

# Board of Supervisors



City Hall  
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San Francisco, CA 94102-4689  
Tel. No. 554-5184  
TDD No. 554-5227

## Legislation Introduced

Tuesday, January 4, 2011

### LEGISLATION INTRODUCED AT ROLL CALL

#### Introduced by a Supervisor or Mayor

#### Ordinances

- 110008 [Planning Code - Amending Inclusionary Housing Ordinance to Add New Alternative in Market and Octavia Plan Area]**  
**Sponsor:** Dufty  
Ordinance amending the San Francisco Planning Code by amending Section 415.5 to provide for a new land dedication alternative in the Market and Octavia Plan Area in lieu of payment of the Affordable Housing Fee; and adding Section 415.10 to provide for the requirements of such land dedication; making findings including environmental findings and findings of consistency with the Priority Policies and the General Plan. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.
- 110009 [Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]**  
**Sponsor:** Maxwell  
Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.
- 110010 [Planning Code - Zoning - NC-3 District of Fillmore Street between Bush and McAllister Streets]**  
**Sponsor:** Mirkarimi  
Ordinance (1) amending Section 145.4 of the San Francisco Planning Code to require active ground-floor commercial uses in properties fronting on Fillmore Street between Bush and McAllister Streets in the NC-3 District; and (2) adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

- 110011 [Administrative Code - Composition - Justice Tracking Information System Committee Governance Council]**  
**Sponsor:** Mayor  
Ordinance amending the San Francisco Administrative Code Section 2A.85 to add the City Administrator as a member of the Justice Tracking Information System (JUSTIS) Committee Governance Council and to designate the City Administrator as the Chair of the Council. ASSIGNED UNDER 30 DAY RULE to Public Safety Committee.
- 110012 [Accept and Expend Grant - Clean Energy Workforce Training Program and Amendment to the Annual Salary Ordinance for FY2010-2011 - \$603,888]**  
**Sponsor:** Mayor  
Ordinance authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$603,888 from the California Employment Development Department to support the Clean Energy Workforce Training Program, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one grant-funded 9772 Community Development Specialist position at 0.6 FTE in FY2010-2011 in the Office of Economic and Workforce Development. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 100495 [Administrative Code - California Environmental Quality Act Procedures, Appeals, and Public Notice]**  
**Sponsor:** Alioto-Pier  
Ordinance amending the San Francisco Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain environmental documents under the California Environmental Quality Act, to clarify procedures and to provide public notice of environmental documents. RE-REFERRED to Land Use and Economic Development Committee.

## **Resolutions**

- 110005 [Family Service Agency Day - February 17, 2011]**  
**Sponsor:** Dufty  
Resolution declaring February 17, 2011, as Family Service Agency Day to recognize its 121 year legacy of reform, innovation and concern for the most vulnerable of San Francisco's residents. ADOPTED 1/4/11.
- 110006 [Suzy Loftus Day - January 4, 2011]**  
**Sponsor:** Alioto-Pier  
Resolution declaring January 4, 2011, as Suzy Loftus Day in the City and County of San Francisco. ADOPTED 1/4/11.
- 110013 [Accept and Expend Grant - Community Services Block Grant - \$750,000]**  
**Sponsor:** Mayor  
Resolution authorizing the Office of Economic and Workforce Development to retroactively accept and expend a Community Services Block Grant in the amount of \$750,000 from the California State Department of Community Services and Development, through the Economic Opportunity Council, to support CityBuild, the Summer Youth Employment Program, and RAMP SF. RECEIVED AND ASSIGNED to Budget and Finance Committee.

**110015 [Accept and Expend Grant - With Open Arms - \$12,500]**

**Sponsor:** Mirkarimi

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of \$12,500 from van Löben Sels/RembeRock Foundation for mentoring and enrichment programming for participants in the With Open Arms initiative. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110016 [Authorization to Apply for CalFire State Grant - Urban Forest Enhancement]**

**Sponsor:** Mayor

Resolution authorizing the Department of the Environment for the City and County of San Francisco to apply for funding from the Department of Forestry and Fire Protection (CalFire) for a project to plant fruit bearing trees on appropriate City land. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Motions**

**101601 [Appointment, Health Officer - Tomás Javier Aragón]**

**Sponsor:** Chiu

Motion appointing Tomás Javier Aragón, effective on December 15, 2010, to the position of Health Officer for the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110007 [Ratifying the Appointment of a Successor Mayor]**

Motion to ratify the appointment of a successor Mayor due to the occurrence of a vacancy in the Office of the Mayor for a term expiring January 8, 2012. (Clerk of the Board). ASSIGNED to Board of Supervisors on 1/7/11.

**101515 [Confirming Appointment, Port Commission - Leslie Katz]**

**Sponsor:** Mayor

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014. RE-REFERRED to Rules Committee.

**Request for Hearing**

**110014 [Hearing - Use of Segways in Golden Gate Park Safety Regulations]**

**Sponsor:** Mar

Hearing to discuss the safety regulations regarding the use of Segways in Golden Gate Park. RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

## **Introduced by the President at the Request of a Department**

### **PROPOSED ORDINANCES**

- 101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive \$75,000]**  
Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons and Sheldon Morris for \$45,000 from defendant Alexander A. Deanda and \$30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - \$270,000]**  
Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for \$270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101585 [Settlement of Lawsuit - Kevin Montague - \$60,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101586 [Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - \$34,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for \$34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101587 [Settlement of Lawsuit - David Cheung dba Kwok Shing Hong - \$350,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually and dba Kwok Shing Hong against the City and County of San Francisco for \$350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101588 [Settlement of Lawsuit - K LW, LLC - \$210,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by K LW, LLC against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

- 101589 [Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$127,372]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101590 [Settlement of Lawsuit - Kroll Furniture - \$65,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for \$65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101591 [Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - \$55,000]**  
Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for \$55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101592 [Settlement of Lawsuit - Mackin, et al. - City to Pay \$63,020 for Easement]**  
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101600 [Settlement of Lawsuit - National Union - City to Receive \$925,000; Appropriating Settlement Proceeds]**  
Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of \$925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.
- 101608 [Settlement of Lawsuit - AboveNet Communications, Inc. - \$183,479.00]**  
Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007 in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009 to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

## **PROPOSED RESOLUTIONS**

**101578 [Agreement - Olin Corporation - Sodium Hypochlorite - Estimated to Exceed \$10,000,000]**

Resolution approving the Agreement between the City and Olin Corporation, dba Olin Chlor Alkali, for Sodium Hypochlorite, which is estimated to exceed \$10,000,000 pursuant to Charter Section 9.118(b). (Office of Contract Administration). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**101579 [Airport Commission Bond-Related Authorizations - Not to Exceed \$1,600,000,000]**

Resolution approving the issuance of not to exceed \$1,600,000,000 aggregate principal amount of San Francisco International Airport Second Series Refunding Revenue Bonds to refinance Airport Bonds and Subordinate Bonds; Approving the issuance of not to exceed \$125,000,000 aggregate principal amount of San Francisco International Airport Special Facilities Bonds to finance and refinance fuel storage and delivery facilities; Approving the maximum interest rates, maturity dates and number of issues of such Refunding Bonds, Subordinate Bonds and Special Facilities Bonds; Approving certain resolutions of the Airport Commission; Approving the forms of certain agreements related to such Bonds and authorizing the execution and delivery thereof; Approving certain amendments to the 1991 Resolution; and Approving certain other related matters. (Airport Commission). RECEIVED AND ASSIGNED to Budget and Finance Committee.

**101593 [Settlement of Unlitigated Claim - California Capital Insurance Company - \$57,892.75]**

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company as subrogee for Michelle Azevedo against the City and County of San Francisco for \$57,892.75; claim was filed on January 13, 2009. (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

**101595 [Sale Agreement - Permanent and Temporary Easements for Highway 84 Improvement Project in Alameda County - \$6,000]**

Resolution approving and authorizing an agreement for the sale and conveyance of property rights in fee interest, two nonexclusive permanent easements and three temporary easements over portions of Assessor's Parcel Numbers 85A-5400-2-3 and 507-762-005-00 located in Alameda County under the jurisdiction of the San Francisco Public Utilities Commission to State of California acting through its California Department of Transportation for a purchase price of \$6,000 which includes \$2,500 payment for City and County of San Francisco's administration and legal fees; adopting SFPUC's Resolution 10-0094; further adopting findings that the conveyance is in conformity with the City's General Plan Referral as required by Section 4.105 of the Charter and Section 2A.53 of the Administrative Code; is consistent with the Eight Priority Policies of City Planning Code Section 101.1; adopting that the sale/conveyance is "Categorically Exempt" from environmental review under Class 12-Surplus Government Property Sales under CEQA Guidelines; and authorizing City's Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.

Clerk to Act – January 4, 2011

Board Minutes for November 23, 2010, December 7, 2010, and December 14, 2010 approved.

Requests Granted

From: Supervisor Avalos

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to submit a report on the baseline of services they provide to District 11. Report should include, but not be limited to:

- Pressure washing of sidewalks
- Tree and landscape maintenance
- Graffiti abatement
- Trash pickup
- Sidewalk sweeping
- A budgetary and service allocation comparison by legislative district.

Please specify which services are permanent and which are considered temporary. Please include an analysis of unmet service needs in District 11, whether there are existing resources to meet these needs, and the amount of additional resources needed to address shortfalls in service provision in District 11.

From: Supervisor Mirkarimi

To: Treasurer

To: Assessor-Recorder

To: City Attorney

To: District Attorney

Requesting/Inquiring: Requesting that the Treasurer, Assessor-Recorder, City Attorney, and District Attorney provide any relevant information and resources for San Franciscans to seek assistance with the impacts of foreclosures, including the following situations:

- For property owners seeking help in avoiding foreclosure or in renegotiating or modifying their loan.
- For property owners who believe they are victims of mortgage fraud.
- For tenants who rent residential or commercial space in a property that is being foreclosed.

From: Supervisor Mirkarimi

To: City Services Auditor

Requesting/Inquiring: Requesting the City Services Auditor to conduct a cost-benefit analysis of supportive housing, including evaluation of the following questions:

- Does the cost of supportive housing for the homeless ultimately save money over time in the overall use of public funded services?
- Is the cost of supportive housing for the homeless justified by cost savings in comparison to those homeless persons in non-supportive housing?

The study should include an examination of the cost of all Supportive Housing that is funded by the Human Services Agency and Department of Public Health (master leased, Care Not Cash and Non-Profited owned), compared to the cost that a homeless individual incurs while they are on the street and in emergency shelter.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes at the following locations:

Potholes, Lights and Sidewalk issues

Near 1150 Scott

Near 175 Carl

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

Northwest corner Webster & Haight

Southeast corner Divisadero & Haight

Northeast corner Scott & Fulton

Northeast corner Golden Gate & Lyon

Mailboxes

Northwest corner Laguna & Hermann

Northwest corner Belvedere & Clayton

Southwest corner Parnassus & Clayton

Street Wall Medians and Overpasses

Eastern median of Divisadero & Geary; metal pole

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following public property locations:

Utility Boxes

Southwest corner Clayton & Fulton

Northeast corner Baker & Oak



Northeast corner McAllister & Scott  
Northeast corner Geary & Baker  
Northwest corner Baker & Fulton

Bus Shelter

Southwest corner Buchanan & Haight  
Southeast corner Buchanan & Hayes  
Northwest corner Hayes & Scott  
Southeast corner Stanyan & Oak  
Northwest corner Divisadero & Hayes  
In front 1838 Eddy  
Fillmore and Haight (all 4 bus stops, graffiti and grime and canopies also have graffiti).

Fire Hydrant

Southeast corner Scott & Fell

Emergency Boxes

Northeast corner Divisadero & Geary

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Poles

In front 552 Haight  
Southeast corner Central & Page  
Northeast corner Central & Haight  
In front 508 Haight  
In front 1151 Laguna  
In front 1169 Scott  
In front 1186 Fulton  
1223 Laguna  
1234 Divisadero

Wood Poles

In front 30 Fillmore  
Opposite 1221 Shrader  
Opposite 120 Shrader

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post  
Southwest corner of Divisadero and Sutter  
9<sup>th</sup> Avenue and Judah (near bus stops)  
7<sup>th</sup> Avenue and Irving (near bus stops)  
Northwest corner of Hayes and Fillmore  
Southeast corner of Fillmore and Haight

San Francisco Chronicle

Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore  
Irving and 9<sup>th</sup> Avenue  
Irving and 7<sup>th</sup> Avenue  
Southwest corner of Haight and Clayton  
Southeast corner of Haight and Masonic

Examiner

Northwest corner of Fillmore and Hayes  
Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Northwest corner of Hayes and Gough  
Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight and Southeast corner of Haight and Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti at the following private property locations:

1067 Oak  
890 Page  
250 Scott  
418 Haight  
537 Haight  
901 Haight  
1305 Haight  
682 Haight  
553 Haight  
418 Haight

122 Webster  
399 Haight, on the Webster side  
100 Scott, on the Waller side  
784 Stanyan  
798 Stanyan  
8 Shrader  
980 Scott  
410 Scott  
610 Waller  
617 Ivy  
2190 Fell  
2721 California  
2787 California  
2731 California  
1445 Laguna  
820 Scott

From: Supervisor Elsbernd

To: City Attorney

Requesting/Inquiring: Supervisor Elsbernd inquires as to the possibility that the City and County of San Francisco may seek civil penalties against Deborah Madden, former technician at the San Francisco Police Department Crime Lab. Furthermore, Supervisor Elsbernd requests an estimate of the costs incurred by the City and County including, but not limited to the regular, overtime and premium pay associated with the investigation into Ms. Madden's conduct.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft Planning Code Amendment, Self Serve Restaurant. Please see the attached Draft Planning Code Amendment.

**In Memoriams**

Timothy D. Findley – Supervisor Dufty

Pamela J. Hickox – Supervisor Dufty

Shirley Weiner – Supervisor Dufty

Doug Kapovich – Supervisor Elsbernd