

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, April 9, 2019 - 2:00 PM

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

Regular Meeting

NORMAN YEE, PRESIDENT

VALLIE BROWN, SANDRA LEE FEWER, MATT HANEY, RAFAEL MANDELMAN,
GORDON MAR, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI,
SHAMANN WALTON

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Fewer, Stefani, Mandelman, Ronen, Yee

Budget and Finance Sub-Committee

Supervisors Fewer, Stefani, Mandelman

Government Audit and Oversight Committee

Supervisors Mar, Brown, Peskin

Joint City, School District, and City College Select Committee

Supervisors Haney, Walton, Mar

Land Use and Transportation Committee

Supervisors Peskin, Safai, Haney

Public Safety and Neighborhood Services Committee

Supervisors Mandelman, Stefani, Walton

Rules Committee

Supervisors Ronen, Walton, Mar

Meeting Days

Wednesday

1:00 PM

Wednesday

10:00 AM

1st and 3rd Thursday

10:00 AM

To Be Determined

Monday

1:30 PM

2nd and 4th Thursday

10:00 AM

Monday

10:00 AM

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

Members Present: Vallie Brown, Sandra Lee Fewer, Matt Haney, Rafael Mandelman, Gordon Mar, Aaron Peskin, Hillary Ronen, Ahsha Safai, Catherine Stefani, Shamann Walton, and Norman Yee

The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, April 9, 2019, with President Norman Yee presiding.

President Yee called the meeting to order at 2:01 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

On the call of the roll, Supervisors Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, and Yee, were noted present.

Supervisors Brown, Safai, and Walton were noted not present.

A quorum was present.

*Supervisors Safai and Walton were noted present at 2:02 p.m.
Supervisor Brown was noted present at 2:03 p.m.*

COMMUNICATIONS

There were no communications.

APPROVAL OF MEETING MINUTES

President Yee inquired whether any Board Member had any corrections to the March 5, 2019, Board Meeting Minutes. There were no corrections.

Supervisor Haney, seconded by Supervisor Stefani, moved to approve the March 5, 2019, Board Meeting Minutes. The motion carried by the following vote, following general public comment:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

AGENDA CHANGES

There were no agenda changes.

CONSENT AGENDA

Recommendation of the Budget and Finance Sub-Committee

181110 [Business and Tax Regulations Code - Administration of Homelessness Gross Receipts Tax]

Ordinance amending the Business and Tax Regulations Code to add provisions to administer the Homelessness Gross Receipts Tax; and to make conforming non-substantive changes.
(Treasurer-Tax Collector)

FINALLY PASSED

Recommendation of the Land Use and Transportation Committee

190030 [Planning Code - Union Square Park, Recreation, and Open Space Fee]
Sponsor: Peskin

Ordinance amending the Planning Code to adjust the Union Square Park, Recreation, and Open Space Fee from \$4 to \$6; affirming 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.

FINALLY PASSED

Recommendation of the Rules Committee

181188 [Administrative Code - Implicit Bias Training - Department Heads and Commissioners]

Sponsors: Stefani; Ronen, Walton, Mar, Brown, Haney, Safai and Mandelman

Ordinance amending the Administrative Code to require department heads and members of City boards and commissions to complete implicit bias training by December 31, 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.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Transportation Committee

181154 [Planning Code - Inclusionary Housing Fee]

Sponsor: Peskin

Ordinance amending the Planning Code to require all projects using the State Density Bonus law, regardless of environmental evaluation application date, to pay the inclusionary fee on any additional units or square footage allowed by the state law; 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 convenience, necessity, and welfare under Planning Code, Section 302. (Pursuant to Charter, Section 4.105, this matter shall require a vote of two-thirds (8 votes) of all members of the Board of Supervisors to approve the Ordinance for passage.)

FINALLY PASSED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

190092 [Business and Tax Regulations Code - Credits For Waiver of Homelessness Gross Receipts Tax Refund and Certain Gifts]

Sponsors: Mayor; Brown

Ordinance amending the Business and Tax Regulations Code to add a credit against a person or combined group's Homelessness Gross Receipts Tax ("Tax") equal to 10% of the portion of a person or combined group's Tax liability for a tax year with respect to which the person or combined group enters into an agreement waiving its right to a refund of its Tax payments associated with any claim that the Homelessness Gross Receipts Tax Ordinance is invalid because it required a two-thirds vote rather than a majority of the electorate to pass; to add a credit against a person's Tax equal to 110% of a person's gift to support the Our City, Our Home Fund; and to authorize the Office of the Treasurer and Tax Collector to accept gifts from persons to support the Our City, Our Home Fund.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190143 [Administrative Code - Harvey Milk Terminal Signage at San Francisco International Airport]**Sponsors: Ronen; Mandelman, Mar and Haney**

Ordinance amending the Administrative Code to set the minimum size of lettering for exterior and interior signage for the Harvey Milk Terminal, Terminal 1 of the San Francisco International Airport.

(Fiscal Impact)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190288 [Accept and Expend Grant - Retroactive - Safety and Justice Challenge - Amendment to the Annual Salary Ordinance - FYs 2018-2019 and 2019-2020 - \$2,000,000]**Sponsor: Ronen**

Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,000,000 from the John D. and Catherine T. MacArthur Foundation to support San Francisco's participation as an implementation site in the Safety and Justice Challenge; and amending Ordinance No. 182-18 (Annual Salary Ordinance File No. 180575 for FYs 2018-2019 and 2019-2020) to provide for the addition of one grant funded Class 1823 Senior Administrative Analyst position (FTE 1.0) and one grant funded Class 8133 Victim/Witness Investigator (FTE 1.0) at the Office of the District Attorney, one grant funded Class 2930 Behavioral Health Clinician (FTE 1.0) at the Department of Public Health, and one grant funded Class 1823 Senior Administrative Analyst position (FTE 1.0) at the Sheriff's Department for the period of October 1, 2018, through September 30, 2020. (District Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190242 [Agreement Amendment - San Francisco AIDS Foundation - HIV Prevention - City-Wide Syringe Access and Disposal Services - Not to Exceed \$35,608,159]

Resolution approving Amendment No. 2 to the agreement between the San Francisco AIDS Foundation and the Department of Public Health to provide HIV prevention services through City-wide syringe access and disposal services; to increase the contract amount by \$25,768,672 for a total amount not to exceed \$35,608,159; and to extend the contract by seven years, to commence July 1, 2019, for a total contract term of July 1, 2016, through June 30, 2026. (Public Health Department)

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190243 [Apply for, Accept, and Expend Funds - Retroactive - California Secretary of State - Voting System Replacement Activities - \$3,011,500]

Resolution retroactively authorizing the Department of Elections to apply for, accept, and expend funds allocated by the California Secretary of State in an amount not to exceed \$3,011,500 to fund voting system replacement activities, for the period of July 1, 2018, through June 30, 2021.

(Elections Department)
(Fiscal Impact)

Privilege of the floor was granted unanimously to Harvey Rose (Budget and Legislative Analyst) who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190282 [California Constitution Appropriations Limit - FY2018-2019 - \$4,443,944,710]

Resolution establishing the appropriations limit of \$4,443,944,710 for FY2018-2019, pursuant to California Constitution, Article XIII B. (Controller)

(Fiscal Impact)

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190283 [Grant Agreement and Subsequent Amendments - Retroactive - Meals on Wheels of San Francisco - Nutrition Programs Services - Not to Exceed \$26,227,568]

Resolution retroactively approving a grant agreement, authorizing the Executive Director of the Human Services Agency to execute a grant agreement between the City and County of San Francisco, by and through its Human Services Agency, and the non-profit Meals on Wheels of San Francisco for the provision of Nutrition Programs services to older adults and adults with disabilities for the period of July 1, 2017, through June 30, 2020, in an amount not to exceed \$21,600,737; retroactively approving Amendment No. 1 to increase the grant agreement amount by \$709,688 for a total not to exceed amount of \$22,310,425; retroactively approving Amendment No. 2 to increase the grant agreement amount by \$826,393 for a total not to exceed amount of \$23,136,818; and retroactively approving Amendment No. 3 to increase the agreement amount by \$3,090,750 for a total not to exceed amount of \$26,227,568, each amendment with no change to the length of term through June 30, 2020. (Human Services Agency)

(Fiscal Impact)

Privilege of the floor was granted unanimously to John Tsutakawa (Human Services Agency) who responded to questions raised throughout the discussion.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190289 [Multifamily Housing Revenue Notes - 691 China Basin Street ("691 China Basin Apartments") - Not to Exceed \$68,000,000]**Sponsors: Mayor; Haney**

Resolution authorizing the execution and delivery of a multifamily housing revenue note in a principal amount not to exceed \$68,000,000 for the purpose of providing financing for the construction of a 152-unit multifamily rental housing project known as "691 China Basin Apartments;" approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the loan from the funding lender identified therein to the City and the execution and delivery of the note; approving the form of and authorizing the execution of a borrower loan agreement providing the terms and conditions of the loan from the City to the borrower; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; authorizing the collection of certain fees; approving modifications, changes and additions to the documents; ratifying and approving any action heretofore taken in connection with the back-to-back loans, the note and the project, as defined herein; and granting general authority to City officials to take actions necessary to implement this Resolution, and related matters, as defined herein.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190293 [Reimburse Expenditures - Development of the Mission Rock Project, with Tax-Exempt Debt]**Sponsors: Mayor; Haney**

Resolution declaring official intent to reimburse expenditures related to development of the Mission Rock Project from the proceeds of bonds and other debt; and making findings under the California Environmental Quality Act.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190294 [Reimburse Expenditures - Development of Pier 70, Including Affordable Housing Costs, with Tax-Exempt Debt]**Sponsors: Mayor; Walton**

Resolution declaring official intent to reimburse expenditures related to development of Pier 70, including affordable housing costs, from the proceeds of bonds and other debt; and making findings under the California Environmental Quality Act.

ADOPTED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Recommendations of the Land Use and Transportation Committee

190142 [Environment Code - Existing Buildings Energy Performance and Benchmarking]

Sponsors: Brown; Peskin, Mar and Safai

Ordinance amending the Environment Code to require owners of certain nonresidential and residential buildings to annually measure and disclose energy performance; to require the Department of the Environment to collect and make public summary statistics about the energy performance of such buildings; and affirming the Planning Department's determination under the California Environmental Quality Act.

Supervisor Peskin, seconded by Supervisor Ronen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 14-16, by striking 'facility composed of any occupancy types A, B, E, I-1, I2, I-3, M, R-1, R-2, R-2.1, R-3, R-3.1, R-4, and S, as defined by California Building Code Title 24 Section 302 (2016) as amended.' and inserting 'Nonresidential Building or a Residential Building, as these terms are defined in this Chapter 20.:'; on Page 9, Lines 6-7, by inserting 'as defined in Section 2001 of this Chapter'; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190188 [Planning Code - Amending Landmark Designation - 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church)]

Sponsor: Peskin

Ordinance amending the Landmark Designation for Landmark No. 204, 906 Broadway (Iglesia de Nuestra Señora de Guadalupe/Our Lady of Guadalupe Church), Assessor's Parcel Block No. 0149, Lot No. 009, under Article 10 of the Planning Code, to confirm the exterior features that should be preserved or replaced in kind, and to add interior features to the designation; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare findings under Planning Code, Section 302. (Historic Preservation Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Recommendations of the Rules Committee

190212 [Appointments, Veterans Affairs Commission - Hanley Chan, Victor Olivieri, David Chasteen, Stephen Martin-Pinto, George Chewning, and Christopher Todd McDonald]

Motion appointing Hanley Chan, term ending January 31, 2020, and Victor Olivieri, David Chasteen, Stephen Martin-Pinto, George Chewning, and Christopher Todd McDonald, terms ending January 31, 2023, to the Veterans Affairs Commission. (Rules Committee)

Motion No. M19-063

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Supervisor Ronen Excused from Voting

Supervisor Peskin, seconded by Supervisor Safai, moved that Supervisor Ronen be excused from voting on File No. 190299. The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Safai, Stefani, Walton, Yee
Excused: 1 - Ronen

190299 [Appointment, Association of Bay Area Governments and Metropolitan Transportation Commission Legislative Task Force - Supervisor Hillary Ronen]

Motion appointing Supervisor Hillary Ronen, indefinite term, to the Association of Bay Area Governments and Metropolitan Transportation Commission Legislative Task Force. (Clerk of the Board)

Motion No. M19-064

APPROVED by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Safai, Stefani, Walton, Yee
Excused: 1 - Ronen

190324 [Appointment - Commission on Aging Advisory Council]

Motion reappointing Allegra Fortunati, term ending March 31, 2021, to the Commission on the Aging Advisory Council. (Rules Committee)

Motion No. M19-065

APPROVED by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

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

Supervisor Yee, seconded by Supervisor Haney, 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.

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Supervisors Yee and Haney introduced, welcomed, and presented Certificates of Honor to Joanne Donohue, 9-1-1 Supervisor of the Year, and Charlie Caparas, 9-1-1 Dispatcher of the Year, within the Department of Emergency Management, in recognition of their accomplishments and continued community support. Mary Ellen Carroll, Director, Department of Emergency management, shared in the commendation.

Appointment of President Pro Tempore

At the request of President Yee, Supervisor Fewer assumed the chair at 4:20 p.m. The President resumed the chair at 4:33 p.m.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 190093, 190094, 190095, 190096, 190097, 190098, 190099, and 190100 be called together.

Supervisor Safai Excused from Voting

Supervisor Fewer, seconded by Supervisor Brown, moved that Supervisor Safai be excused from the deliberations and decision on the 1052-1060 Folsom Street and 190-194 Russ Street appeals (File Nos. 190093, 190094, 190095, 190096, 190097, 190098, 190099, and 190100). The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

190093 [Hearing - Appeal of Determination of Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Hearing of persons interested in or objecting to a Community Plan Evaluation by the Planning Department under the California Environmental Quality Act issued on December 11, 2018, for the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, approved on December 20, 2018, to demolish the existing buildings on the project site, merge three lots into a single lot, and construct a new seven-story, approximately 64 feet and six inches tall, 59,000-gross-square-foot mixed use building with 63 dwelling units (four units designated as replacement for four existing rent-controlled units, 15 units would be designated as below market rate units, the remaining 44 dwelling units would be market rate), and approximately 2,800 square feet of ground floor retail use. (District 6) (Appellant: Sue Hestor, on behalf of the South of Market Community Action Network) (Filed January 22, 2019) (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board.

Sue Hestor, Angelica Cabande and David Woo (South of Market Community Action Network), Steve Williams (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Michael Wright; Heather Phillips (United Playaz); Jennifer Olano; Michael Ruiz; Carla Laurel; Rico Rividio; Betty Traynor (Senior and Disability Action); Kevin Clark; Tony Robles; Speaker; Rachel Ryan; Gina Schloesser; Kathy Lipscomb (Senior and Disability Action); Daniel Pilfer; Mary Jane Zambrano; Tiffany J. Basa; Leslie Valdez; Maggie Dong; Alia; Deja; Jasmine; David Babel; Irena Olejo; Speaker; Marie Sorenson (Calle 24); Julie Urbino; Ramon; Maria Masada; Rosa Chen (Committee for Better Park and Rec in Chinatown); Raymond Destillio; PJ Heng; Maverick Ruiz; EP Egate; Kimberly Bustos; Landra Chen; Lena Reyes; Jan Ruwen; Mary Roque; Dalia Ramos; Marie Valregard; Lourdes Villa Loba; Erica Montenowich; Mary; Katrina Liuanna; Speaker; Gene Olejo; Rachel Lastimosa (SoMa Filipinas); Orine Olmario; Gina Rosales; Kim Artesha; Robert Marquez; Otto Dufty; Speaker; David Hyman; Alexa Desuza; Cynthia Gomez; Ken; spoke in support of the appeal. Liz White, Kimberly Durandet, and Michael Lee, (Planning Department); Jon Givner (Office of the City Attorney); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alice Suet Yee Barkley (Duane Morris, LLP) (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. Johnathan Mofakar; Mike Stack; Kevin McComb; John Bowman; George Nyquist; James Nero; Tim Colon (San Francisco Housing Action Coalition); Ed Deliske; Charles Turner; Xavier Arce; Brisa Camillo; Stephen Booth (Tenderloin Housing Clinic); Elizabeth Cavoy; Mauricio; Michael Lamolia; Speaker; spoke in support of the project and in opposition to the appeal. Steve Williams and Sue Hestor (Appellant); provided a rebuttal and further requested the Board to approve the appeal.

There were no other speakers.

President Yee closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

190094 [Affirming the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion affirming the determination by the Planning Department, that a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Motion No. M19-066

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

Ayes: 8 - Brown, Fewer, Haney, Mandelman, Ronen, Stefani, Walton, Yee

Noes: 2 - Mar, Peskin

Excused: 1 - Safai

190095 [Conditionally Reversing the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion conditionally reversing the determination by the Planning Department, that the proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review under a Community Plan Evaluation, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

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

Ayes: 8 - Brown, Fewer, Haney, Mandelman, Ronen, Stefani, Walton, Yee

Noes: 2 - Mar, Peskin

Excused: 1 - Safai

190096 [Preparation of Findings to Reverse the Community Plan Evaluation - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion directing the Clerk of the Board to prepare findings reversing a Community Plan Evaluation determination by the Planning Department that a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street is exempt from further environmental review. (Clerk of the Board)

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

Ayes: 8 - Brown, Fewer, Haney, Mandelman, Ronen, Stefani, Walton, Yee

Noes: 2 - Mar, Peskin

Excused: 1 - Safai

SPECIAL ORDER 3:00 P.M.**190097 [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 1052-1060 Folsom Street and 190-194 Russ Street]**

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 121.1, 121.7, 303, and 317, for a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, Assessor's Parcel Block No. 3731, Lot Nos. 021, 023, and 087, identified in Planning Case No. 2016.004905CUA, issued by the Planning Commission by Motion No. 20361, dated December 20, 2018, for the development of a lot greater than 10,000 square feet, merger of lots that result in a street frontage greater than 50 feet, and the demolition of four existing dwelling units for the project involving the demolition of five existing buildings, merger of three lots, and the construction of a seven-story mixed-use building containing 2,832 square feet of ground floor commercial retail use and 55,887 square feet of residential use for 63 dwelling units, and a ground floor garage with access from a new driveway on Russ Street, within the SoMa NCT (Neighborhood Commercial Transit) and RED (Residential, Enclave) Zoning Districts, and the SoMa Youth and Family Special Use District, a 65-X height and bulk district. (District 6) (Appellant: Sue Hestor, on behalf of the South of Market Community Action Network) (Filed January 22, 2019) (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any individual wished to address the Board.

Sue Hestor, Angelica Cabande and David Woo (South of Market Community Action Network), Steve Williams (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Michael Wright; Heather Phillips (United Playaz); Jennifer Olano; Michael Ruiz; Carla Laurel; Rico Rividio; Betty Traynor (Senior and Disability Action); Kevin Clark; Tony Robles; Speaker; Rachel Ryan; Gina Schloesser; Kathy Lipscomb (Senior and Disability Action); Daniel Pilfer; Mary Jane Zambrano; Tiffany J. Basa; Leslie Valdez; Maggie Dong; Alia; Deja; Jasmine; David Babel; Irena Olejo; Speaker; Marie Sorenson (Calle 24); Julie Urbino; Ramon; Maria Masada; Rosa Chen (Committee for Better Park and Rec in Chinatown); Raymond Destillio; PJ Heng; Maverick Ruiz; EP Egate; Kimberly Bustos; Landra Chen; Lena Reyes; Jan Ruwen; Mary Roque; Dalia Ramos; Marie Valregard; Lourdes Villa Loba; Erica Montenowich; Mary; Katrina Liuanna; Speaker; Gene Olejo; Rachel Lastimosa (SoMa Filipinas); Orine Olmario; Gina Rosales; Kim Artesha; Robert Marquez; Otto Dufty; Speaker; David Hyman; Alexa Desuza; Cynthia Gomez; Ken; spoke in support of the appeal. Liz White, Kimberly Durandet, and Michael Lee, (Planning Department); Jon Givner (Office of the City Attorney); provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Alice Suet Yee Barkley (Duane Morris, LLP) (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. Johnathan Mofakar; Mike Stack; Kevin McComb; John Bowman; George Nyquist; James Nero; Tim Colon (San Francisco Housing Action Coalition); Ed Deliske; Charles Turner; Xavier Arce; Brisa Camillo; Stephen Booth (Tenderloin Housing Clinic); Elizabeth Cavoy; Mauricio; Michael Lamolia; Speaker; spoke in support of the project and in opposition to the appeal. Steve Williams and Sue Hestor (Appellant); provided a rebuttal and further requested the Board to approve the appeal.

There were no other speakers.

President Yee closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

190098 [Approving Conditional Use Authorization - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion approving the decision of the Planning Commission by its Motion No. 20361, approving a Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project located at 1052-1060 Folsom Street and 190-194 Russ Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

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

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

190099 [Conditionally Disapproving Conditional Use Authorization - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20361, approving a Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project at 1052-1060 Folsom Street and 190-194 Russ Street, 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.)

Motion No. M19-067

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

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

190100 [Preparation of Findings Related to Conditional Use Authorization Appeal - 1052-1060 Folsom Street and 190-194 Russ Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2016.004905CUA for a proposed project located at 1052-1060 Folsom Street and 190-194 Russ Street. (Clerk of the Board)

Motion No. M19-068

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

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee
Excused: 1 - Safai

COMMITTEE REPORTS

Recommendations of the Government Audit and Oversight Committee

190286 [De-Appropriation and Re-Appropriation - Public Utilities Commission Water Enterprise Fund Balance - Payment of Unlitigated Claim of Sambou Makalou - \$124,523.97]

Sponsor: Mandelman

Ordinance de-appropriating \$124,523.97 from the Wastewater Enterprise Fund Balance and re-appropriating the same amount to the Water Enterprise Fund Balance for the Public Utilities Commission to fund the settlement of the unlitigated claim of Sambou Makalou.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

190319 [Opposing California State Senate Bill No. 50 (Wiener) - Housing Development: Incentives - Unless Amended]**Sponsors: Mar; Mandelman, Yee, Fewer, Peskin, Walton, Ronen and Haney**

Resolution opposing California State Senate Bill No. 50, authored by Senator Scott Wiener, which would undermine community participation in planning for the well-being of the environment and the public good, prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests, and significantly restrict San Francisco's ability to protect vulnerable communities from displacement and gentrification, unless further amended.

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

Supervisor Brown requested this Resolution be DUPLICATED.

See duplicated File No. 190398.

ADOPTED by the following vote:

Ayes: 9 - Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Stefani, Walton, Yee

Noes: 2 - Brown, Safai

190398 [Opposing California State Senate Bill No. 50 (Wiener) - Housing Development: Incentives - Unless Amended]**Sponsors: Mar; Mandelman, Yee, Fewer, Peskin, Walton, Ronen and Haney**

Resolution opposing California State Senate Bill No. 50, authored by Senator Scott Wiener, which would undermine community participation in planning for the well-being of the environment and the public good, prevent the public from recapturing an equitable portion of the economic benefits conferred to private interests, and significantly restrict San Francisco's ability to protect vulnerable communities from displacement and gentrification, unless further amended.

Supervisor Brown, seconded by Supervisor Safai, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by inserting 'FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco requests that SB 50 be amended to address significant concerns regarding: 1) Use of SB 50 as the base zoning for purposes of calculating the State Density Bonus; 2) Additional incentives or concessions; 3) The authority of local jurisdictions to deny demolition permits to code-complying SB 50 projects which involve demolition of existing residential units; 4) Local authority to increase inclusionary requirements on SB 50 projects; 5) Use of SB 50 incentives for construction of 'monster homes;' 6) Treatment of extant and future local Area Plans that increased zoned capacity to levels akin to SB 50; 7) Amend application of Costa Hawkins and the Ellis Act to allow for greater tenant protection in sensitive communities; and 8) A meaningful process for community feedback on the proposed boundaries of sensitive communities; and, be it.' The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

Supervisor Brown, seconded by Supervisor Haney, moved that this Resolution be RE-REFERRED AS AMENDED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton, Yee

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Dr. Amos C. Brown; shared remarks commemorating the 400th anniversary of the Trans-Atlantic Slave trade.

Michael Wright; shared concerns regarding housing solutions from other nearby jurisdictions.

Krea Gomez (Young Women's Freedom Center); shared concerns regarding the closure of the Juvenile Justice Center.

Candy K. I.; shared concerns regarding the closure of the Juvenile Justice Center.

R. Isner; shared concerns regarding the closure of the Juvenile Justice Center.

Jason Boudin; shared concerns regarding the closure of the Juvenile Justice Center.

Rebecca Young; shared concerns regarding the closure of the Juvenile Justice Center.

Speaker; shared concerns regarding the closure of the Juvenile Justice Center.

Lucero Herrera; shared concerns regarding the closure of the Juvenile Justice Center.

Dan Daniels; shared concerns regarding the closure of the Juvenile Justice Center.

Pastor Keva L. McNaill (Bethel Baptist Church); shared concerns regarding the closure of the Juvenile Justice Center.

Mr. Saxon; expressed various concerns regarding public concerns along Fillmore Street.

Reuben David Goodman; shared concerns regarding the history of the formation of the AFL-CIO.

Otto Dutfy; shared concerns regarding rent stabilization across California.

Hayden (Young Women's Freedom Center); expressed various concerns regarding public concerns along Fillmore Street.

Ken; shared various concerns on San Francisco neighborhood development.

SPECIAL ORDER 4:00 P.M.**CLOSED SESSION****CONFERENCE WITH CITY ATTORNEY - Existing Litigation**

190374 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - April 9, 2019]

Closed session for the Board of Supervisors to convene on April 9, 2019, at 4:00 p.m., pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation in which the City is a petitioner and Pacific Gas & Electric Company is an adverse party: In re: PG&E Corporation and Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 19-30088-DM, filed January 29, 2019; Federal Energy Regulatory Commission Case No. EL19-38-000, filed January 28, 2019; Federal Energy Regulatory Commission Case No. ER18-1482-000, filed April 30, 2018; Federal Energy Regulatory Commission Case No. ER18-1102-000, filed March 15, 2018; Federal Energy Regulatory Commission Case No. ER18-790-000, filed February 2, 2018; Federal Energy Regulatory Commission Case No. ER18-768-000, filed January 31, 2018; Federal Energy Regulatory Commission Case No. ER18-198-000, filed October 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2406-000, filed August 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2181-000, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-2204, filed July 31, 2017; Federal Energy Regulatory Commission Case No. ER17-1509-000, filed May 1, 2017; Federal Energy Regulatory Commission Case No. ER17-910-000, filed January 31, 2017; Federal Energy Regulatory Commission Case No. EL15-3-000, filed October 10, 2014; Federal Energy Regulatory Commission Case No. ER15-702-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-703-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-704-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-705-000, filed December 23, 2014; Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; California Public Utilities Commission Case No. I.15-08-019, filed February 25, 2015; California Public Utilities Commission Case No. R.18-10-007, filed October 25, 2018; and California Public Utilities Commission Case No. R.19-01-006, filed January 10, 2019; scheduled pursuant to Motion No. M19-062, approved on April 2, 2019. (Clerk of the Board)

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 8:22 p.m. to convene in closed session pursuant to Motion No. M19-062 (File No. 190341), approved on April 2, 2019.

The following Supervisors were noted present: Supervisors Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Walton, Yee.

Supervisor Mar was noted absent.

Persons in attendance: Jon Givner and Theresa Mueller, Deputy City Attorneys (Office of the City Attorney); Harlan Kelly, Jr., General Manager, and Barbara Hale (San Francisco Public Utilities Commission); and Angela Calvillo, Clerk of the Board, and John Carroll, Acting Legislative Deputy Director (Office of the Clerk of the Board).

Matter was heard in closed session and no action was taken.

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 8:58 p.m.

Supervisor Peskin, seconded by Supervisor Walton, moved that the Closed Session Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Walton, Yee
Absent: 1 - Mar

Supervisors Brown and Haney were noted absent at 8:58 p.m.

[Elect Not to Disclose]

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

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

Ayes: 8 - Fewer, Mandelman, Peskin, Ronen, Safai, Stefani, Walton, Yee

Absent: 3 - Brown, Haney, Mar

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Supervisor Mar was noted absent at 8:16 p.m. and for the remainder of the meeting.

190362 [Supporting California State Assembly Bill No. 539 (Limón) - Fair Access to Credit Act]

Sponsor: Brown

Resolution supporting California State Assembly Bill No. 539, authored by Assembly Member Monique Limón and coauthored by Assembly Members Timothy Grayson, Cecelia Aguiar-Curry, Ash Kalra, James Ramos, Eloise Gómez Reyes, Mark Stone, and State Senators Maria Elena Durazo, Holly Mitchell, and Bob Wieckowski, to cap interest rates on consumer loans at 36% per annum plus the Federal Funds Rate for loans with a principal amount greater than \$2,500 and lesser than \$10,000.

ADOPTED

190367 [Requesting the San Francisco Public Utilities Commission to Report on Options for Improving Electric Service through Acquisition, Construction or Completion of Public Utility]

Sponsors: Ronen; Peskin and Fewer

Resolution determining that the public interest and necessity require changing the electric service provided in San Francisco; and requesting a report from the San Francisco Public Utilities Commission, under Charter, Section 16.101, on options for improving electric service in San Francisco through acquisition, construction or completion of public utility or utilities.

ADOPTED

190380 [Urging a Full Pardon of Kang Hen and to Vacate His Plea to Remain in the United States]

Sponsors: Walton; Peskin, Mandelman, Mar, Haney, Fewer, Brown, Ronen, Yee and Safai
Resolution urging the Honorable Gavin Newsom, Governor of California, to grant Kang Hen a full pardon, and the Santa Clara District Attorney's Office to vacate his plea to allow him to remain in the United States with his family.

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

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Peskin, Ronen, Safai, Stefani, Walton, Yee

Absent: 1 - Mar

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

190342 [Settlement of Lawsuit - Alyx Cronin - \$67,000]

Ordinance authorizing settlement of the lawsuit filed by Alyx Cronin against the City and County of San Francisco for \$67,000; the lawsuit was filed on June 8, 2018, in San Francisco Superior Court, Case No. CGC-18-567064; entitled Alyx Cronin v. The City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190343 [Settlement of Lawsuit - Timothy Doyle - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Timothy Doyle against the City and County of San Francisco for \$75,000; the lawsuit was filed on December 13, 2016, in San Francisco Superior Court, Case No. CGC-16-555897; entitled Timothy Doyle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190344 [Settlement of Lawsuit - Tyler Francis O'Connor - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Tyler Francis O'Connor against the City and County of San Francisco for \$125,000; the lawsuit was filed on May 17, 2017, in San Francisco Superior Court, Case No. CGC-17-558989; entitled Tyler Francis O'Connor v. City and County of San Francisco; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190345 [Settlement of Lawsuit - Fidelia del Carmen May Can, Rosana Guadalupe Gongora May, Luis Rodolfo Gongora May, and Angel de Jesus May - \$140,000]

Ordinance authorizing settlement of the lawsuit filed by Fidelia del Carmen May Can, Rosana Guadalupe Gongora May, Luis Rodolfo Gongora May, and Angel de Jesus May against the City and County of San Francisco for \$140,000; the lawsuit was filed on October 11, 2016, in United States District Court, Case No. 16-cv-05771; entitled Fidelia del Carmen May Can, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violation. (City Attorney)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

190346 [Contract Agreement - Retroactive - California Independent System Operator - Reliability Coordinator Services - Not to Exceed \$3,000,000]

Resolution retroactively authorizing the San Francisco Public Utilities Commission to enter into an agreement with the California Independent System Operator for Reliability Coordinator Services for a term of 18 months, from January 7, 2019, through July 6, 2020, with automatic renewal thereafter, in excess of 10 years and at an estimated cost not to exceed \$3,000,000. (Public Utilities Commission)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

190347 [Memorandum of Agreement - United States Department of the Interior, National Park Service - Not to Exceed \$33,257,629]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute a Memorandum of Agreement with the United States Department of the Interior, National Park Service, Yosemite National Park, for comprehensive management of watersheds supplying the San Francisco Regional Water System for an amount not to exceed \$33,257,629 and a total term of four years from July 1, 2020, through June 30, 2024, pursuant to Charter, Section 9.118. (Public Utilities Commission)

03/29/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

190350 [Report of Assessment Costs - Sidewalk Inspection and Repair Program]

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs through the Sidewalk Inspection and Repair Program, ordered to be performed by said Director pursuant to the provisions of Public Works Code, Sections 706.9, and Administrative Code, Section 80, the costs thereof having been paid for out of a revolving fund. (Public Works)

04/01/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Board of Supervisors.

190353 [Report of Assessment Costs - Accelerated Sidewalk Abatement Program]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered through the Accelerated Sidewalk Abatement Program, ordered to be performed by said Director pursuant to the provisions of Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works)

04/01/19; RECEIVED FROM DEPARTMENT.

04/09/19; RECEIVED AND ASSIGNED to Board of Supervisors.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 9:02 p.m.