BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, February 24, 2015 - 2:00 PM

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

Regular Meeting

LONDON BREED, PRESIDENT JOHN AVALOS, DAVID CAMPOS, JULIE CHRISTENSEN, MALIA COHEN, MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Budget and Finance Committee	Wednesday
Supervisors Farrell, Tang, Mar	1:00 PM
City and School District Select Committee Supervisors Kim, Yee, Campos, Commissioners Mendoza-McDonnell, Fewer, Wynns	4th Thursday 3:30 PM
Government Audit and Oversight Committee	1st and 3rd Thursday
Supervisors Yee, Christensen, Breed	10:30 AM
Land Use and Economic Development Committee	Monday
Supervisors Cohen, Wiener, Kim	1:30 PM
Neighborhood Services and Safety Committee	1st and 3rd Thursday
Supervisors Mar, Campos, Christensen	2:00 PM
Rules Committee	2nd and 4th Thursday
Supervisors Avalos, Tang, Cohen	11:00 AM

Members Present: John Avalos, London Breed, David Campos, Julie Christensen, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

ROLL CALL AND PLEDGE OF ALLEGIANCE

President London Breed called the meeting to order at 2:02 p.m. On the call of the roll, all Supervisors were noted present.

AGENDA CHANGES

There were no changes.

APPROVAL OF MEETING MINUTES

President Breed inquired whether any Board Member had any corrections to the Board Meeting Minutes of January 13, 2015. There were no corrections.

Supervisor Mar, seconded by Supervisor Farrell, moved to approve the Board Meeting Minutes of January 13, 2015. The motion carried by the following vote, following general public comment:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

COMMUNICATIONS

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of correspondence related to Item No. 21 (File No. 150143), and Item Nos. 27 through 30 (File Nos. 150059 through 150062), which were communicated when the matters were called.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

[Appropriation - Water Enterprise Fund Balance for the Cleanup of Contaminated Soil at Lake Merced - \$9,500,000 - FY2014-2015]

Sponsor: Mayor

Ordinance appropriating \$9,500,000 from Water Enterprise fund balance in the Public Utilities Commission Water Enterprise Department budget to support the project to clean up contaminated soil at Lake Merced in FY2014-2015; and adopting findings under the California Environmental Quality Act regarding a Final Mitigated Negative Declaration, adopting a Mitigation Monitoring and Reporting Program, and making findings of consistency with the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

Ordinance No. 025-15

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

140876 [Planning Code - Office Conversion Controls In Landmark Buildings] Sponsor: Cohen

Ordinance amending the Planning Code to place vertical controls on the conversion of designated landmark buildings to office use in Production Distribution and Repair - Design (PDR-1-D) and Production Distribution and Repair - General (PDR-1-G) Districts; to require that projects seeking office space in landmark buildings in PDR-1-D and PDR-1-G Districts receive a conditional use authorization from the Planning Commission; to establish requirements for those projects to receive conditional use authorization; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Ordinance No. 026-15

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

141038 [Administrative Code - Establishing Legacy Business Registry and Fee] Sponsors: Campos; Farrell and Mar

Ordinance amending the Administrative Code to direct the Small Business Commission to establish a Legacy Business Registry and authorize an administrative fee for the Registry not to exceed \$50.

(Fiscal Impact)

PASSED, ON FIRST READING by the following vote:

150050 [Agreement Amendment - HDR Engineering, Inc. - Harry Tracy Water Treatment Plant - Long Term Improvements Project - Not to Exceed \$18,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 1 to Water Enterprise, Water System Improvement Program (WSIP)-funded Agreement No. CS-919R, Harry Tracy Water Treatment Plant, Long Term Improvements Project Construction Management Services, with HDR Engineering, Inc., for additional construction management services associated with the Harry Tracy Water Treatment Plant and associated projects, increasing the agreement amount by \$2,000,000 for a total not-to-exceed amount of \$18,000,000 with no change to the agreement duration, pursuant to Charter, Section 9.118. (Public Utilities Commission) (Fiscal Impact)

Resolution No. 048-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150077 [Public Auction - Tax-Defaulted Real Property]

Resolution authorizing the Tax Collector to sell at public auction certain parcels of tax-defaulted real property, as defined herein. (Treasurer-Tax Collector)

Resolution No. 049-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150092 [Accept and Expend Grant - Federal Transportation Elderly and Disabled Specialized Transit Program - \$239,000]

Sponsor: Yee

Resolution retroactively authorizing the Department of Public Health, Laguna Honda Hospital and Rehabilitation Center, to enter into the California Department of Transportation's Standard Agreement to accept and expend a grant of two medium sized transit shuttle vehicles and one large transit shuttle vehicle with a value of \$239,000 as part of the Federal Transportation Elderly and Disabled Specialized Transit Program for the period of October 9, 2013, through December 31, 2025.

Resolution No. 050-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150127 [Apply for Grant - Housing Related Parks Program - Not to Exceed \$3,000,000] Sponsor: Christensen

Resolution authorizing the Recreation and Park Department to apply for a Housing Related Parks Program Grant from the California Department of Housing and Community Development in an amount not to exceed \$3,000,000 for park and recreation facilities.

Resolution No. 047-15

ADOPTED by the following vote:

Referred Without Recommendation from the Budget and Finance Committee

150120 [Multifamily Housing Revenue Bonds - 1601 Mariposa Street - Not to Exceed \$200,000,000]

Sponsor: Mayor

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing and Community Development (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$200,000,000 for 1601 Mariposa Street; authorizing and directing the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to the CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, solely for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$200,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project, as defined herein, and the Application, as defined herein.

Privilege of the floor was granted unanimously to Sophie Hayward (Mayor's Office of Housing), and Jon Givner, Deputy City Attorney, who responded to questions raised throughout the discussion.

Resolution No. 046-15

ADOPTED by the following vote:

Aves: 8 - Avalos, Christensen, Farrell, Kim, Mar, Tang, Wiener, Yee

Noes: 3 - Breed, Campos, Cohen

Recommendations of the Neighborhood Services and Safety Committee

130476 [Liquor License - 1530 Fillmore Street]

Resolution determining that the issuance of a Type 40 on-sale beer license to Nae Moon Park for Fillmore Billiards, located at 1530 Fillmore Street (District 5), will serve the public convenience or necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 051-15

ADOPTED by the following vote:

141116 [Liquor License - 3117-16th Street]

Resolution determining that the issuance of a Type 40 on-sale beer license to 3117 and 3125-16th Street (District 8), to George Rush for the Roxie Theater, will serve the public convenience or necessity of City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 052-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

141258 [Liquor License Transfer - 3336 24th Street]

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 1000 Van Ness Avenue to 3336 24th Street (District 9) to Caroline Santiago Brown for the 24th Street Bar, will serve the public convenience or necessity of the City and County of San Francisco in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

Resolution No. 053-15

ADOPTED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Recommendations of the Rules Committee

141149 [Administrative Code - Language Access Requirements for Departments] Sponsors: Tang; Yee, Mar and Kim

Ordinance amending the Administrative Code to expand the scope of the Language Access Ordinance to apply to all City Departments that provide information or services directly to the public, revise complaint procedures, and enhance the annual departmental compliance plan requirement.

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

Supervisor Yee, seconded by Supervisor Tang, moved that this Ordinance be AMENDED on Page 19, Lines 7-11, by adding Section 91.12(e), to require certain Departments to file a written update to the Office of Civic Engagement and Immigrant Affairs by October 1, 2015. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

PASSED ON FIRST READING AS AMENDED by the following vote:

150103 [Amending Board Rules - Renaming the Neighborhood Services and Safety Committee and Land Use and Economic Development Committee - Amending Referrals of Settlements, Litigation, and Rewards]

Sponsor: Breed

Motion amending the Board of Supervisors Rules of Order, Rule 3.27, by renaming the 'Neighborhood Services and Safety Committee' to 'Public Safety and Neighborhood Services Committee'; Rule 3.28, by renaming the 'Land Use and Economic Development Committee' to 'Land Use and Transportation Committee' and minor rewording; and Rules 3.26 and 3.25.2 by reassigning the responsibility to consider settlements of claims, litigation, and rewards from the Rules Committee to the Government Audit and Oversight Committee.

Motion No. M15-026

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150135 [Appointments, San Francisco Health Authority - Susan Currin, John Gressman, Lawrence Cheung, Steven Fugaro, Maria Luz Torre, Steve Fields, and Elena Tinloy]

Motion appointing Maria Luz Torre, term ending January 15, 2016, and Susan Currin, John Gressman, Lawrence Cheung, Steven Fugaro, Steve Fields, and Elena Tinloy, terms ending January 15, 2018, to the San Francisco Health Authority. (Rules Committee)

Motion No. M15-027

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150136 [Appointment, Balboa Park Station Community Advisory Committee - Christina Hue Dang]

Motion appointing Christina Hue Dang (residency requirement waived), for a two-year term yet to be determined, to the Balboa Park Station Community Advisory Committee. (Rules Committee)

Motion No. M15-028

APPROVED by the following vote:

Aves: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150137 [Appointment, Child Care Planning and Advisory Council - Matt Pemberton]

Motion appointing Matt Pemberton, term ending March 19, 2018, to the Child Care Planning and Advisory Council. (Rules Committee)

Motion No. M15-029

APPROVED by the following vote:

Supervisor Kim Excused from Voting

Supervisor Avalos, seconded by Supervisor Yee, moved that Supervisor Kim be excused from voting on File No. 150139. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Mar, Tang, Wiener, Yee

Excused: 1 - Kim

150139 [Appointment, Bay Conservation and Development Commission - Supervisor Jane Kim]

Motion appointing Supervisor Jane Kim, for an indefinite term, to the San Francisco Bay Conservation and Development Commission. (Clerk of the Board)

Motion No. M15-030

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Mar, Tang, Wiener, Yee

Excused: 1 - Kim

Supervisor Wiener Excused from Voting

Supervisor Yee, seconded by Supervisor Farrell, moved that Supervisor Wiener be excused from voting on File No. 150140. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Yee

Excused: 1 - Wiener

150140 [Reappointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Scott Wiener]

Motion reappointing Supervisor Scott Wiener, term ending January 31, 2017, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Motion No. M15-031

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Yee

Excused: 1 - Wiener

Supervisor Yee Excused from Voting

Supervisor Avalos, seconded by Supervisor Campos, moved that Supervisor Yee be excused from voting on File No. 150141. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener Excused: 1 - Yee

150141 [Reappointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Norman Yee]

Motion reappointing Supervisor Norman Yee, term ending January 31, 2017, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Motion No. M15-032

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener Excused: 1 - Yee

Supervisor Breed Excused from Voting

Supervisor Avalos, seconded by Supervisor Kim, moved that Supervisor Breed be excused from voting on File No. 150142. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Breed

150142 [Reappointment, Golden Gate Bridge, Highway and Transportation District - Supervisor London Breed]

Motion reappointing Supervisor London Breed, term ending January 31, 2017, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Motion No. M15-033

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Breed

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of a communication from Supervisor David Campos, dated February 11, 2015, withdrawing his name for nomination to the Golden Gate Bridge, Highway and Transportation District. Clerk Calvillo further informed the Board that Supervisor Katy Tang was the next Supervisor with seniority who indicated a preference for this seat.

Supervisor Tang Excused from Voting

Supervisor Avalos, seconded by Supervisor Christensen, moved that Supervisor Tang be excused from voting on File No. 150143. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Wiener, Yee Excused: 1 - Tang

150143 [Appointment, Golden Gate Bridge, Highway and Transportation District - Supervisor Katy Tang]

Motion reappointing Supervisor David Campos, term ending January 31, 2017, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Supervisor Avalos, seconded by Supervisor Christensen, moved that this Motion be AMENDED on Page 1, Lines 1, 3, and 8, by striking 'Supervisor David Campos' and amending by adding 'Supervisor Katy Tang;' Line 1, by striking 'Reappointment' and amending by adding 'Appointment;' Line 3, by striking 'reappointing' and amending by adding 'appointing;' and Line 7, by striking 'reappoints' and amending by adding 'appoints.' The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Wiener, Yee Excused: 1 - Tang

Motion appointing Supervisor Katy Tang, term ending January 31, 2017, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Motion No. M15-035

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Wiener, Yee Excused: 1 - Tang

Supervisor Breed Excused from Voting

Supervisor Avalos, seconded by Supervisor Kim, moved that Supervisor Breed be excused from voting on File No. 150144. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Breed

150144 [Reappointment, Local Agency Formation Commission - Supervisor London Breed]

Motion reappointing Supervisor London Breed as a member, term ending February 4, 2019, to the Local Agency Formation Commission. (Clerk of the Board)

Motion No. M15-034

APPROVED by the following vote:

Ayes: 10 - Avalos, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee Excused: 1 - Breed

Supervisor Campos Excused from Voting

Supervisor Mar, seconded by Supervisor Farrell, moved that Supervisor Campos be excused from voting on File Nos. 150145 and 150146. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150145 [Reappointment, Local Agency Formation Commission - Supervisor David Campos]

Motion reappointing Supervisor David Campos as a member, term ending February 4, 2019, to the Local Agency Formation Commission. (Clerk of the Board)

Motion No. M15-036

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

150146 [Reappointment, Metropolitan Transportation Commission - Supervisor David Campos]

Motion reappointing Supervisor David Campos, term ending February 10, 2019, to the Metropolitan Transportation Commission. (Clerk of the Board)

Motion No. M15-037

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Campos

Supervisor Farrell Excused from Voting

Supervisor Tang, seconded by Supervisor Campos, moved that Supervisor Farrell be excused from voting on File No. 150147. The motion carried by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Farrell

150147 [Appointment, Mental Health Board - Supervisor Mark Farrell]

Motion appointing Supervisor Mark Farrell, term ending January 31, 2017, to the Mental Health Board. (Clerk of the Board)

Motion No. M15-038

APPROVED by the following vote:

Ayes: 10 - Avalos, Breed, Campos, Christensen, Cohen, Kim, Mar, Tang, Wiener, Yee

Excused: 1 - Farrell

150055 [Appointment, Public Utilities Commission - Ike Kwon]

Motion approving the Mayor's appointment of Ike Kwon to the Public Utilities Commission, Seat No. 2, for the unexpired portion of a four-year term ending August 1, 2018. (Clerk of the Board) (Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority (six votes) of the Board of Supervisors. Transmittal date: January 21, 2015.)

Motion No. M15-039

APPROVED by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 3:00 P.M.

150059 [Public Hearing - Appeal of Categorical Exemption from Environmental Review - 2655 Broderick Street]

Hearing of persons interested in or objecting to the determination of categorical exemption from environmental review (Case No. 2014.1497D, Permit No. 2013.09.12.6709; and Case No. 2014.1498D, Permit No. 2013.09.12.6711) under the California Environmental Quality Act issued by the Planning Department on December 5, 2014, to legalize an existing 425 square-foot roof deck and stair penthouse; to add a one-hour fire-rated parapet wall along the south property line of the roof deck; and to modify the existing parapet wall/guardrail from 38 inches to 42 inches in height at the existing three-story, single-family house; and to legalize the as-built condition of a second-story deck and stairs connecting the deck to grade constructed under building permit application number 8504468 at the rear of the building located at 2655 Broderick Street. (District 2) (Appellant: Irving Zaretsky) (Filed: January 16, 2015). (Clerk of the Board)

Angela Calvillo, Clerk of the Board, informed the Board of Supervisors that she was in receipt of a communication from the Appellant, Mr. Irving Zarefsky, dated February 23, 2015, withdrawing his appeal without prejudice.

The President inquired as to whether any member of the public wished to address the Board. Joy Navarrete (Planning Department) provided a brief overview of the decision of the Planning Department. Craig Nikitas (Project Sponsor) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the determination by the Planning Department. There were no other speakers.

HEARD AND FILED

Supervisor Farrell made a motion to TABLE File Nos. 150060 through 150062. Jon Givner, Deputy City Attorney, responded to questions raised throughout the discussion. Supervisor Farrell subsequently withdrew his motion.

150060 [Affirming the Exemption Determination - 2655 Broderick Street]

Motion affirming the determination by the Planning Department that a proposed project at 2655 Broderick Street is exempt from environmental review. (Clerk of the Board)

Motion No. M15-040

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

150061 [Reversing the Exemption Determination - 2655 Broderick Street]

Motion reversing the determination by the Planning Department that a proposed project at 2655 Broderick Street is exempt from environmental review. (Clerk of the Board)

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

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

150062 [Preparation of Findings to Reverse the Exemption Determination - 2655 Broderick Street]

Motion directing the Clerk of the Board to prepare findings reversing the determination by the Planning Department that a proposed project at 2655 Broderick Street is exempt from environmental review. (Clerk of the Board)

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

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

Supervisor Cohen, seconded by Supervisor Farrell, 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 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee BLACK HISTORY MONTH

Supervisor Cohen and Al Williams, President (Black Historical and Cultural Society), opened up with their remarks on the importance of Black History Month.

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Black History Month, their accomplishments, and their continued community support, as referenced below:

Supervisor Cohen recognized The Honorable Teri Jackson (Judge, Superior Court of San Francisco County):

Supervisor Farrell recognized Pamela Joyner;

Supervisor Kim recognized Mother Elaine Jones (tenant leader and pedestrian safety advocate);

Supervisor Mar recognized Alicia Garza (#BlackLivesMatter movement);

Supervisor Tang recognized Lieutenant Erica Arteseros (Fire Department, NERT);

President Breed recognized Richard Bougere and Danielle Banks (Project Level);

Supervisor Wiener recognized BeBe Sweetbriar;

Supervisor Yee recognized Dorothy Adams (posthumous) and Lilian Hamilton (Ingleside Community Center);

Supervisor Avalos recognized Lakeview Hall of Fame (initiative of the IT Bookman Community Center):

Supervisor Campos recognized Ricardo Newball; and

Supervisor Christensen recognized Kojo Minta (Big Brothers/Sisters, YMCA).

ROLL CALL FOR INTRODUCTIONS

See Legislation Introduced below.

PUBLIC COMMENT

Female Speaker; spoke on Black History Month and related films.

Eugene Gordan, Jr.; expressed various concerns.

Christopher Dahl; expressed concerns regarding the cost and supply of public housing.

Nissim Lanyadoo; expressed various concerns.

Precious Listana; expressed concerns regarding the Archdiocese's morality clauses.

Luis Avalos; expressed concerns regarding the Archdiocese's morality clauses.

Joel Velasco; spoke regarding Nissim Lanyadoo.

Male Speaker; shared various concerns regarding neighborhoods in San Francisco.

Male Speaker; expressed his concerns regarding eviction and homelessness.

Reed Geller; commended the Board and expressed concerns regarding short-term rentals.

Male Speaker; expressed concerns Lennar and the Candlestick Point development area.

Tom Gilberty; spoke on various films.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

150154 [Closed Session - Existing Litigation - Pacific Gas and Electric Company] Sponsor: Breed

Motion that the Board of Supervisors convene in closed session on February 24, 2015, 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 plaintiff, defendant, and petitioner and Pacific Gas and Electric Company is an adverse party: San Francisco Superior Court Case No. CGC-13-529309, filed March 6, 2013; San Francisco Superior Court Case No. CGC-13-529310, filed June 6, 2013; California Court of Appeal, First Appellate District, Case No. A127554, filed January 29, 2010; Federal Energy Regulatory Commission Case No. ER15-702-000, filed October 10, 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; and Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014; and Federal Energy Regulatory Commission Case No. ER15-735-000, filed December 23, 2014.

President Breed restated that members of the public who wished to address the Board relating to the Closed Session (File No. 150154) were directed to make their comments during General Public Comment. The President declared public comment closed.

Motion No. M15-041

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

CONVENED IN CLOSED SESSION

The Board recessed at the hour of 5:49 p.m. to convene in closed session pursuant to the above motion.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

Persons in attendance:

Jon Givner, Deputy City Attorney

Theresa Mueller, Deputy City Attorney

Jeanne Sole, Deputy City Attorney

Barbara Hale, Assistant General Manager-Power (Public Utilities Commission)

Michael Carlin (Public Utilities Commission)

Roger Kim (Mayor's Office)

Angela Calvillo, Clerk of the Board

Alisa Somera, Acting Legislative Deputy Clerk

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

RECONVENING OF THE BOARD

The Board reconvened at the hour of 6:25 p.m.

The following Supervisors were noted present: Supervisors Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

[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 Farrell, seconded by Supervisor Tang, moved not to disclose the Closed Session deliberations. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

150163 [Elliott Robbins Day - February 20, 2015]

Sponsor: Farrell

Resolution declaring Friday, February 20, 2015, as Elliott Robbins Day in the City and County of San Francisco.

Resolution No. 055-15

ADOPTED

150164 [Approval of a 120-Day Extension for Planning Commission Review of an Ordinance (File No. 141131) Amending the Planning Code - Formula Retail and **Large-Scale Retail Controls**

Sponsor: Wiener

Resolution extending by 120-days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 141131) amending the Planning Code, to exclude Financial Services, Limited Financial Services, and Personal Services above the ground floor from the definition of Formula Retail and require that where there has been a prior determination that a proposed project is a Formula Retail Use and the project sponsor subsequently removes one or more Formula Retail Use features, the project will remain subject to a Conditional Use Authorization; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Resolution No. 054-15

ADOPTED

150177 [Spay Day - February 24, 2015]

Sponsors: Tang; Wiener

Resolution supporting effective and humane ways to save animals' lives, and recognizing February 24, 2015, as Spay Day in the City and County of San Francisco.

Resolution No. 056-15

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

IMPERATIVE AGENDA

There were no items.

LEGISLATION INTRODUCED AT ROLL CALL

Introduced by a Supervisor or the Mayor

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

Ordinances

150117 [Administrative Code - Relocation Payments to Evicted Tenants] Sponsors: Campos; Kim and Avalos

Ordinance amending the Administrative Code to modify the calculation of the difference between the rent paid by an evicted tenant and market rent (rental payment differential) by having the Controller use data from RealFacts based on number of bedrooms, or another data source providing reliable market data; to cap relocation payments based on the rental payment differential at \$50,000; to require the tenant to submit to the landlord a sworn statement of intent to use the relocation payment solely for housing or other relocation costs; to require the tenant to keep proof of expenditures on relocation costs for at least three years after vacating the unit, and to make copies available to the landlord within ten business days of a request; and to require the tenant to reimburse the landlord any portion of the relocation payment not expended on relocation costs within three years after vacating the unit.

02/03/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/5/2015.

02/18/15; REFERRED TO DEPARTMENT.

 $02/24/15; \, SUBSTITUTED \, AND \, ASSIGNED \, to \, Land \, Use \, and \, Transportation \, Committee.$

150191 [Health Code - Wild or Exotic Animals for Public Entertainment or Amusement] Sponsors: Tang; Wiener and Yee

Ordinance amending the Health Code to prohibit the performance of wild or exotic animals for public entertainment or amusement.

02/24/15; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 3/26/2015.

Resolutions

150192 [Interim Zoning Controls - Large Residential Projects in RH-1, RH-2, and RH-3 Zoning Districts]

Sponsor: Wiener

Resolution imposing interim zoning controls for an 18-month period for parcels in the RH-1, RH-2, and RH-3 zoning districts within a perimeter established by Market Street, Clayton Street, Ashbury Street, Clifford Terrace, Roosevelt Way, Museum Way, the eastern property line of Assessor's Parcel Block No. 2620, Lot No. 063, the eastern property line of Assessor's Parcel Block No. 2619, Lot No. 001A, and Douglass Street, requiring Conditional Use authorization for any residential development on a vacant parcel that will result in total residential square footage exceeding 3,000 gross square feet; requiring Conditional Use authorization for any new residential development on a developed parcel that will increase the existing gross square footage in excess of 3,000 square feet and by more than 75% without increasing the existing legal unit count, or more than 100% if increasing the existing legal unit count; requiring Conditional Use authorization for residential development that results in greater than 55% total lot coverage; and making environmental findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

02/24/15; ASSIGNED to Land Use and Transportation Committee.

150193 [Urging the Archdiocese of San Francisco to Respect the Rights of Teachers and Administrators]

Sponsors: Farrell; Campos, Cohen, Avalos, Kim and Mar

Resolution urging the Archdiocese of San Francisco to respect the working and individual rights of its teachers and administrators in contract negotiations.

02/24/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

150194 [Problem Gambling Awareness Month - March]

Sponsor: Mar

Resolution declaring March as Problem Gambling Awareness Month in the City and County of San Francisco.

02/24/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

150195 [Supporting California Senate Bill 277 (Pan) - Repealing the Personal Belief Exemption for Vaccines]

Sponsor: Wiener

Resolution supporting California Senate Bill 277, introduced by Senator Pan, repealing the Personal Belief Exemption for Vaccines.

02/24/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

150204 [Funding Agreement - Bay Area Air Quality Management District - Electronic Bicycle Lockers Project - \$70,000]

Sponsor: Mar

Resolution approving a Funding Agreement with the Bay Area Air Quality Management District for the San Francisco Municipal Transportation Agency's Electronic Bicycle Lockers Project, in an amount of \$70,000 for a term in excess of ten years to commence following Board approval, pursuant to Charter, Section 9.118(b).

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150205 [Grant Agreements Approval - Bay Area Air Quality Management District - Bicycle Projects]

Sponsor: Mar

Resolution giving the San Francisco Municipal Transportation Agency blanket approval to enter into grant agreements with the Bay Area Air Quality Management District to fund bicycle projects, when such agreements have a term in excess of ten years.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150206 [Supporting Assembly Bill 40 (Ting) - Pedestrian and Bicycle Tolls] Sponsor: Mar

Resolution supporting Assembly Bill 40, authored by Assemblymember Ting, and urging the Golden Gate Bridge District Board of Directors to remove pedestrian and bicycle tolls from its list of potential revenue generators.

02/24/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Motion

150196 [Suspending Board Rule 3.26.1 and Amending Board Rule 3.31 - Retroactively Extending the Joint City and School District Select Committee through March 1, 2016, and Setting Monthly Meetings]

Sponsor: Kim

Motion suspending the Board of Supervisors' Rules of Order 3.26.1 to consider, without reference, an amendment to Board Rule 3.31 to retroactively extend the term of the Joint City and School District Select Committee through March 1, 2016; ordering the City and School District Select Committee meetings of the Board of Supervisors be held on the third Thursdays of each month except June, July, August, November, and December, at 3:30 p.m. in the Board of Supervisors' Chamber.

02/24/15; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Requests for Hearing

150197 [Hearing - Interagency Plan Implementation Committee Annual Progress Report and the Development Impact Fee Report]

Sponsor: Cohen

Hearing on the Interagency Plan Implementation Committee Annual Progress Report and the Development Impact Fee Report prepared pursuant to Planning Code, Section 409, and Administrative Code, Article 36; and requesting the Planning Department to report.

02/24/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

150198 [Hearing - Short-Term Rentals Ordinance Enforcement]

Sponsors: Farrell; Christensen

Hearing on the Planning Department's capabilities to enforce the Short-Term Rentals Ordinance, and the financial resources necessary for effective enforcement; and requesting the Planning Department to report.

02/24/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

150199 [Hearing - Controller's Six Month Budget Status Report]

Sponsor: Farrell

Hearing on the Six Month Budget Status Report; and requesting the Controller's Office, and the Mayor's Budget Office to report.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150200 [Hearing - Controller's Nine Month Budget Status Report]

Sponsor: Farrell

Hearing on the Nine Month Budget Status Report; and requesting the Controller's Office, and the Mayor's Budget Office to report.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150201 [Hearing - Proposed Five Year Financial Plan - FYs 2015-2020] Sponsor: Farrell

Hearing on the proposed Five Year Financial Plan for FYs 2015-2020; and requesting the Controller's Office and the Mayor's Budget Office to report.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150202 [Hearing - Specialty Tier Drug Pricing and Insurance Industry Practices] Sponsor: Wiener

Hearing to review the current health insurance industry trend of reclassifying certain life-saving drugs, including drugs related to HIV/AIDS treatment, into a specialty tier, thereby significantly increasing the cost of and limiting access to those drugs for patients; and requesting the Department of Public Health, the Mayor's Office, Anthem Blue Cross of California, Blue Shield of California, Chinese Community Health Plan, Health Net of California, Kaiser Foundation Health Plan, Los Angeles Care Health Plan, Molina Healthcare of California, Sharp Health Plan, Valley Health Plan, Western Health Advantage, and other insurance providers doing business in San Francisco to report.

02/24/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

150203 [Hearing - Vehicle Telematics for City Vehicles]

Sponsors: Yee; Kim, Avalos and Breed

Hearing on vehicle telematics for City Vehicles; and requesting the Budget and Legislative Analyst to report.

02/24/15; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Introduced at the Request of a Department

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

PROPOSED ORDINANCES

150148 [Planning Code - Designation of 149-155 9th Street (aka the Western Manufacturing Company Building)]

Ordinance amending the Planning Code to change the designation of 149-155 9th Street (aka the Western Manufacturing Company Building), Assessor's Block No. 3728, Lot No. 048, from Category V (Unrated) to Category III (Contributory) under Planning Code, Article 11; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

02/02/15: RECEIVED FROM DEPARTMENT.

02/24/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/26/2015.

150149 [Planning Code - Adopting Nexus Analysis for Certain Development Fees]

Ordinance amending the Planning Code to adopt the San Francisco Citywide Nexus Analysis supporting existing development fees, including fees in the Downtown and other Area Plans, to cover impacts of residential and commercial development in the areas of recreation and open space; pedestrian and streetscape improvements; childcare facilities; and bicycle infrastructure; making findings related to all of the fees in Article IV generally and certain development fees supported by the Nexus Analysis specifically; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Commission)

02/04/15; RECEIVED FROM DEPARTMENT.

02/24/15; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/26/2015.

150150 [Building Code - Permit Fee Calculation]

Ordinance amending the Building Code to clarify that the Department of Building Inspection may use multiple data sources to determine annual adjustments to the construction cost schedule for permit issuance fees and affirming the Planning Department's determination under the California Environmental Quality Act. (Building Inspection Commission)

02/06/15; RECEIVED FROM DEPARTMENT.

02/24/15; ASSIGNED to Land Use and Transportation Committee.

150175 [Administrative Code - Chapter 6 Public Works Contracting]

Ordinance amending the Administrative Code to comprehensively revise Chapter 6 Public Works Contracting Policies and Procedures to: 1) increase the Threshold Amount from \$400,000 to \$600,000; 2) authorize sole source contracts under certain conditions; 3) allow procurement of public works construction contracts under \$10,000 with no competitive solicitation; 4) increase the amount of emergency work a department may authorize without Board of Supervisors approval from \$250,000 to \$600,000 by linking it to the Threshold Amount; 5) increase the amount of time allowed to issue a task order from three to four years, increase the limit of the amount of a task order from \$400,000 to \$600,000 by linking it to the Threshold Amount, allow subcontractors to be listed at time of bid or at time of issuance of a task order, and allow for performance and payment bonds to incrementally increase throughout the term of the contracts for Job Order Contracts and as-needed contracts; 6) authorize execution of master as-needed construction contracts and master as-needed inspection, maintenance and repair contracts of equipment and systems on an if-and-as-needed basis; 7) increase the limit of the amount of a task order from \$400,000 to \$600,000 by linking it to the Threshold Amount in master as-needed contracts on an if-and-as-needed basis for services that the Department of Public Health and the Division of Real Estate are authorized to procure; 8) provide greater flexibility and clarify requirements for the design-build and construction manager/general contractor project delivery methods; 9) authorize the Director of Transportation to procure rail grinding and related services through a negotiated project delivery method; 10) allow departments to advertise bids on a public website and/or in a local newspaper or periodical; 11) add a procedure upon rejection or failure of professional services proposals and upon professional services contractor's failure to deliver; and 12) make various other changes and clarifications in Chapter 6. (Public Works) (Fiscal Impact: No Budget and Legislative Analyst Report.)

02/13/15; RECEIVED FROM DEPARTMENT.

02/24/15; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 3/26/2015.

PROPOSED RESOLUTIONS

150151 [Contract Approval - ACJV, a Joint Venture - Project Management Support Services - Airport Terminal 1 Center Renovation Project - Not to Exceed \$23,000,000]

Resolution approving Airport Contract 10011.41, Project Management Support Services for the San Francisco International Airport Terminal 1 Center Renovation Project between ACJV, a Joint Venture consisting of AECOM and Cooper Pugeda Management, and the City and County of San Francisco, acting by and through its Airport Commission, in the not-to-exceed amount of \$23,000,000 to commence following Board approval with a contract duration of five years, pursuant to Charter, Section 9.118(b). (Airport Commission) (Fiscal Impact)

02/02/15; RECEIVED FROM DEPARTMENT.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150152 [License and Services Agreement - Airport Research and Development Foundation, a Not-For-Profit Corporation - Application-Based Commercial Ground Transportation Trip Fee Collection Services]

Resolution approving the award of a License and Services Agreement to Airport Research and Development Foundation (ARDF), a not-for-profit corporation, to provide ARDF with a license to use the City's intellectual property for application-based commercial ground transportation (ABCT) trip fee collection services for the Airport and other airports, with Service Development Fee payments to the Airport of 25% of administrative fees paid to ARDF by participating airports and with Administrative Fee payments to ARDF of 5% of ABCT trip fees collected on behalf of the Airport, with no payments to or from either party due in the first year of the agreement, for a two-year term to commence following Board approval, with three one-year options to extend. (Airport Commission)

02/02/15; RECEIVED FROM DEPARTMENT.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

150176 [Real Property Lease - Celestina and Alan Salvador Jimenez, Co-Trustees - 100 Blanken Avenue - Monthly Base Rent of \$7,800]

Resolution authorizing the lease of approximately 3,000 square feet at 100 Blanken Avenue with Celestina and Alan Salvador Jimenez, Co-Trustees of the Trust of Salvador Jimenez and Celestina Jimenez, Surviving Spouses Trust, for a portion of the ground floor, for a five-year term commencing upon approval by the Board of Supervisors and Mayor, in their sole and respective discretion, with one five-year option to extend, at the monthly Base Rent of \$7,800 for the remainder of FY2014-2015 of \$39,000. (Real Estate Department)

02/13/15; RECEIVED FROM DEPARTMENT.

02/24/15; RECEIVED AND ASSIGNED to Budget and Finance Committee.

In Memoriams

Aaron Oliver Barnes - Supervisor Avalos Joe Lunardi - Supervisor Avalos Beverly D'Angelo - Supervisor Farrell Ramona DiMarco - Supervisor Campos Joe Gallaread - Supervisor Cohen Leola King - Supervisor Breed

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:29 p.m.

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

Approved by the Board of Supervisors on March 31, 2015.

Angela Calvillo, Clerk of the Board