

# Board of Supervisors



City Hall  
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## Legislation Introduced

Tuesday, June 14, 2011

### LEGISLATION INTRODUCED AT ROLL CALL

#### Introduced by a Supervisor or the Mayor

#### Ordinances

**110589 [Planning Code - Establishing the Lombard and Scott Street Affordable Group Housing Special Use District - 3151-3155 Scott Street]**

**Sponsors:** Chiu; Avalos, Kim, Mar and Mirkarimi

Ordinance amending the San Francisco Planning Code by adding Section 249.55 and amending Section Map 2SU to: 1) create the Lombard and Scott Street Affordable Group Housing Special Use District for the real property encompassing 3151-3155 Scott Street (Assessor's Block No. 0937, Lot No. 001), at the southwest corner of Scott and Lombard Streets, in order to facilitate the development of an affordable group housing project; and 2) making 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.

**110590 [Planning Code - Reconstruction of Buildings Damaged or Destroyed by Fire or Acts of God]**

**Sponsor:** Cohen

Ordinance amending the San Francisco Planning Code Section 181(d) to: 1) provide a process for the reconstruction of buildings damaged or destroyed by fire or acts of God; 2) provide a retroactive operative date of August 1, 2009; and 3) adopt findings, including environmental findings and Planning Code Section 302 findings. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

**110591 [Settlement of Lawsuit - T-Mobile West Corporation]**

**Sponsor:** Elsbernd

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West Corporation against the City and County of San Francisco on July 8, 2010, in the United States District Court for the Northern District of California, Case No. C-10-03011-CW; entitled T-Mobile West Corporation v. City and County of San Francisco, according to the terms set forth in the Settlement Agreement and subject to court approval of the parties' Stipulated Judgment; approving as part of the settlement a conditional use authorization enabling T-Mobile West Corporation to construct a wireless facility at 725 Taraval Street containing substantially fewer antennas than originally proposed and subject to all City required conditions; and making environmental findings. RECEIVED AND ASSIGNED to Rules Committee.

- 110592 [Planning Code - Inner Clement, Outer Clement, and Geary Neighborhood Commercial Controls]**  
**Sponsor:** Mar  
 Ordinance amending the San Francisco Planning Code Sections 263.20, 712.1, 716.1, and 781.4 to: 1) allow eating and drinking uses as principally permitted uses in the Inner Clement and Outer Clement Neighborhood Commercial Districts if the total street frontage dedicated to such uses does not exceed 30% and as conditionally permitted uses if the total street frontage dedicated to such uses exceeds 30%; 2) remove the prohibition on large fast-food restaurants and prohibit formula retail pet supply stores and formula retail eating and drinking establishments in the Geary Boulevard Fast-Food Subdistrict; 3) make video stores a principally permitted use on the ground floor in the NC-3 and the Inner Clement and Outer Clement Neighborhood Commercial Districts; 4) permit a height increase of five feet to permit tall ground-floor ceiling heights in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard from Scott Street to 28th Avenue; and 5) making 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.
- 110749 [Business and Tax Regulations Code - 0.50% Sales Tax Increase to Fund Public Safety Programs and Services to Children and Seniors]**  
**Sponsors:** Mayor; Chiu, Cohen, Mirkarimi and Wiener  
 Ordinance amending the San Francisco Business and Tax Regulations Code by adding Article 16-A to provide funds for public safety programs and services to children and senior citizens in the City and County of San Francisco by imposing a transactions (sales) and use tax at the rate of one-half of one percent (0.50%) for a period of ten years, to be administered by the State Board of Equalization in accordance with Parts 1.6 and 1.7 of Division 2 of the California Revenue and Taxation Code; adopting an expenditure plan; and directing submission of the tax for voter approval at the November 8, 2011, Municipal Election. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 110750 [Certificates of Participation - War Memorial Veterans Building Seismic Upgrade and Improvements - Not to Exceed \$170,000,000]**  
**Sponsors:** Mayor; Chiu  
 Ordinance authorizing the execution and delivery of certificates of participation evidencing in an aggregate principal amount of not to exceed \$170,000,000 to: 1) finance the seismic upgrade of and certain improvements to the War Memorial Veterans Building; 2) authorizing the selection of a trustee by the Director of Public Finance and approving the form of a trust agreement for the certificates of participation between the City and County of San Francisco and the trustee named therein (including certain indemnities contained therein); 3) approving the forms of a property lease and a project lease between the City and the trustee of one or more portions of the San Francisco War Memorial Performing Arts Center; 4) approving the form of an official notice of sale and notice of intention to sell for the certificates of participation, if sold by competitive sale; 5) authorizing the selection of underwriters by the Director of Public Finance and approving the form of a purchase contract between the City and the underwriters relating to the certificates of participation, if sold by negotiated sale; 6) approving the forms of a preliminary and final official statement with respect to the certificates of participation; 7) approving the form of a continuing disclosure certificate; 8) finding that the proposed project is categorically exempt from the California Environmental Quality Act; 9) finding that the proposed project is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirements of Charter Section 4.105 and Administrative Code Section 2A.53; 10) granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale and delivery of the certificates of participation; 11) approving modifications to documents and agreements; and 12) ratifying previous actions taken in connection therewith. RECEIVED AND ASSIGNED to Budget and Finance Committee.

**110657 [Building Code - Permit Exemption for Cartouches]**

**Sponsor:** Wiener

Ordinance amending the San Francisco Building Code Section 106A.2 to exempt cartouches from permit requirements; and adopting environmental findings. SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

**Resolutions**

**110751 [Approval of a 90 Day Extension for Planning Commission Review]**

**Sponsor:** Mirkarimi

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sections 710, 730, 733A, 733A.1, 790.90, 790.91, and 790.102 of the Planning Code to: 1) increase the maximum use size for Small Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district and eliminate the limit on the number of seats; 2) increase the minimum size for Large Self-Service Restaurants in Neighborhood Commercial Districts to that of the non-residential use size limit for the district; 3) principally permit Small Self-Service Restaurants and Video Stores in Neighborhood Commercial Cluster (NC-1) and Neighborhood Commercial Transit Cluster (NCT-1) Districts; 4) conditionally permit Large Self-Service Restaurants in the Inner Sunset Neighborhood Commercial District; 5) require that mechanical noise and vibration from Self-Service Restaurants be confined to the premises; 6) remove the prohibition of on-site food preparation and cooking and reheating equipment in Retail Coffee Stores; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110752 [Commemorating the ARC/AIDS Vigil]**

**Sponsors:** Campos; Wiener, Mirkarimi and Chiu

Resolution recognizing the historic significance of the ARC/AIDS Vigil and encouraging the City and County of San Francisco to place a plaque on or near the site of the ARC/AIDS Vigil. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110754 [Accept and Expend Grant - Smoking Cessation Buprenorphine Treated Patients - \$26,558]**

**Sponsor:** Elsbernd

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$26,558 from the University of California San Francisco to fund the project entitled "Smoking Cessation Intervention in Buprenorphine Treated Patients" for the period of March 1, 2011, through May 31, 2011, and waiving indirect costs. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110755 [Anza Branch Library Reopening]**

**Sponsor:** Mar

Resolution recognizing the grand reopening of the Anza Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to the City and County of San Francisco and its residents. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110756 [Summer Learning Day - June 21, 2011]**

**Sponsors:** Mirkarimi; Avalos and Mar

Resolution declaring San Francisco a summer learning city, urging relevant City Departments to coordinate and collaborate with youth and educational non-governmental organizations and designating June 21, 2011, as Summer Learning Day in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Motions**

**110214 [Committee of the Whole - Hearing on the Report of Assessment Costs for Sidewalk and Curb Repairs]**

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole on June 28, 2011, at 3:00 p.m., to hold a public hearing on the resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**110753 [Directing the Budget and Legislative Analyst to Conduct Two Audits in FY2011-2012]**

**Sponsor:** Campos

Motion directing the Budget and Legislative Analyst to conduct two performance audits to evaluate in FY2011-2012 and setting the priority as follows: 1) the effectiveness of the City's policies to develop affordable housing and the Planning Department's oversight of City housing development; and 2) the governance and City oversight of the Asian Art and Fine Arts Museums, War Memorial, and Academy of Sciences. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Request for Hearing**

**110757 [Hearing - Human Rights Commission's Process for Handling Complaints About Noncompliance with the City of Refuge Ordinance]**

**Sponsor:** Campos

Hearing on the Human Rights Commission's process for handling complaints about noncompliance by departments, agencies, commissions, and employees with the City of Refuge Ordinance (Administrative Code 12H) including: 1) a report on the number of complaints received by the Human Rights Commission from January 2008 to the present; 2) the process for handling these complaints; 3) the type of outreach that has been provided to immigrant communities about the complaint process; 4) the procedures and policies in place to ensure the complaint process is language accessible to immigrant communities; 5) the length of time for resolving these cases; and 5) the ultimate resolution of these cases. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

### **PROPOSED ORDINANCE**

**110392 [Settlement of Lawsuit - Committee on JOBS Candidate Advocacy Fund, et al. - \$290,000]**

Ordinance authorizing settlement of the lawsuit filed by Committee on JOBS Candidate Advocacy Fund and Building Owners and Managers Association of San Francisco Independent Expenditure Political Action Committee against the City and County of San Francisco for \$290,000; the lawsuit was filed on June 18, 2007, in United States District Court for the Northern District of California, Case No. 07-3199 JSW; entitled Committee on JOBS Candidate Advocacy Fund, et al.; other material terms of the settlement are a stipulated injunction prohibiting the City from enforcing the independent expenditure contribution limit in San Francisco Campaign and Governmental Conduct Code 1.114(c). (City Attorney). RECEIVED AND ASSIGNED to Rules Committee.

### **PROPOSED RESOLUTIONS**

**110428 [Purchase Agreement - Permanent Tie-Back Easement and Temporary Construction Easement - San Mateo County - \$87,570]**

Resolution approving and authorizing an agreement for the purchase of a permanent tie-back easement and a temporary construction easement over, on, and in portions of Assessor's Parcel No. 038-200-020 located in the Town of Hillsborough, San Mateo County, and required for the Crystal Springs Pipeline No. 2 Replacement Project, known as Project No. CUW37801, for a purchase price of \$87,570; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the 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 Sub-Committee.

**110429 [Purchase Agreement - Two Permanent Access Road Easements and Two Temporary Construction Easements - San Joaquin County - \$83,900]**

Resolution approving and authorizing an agreement for the purchase of a two permanent access road easements and two temporary construction easements over, on, and in portions of Assessor's Parcel Nos. 253-270-17, 19, 21, 24, and 25 located in San Joaquin County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$83,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the 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 Sub-Committee.

Clerk to Act – June 14, 2011

Board Minutes for May 3, 2011 approved.

### Requests Granted

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

- 2435 California
- Northwest and Southwest corners of Fillmore and Post
- Southwest corner of Divisadero and Sutter
- 347 Judah
- 444 Divisadero
- 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 7<sup>th</sup> Avenue
- 1899 Fillmore
- 1979 Sutter
- Southeast corner of Hayes and Divisadero
- Southeast corner of Haight and Divisadero
- Southeast corner of Haight and Clayton
- Southeast corner of Haight and Masonic
- Northwest corner of Fulton and Divisadero
- 559 Hayes

#### Examiner

- Northwest corner of Fillmore and Hayes
- Southeast corner of Haight and Fillmore
- Northwest corner of Fulton and Divisadero
- Southwest corner of McAllister and Divisadero
- 1825 B Post

#### SF Weekly

- Southeast corner of Masonic and Haight
- Southeast corner of Haight and Fillmore
- Southwest corner of Octavia and Hayes

- 444 Divisadero
- Northwest corner of Fulton and Divisadero
- 1825 B Post
- Northwest corner of Geary and Fillmore
- Northwest corner of McAllister and Divisadero

#### Advertiser

- Northwest corner of Geary and Fillmore

#### Jobs and Careers

- Northwest corner of California and Fillmore

#### Open Exchange

- Northwest corner of Fulton and Divisadero

#### Real Estate Times

- 1801 Fillmore

#### Apartment for Rent

- Northwest corner of Buchanan and Post

#### Western Edition HP Journal

- 1552 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 from the following private property locations:

#### **Residential and Commercial Buildings**

- 285 Divisadero
- Northwest corner of Oak and Divisadero
- 507 Divisadero
- Approximately 550 Divisadero
- Northwest corner of Hayes and Divisadero
- 616 Divisadero
- 750 Divisadero
- 1290 Grove, on South and West sides
- 823 Divisadero
- 860 Divisadero
- 861 Divisadero
- 1407 McAllister
- 1560 McAllister
- 1344 McAllister

- 999 Steiner, on the North side
- 1440 Golden Gate, on South and East sides
- 1700 Golden Gate, on East side
- 1010 Divisadero
- 1033 Divisadero
- 1971 Sutter
- 1949 Post
- Northwest corner of Geary and Fillmore
- Approximately 1620 Fillmore
- Approximately 1100 Golden Gate
- 1300 Golden Gate
- Southwest corner of Webster and McAllister
- 875 Fulton
- 803 Fillmore
- 897 Hayes
- 910 Hayes
- 546 Fillmore
- 686 Oak
- 500 Fillmore
- 445 Fillmore, on North side
- 585 Page
- 583 Hayes

#### **Planter Boxes**

- 803 Fillmore
- 548 and Laguna

#### **Parking Lots**

- Approximately 1775 Post

#### **Billboards**

- Northwest corner of Haight and Divisadero

#### **Private Street Fixtures**

- Approximately 1311 Turk
- Approximately 1725 Post
- Approximately 1735 Post
- Approximately 1875 Post
- Approximately 1704 Market

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**

- Southwest corner of McAllister and Divisadero
- 210 Divisadero
- 280 Divisadero
- 655 Divisadero
- 846 Divisadero
- Southeast corner of Orben and California
- Approximately 11 Orben
- 2355 California
- Approximately 1365 Turk
- 1276 Turk
- 1240 Turk
- Approximately 1275 Turk
- Approximately 1220 Turk
- Approximately 1130 Golden Gate
- 1271 McAllister
- Southwest corner of Webster and McAllister
- Northeast corner of Webster and McAllister
- Southwest corner of Buchanan and McAllister
- Northwest corner of Buchanan and McAllister
- Approximately 911 Buchanan
- Approximately 710 Fulton
- 810 Fulton
- Southwest corner of Fillmore and Fulton
- 627 Fillmore
- Approximately 875 Fillmore
- 847 Fillmore
- 722 Fillmore
- 727 Fillmore
- Approximately 675 Oak
- 313 Ivy

**Wood Poles**

- Approximately 11 Orben

**Concrete Poles**

- Approximately 1225 Turk

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**

- Northwest corner of McAllister and Scott
- 860 Divisadero
- Northwest corner of Pierce and Golden Gate
- Southwest corner of Turk and Buchanan
- Approximately 1135 Buchanan
- Southwest corner of Fillmore and McAllister
- Approximately 1155 McAllister
- Northwest corner of Webster and Fulton
- Northwest corner of Hayes and Fillmore
- Market Street, between Valencia and Octavia in median
- Southwest corner of Ivy and Octavia
- Northeast corner of Oak and Laguna

**Bus Shelters**

- Northwest corner of Hayes and Fillmore
- 910 Hayes
- Southeast corner of Webster and McAllister
- Northeast corner of Oak and Fillmore
- Northeast corner of Pierce and McAllister
- Southeast corner of Fillmore and Sutter
- Southeast corner of Fillmore and McAllister
- Northeast corner of Webster and McAllister

**Emergency Boxes**

- Southeast corner of Pierce and Scott
- Northwest corner of Turk and Buchanan
- Southwest corner of Fillmore and Fulton

**Parking Meters**

- Approximately 690 Divisadero

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**

- 500 Fillmore
- Approximately 230 Laguna
- Northwest corner of Laguna and Haight
- Northwest corner of Pierce and Golden Gate
- 1008 Divisadero
- Northeast corner of McAllister and Divisadero
- Southwest corner of Hayes and Fillmore
- Southwest corner of Fillmore and McAllister

**Mailboxes**

- Northwest corner of Webster and Fulton
- Southeast corner of Oak and Fillmore
- Northeast corner of Haight and Divisadero
- Northeast corner of Pierce and McAllister
- Northeast corner of Pierce and Golden Gate
- 2101 California

**Street Walls and Overpasses**

- Northwest corner of Buchanan and McAllister

**Public Art**

- Northwest corner of Buchanan and McAllister

**Fire Hydrants**

- Northeast corner of Webster and Golden Gate
- Southeast corner of Page and Divisadero

**In Memoriams**

Flora Havard Johnson – Supervisor Cohen

Artie Mae Johnson – Supervisor Cohen

Sandra L. Perez – Supervisor Cohen

Gladys Medearis – Supervisor Cohen

Eric “Dr. Rock” Isralow – President Chiu

Eva Chan Lowe – President Chiu & Supervisor Mar

Demetria Herrera Alcantar – Supervisor Mar