulevard, Holloway Avenue, Ashton Avenue, Ocean Avenue, southern border of Balboa Park, San Jose Avenue, Havelock Street, Interstate 280, Stoneybrook Avenue, Cambridge Street, Stoneyford Avenue, Gladstone Drive, Sunglow Lane, Silver Avenue, Madison Street, Burrows Street, Mansfield Street, western boundary of John McLaren Park, La Grande Avenue, western boundary of John McLaren Park, Geneva Avenue, Linda Vista steps, Lapham Way, Robinson Drive, and the southern boundary of San Francisco) to promote and enhance neighborhood character and affordability by requiring conditional use authorization for large residential developments in the district; affirming the Planning Department's California Environmental Quality Act determination; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

12/04/18; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **181191 [Commemorating - 75th Anniversary of the Repeal of the Chinese Exclusion Act of 1943 - Magnuson Act - December 17, 2018]**

**Sponsors: Yee; Fewer, Tang, Kim, Peskin, Ronen, Brown, Safai, Mandelman, Stefani and Cohen**

Resolution commemorating December 17, 2018, on the 75th Anniversary of the repeal of the Chinese Exclusion Act of 1943, otherwise known as the Magnuson Act.

12/04/18; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **181192 [Commending Supervisor Katy Tang]**

**Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor Katy Tang for her distinguished service as a Member of the San Francisco Board of Supervisors.

12/04/18; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**181193 [Commending Supervisor Jane Kim]****Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor Jane Kim for her distinguished service as a Member of the San Francisco Board of Supervisors.

12/04/18; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**181194 [Commending Supervisor Malia Cohen]****Sponsor: Board of Supervisors**

Resolution commending and honoring Supervisor Malia Cohen for her distinguished service as a Member and President of the San Francisco Board of Supervisors.

12/04/18; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## REQUESTS FOR HEARING

**180859 [Hearing - Committee of the Whole - Street Vacation for Various Streets - Sunnydale HOPE SF Project - January 15, 2019]**

Hearing of the Board of Supervisors to sit as a Committee of the Whole on January 15, 2019, at 3:00 p.m., to hold a public hearing to consider an Ordinance (File No. 180860) ordering the vacation of streets and an easement in the Sunnydale HOPE SF Project site, generally bounded by Assessor's Parcel Block No. 6310 on the north, Velasco Avenue and Assessor's Parcel Block Nos. 6332 and 6331 on the south, Assessor's Parcel Block Nos. 6220 and 6316 on the west, and Hahn Street on the east, and including Sunnydale Avenue, Blythdale Avenue, Brookdale Avenue, and Santos Street, as part of the Sunnydale HOPE SF Project; reserving various easement rights in favor of the City and private property owners; authorizing the City to quitclaim its interest in the vacation areas to the Housing Authority; affirming the Planning Department's determination under the California Environmental Quality Act; adopting findings that the actions contemplated in this Ordinance are consistent with the General Plan, and eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public Works Director for purposes of recordation of property; scheduled pursuant to Resolution No. 360-18, adopted on October 23, 2018.

11/21/18; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**181196 [Hearing - Committee of the Whole - Charter Amendment (File No. 181001) - Free City College Fund - December 11, 2018]**

Hearing of the Board of Supervisors to sit as a Committee of the Whole on December 11, 2018, to hold a public hearing to consider the proposed Charter Amendment (File No. 181001) to establish the Free City College Fund to defray certain costs of City College students, and to require annual appropriations in designated amounts to the Fund; at an election to be held on November 5, 2019; scheduled pursuant to the approval of a motion made during the Board of Supervisors meeting of December 4, 2018. (Clerk of the Board)

12/04/18; SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

## LOTTERY

### **181198 [Seniority Lottery - Newly Elected Members of the Board of Supervisors]**

Lottery to determine the seniority of the newly elected Members of the Board of Supervisors, scheduled for the regular Board Meeting of Tuesday, December 11, 2018, pursuant to Board Rule 6.2.1. (Clerk of the Board)

### **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

### **181145 [Settlement of Lawsuit - Sentinel Insurance Company, Ltd. - \$600,000]**

Ordinance authorizing settlement of the lawsuit filed by Sentinel Insurance Company, Ltd. against the City and County of San Francisco for \$600,000; the lawsuit was filed on September 12, 2017, in San Francisco Superior Court, Case No. CGC-17-561235; entitled Sentinel Insurance Company v. City and County of San Francisco; the lawsuit involves alleged damage from a leaking San Francisco Public Utilities Commission pipe; and appropriating funds for this payment from the Public Utilities Commission Water Enterprise fund balance. (City Attorney)

11/21/18; RECEIVED FROM DEPARTMENT.

12/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **181146 [Settlement of Unlitigated Claims - Sherry Jackson - \$105,000; Related Appropriation Wastewater Enterprise Fund Balance]**

Ordinance approving the settlement of the unlitigated claims filed by Sherry Jackson against the City and County of San Francisco for \$105,000; the claims were filed on May 1, 2018; the claims involve alleged property damages due to sewer flooding; appropriating \$105,000 from Public Utilities Commission Wastewater Enterprise fund balance for payment of settlement. (City Attorney)

11/21/18; RECEIVED FROM DEPARTMENT.

12/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

### **181147 [Settlement of Unlitigated Claim - Jeffrey K. Schalk - \$43,719.45]**

Resolution approving the settlement of the unlitigated claim filed by Jeffrey K. Schalk against the City and County of San Francisco for \$43,719.45; the claim was filed on May 9, 2018; the claim involves alleged property damages due to sewer flooding. (City Attorney)

11/21/18; RECEIVED FROM DEPARTMENT.

12/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **181148 [Settlement of Unlitigated Claim - Veritas-B Mezz 1, LLC - \$2,035,769]**

Resolution approving the settlement of the unlitigated claim filed by Veritas-B Mezz 1, LLC, against the City and County of San Francisco for \$2,035,769; the claim was filed on June 12, 2018; the claim involves an alleged overpayment of transfer tax. (City Attorney)

11/21/18; RECEIVED FROM DEPARTMENT.

12/04/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **In Memoriams**

*Emanuel (Manny) Luhn - Supervisors Peskin and Yee*

*Jerry Robbins - Supervisor Peskin*

*Kanani Kauka - Supervisor Mandelman*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 6:09 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 15, 2019.*

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Angela Calvillo, Clerk of the Board