

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES - DRAFT

Tuesday, September 3, 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

Government Audit and Oversight Committee

Supervisors Mar, Brown, Peskin

Joint City, School District, and City College Select Committee

Supervisors Haney, Walton, Mar (Alt), Commissioners Cook, Collins, Moliga (Alt), Trustees
Randolph, Williams, Selby (Alt)

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

1st and 3rd Thursday

10:00 AM

2nd Friday

10:00 AM

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, September 3, 2019, with President Norman Yee presiding.

President Yee called the meeting to order at 2:02 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Supervisors Brown and Stefani were noted not present.

A quorum was present.

Supervisors Brown and Stefani were 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 July 9, 2019, July 16, 2019, or July 23, 2019, Regular Board Meeting Minutes, or the July 11, 2019, Special Meeting Minutes at a Rules Committee Meeting, which constituted a quorum of the Board of Supervisors. There were no corrections requested.

Supervisor Brown, seconded by Supervisor Mandelman, moved to approve the July 9, 2019, July 16, 2019, and July 23, 2019, Regular Board Meeting Minutes, and the July 11, 2019, Special Meeting Minutes at a Rules Committee Meeting, which constituted a quorum of the Board of Supervisors. 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.

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

190214 [Building Code - Fee Waiver for 100% Affordable Housing and Accessory Dwelling Units]

Sponsors: Mayor; Brown and Mar

Ordinance amending the Building Code to waive specified fees for 100% affordable housing projects, as defined herein, and certain accessory dwelling unit projects for an approximately one-year pilot program; and affirming the Planning Department's determination under the California Environmental Quality Act.
(Fiscal Impact)

FINALLY PASSED by the following vote:

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

Referred Without Recommendation from the Land Use and Transportation Committee

181211 [Health, Planning, and Police Codes - Small Business Permit Streamlining]

Sponsors: Mayor; Brown

Ordinance to streamline small business permitting by, among other things, amending the Health Code to align regulation of restaurant enclosures for outdoor food service and restroom requirements with state standards; amending the Planning Code to clarify that Type 2 (winegrower) and Type 23 (small beer manufacturer) liquor licenses may be used in conjunction with a Bar or Restaurant use, to amend the definition of a Bar to provide for consistent treatment of Type 64 liquor licenses, to modify Nighttime Entertainment use food service requirements, to reduce the distance measured for Retail Sales and Services uses in Neighborhood Commercial zoning districts to certain neighborhood commercial districts, to amend the use limitation provisions for nonconforming uses in RH (Residential, House), RM (Residential Mixed), and RTO (Residential, Transit-Oriented) districts to certain neighborhood commercial districts, to amend the definition of General Entertainment to include Amusement Game Arcade, to allow mechanical amusement games as a principally permitted use on the first story in the Haight Street Neighborhood Commercial District, to allow General Entertainment uses on higher floors in the Japantown Neighborhood Commercial District, to allow Limited Restaurant use as an Accessory Use, and to revise the Upper Market Neighborhood Commercial Transit (NCT) District to allow General Entertainment as a principal use on the first and second stories; amending the Police Code to eliminate certain duplicative inspections and signoffs in connection with Place of Entertainment permits, and amending the definition of Limited Live Performance Locale to remove the requirement for food and beverage service; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

FINALLY PASSED by the following vote:

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

Recommendation of the Land Use and Transportation Committee

190048 [Planning Code - Building Standards]

Sponsor: Mandelman

Ordinance amending the Planning Code to 1) require building setbacks for buildings fronting on narrow streets, 2) modify front yard requirements in Residential Districts, 3) increase required rear yards in single-family zoning districts by five percent, 4) amend the rear yard requirements for through lots and corner lots in certain districts to permit second buildings where specified conditions are met, and 5) allow building height increases to existing stories in existing nonconforming buildings in order to accommodate residential uses; 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.

FINALLY PASSED by the following vote:

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

NEW BUSINESS

Recommendations of the Land Use and Transportation Committee

180777 [Planning Code - Conditional Use Authorization Required for Employee Cafeterias within Office Space]

Sponsors: Safai; Peskin and Brown

Ordinance amending the Planning Code to require a conditional use authorization for Employee Cafeterias, as defined, within office space, except for existing Employee Cafeterias; 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 welfare under Planning Code, Section 302.

Supervisor Safai, seconded by Supervisor Peskin, moved that this Ordinance be RE-REFERRED to the Land Use and Transportation Committee. The motion carried by the following vote:

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

190594 [Planning Code - Reorganization of Chinatown Mixed Use Districts]

Ordinance amending the Planning Code to revise the zoning control tables of the Chinatown Mixed Use Districts to make them consistent with those in Articles 2 and 7, to apply the use definitions in Section 102, to set an abandonment period for use size maximums, and to allow General Entertainment and Nighttime Entertainment Uses with conditional use authorization; 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 welfare under Planning Code, Section 302. (Planning Commission)

Supervisor Peskin, seconded by Supervisor Stefani, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 20, Line 13, on Page 31, Line 20, and Page 43, Line 8, by striking 'Philanthropic Administrative Services' as a use classification from all three Chinatown Mixed Use Districts; 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

190702 [Planning Code - New Rooftop Floor Area or Building Volume on Noncomplying Structure Designated as a Significant Building - 5 Third Street]

Ordinance amending the Planning Code to permit new floor area or building volume on the rooftop of a noncomplying structure that is designated as a Significant Building under Planning Code, Article 11, located on Assessor's Parcel Block No. 3707 (5 Third Street), provided that the rooftop has an existing parapet at least 17 feet in height along the primary building frontage; 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. (Planning Department)

PASSED ON FIRST READING by the following vote:

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

Recommendation of the Public Safety and Neighborhood Services Committee**190728 [Liquor License - 1519 Polk Street - Ora]**

Resolution determining that the issuance of a Type-42 on-sale beer and wine public premises liquor license to Nunovi, LLC, doing business as Ora, located at 1519 Polk Street (District 3), will serve the public convenience or necessity of the City and County of San Francisco; and requesting that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Public Safety and Neighborhood Services Committee)

ADOPTED by the following vote:

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

Recommendation of the Rules Committee

190657 [Administrative Code - San Francisco Special Tax Financing Law - Port of San Francisco]

Sponsor: Mayor

Ordinance amending the San Francisco Administrative Code Special Tax Financing Law, constituting Article 43.10, to authorize special tax financing of certain facilities and services related to property in the jurisdiction of the Port of San Francisco.

PASSED ON FIRST READING 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 Haney, seconded by Supervisor Mandelman, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

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

Supervisor Haney introduced, welcomed, and presented Certificates of Honor to Acting Section Chief Niels Tanglerini, Paramedic Eddie Bird, and Officers Matthew Parker, Joseph Dal Porto, Andrew Clifford, Bryson Holbrook, Jordan Townsend, Christopher Costa, Steven Orengo, Niko Ledesma, and John Tynes - the first responders team within the Police Department and Fire Department, on the occasion of Overdose Awareness Day and in recognition of their tireless efforts assisting patients by reversing overdoses and combatting drug use.

Supervisor Mandelman introduced, welcomed, and presented a Certificate of Honor to Gary Weiss (Corbett Heights Neighborhood Association) in recognition of his decades of service and advocacy for District 8 and the Corbett Heights neighborhood.

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 190826, 190827, 190828, and 190829 be called together.

190826 [Hearing - Appeal of Determination of Community Plan Evaluation - 655 Fourth 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 June 11, 2019, for the proposed project at 655 Fourth Street, approved on June 20, 2019, to demolish three existing buildings, associated parking lots, and vegetation; merge seven existing lots and construct two new buildings containing approximately 1,003,970 square feet of residential area, 24,500 square feet of hotel area (38 hotel rooms), 21,840 square feet of office area, and approximately 18,454 square feet of ground-floor retail use; consisting of approximately 960 dwelling units in a mix of 242 studios, 330 one-bedroom units, 351 two-bedroom units, 37 three-bedroom condominiums; each building having two towers: one rising to a height of 425 feet aboveground, and the second which would rise to a height of 370 feet aboveground; including 94,500-square-foot below-grade, four level garage. (District 6) (Appellant: Kevin Rudich and Michael Cruz, on behalf of the 601 Fourth Street Coalition) (Filed July 22, 2019) (Clerk of the Board)

President Yee opened the public hearing, Angela Calvillo, Clerk of the Board, informed the Board that correspondence was received from the appellant withdrawing this appeal, and Supervisor Haney provided brief remarks regarding the project. There were no other speakers. The President closed public comment and declared the public hearing heard and filed.

HEARD AND FILED

190827 [Affirming the Community Plan Evaluation - 655 Fourth Street]

Motion affirming the determination by the Planning Department that a proposed project at 655 Fourth Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

Motion No. M19-132

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

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

190828 [Conditionally Reversing the Community Plan Evaluation - 655 Fourth Street]

Motion conditionally reversing the determination by the Planning Department that the proposed project at 655 Fourth 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 Mandelman, moved that this Motion be TABLED. The motion carried by the following vote:

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

190829 [Preparation of Findings to Reverse the Community Plan Evaluation - 655 Fourth 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 655 Fourth Street is exempt from further environmental review under a Community Plan Evaluation. (Clerk of the Board)

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

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

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 190653 and 190654 be called together.

Board of Supervisors Sitting as a Committee of the Whole**190653 [Hearing - Committee of the Whole - Street and Public Service Easement Vacation Order - Mission Rock Project - September 3, 2019]**

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 3, 2019, at 3:00 p.m., to hold a public hearing to consider the proposed Ordinance (File No. 190654) ordering the street vacation of the entirety of Seawall Lot 337 (located east of Third Street between China Basin Channel and Mission Rock Street, including China Basin Park) and portions of Terry A. Francois Boulevard along with public service easements in connection with the Mission Rock Project; reserving various temporary rights in favor of the City and PG&E, subject to conditions specified in the Ordinance; authorizing official acts in connection with the Ordinance, as defined therein; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; scheduled pursuant to Resolution No. 331-19 (File No. 190652), approved on July 26, 2019. (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any member of the public wished to address the Committee of the Whole relating to the street and public service easement vacation order in the Mission Rock project, as referenced in File No. 190654. Supervisor Haney provided brief remarks regarding the project. Michael Wright; Speaker; Francisco Da Costa; spoke in opposition to the street and public service easement vacation order. Walter Paulson; shared various concerns related to the street and public service easement vacation order. Phil Williamson (Port of San Francisco); provided additional information and answered questions raised throughout the discussions. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

Referred Without Recommendation from the Land Use and Transportation Committee

190654 [Street and Public Service Easement Vacation Order - Mission Rock Project]

Sponsors: Mayor; Haney

Ordinance ordering the street vacation of the entirety of Seawall Lot 337 (located east of Third Street between China Basin Channel and Mission Rock Street, including China Basin Park) and portions of Terry A. Francois Boulevard along with public service easements in connection with the Mission Rock Project; reserving various temporary rights in favor of the City and PG&E, subject to conditions specified in this Ordinance; authorizing official acts in connection with this Ordinance, as defined herein; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Although it was not required, Supervisor Peskin, seconded by Supervisor Safai, moved that this Ordinance be PASSED ON FIRST READING. The motion carried by the following vote:

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

SPECIAL ORDER 3:00 P.M.

President Yee requested File Nos. 190862 and 190707 be called together.

Board of Supervisors Sitting as a Committee of the Whole

190862 [Hearing - Committee of the Whole - Street Vacation - Potrero HOPE SF Project - Phase 2 - September 3, 2019]

Hearing of the Board of Supervisors sitting as a Committee of the Whole on September 3, 2019, at 3:00 p.m., to hold a public hearing to consider the proposed Ordinance (File No. 190707) ordering the vacation of streets in the Potrero HOPE SF Project - Phase 2 (Blocks A and B) site, generally bounded by 25th Street on the north, 26th Street on the south, Wisconsin Street on the west, and Connecticut Street on the east; allowing a reservation of rights for electric utilities access at the southwest corner of 25th Street and Wisconsin Street and required pedestrian access; authorizing the City to quitclaim its interest in the vacation areas to the San Francisco 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 the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public Works Director for purposes of recordation of property rights; scheduled pursuant to Resolution No. 362-19 (File No. 190712), approved on August 1, 2019. (Clerk of the Board)

President Yee opened the public hearing and inquired as to whether any member of the public wished to address the Committee of the Whole relating to the street vacation in the Potrero HOPE SF project, as referenced in File No. 190707. Supervisor Walton provided brief remarks regarding the project. Michael Wright; spoke in opposition to the street and public service easement vacation order. Francisco Da Costa; Walter Paulson; shared various concerns related to the street and public service easement vacation order. There were no other speakers. The President declared public comment closed, adjourned as the Committee of the Whole, and reconvened as the Board of Supervisors.

HEARD AND FILED

Committee of the Whole Adjourn and Report

Referred Without Recommendation from the Land Use and Transportation Committee

190707 [Street Vacation - Potrero HOPE SF Project - Phase 2]

Sponsors: Mayor; Walton

Ordinance ordering the vacation of streets in the Potrero HOPE SF Project - Phase 2 (Blocks A and B) site, generally bounded by 25th Street on the north, 26th Street on the south, Wisconsin Street on the west, and Connecticut Street on the east; allowing a reservation of rights for electric utilities access at the southwest corner of 25th Street and Wisconsin Street and required pedestrian access; authorizing the City to quitclaim its interest in the vacation areas to the San Francisco 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 the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance, as defined herein, including transmittal of the Ordinance by the Clerk of the Board of Supervisors to the Public Works Director for purposes of recordation of property rights.

Although it was not required, Supervisor Safai, seconded by Supervisor Haney, moved that this Ordinance be PASSED ON FIRST READING. 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.

Appointment of President Pro Tempore

At the request of President Yee, Supervisor Peskin assumed the chair at 3:05 p.m. The President resumed the chair at 3:08 p.m.

PUBLIC COMMENT

Salahaquekyah Chandler; expressed her interest in running for office and the need to focus on District 10 issues.

Salinda; shared concerns regarding various District 10 issues.

Dana Smith; expressed concerns regarding District 10 evictions and the need for action.

Francisco Da Costa; shared concerns regarding District 10 issues and problems.

Queen-Vanessa Banks; shared concerns regarding District 10 issues and problems.

Michael Wright; shared concerns regarding African-American displacement and affordable housing.

Speaker; shared various religious concerns.

Walter Paulson; welcomed the Supervisors back from recess and shared in song various concerns with the Board.

Speaker; shared concerns regarding nuclear weapons, Manhattan, and climate change.

Michael Franti; expressed concerns regarding noise levels and drug use due to individuals living in their vehicles and RVs.

Sara Agah; expressed concerns regarding noise levels and drug use due to individuals living in their vehicles and RVs.

Bruce Wunder; shared concerns regarding the need for public and private homeless shelters.

John Kromeyer; shared concerns regarding the need to protect non-human animals.

Sharena Meyer; expressed concerns regarding car break-ins and their personal experience.

Adriana; shared various concerns regarding housing.

Speaker; shared concerns regarding issues within the Nicaraguan-American community.

Speaker; shared concerns regarding issues within the Nicaraguan-American community.

Matt Zucker; shared concerns regarding the plight of taxi medallion holders due to transportation network companies.

Tom Gilbert; shared concerns regarding cannabis, relabeling of references, the harm caused by words, and cable television.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

190889 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - September 3, 2019]

Closed Session for the Board of Supervisors to convene on September 3, 2019, 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. (Clerk of the Board)

President Yee inquired as to whether any member of the public wished to address the Board regarding the closed session. Michael Wright; Tom Gilbert; shared various concerns regarding the closed session matter. There were no other speakers. The President declared public comment closed.

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 4:40 p.m. to convene in closed session pursuant to the Motion (File No. 190801) approved prior to the Closed Session on September 3, 2019.

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

Persons in attendance: Jon Givner and Theresa Mueller, Deputy City Attorneys (Office of the City Attorney); Harlan Kelly, Jr., Director, Barbara Hale, Juliet Ellis, and Eric Sandler (Public Utilities Commission); Randy Wu; and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

Supervisor Safai was noted absent at 5:34 p.m. and for the remainder of the meeting.

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

RECONVENED AS THE BOARD OF SUPERVISORS

The Board reconvened at the hour of 5:39 p.m.

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

Supervisor Peskin, seconded by Supervisor Walton, moved that this Closed Session be CONTINUED to the Board of Supervisors meeting of October 1, 2019. The motion carried by the following vote:

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

Absent: 1 - Safai

[Elect Not to Disclose]

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

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

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

Absent: 1 - Safai

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

190854 [Urging Plan Approval - Interdepartmental Staff Committee on Traffic and Transportation - Folsom Street Fair with Gated Entry]

Sponsor: Haney

Resolution urging the Interdepartmental Staff Committee on Traffic and Transportation to approve a proposed plan to allow gated admission for the Folsom Street Fair.

ADOPTED

190887 [Closed Session - Existing Litigation - Pacific Gas and Electric Company - September 3, 2019]

Motion that the Board of Supervisors convene in closed session on September 3, 2019, 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. (Clerk of the Board)

Motion No. M19-133

APPROVED

The foregoing items were acted upon by the following vote:

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

Severed from the For Adoption Without Committee Reference Agenda

Supervisor Stefani requested that File No. 190841 be severed so that it may be considered separately.

**190841 [Declaring the National Rifle Association as a Domestic Terrorist Organization]
Sponsor: Stefani**

Resolution declaring that the National Rifle Association is a domestic terrorist organization and urging other cities, states, and the federal government to do the same.

ADOPTED by the following vote:

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

President Yee requested that File No. 190857 be severed so that it may be considered separately.

Supervisor Safai was noted absent at 4:32 p.m. and present at 4:36 p.m.

190857 [Urging Urgent Homelessness Policy Changes]

Sponsors: Yee; Haney, Fewer, Peskin, Brown, Stefani and Walton

Resolution urging the Department of Homelessness and Supportive Housing to implement urgent policy changes to serve pregnant individuals, families living in single room occupancy units or doubled-up families; and urging the Department to pursue additional policy changes in coordination with the Board of Supervisors.

Supervisors Stefani and Walton requested to be added as co-sponsors.

ADOPTED by the following vote:

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

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

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

Absent: 1 - Safai

Supervisor Yee, seconded by Supervisor Peskin, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding verbiage to clarify the difference between the City and County of San Francisco's and the U.S. Housing and Urban Development's definition of 'homelessness' and their corresponding rate of increase; by adding verbiage to include 'Family Coordinated Entry Standards' to the policies the Board is urging to be modified and applied; by clarifying that families living in SROs or doubled-up housing should be subject to these policies; 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

Although it was not required, Supervisor Haney, seconded by Supervisor Walton, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

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

IMPERATIVE AGENDA

There were no imperative agenda items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

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

190643 [Administrative Code - Implementing the Charter's Privacy First Policy]

Ordinance amending the Administrative Code to implement the Privacy First Policy in Charter, Section 16.130, by creating an Office of Data Privacy under the City Administrator, headed by a Chief Privacy Officer ("CPO") with responsibilities for implementing the Policy; requiring City departments to provide information to the CPO regarding their collection, storage, sharing, and use of personal information to enable the CPO to provide guidance and recommendations to departments, and recommendations to the City Administrator, for implementing the Policy; authorizing the City Administrator to adopt rules and regulations to implement the Policy, and to delegate that authority to the CPO and the Purchaser; requiring the City Administrator to make periodic reports describing the City's implementation of the Policy; and authorizing the City Administrator rather than the Mayor to appoint the Chief Data Officer ("CDO") and shifting responsibilities for determining which data sets are appropriate for public disclosure from the CDO to the CPO. (City Administrator)

(Fiscal Impact; No Budget and Legislative Analyst Report)

05/31/19; RECEIVED FROM DEPARTMENT.

06/11/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/11/2019.

06/20/19; REFERRED TO DEPARTMENT.

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; SUBSTITUTED AND ASSIGNED to Rules Committee.

190869 [Administrative Code - Farmers' Markets and Flea Markets]

Ordinance amending the Administrative Code to affirm the County Agricultural Commissioner's authority under state law to certify and inspect farmers' markets and producers, and to enforce state law governing the direct marketing of agricultural products to consumers; replace the County Agricultural Commissioner with the Director of Property as the operator of City-operated farmers' markets and flea markets; eliminate the allocation of space at farmers' markets for the distribution of surplus commodities to needy persons; increase the permit fees for certified producers and other vendors; and increase the permit fees for farmers' market operators. (City Administrator)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/3/2019.

190870 [Settlement of Lawsuit - Yvonne Marie Ellis - \$33,000]

Ordinance authorizing settlement of the lawsuit filed by Yvonne Marie Ellis against the City and County of San Francisco for \$33,000; the lawsuit was filed on June 6, 2018, in San Francisco Superior Court, Case No. CGC-18-567012; entitled Yvonne Marie Ellis v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury on a City street. (City Attorney)

08/12/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190871 [Settlement of Lawsuit - Michael Pannone - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Pannone against the City and County of San Francisco for \$30,000; the lawsuit was filed on October 5, 2017, in San Francisco Superior Court, Case No. CGC-17-561728; entitled Michael Pannone v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

08/12/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190872 [Settlement of Lawsuit - Katharine Savin - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Katharine Savin against the City and County of San Francisco for \$40,000; the lawsuit was filed on October 4, 2016, in United States District Court, Northern District of California, Case No. 16-cv-05627-JST, entitled Katharine Savin v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

08/20/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190873 [Settlement of Lawsuit - The Roman Catholic Archbishop of San Francisco, et al. - City to Receive \$913,970 from U.S. Pipe & Foundry Company]

Ordinance authorizing settlement of the lawsuit filed by The Roman Catholic Archbishop of San Francisco, et al. against the City and County of San Francisco for payment of \$913,970 by U.S. Pipe & Foundry Company to the City; the lawsuit was filed on April 11, 2013, in United States District, Case No. 13-cv-2220 MEJ; entitled The Roman Catholic Archbishop of San Francisco, et al. v. City and County of San Francisco, et al.; the lawsuit involves dangerous condition of public property and inverse condemnation. (City Attorney)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190874 [Settlement of Unlitigated Claim - Property & Casualty Company of Hartford - \$73,273 - Appropriation - Water Enterprise Fund Balance]

Ordinance approving the settlement of the unlitigated claim filed by Property & Casualty Insurance Company of Hartford against the City and County of San Francisco for \$73,273; the claim was filed on August 30, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$73,273 from the San Francisco Public Utilities Commission Water Enterprise fund balance for payment of settlement. (City Attorney)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190875 [Settlement of Lawsuit - Kai Kopp - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Kai Kopp against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 28, 2016, in San Francisco Superior Court Case No. CGC-16-551183; entitled Kai Kopp v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in a City park. (City Attorney)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190876 [Settlement of Lawsuit - Abuon Mayen - \$225,000 - Appropriation - Water Enterprise Fund Balance]

Ordinance authorizing settlement of the lawsuit filed by Abuon Mayen against the City and County of San Francisco for \$225,000; the lawsuit was filed on March 6, 2018, in San Francisco Superior Court, Case No. CGC-18-566751; entitled Abuon Mayen v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision; and appropriating \$225,000 from the San Francisco Public Utilities Commission Water Enterprise fund balance for payment of settlement. (City Attorney)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

190877 [Contract Amendment - CCT Technologies, Inc. - Technology Marketplace - Not to Exceed \$23,000,000]

Resolution authorizing the Office of Contract Administration to enter into a First Amendment for Technology Marketplace purchases between the City and County of San Francisco and CCT Technologies Inc., dba ComputerLand, a Tier 1 contractor of the Technology Marketplace 2.0, for an amount not to exceed \$23,000,000 for an initial three-year term to commence following Board approval through December 31, 2021, with two one-year options to extend at the sole and absolute discretion of the City. (Office of Contract Administration)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190878 [Contract Amendment - XTech JV - Technology Marketplace - Not to Exceed \$44,000,000]

Resolution authorizing the Office of Contract Administration to enter into a First Amendment for Technology Marketplace purchases between the City and County of San Francisco and XTech JV, a Tier 1 contractor of the Technology Marketplace 2.0, for an amount not to exceed \$44,000,000 for an initial three-year term to commence following Board approval through December 31, 2021, with two one-year options to extend at the sole and absolute discretion of the City. (Office of Contract Administration)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190879 [Grant of Easement and Acceptance of Quitclaim - Pacific Gas & Electric Company - Airport West-of-Bayshore Property - Replacement of Natural Gas Pipeline - \$0]

Resolution approving an Easement Agreement and Quitclaim of Easement between the City and County of San Francisco, acting by and through its Airport Commission, and Pacific Gas & Electric Company, for the exchange of easement areas at San Francisco International Airport's West-of-Bayshore property, for zero dollars, to accommodate the replacement of a natural gas pipeline; authorizing the Airport Director and the Director of Property to execute documents, make certain modifications, and take actions in furtherance of this Resolution, as defined herein; finding the proposed transaction is in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting California Environmental Quality Act findings. (Airport Commission)

08/16/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190880 [2011 Airport Lease and Use Agreement - El Al Israel Airlines Limited - Estimated Rent \$1,300,879.46]

Resolution approving a 2011 Lease and Use Agreement between the City and County of San Francisco, acting by and through its Airport Commission, and El Al Israel Airlines Limited, a corporation in Israel, to conduct flight operations at San Francisco International Airport, effective the first day of the month following full approval by the City and expiring on June 30, 2021, with an estimated rent of \$1,300,879.46 for Exclusive Use Space rent, plus Joint Use Space rent and landing fees. (Airport Commission)

07/22/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190881 [Lease Agreement - MRG San Francisco, LLC - Terminal 2 Specialty Retail Lease No. 2 - \$225,000 Minimum Annual Guarantee]

Resolution approving the Terminal 2 Specialty Retail Lease No. 2 - Lease No. 19-0053, between MRG San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years, and a minimum annual guarantee of \$225,000 for the first year of the Lease, to commence following Board approval. (Airport Commission)

08/20/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190883 [Office of the Treasurer & Tax Collector to Examine Confidential California Department of Tax and Fee Administration Records]

Resolution authorizing officers and employees of the Office of the Treasurer & Tax Collector of the City and County of San Francisco to examine sales or transactions and use tax records of the California Department of Tax and Fee Administration pursuant to California Revenue and Taxation Code, Section 7056. (Treasurer-Tax Collector)

07/29/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Budget and Finance Committee.

190884 [Settlement of Unlitigated Claim - Federal Insurance Company - \$47,766.59]

Resolution approving the settlement of the unlitigated claim filed by Federal Insurance Company against the City and County of San Francisco for \$47,766.59; the claim was filed on February 13, 2019; the claim involves alleged property damage due to flooding from a ruptured water service line. (City Attorney)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

190885 [Settlement of Unlitigated Claim - The Mint Collection HOA - \$35,147.30]

Resolution approving the settlement of the unlitigated claim filed by The Mint Collection HOA against the City and County of San Francisco for \$35,147.30; the claim was filed on September 7, 2018; the claim involves alleged property damaged due to sewer flooding. (City Attorney)

08/26/19; RECEIVED FROM DEPARTMENT.

09/03/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour 5:42 p.m.