# D COUN **BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO** AGENDA



Tuesday, December 5, 2017 - 2:00 PM

**Regular Meeting** 

LONDON BREED, PRESIDENT MALIA COHEN, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

#### **BOARD COMMITTEES**

<u>Committee Membership</u>	Meeting Days
Budget and Finance Committee	Thursday
Supervisors Cohen, Yee, Tang	10:00 AM
Budget and Finance Federal Select Committee	Thursday
Supervisors Cohen, Sheehy, Fewer	1:00 PM
Government Audit and Oversight Committee	1st and 3rd Wednesday
Supervisors Kim, Peskin, Breed	10:00 AM
Land Use and Transportation Committee	Monday
Supervisors Farrell, Peskin, Tang	1:30 PM
Public Safety and Neighborhood Services Committee	2nd and 4th Wednesday
Supervisors Ronen, Sheehy, Fewer	10:00 AM
Rules Committee	1st and 3rd Wednesday
Supervisors Safai, Fewer, Yee	1:00 PM

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

#### **Agenda Item Information**

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

#### **Meeting Procedures**

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

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AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr.Carlton B Goodlett Place, Room 244, or on the internet at http://www.sfbos.org/meetings. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Peggy Nevin at (415) 554-5184.

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In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

#### Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at http://www.sfbos.org/sunshine

#### Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site http://www.sfgov.org/ethics

## ROLL CALL AND PLEDGE OF ALLEGIANCE

### COMMUNICATIONS

### **APPROVAL OF MEETING MINUTES**

Approval of the <u>October 31, 2017</u>, Board Meeting Minutes.

### AGENDA CHANGES

### CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Questions on the Consent Agenda are on final passage, first reading, adoption, or approved, as indicated.

#### Items 1 through 3

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

Present: Supervisors Farrell, Peskin, Tang

## 1. <u>170871</u> [Fire, Housing Codes - Residential Hotel Fire Safety Requirements Triggered by Sale or Transfer]

#### Sponsors: Peskin; Ronen

Ordinance amending the Fire and Housing Codes to require automatic sprinklers in non-residential areas of residential hotels sold or transferred after August 1, 2017; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

11/28/2017; PASSED ON FIRST READING.

#### Question: Shall this Ordinance be FINALLY PASSED?

## 2. <u>170922</u> [Planning Code - Landmark Designation of 2731-2735 Folsom Street (aka Gaughran House)]

#### Sponsors: Peskin; Ronen

Ordinance amending the Planning Code to designate 2731-2735 Folsom Street (aka Gaughran House), Lot No. 031 in Assessor's Parcel Block No. 3640, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

11/28/2017; PASSED ON FIRST READING.

#### Question: Shall this Ordinance be FINALLY PASSED?

#### Recommendation of the Rules Committee

Present: Supervisors Safai, Fewer, Yee

## 3. <u>170836</u> [Administrative Code - Requesting Findings From Assessment Appeals Board]

#### Sponsor: Peskin

Ordinance amending the Administrative Code to require parties to pay a refundable deposit when requesting written findings from the Assessment Appeals Board, and to establish procedures concerning the waiver and renewal of requests for written findings.

11/28/2017; PASSED ON FIRST READING.

#### Question: Shall this Ordinance be FINALLY PASSED?

## **REGULAR AGENDA**

### UNFINISHED BUSINESS

#### **Recommendations of the Budget and Finance Committee**

Present: Supervisors Cohen, Yee, Tang

4. <u>170878</u> [Resolution of Intention to Form Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project Area G-4 - Infrastructure Financing District No. 2 (Port of San Francisco)]

**Sponsors: Mayor; Cohen** Resolution of Intention to establish Sub-Project Area G-2, Sub-Project Area G-3, and Sub-Project Area G-4 of City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).

(Fiscal Impact)

11/28/2017; CONTINUED.

Question: Shall this Resolution be ADOPTED?

5. <u>170879</u> [Resolution of Intention to Issue Bonds - Not To Exceed \$273,900,000 for Sub-Project Area G-2, \$196,100,000 for Sub-Project Area G-3, and \$323,300,000 for Sub-Project Area G-4 - Infrastructure Financing District No. 2 (Port of San Francisco)]

#### Sponsors: Mayor; Cohen

Resolution of Intention to issue bonds in an amount not to exceed \$273,900,000 for Sub-Project Area G-2, \$196,100,000 for Sub-Project Area G-3, and \$323,300,000 for Sub-Project Area G-4, for the City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco).

(Fiscal Impact)

11/28/2017; CONTINUED.

#### Question: Shall this Resolution be ADOPTED?

#### 6. <u>170880</u> [Resolution of Intention to Establish Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)] Sponsors: Mayor; Cohen

Resolution of Intention to establish City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard) on land within the City and County of San Francisco commonly known as the Hoedown Yard to finance the construction of affordable housing within Pier 70 and Parcel K South; to provide for future annexation; to call a public hearing on January 9, 2018, on the formation of the district and to provide public notice thereof; and determining other matters in connection therewith.

#### (Fiscal Impact)

11/28/2017; CONTINUED.

#### Question: Shall this Resolution be ADOPTED?

### 7. <u>170881</u> [Resolution Authorizing Executive Director of the Port of San Francisco to Prepare an Infrastructure Financing Plan - Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)]

## **Sponsors: Mayor; Cohen** Resolution authorizing and directing the Executive Director of the Port of San Francisco, or designee thereof, to prepare an infrastructure financing plan for City and County of San Francisco Infrastructure Financing District No. 2 (Hoedown Yard); and determining

(Fiscal Impact)

11/28/2017; CONTINUED.

other matters in connection therewith.

#### Question: Shall this Resolution be ADOPTED?

#### 8. <u>170882</u> [Resolution of Intention to Issue Bonds Related to Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard)] Sponsors: Mayor; Cohen

Resolution of Intention to issue bonds for City and County of San Francisco Infrastructure and Revitalization Financing District No. 2 (Hoedown Yard); and determining other matters in connection therewith.

(Fiscal Impact)

11/28/2017; CONTINUED.

#### Question: Shall this Resolution be ADOPTED?

#### <u>Referred Without Recommendation from the Land Use and Transportation</u> Committee

Present: Supervisors Farrell, Peskin, Tang

#### 9. <u>171041</u> [Planning Code - Cannabis Regulation] Sponsors: Mayor; Sheehy

Ordinance amending the Planning Code to 1) regulate cannabis land uses, including, among other things, adult use cannabis retail, Medical Cannabis Dispensaries, delivery-only services, manufacture of cannabis products, cannabis cultivation, and cannabis testing; 2) allow Medical Cannabis Dispensaries in additional zoning districts; 3) establish a land use process for the conversion of existing Medical Cannabis Dispensaries to Cannabis Retail establishments; 4) establish location and operating conditions for cannabis uses; 5) repeal Ordinance No. 186-17, which limited the number of medical cannabis dispensaries in Supervisorial District 11; 6) delete superseded Planning Code provisions; 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.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; CONTINUED AS AMENDED ON FIRST READING.

11/28/2017; NOT AMENDED.

11/28/2017; NOT AMENDED.

- 11/28/2017; NOT AMENDED.
- 11/28/2017; NOT AMENDED.

11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/28/2017; NOT AMENDED.

11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/28/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

#### **Recommendation of the Rules Committee**

Present: Supervisors Safai, Fewer, Yee

#### 10. <u>171042</u> [Various Codes - Regulation of Cannabis Businesses] Sponsors: Mayor; Sheehy

Ordinance amending the Administrative, Business and Tax Regulations, Health, and Police Codes to comprehensively regulate commercial activities relating to the cultivation, manufacture, distribution, testing, sale, and delivery of medicinal and adult use cannabis by, among other things: 1) requiring businesses that engage in commercial cannabis activities to obtain a permit from the Office of Cannabis; 2) requiring the Director of the Office of Cannabis to implement an Equity Program to promote equitable ownership and employment opportunities in the cannabis industry by providing priority permitting for Equity Applicants and Equity Incubators, as defined; 3) defining eligibility for temporary and permanent cannabis business permits; 4) establishing priorities for the review of cannabis business permit applications; 5) establishing operating standards for cannabis businesses; 6) establishing criteria for granting, denying, suspending, and revoking cannabis business permits; 7) requiring all cannabis businesses to ensure that 50% of work hours are performed by San Francisco residents, and cannabis businesses with ten or more employees to adopt labor peace agreements; 8) authorizing the imposition of fines and penalties for violation of local and state laws governing cannabis businesses, and establishing procedures by which cannabis businesses may appeal a fine or permit penalty; 9) allowing pre-existing non-conforming cannabis operators to register with the Office of Cannabis and apply for cannabis business permits in 2018; 10) prohibiting the consumption of cannabis and cannabis products on the premises of all cannabis businesses, except Storefront Cannabis Retailers and Cannabis Microbusinesses that obtain consumption permits from the Department of Public Health; 11) prohibiting until January 1, 2019, tours of cannabis cultivators, manufacturers, and cannabis microbusinesses, and authorizing the Director of Cannabis to extend the prohibition on tours, or establish guidelines for the operation of tours; 12) prohibiting the acceptance of new applications for medical cannabis dispensary permits, starting January 1, 2018; 13) allowing medical cannabis dispensaries to sell adult use cannabis for a period of 120 days, starting January 1, 2018, and prohibiting medical cannabis dispensaries from cultivating cannabis under the authority of a medical cannabis dispensary permit, starting April 1, 2018; 14) establishing a sunset date of December 31, 2018, for Article 33 of the Health Code ("Medical Cannabis Act"); 15) requiring the Department of Public Health to implement an ongoing public health education campaign about the safe consumption and health benefits of cannabis; 16) requiring the Controller to submit a report to the Board of Supervisors within one year of the effective date of Article 16 recommending whether the issuance of cannabis business permits should be subject to any limits; 17) establishing an Equity Operator Fund to receive any monies appropriated for the purpose of assisting Equity Operators; 18) eliminating the duty of the Clerk of the Board of Supervisors to send letters annually to state and federal officials requesting that cannabis be regulated and taxed; and affirming the Planning Department's determination under the California Environmental Quality Act.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/14/2017; NOT AMENDED.

11/14/2017; CONTINUED AS AMENDED ON FIRST READING.

11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

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11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/28/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/28/2017; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

### NEW BUSINESS

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

Present: Supervisors Peskin, Tang, Sheehy

#### 11. <u>171134</u> [General Plan Amendment - 1629 Market Street]

Ordinance amending the General Plan to revise Maps 1 and 3 and Policy 7.2.5 of the Market and Octavia Area Plan to reflect the 1629 Market Street Special Use District; adopting findings under the California Environmental Quality Act, and Planning Code, Section 340; and making findings of consistency with the General Plan, and Planning Code, Section 101.1. (Planning Commission)

Question: Shall this Ordinance be PASSED ON FIRST READING?

#### 12. <u>170938</u> [Planning Code, Zoning Map - 1629 Market Street Special Use District] Sponsors: Mayor; Kim and Sheehy

Ordinance amending the Planning Code and the Zoning Map to add the 1629 Market Street Special Use District; making 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 13. <u>170939</u> [Development Agreement - Strada Brady, LLC - Market and Colton Streets] Sponsors: Mayor; Kim

Ordinance approving a Development Agreement between the City and County of San Francisco and Strada Brady, LLC, a California limited liability company, for the development project at the approximately 2.2-acre site located at Market, 12th, Stevenson, Chase Court, and Brady Streets, with various public benefits including improved open spaces and supportive affordable housing; making findings under the California Environmental Quality Act, findings of conformity with the General Plan, and with the eight priority policies of Planning Code, Section 101.1(b); setting the impact fees and exactions as set forth in the Development Agreement; and confirming compliance with or waiving certain provisions of Administrative Code, Chapters 14B, 41, and 56; and ratifying certain actions taken in connection therewith.

#### Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Tang, Kim

#### 14. <u>170992</u> [Bi-Annual Housing Balance Report - May 2017]

#### Sponsor: Kim

Resolution receiving and approving the bi-annual Housing Balance Report dated May 12, 2017, submitted as required by Planning Code, Section 103.

#### Question: Shall this Resolution be ADOPTED?

Present: Supervisors Tang, Kim, Fewer

## 15. <u>171166</u> [Supporting California State Assembly Bill 1506 (Bloom) - Repealing the Costa-Hawkins Act]

**Sponsors: Fewer; Ronen, Peskin and Kim** Resolution urging the Mayor and the Board of Supervisors to support California State Assembly Bill 1506, authored by Assembly Member Richard Bloom, repealing the Costa-Hawkins Act.

Question: Shall this Resolution be ADOPTED?

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

Present: Supervisors Ronen, Fewer, Yee

## 16. <u>170599</u> [Public Works, Police Codes - Permit for Testing of Autonomous Delivery Devices on Sidewalks]

#### Sponsors: Yee; Fewer, Ronen and Peskin

Ordinance amending the Public Works Code to require a permit for the testing of autonomous delivery devices on sidewalks and to set rules governing the operations of such devices; amending the Public Works Code and Police Code to provide for administrative, civil, and criminal penalties for unlawful operation of such devices; and affirming the Planning Department's determination under the California Environmental Quality Act.

10/17/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/17/2017; RE-REFERRED AS AMENDED to the Land Use and Transportation Committee.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

## SPECIAL ORDER 3:00 P.M.

#### APPEAL PROCEDURES

Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 3:00 p.m. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 3:00 p.m:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.

2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).

3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.

4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 3:00 p.m.

5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.

(Hearing continued from October 31, 2017.)

## 17. <u>171062</u> [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 207, 209.1, and 303, for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street, Assessor's Parcel Block No. 0067, Lot Nos. 010 and 017, identified in Case No. 2017-002430CUA, issued by the Planning Commission by Motion No. 19987 dated August 31, 2017, to allow two dwelling units on a single lot within the RH-1 (residential, house one-family) Zoning District and a 40-X height and bulk district; and adopting findings under the California Environmental Quality Act. (District 2) (Appellant: Kathleen Courtney of Russian Hill Community Association) (Filed October 2, 2017) (Clerk of the Board)

10/31/2017; CONTINUED.

#### Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

#### (Only one of the following two Motions should be approved.)

#### 18. <u>171063</u> [Approving Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street]

Motion approving the decision of the Planning Commission by its Motion No. 19987, approving a Conditional Use Authorization identified as Planning Case No. 2017-002430CUA for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

10/31/2017; CONTINUED.

Question: Shall this Motion be APPROVED?

## 19. <u>171064</u> [Conditionally Disapproving Conditional Use Authorization - Proposed Project at 948-950 Lombard Street and 841 Chestnut Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 19987, approving a Conditional Use Authorization identified as Planning Case No. 2017-002430CUA for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

10/31/2017; CONTINUED.

#### Question: Shall this Motion be APPROVED?

20. <u>171065</u> [Preparation of Findings Related to Conditional Use Authorization Appeal -Proposed Project at 948-950 Lombard Street and 841 Chestnut Street] Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2017-002430CUA for a proposed project located at 948-950 Lombard Street and 841 Chestnut Street. (Clerk of the Board)

10/31/2017; CONTINUED.

Question: Shall this Motion be APPROVED?

## SPECIAL ORDER 3:00 P.M. - CLOSED SESSION

(Scheduled pursuant to Motion No. M17-172 (File No. 171146) approved on October 31, 2017.)

### **CONFERENCE WITH LABOR NEGOTIATORS**

#### 21. <u>171169</u> [Closed Session - Labor Negotiations - December 5, 2017]

Closed Session for the Board of Supervisors to convene on December 5, 2017, at 3:00 p.m., with the Department of Human Resources under Administrative Code, Section 67.10(e), and California Government Code, Section 54957.6, regarding labor negotiations of the City's open labor contracts; scheduled pursuant to Motion No. M17-172, approved October 31, 2017. (Clerk of the Board)

#### Closed Session: The Board of Supervisors shall confer with labor negotiators.

#### [Elect To Disclose]

Motion that the Board finds it is in the best interest of the public that the Board elect at this time to disclose its closed session deliberations.

#### [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.

After a closed session, if one occurs, pending approval of above action to disclose, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

### SPECIAL ORDER 4:30 P.M.

(Hearing continued from November 14, 2017.)

## 22. <u>171128</u> [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303, and 732, for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037, identified in Case No. 2016-002424CUA, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary, within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district. (District 4) (Appellant: Flo Kimmerling for Mid-Sunset Neighborhood Association) (Filed October 17, 2017). (Clerk of the Board)

11/14/2017; CONTINUED.

#### Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

#### (Only one of the following two Motions should be approved.)

#### 23. <u>171129</u> [Approving Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Motion approving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

11/14/2017; CONTINUED.

#### Question: Shall this Motion be APPROVED?

## 24. <u>171130</u> [Conditionally Disapproving Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

11/14/2017; CONTINUED.

#### Question: Shall this Motion be APPROVED?

#### 25. <u>171131</u> [Preparation of Findings Related to Conditional Use Authorization Appeal -Proposed Project at 2161-2165 Irving Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street. (Clerk of the Board)

11/14/2017; CONTINUED.

Question: Shall this Motion be APPROVED?

## SPECIAL ORDER 4:30 P.M.

## 26. <u>171188</u> [Hearing - Appeal of Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization pursuant to Planning Code, Sections 303 and 732, for a proposed project located at 2161-2165 Irving Street, Assessor's Parcel Block No. 1777, Lot No. 037, identified in Case No. 2016-002424CUA, issued by the Planning Commission by Motion No. 20027 dated October 12, 2017, to establish a Medical Cannabis Dispensary, dba Barbary Coast Dispensary, within the Irving Street Neighborhood Commercial District and a 65-A height and bulk district. (District 4) (Appellant: Salvatore Alioto for Sunset Merchants and Neighbors Association) (Filed November 2, 2017). (Clerk of the Board)

#### Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

#### (Only one of the following two Motions should be approved.)

#### 27. <u>171189</u> [Approving Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Motion approving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street; and adopting findings pursuant to Planning Code, Section 101.1. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

## 28. <u>171190</u> [Conditionally Disapproving Conditional Use Authorization - Proposed Project at 2161-2165 Irving Street]

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20027, approving a Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street, subject to the adoption of written findings of the Board in support of this determination. (Clerk of the Board)

(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds of the members of the Board.)

#### Question: Shall this Motion be APPROVED?

#### 29. <u>171191</u> [Preparation of Findings Related to Conditional Use Authorization Appeal -Proposed Project at 2161-2165 Irving Street]

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization identified as Planning Case No. 2016-002424CUA for a proposed project located at 2161-2165 Irving Street. (Clerk of the Board)

**Question: Shall this Motion be APPROVED?** 

## COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following items will be considered by the Budget and Finance Committee at a Regular Meeting on Thursday, November 30, 2017, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as Committee Reports on Tuesday, December 5, 2017.

## 30. <u>171153</u> [Business and Tax Regulations, Health Codes - Permit, License and Inspection Fees for Cannabis Businesses] Sponsor: Mayor

Ordinance amending the Business and Tax Regulations and Health Codes to require the Director of the Office of Cannabis to collect permit application fees of \$2,000 and annual license fees of \$5,000 for cannabis business permits; authorize the Department of Public Health to impose fees relating to the inspection of cannabis businesses; and establish annual license fees for cannabis consumption permits.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 31. <u>171135</u> [License Support, and Hosting Agreement - Epic City Government, LLC - Electronic Health Records System - \$167,384,597]

Resolution approving an Agreement between Epic City Government, LLC, and the City and County of San Francisco, acting by and through the Department of Public Health (DPH), for the delivery of software, services, and hosting for an electronic health records system, for a ten-year term from the effective date following Board approval, in the amount of \$167,384,597 including a DPH contingency amount of \$17,934,064. (Public Health Department)

(Fiscal Impact)

#### Question: Shall this Resolution be ADOPTED?

### 32. <u>171159</u> [Performance Contract Agreement No. 17-94549 - California Department of Health Care Services - Community Behavioral Health Services - Mental Health Services Act and Various Programs]

#### Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health, through Community Behavioral Health Services, to enter into Performance Contract No. 17-94549, between the California Department of Health Care Services and Community Behavioral Health Services, incorporating the Mental Health Services Act, Projects for Assistance in Transition from Homelessness, the Mental Health Plan, and Community Mental Health Services Grant for the period of July 1, 2017, through June 30, 2018.

#### Question: Shall this Resolution be ADOPTED?

#### 33. <u>171160</u> [Agreement No. 15-92348 - California Department of Health Care Services -County Children's Health Initiative Program - Up to \$9,492,495] Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to enter into Agreement No. 15-92348 with the California Department of Health Care Services to receive federal draw-down funding for children enrolled in the County Children's Health Initiative Program through the City and County of San Francisco's Healthy Kids Program, in the amount of up to \$9,492,495 for the period of July 1, 2015, through September 30, 2019.

Question: Shall this Resolution be ADOPTED?

## 34. <u>171178</u> [Real Property Lease - Vera Cort as Trustee -1380 Howard Street - Department of Public Health - \$3,417,862.50 Initial Annual Base Rent]

Resolution authorizing the extension of an existing lease for approximately 79,950 square feet of office space at 1380 Howard Street for the Department of Public Health's Community Behavioral Health Services Division with the Vera Cort as Trustee of the Robert J. Cort Marital Trust (99%) and as Trustee of the Vera Cort Survivor'sTrust (1%), as Landlord, at an annual rent of \$3,417,862.50 during the five year term of January 1, 2018, through December 31, 2022, and adding three further five-year options to extend the term. (Real Estate Department)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

#### 35. <u>171197</u> [Agreements - Sunnydale Parcel Q Housing Partners, L.P. - 1491 Sunnydale Avenue - Purchase and Sale for Real Estate and Ground Lease - \$3,000,000 and \$15,000 Respectively]

#### Sponsors: Mayor; Cohen

Resolution approving and authorizing the execution and performance of an Agreement of Purchase and Sale of Real Estate in connection with the acquisition of the parcel located at 1491 Sunnydale Avenue Street (Assessor's Parcel Block No. 6356, Lot No. 61-68) ("the Property"), for \$3,000,000 and a long term, 75 years with a 24 year extension option, Ground Lease of the Property for \$15,000 annual base rent, with Sunnydale Parcel Q Housing Partners, L.P., to construct a 100% affordable, 55-unit multifamily rental housing development for low-income households; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing and directing the execution of any documents necessary to implement this Resolution, as defined herein. (Mayor's Office of Housing and Community Development)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

The following item will be considered by the Land Use and Transportation Committee at a Regular Meeting on Monday, December 4, 2017, at 1:30 p.m. The Chair intends to request the Committee to send the following item to the Board as a Committee Report on Tuesday, December 5, 2017.

#### 36. <u>170985</u> [Public Works and Subdivision Codes - City Maintenance of Street Trees] Sponsor: Sheehy

Ordinance amending the Public Works Code to implement Charter, Section 16.129, (Proposition E, November 2016) and generally provide that the City shall maintain Street Trees and be liable for injuries and property damage resulting from the failure to maintain Street Trees; amending the Subdivision Code to incorporate conforming changes regarding Street Tree maintenance; and affirming the Planning Department's determination under the California Environmental Quality Act.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## **37. ROLL CALL FOR INTRODUCTIONS**

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

### 38. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

#### Items 39 and 40

## 39. <u>171261</u> [Cancer Screen Week - December 4, 2017, through December 8, 2017] Sponsor: Sheehy

Resolution declaring December 4, 2017, through December 8, 2017, as Cancer Screen Week, identifying the burden of cancer in San Francisco and the United States, and urging citizens to talk with their healthcare providers about appropriate screenings for prevention and early detection of cancer.

11/28/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

#### Question: Shall this Resolution be ADOPTED?

#### 40. <u>171266</u> [Board of Supervisors Regular Meeting Schedule - 2018]

Motion establishing the 2018 Board of Supervisors Regular Meeting Schedule pursuant to Board of Supervisors Rules of Order, Sections 4.2, and 4.2.1, by cancelling the Regular Board meetings of January 2, January 16, February 20, May 29, July 3, October 9, and November 13 and 27, 2018; and all Regular Board and Committee meetings during the spring, summer and winter breaks from March 26 through March 30, August 1 through September 3, and December 17 through January 4, 2019; and further suspending portions of Board Rule 4.2. to effectuate certain dates within the regular meeting schedule to augment the flow of business. (Clerk of the Board)

11/28/2017; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

### 41. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

#### [Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding] Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

## 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 RESOLUTIONS

## <u>171237</u> [Lease Agreement - Pacific Gateway Concessions, LLC - Airport Concession - \$1,531,761 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0211 between Pacific Gateway Concessions, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$1,531,761. (Airport Commission)

11/21/2017; RECEIVED FROM DEPARTMENT.

12/05/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### 171238 [Lease Agreement - Pacific Gateway Concessions, LLC - Airport Concession -\$814,144 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0208 between Pacific Gateway Concessions, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$814,144. (Airport Commission)

11/21/2017; RECEIVED FROM DEPARTMENT.

12/05/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### 171239 [Lease Agreement - HG SFO Retailers 2017 JV - Airport Concession -\$1,540,000 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0207 between HG SFO Retailers 2017 JV and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$1,540,000. (Airport Commission)

11/21/2017; RECEIVED FROM DEPARTMENT.

12/05/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### <u>171240</u> [Lease Agreement - Canonica New York, LLC - Airport Concession - \$280,000 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0210 between Canonica New York, LLC and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$280,000. (Airport Commission)

11/21/2017; RECEIVED FROM DEPARTMENT.

12/05/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### <u>171241</u> [Lease Agreement - DFS Group, LP - Airport Concession - \$380,000 Minimum Annual Guarantee]

Resolution approving International Terminal Newsstand and Specialty Retail Concession Lease No. 17-0209 between DFS Group, LP and the City and County of San Francisco, acting by and through its Airport Commission, for a term of seven years with two one-year options to extend, and an initial Minimum Annual Guarantee of \$380,000. (Airport Commission)

11/21/2017; RECEIVED FROM DEPARTMENT.

12/05/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

# <u>171242</u> [Lease Modification - U.S. Transportation Security Administration - Administrative Offices - International Terminal and Terminal 2 - Not to Exceed \$5,988,335.04]

Resolution retroactively approving Modification No. 1 to Lease No. GS-09B-03014 with the U.S. Department of Homeland Security for offices occupied by the U.S. Transportation Security Administration at the International Terminal and Terminal 2 at the San Francisco International Airport, to extend the lease term by three years through October 31, 2020, and adjust the annual rent to \$1,996,111.68. (Airport Commission)

11/20/2017; RECEIVED FROM DEPARTMENT.

12/05/2017; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

#### **<u>171271</u>** [Petitions and Communication]

Petitions and Communications received from November 20, 2017, through November 27, 2017, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on December 5, 2017.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Office of the Mayor, pursuant to Charter, Section 3.100, designating Supervisor Cohen as Acting-Mayor from Sunday, November 22, 2017, at 10:55 p.m. until November 26, 2017, at 9:23 p.m. Copy: Each Supervisor. (1)

From the Planning Department, pursuant to Planning Code, Section 210.3C, submitting a report on the allowance for uses to support the development of new PDR space in the PDR-1-D and PDR-1-G Districts. Copy: Each Supervisor. (2)

From the Capital Planning Committee, pursuant to the Administrative Code, Section 3.21, regarding Approval of 1) Sale of Clean and Safe Neighborhood Parks (2012) General Obligation Bonds, 2) Sale of Transportation and Road Improvement (2014) General Obligation Bonds, 3) Mission Rock Special Use District and 4) Pier 70 Infrastructure Financing District and Infrastructure Revitalization Financing District. Copy: Each Supervisor. (3)

From Ivar C. Satero, Airport, regarding Turo Operations at SFO. Copy Each Supervisor. (4)

From Prabha Milstein, regarding toxic herbicides on Mt. Davidson. Copy: Each Supervisor. (5)

From Alden Jenks, expressing thoughts on the state of the City. Copy: Each Supervisor. (6)

From concerned citizens, regarding a proposed Medical Cannabis Dispensary at 2161-2165 Irving Street. File No. 171188. 3 letters. Copy: Each Supervisor. (7)

From concerned citizens, regarding the resolution authorizing the San Francisco Arts Commission to accept a gift of art, entitled The "Comfort Women's" Column of Strength, valued at \$190,000. 12 letters. Copy: Each Supervisor. (8)

From Teresa Palmer M.D., regarding the closing of the skilled nursing and sub-acute units in St. Luke's Hospital and the efforts of City departments regarding, institutional housing, particularly assisted living, residential care facilities, and small beds for seniors. File Nos. 170773 and 170788. Copy Each Supervisor. (9)

From Maggie Muir, submitting Notice of Intention to Circulate Petition regarding term limits for the Mayor and Members of the Board of Supervisors. Copy: Each Supervisor. (10)

## ADJOURNMENT