



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, December 4, 2012 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Avalos, Kim

City and School District Select Committee
Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza

City Operations and Neighborhood Services Committee
Supervisors Elsbernd, Chu, Olague

Government Audit and Oversight Committee
Supervisors Elsbernd, Wiener, Chiu

Land Use and Economic Development Committee
Supervisors Mar, Cohen, Wiener

Public Safety Committee
Supervisors Avalos, Olague, Mar

Rules Committee
Supervisors Kim, Farrell, Avalos

Meeting Days

Wednesday
11:00 AM

4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Thursday
10:30 AM

1st and 3rd Thursday
1:30 PM

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 1 Dr. Carlton B. Goodlett Place, City Hall, 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 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. 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 above. 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 should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 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 Committee at the hearing and you are encouraged to bring enough copies for distribution.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

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

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

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.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code 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 Sec. 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

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the October 16, 2012, Board Meeting Minutes.

COMMUNICATIONS

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 12

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Kim

1. **120963 [Business and Tax Regulations Code - Improvement Districts: Longer Term When Assessments Pledged to Bond, Lease, or Other Obligations; Alternative 2/3 Weighted Vote by Businesses]**

Sponsor: Mayor

Ordinance amending San Francisco Business and Tax Regulations Code, Article 15: Business Improvement Districts Procedure Code by amending Sections 1510 and 1511, and by adding Section 1515, to provide for a district term of up to 40 years when assessments are pledged or applied to pay any bond, financing lease (including any certificates of participation therein), or other similar obligations of the City; authorize the Board of Supervisors to require a weighted two-thirds (2/3) vote of business owners to be assessed, based on ballots cast, as an alternative or additional procedure for establishing a business improvement district and levying assessments; and clarify existing provisions and update references to state law; and making a finding that California Constitution, Article XIID does not apply to the levy of business assessments authorized by Business and Tax Regulations Code, Article 15.

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Wiener

2. **121029 [Environment Code - Suspending Yellow Pages Distribution Pilot Program]**

Sponsors: Chiu; Elsbernd

Ordinance amending the San Francisco Environment Code by adding Section 2109 to suspend the Yellow Pages Distribution Pilot Program.

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Farrell, Campos

- 3. 120657 [Settlement of Lawsuit - Michael Horan - \$250,000]**
Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for \$250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney's Office)

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 4. 120976 [Settlement of Lawsuit - Rehab Financial Corporation - City to Receive \$164,099]**
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Rehab Financial Corporation, Gayle Bloomingdale, and Barbara Wood for payment to the City of \$164,099; the lawsuit was filed on March 30, 2010, and is pending in San Mateo County Superior Court, Case No. CIV506113; entitled City and County of San Francisco, et al., v. Rehab Financial Corporation, et al. (City Attorney's Office)

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 5. 120994 [Settlement of Lawsuit - Christine McGuire - \$27,000]**
Ordinance authorizing settlement of the lawsuit filed by Christine McGuire against the City and County of San Francisco for \$27,000; the lawsuit was filed on January 6, 2011, in San Francisco Superior Court, Case No. CGC-11-507062; entitled McGuire v. City and County of San Francisco, et al. (City Attorney's Office)

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 6. 121014 [Settlement of Lawsuit - Leslie Jones - \$197,500]**
Ordinance authorizing settlement of the lawsuit filed by Leslie Jones against the City and County of San Francisco for \$197,500; the lawsuit was filed on August 5, 2010, in San Francisco Superior Court, Case No. CGC-10-502290; entitled Leslie Jones, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. **121015** **[Settlement of Lawsuit - Aquila Yeargin - \$27,500]**
Ordinance authorizing settlement of the lawsuit filed by Aquila Yeargin against the City and County of San Francisco for \$27,500; the lawsuit was filed on July 7, 2010, in San Francisco Superior Court, Case No. CGC-10-501334; entitled Aquila Yeargin v. Brandon Thompson, et al. (City Attorney's Office)

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. **121036** **[Settlement of Lawsuit - Gilles Combrisson et al. - Not to Exceed \$320,000]**
Ordinance authorizing settlement of the class action lawsuit filed by Gilles Combrisson, William Phillips, Patrick Hagemeister, and Ranell Hansen against the City and County of San Francisco for an amount not to exceed \$320,000; the lawsuit was filed on June 12, 2009, in San Francisco Superior Court, Case No. CGC-09-489400; entitled Gilles Combrisson, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

11/20/2012; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Kim, Wiener, Avalos

9. **121106** **[Settlement of Lawsuit - Pacific Rod and Gun Club]**
Sponsor: Elsbernd
Ordinance authorizing settlement of the unlawful detainer lawsuit entitled City and County of San Francisco, et al., v. Pacific Rod and Gun Club, et al., filed on September 24, 2012, in San Francisco Superior Court, Case No. CUD-12-642832, regarding City-owned property located at 520 John Muir Drive in San Francisco; material terms of the settlement agreement include City and Club executing an amended and restated month-to-month lease with improved insurance, indemnity and other provisions in favor of the City, a new 90-day termination notice requirement, and a stipulation for entry of judgment without trial to facilitate City obtaining a writ of possession following such notice period.

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. **121058** **[Appointments, Veterans Affairs Commission - M. Lee Burnette, John Gallagher, and Michael Maffei]**
Motion appointing M. Lee Burnette, John Gallagher, and Michael Maffei, terms ending January 31, 2016, to the Veterans Affairs Commission. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

11. **121101** **[Appointment, Bicycle Advisory Committee - Timothy Doherty]**
Motion appointing Timothy Doherty, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

- 12. 121103 **[Appointments, Shelter Monitoring Committee - Julia D'Antonia, Jennie Parrilla, Nicholas Kimura, Andrew Mendes, and Isaac Langford]**
 Motion appointing Julia D'Antonia, Jennie Parrilla, Nicholas Kimura, Andrew Mendes, and Isaac Langford, terms ending November 23, 2014, to the Shelter Monitoring Committee. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Avalos, Kim

- 13. 120997 **[Appropriating \$2,705,000 for San Francisco Unified School District - FY2012-2013]**
Sponsors: Kim; Campos, Mar, Avalos and Olague
 Ordinance appropriating \$2,705,000 of State Reserves for the San Francisco Unified School District for FY2012-2013.

 (Fiscal Impact)
 (Supervisor Chu dissented in Committee.)

 11/20/2012; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Elsbernd, Chu, Wiener

- 14. 120984 **[Police Code - Prohibiting Public Nudity]**
Sponsor: Wiener
 Ordinance amending the San Francisco Police Code by adding Section 154 to prohibit nudity on public streets, sidewalks, street medians, parklets, plazas, and public rights-of-way, and on public transit vehicles, stations, platforms, and stops, except as part of permitted parades, fairs, and festivals.

 11/20/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

 11/20/2012; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

15. 120191 [Building Code - Definition of Efficiency Unit]

Sponsor: Wiener

Ordinance amending the San Francisco Building Code Section 1208.4 to reduce the square footage requirement for Efficiency Dwelling Units in new structures or buildings pursuant to Section 17958.1 of the California Health and Safety Code; and making environmental findings.

06/12/2012; CONTINUED ON FIRST READING.

07/10/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

07/10/2012; CONTINUED AS AMENDED ON FIRST READING.

07/24/2012; CONTINUED ON FIRST READING.

07/31/2012; CONTINUED ON FIRST READING.

09/25/2012; CONTINUED ON FIRST READING.

11/20/2012; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

16. 120352 [Administrative Code - Housing Preservation and Production]

Sponsors: Olague; Kim, Campos and Mar

Ordinance amending the San Francisco Administrative Code by 1) amending the title of Chapter 10E and adding Section 10E.4 to monitor San Francisco's housing preservation and production policies and goals; and 2) making environmental finding.

(Supervisor Wiener dissented in Committee.)

10/16/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

10/16/2012; CONTINUED AS AMENDED ON FIRST READING.

10/23/2012; CONTINUED ON FIRST READING.

10/30/2012; CONTINUED ON FIRST READING.

11/20/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

11/20/2012; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

- 17. 120523 [Planning Code - Transit Impact Development Fee Increase and Updates]**
Sponsors: Mayor; Wiener and Olague
Ordinance amending the San Francisco Planning Code, Article 4, by revising and making technical corrections to specified definitions in Section 401 relating to the Transit Impact Development Fee (TIDF), amending Sections 402, 408, 411 through 411.5, 411.7, 411.8, and adding a new Section 411.9 to increase TIDF rates, revise exemptions and credits, and clarify TIDF implementation and collection, and making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.
- 09/18/2012; CONTINUED ON FIRST READING.
10/02/2012; CONTINUED ON FIRST READING.
10/16/2012; CONTINUED ON FIRST READING.
11/20/2012; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Mar, Wiener

- 18. 120996 [Planning Code - Efficiency Dwelling Units - Numerical Cap and Open/Common Space Requirements]**
Sponsor: Wiener
Ordinance amending the San Francisco Planning Code by adding new Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; amending Subsection 135(d) and adding new Section 140.1 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 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.
- 11/20/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
11/20/2012; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Farrell, Campos

- 19. 120221 [Administrative Code - Extension of Public Utilities Revenue Bond Oversight Committee]**
Sponsor: Farrell
Ordinance amending the San Francisco Administrative Code, Section 5A.36 to extend the sunset date of the Public Utilities Revenue Bond Oversight Committee to January 1, 2016.
- 11/20/2012; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
11/20/2012; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Avalos

20. 121034 **[Real Property Lease - 1380 Howard Street - Community Behavioral Health Services - Department of Public Health - \$118,259.38-\$131,584.38 Monthly]**
Resolution authorizing the extension of a lease of 79,950 sq. ft. of office space at 1380 Howard Street for use by the Department of Public Health's Community Behavioral Health Services Division for a term of an additional five years from January 1, 2013, through December 31, 2017, at a monthly rate of \$118,259.38 for the first six months of the extended term and then \$131,584.38 per month for the remainder of the extended term. (Real Estate Department)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
21. 121035 **[Real Property Lease - 760 Harrison Street - Cort Family Living Trust - Department of Public Health - \$25,350 Monthly]**
Resolution retroactively authorizing the extension of a lease of real property at 760 Harrison Street for the Department of Public Health with the Cort Family Living Trust for a term of an additional five years from July 1, 2012, to June 30, 2017, at a monthly rate of \$25,350. (Real Estate Department)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
22. 121037 **[Airport Lease Agreements - Cellular Service Equipment Sites - \$350,000 Plus Annual Increases]**
Resolution approving the Cellular Service Equipment Sites Leases between New Cingular Wireless PCS, LLC., Nextel of California, Inc., and Sprint Spectrum Realty Company, L.P., GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, and T-Mobile West Corporation and the City and County of San Francisco, acting by and through its Airport Commission retroactive to July 1, 2009, with a term of five years, and approving Amendment No. 1 to the Cellular Service Equipment Leases with New Cingular Wireless PCS, LLC., Nextel of California, Inc., and Sprint Spectrum Realty Company, L.P., and GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, with a base annual rent of \$350,000 to be increased annually by \$25,000. (Airport Commission)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**

- 23. 121045 [Term Sheet - Orton Development, Inc. - Rehabilitation of the 20th Street Historic Buildings and Finding of Fiscal Feasibility]**
Sponsors: Mayor; Cohen
Resolution finding the proposed rehabilitation of the 20th Street Historic Buildings on or near 20th Street, east of Illinois Street, fiscally feasible pursuant to Administrative Code, Chapter 29, and endorsing the Term Sheet between Orton Development, Inc., and the San Francisco Port Commission.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
- 24. 121062 [Agreement Amendment - MedImpact Healthcare Systems, Inc. - Third Party Pharmacy Administration Services at Community Pharmacies - \$17,575,376]**
Resolution approving the third amendment to the agreement between the Department of Public Health and MedImpact Healthcare Systems, Inc., for third party pharmacy administration services at community pharmacies to increase the total contract amount from \$9,900,000 for the term of July 1, 2008, through June 30, 2014, by \$7,675,376 for a total contract amount of \$17,575,376 for six years. (Public Health Department)
- Question: Shall this Resolution be ADOPTED?**
- 25. 121070 [Contract Amendment - New Flyer of America, Inc. - Purchase Low Floor Diesel-Hybrid Buses - Not to Exceed \$48,669,369]**
Sponsor: Wiener
Resolution approving Amendment No. 1 to Contract No. SFMTA-2013-08 with New Flyer of America, Inc., to purchase 17 additional 40-foot low floor diesel-hybrid buses through the Cooperative Purchasing Venture established by the State of Minnesota's Materials Management Division, for an additional amount of \$11,780,005 and a total contract amount of \$48,669,369.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
- 26. 121111 [Accept and Expend Grant - San Francisco Parks Alliance - Not to Exceed \$280,000]**
Sponsor: Wiener
Resolution retroactively authorizing the Recreation and Park Department to accept and expend a grant not to exceed \$280,000 from the San Francisco Parks Alliance towards seven community projects funded with Community Opportunity Fund dollars for the period of May 1, 2012, through January 1, 2013.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Elsbernd, Chu, Olague

27. 120962 **[Liquor License - 748 Innes Avenue]**
Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Mikhail Brodsky for Pectopah, LLC, located at 748 Innes Avenue (District 10), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.
- Question: Shall this Resolution be ADOPTED?**
28. 121002 **[Liquor License Transfer - 550 Montgomery Street]**
Resolution determining that the transfer of a Type 57 special on-sale general license from 2100 Market Street to 550 Montgomery Street (District 3), to Amiel Arad for Wingtip, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4.
- Question: Shall this Resolution be ADOPTED?**
29. 121010 **[Liquor License Transfer - 450 Post Street]**
Resolution determining that the transfer of a Type 64 special on-sale general theater license from 533 Sutter Street to 450 Post Street (District 3), to Susi Damilano for the SF Playhouse, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Elsbernd, Chiu

30. 120844 **[Board Response - Civil Grand Jury Report - Investment Policies and Practices of the San Francisco Employees' Retirement System]**
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2011-2012 Civil Grand Jury report entitled "Investment Policies and Practices of the San Francisco Employees' Retirement System" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)
- Question: Shall this Resolution be ADOPTED?**

Present: Supervisors Elsbernd, Wiener, Chiu

31. 120987 **[Lease - Woodhouse Marina Green, LLC - Marina Degaussing Station Restaurant]**
Sponsor: Farrell
Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with Woodhouse Marina Green, LLC, for the operation of a restaurant at the Marina Degaussing Station at the Marina Green with a term of ten years.
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Wiener

32. 120982 **[Jack Early Commemorative Plaque - Stockton Street Adjacent to Washington Square]**
Sponsor: Chiu
Ordinance commemorating the Stockton Street sidewalk adjacent to Washington Square Park under Public Works Code Sections 789 et seq., the Commemorative Street Plaque Ordinance, accepting a plaque in honor of Jack Early as a gift to the City, waiving permit and inspection fees for plaque installation, and directing official acts in furtherance of this Ordinance.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendation of the Public Safety Committee

Present: Supervisors Avalos, Olague, Mar

33. 121031 **[Metropolitan Transportation Commission - Strengthen Provisions of Personal Information of the Clipper Card Program]**
Sponsors: Avalos; Chiu, Olague and Mar
Resolution urging the Metropolitan Transportation Commission to strengthen the privacy provisions of personal information of the Clipper Card Program.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Rules Committee

Present: Supervisors Kim, Wiener, Avalos

34. 121057 **[Board of Supervisors' Rules of Order Amendment]**
Sponsor: Elsbernd
Motion amending the Board of Supervisors' Rules of Order, in their entirety, to correct clerical corrections, proper placement of sections, and additional updates.
- Question: Shall this Motion be APPROVED?**

- 35. 121087 **[Appointment, Board of Appeals - Darryl Honda]**
Sponsor: Mayor
 Motion approving the Mayor's appointment of Darryl Honda to the Board of Appeals for the term ending July 1, 2016.

Question: Shall this Motion be APPROVED?

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

COMMITTEE REPORT

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

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, December 3, 2012, at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a Committee Report on Tuesday, December 4, 2012.

- 36. 121066 **[Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]**
Sponsor: Olague
 Ordinance amending San Francisco Administrative Code, Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance), Section 37.9, to add new Subsection 37.9(I), providing for hearings at the Rent Board on tenant allegations of landlord harassment constituting a wrongful endeavor to recover possession of the tenant's unit.

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 through 43

- 39. 121129 [Approval of a 90-Day Extension for Planning Commission Review of Rezoning of 1111 Eighth Street (File No. 111278)]**
Sponsor: Cohen
Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 111278) that would amend the San Francisco Planning Code, Sectional Map SU08 of the Zoning Map; adding San Francisco Planning Code, Section 249.66 to establish the Art and Design Educational Special Use District at 1111 Eighth Street to facilitate the continued operation of the California College of the Arts and provide a regulatory scheme for a potential future phased expansion of the campus; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.
- 11/20/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 40. 121131 [National Park Service - Cease Efforts to Locate Alcatraz Ferry Service at Fort Mason Piers]**
Sponsors: Farrell; Chiu
Resolution urging the National Park Service to abandon plans to locate Alcatraz Ferry Service at Fort Mason Piers and to focus their efforts on working with the Port of San Francisco to continue service at the Port.
- 11/20/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

41. 121135 [Approval of a 90-Day Extension for Planning Commission Review of Upper Market Zoning (File No. 120901)]

Sponsor: Wiener

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120901) amending the San Francisco Planning Code, Sections 721.1 and 733.1 to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; amending Section 703.2(b) to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; and 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.

11/20/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 121136 [Approval of a 90-Day Extension for Planning Commission Review of Upper Market Zoning Map Amendment (File No. 120902)]

Sponsor: Wiener

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on an Ordinance (File No. 120902) amending the San Francisco Planning Code, Sectional Map Sheets ZN07 and HT07 to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District, and to change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034 from 50-X to 65-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

11/20/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 121153 [Declaration of Election Results of the November 6, 2012, Consolidated General Election]

Sponsor: Chiu

Resolution declaring the results of the November 6, 2012, Consolidated General Election.

11/27/2012; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 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 by the President at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors Section 2.8, 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 and introduced by the President.

PROPOSED RESOLUTIONS

Proposed Resolutions received from November 13, 2012, through November 21, 2012, for reference by President to appropriate Committee on December 4, 2012.

121138 [Lease Termination Agreement - Downtown Parking Corporation - 833 Mission Street]

Resolution authorizing the termination of the lease agreement with the Downtown Parking Corporation and authorizing the Director of Transportation to execute a Lease Termination Agreement that will expire on December 31, 2012. (Municipal Transportation Agency)

11/19/2012; RECEIVED FROM DEPARTMENT.

12/04/2012; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

121139 [Lease and Use Agreement - China Airlines, Limited]

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Use Agreement L10-0082 with China Airlines, Limited, effective January 1, 2013, for administrative office space in the International Terminal at the San Francisco International Airport. (Airport Commission)

11/21/2012; RECEIVED FROM DEPARTMENT.

12/04/2012; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

121152 [Petitions and Communications]

Petitions and Communications received from November 13, 2012, through November 26, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on December 4, 2012.

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 Clerk of the Board, reporting the following individual has submitted a Form 700 Statement: (1)

Jess Montejano - Legislative Aide - Assuming

From Department of Public Health, submitting the FY2011-2012 Annual Report of Gifts Received. Copy: Each Supervisor. (2)

From Office of the Mayor, submitting notice that Mayor Ed Lee will be out of state from November 22, 2012, until November 24, 2012. Supervisor Mark Farrell will serve as Acting Mayor. (3)

From Office of the Mayor, submitting notice that Mayor Ed Lee will be out of state from November 24, 2012, until November 25, 2012. Supervisor Sean Elsbernd will serve as Acting Mayor. (4)

*From San Francisco Unified School District, submitting the 2012 Williams Settlement Annual Report. (5)

From Office of Economic and Workforce Development, responding to Supervisor John Avalos inquiry. (Reference No. 20121016-001). (6)

From concerned citizens, regarding Sharp Park Golf Course. File No. 120619, 27 letters. (7)

*From California Department of Public Health, submitting FY2012-2013 Scope of Work, California Home Visiting Program and Budget. (8)

From concerned citizens, regarding public nudity ban. File No. 120984. Copy: Each Supervisor, City Operations & Neighborhood Services Clerk. 22 letters. (9)

From Office of the Treasurer & Tax Collector, submitting CCSF Investment Report for October 2012. (10)

*From Office of the Controller, submitting July 1, 2010, Postretirement Health Plan Actuarial Valuation Report. Copy: Each Supervisor, Clerk of the Board. (11)

From San Francisco Transit Riders Union, supporting Vehicle License Fee restoration measure. Copy: Each Supervisor. (12)

From Office of the Controller, submitting report on ten selected organizations compiled with the San Francisco Administrative Code, Chapter 12G, by not using City funds for political activity. Copy: Each Supervisor. (13)

From California Academy of Sciences, submitting 2011 Financial Statements, as of June 30, 2012. (14)

From Office of the Controller - City Services Auditor, submitting Airport Commission Audits of Harmony Pharmacy and Health Center, Inc., and Nocal Rentals, Inc. Copy: Each Supervisor. (15)

From concerned citizens, regarding Shell Energy Plan. Copy: Each Supervisor. 2 letters. (16)

From concerned citizens, regarding Charlie, the dog. Copy: Each Supervisor. 3 letters. (17)

From Roland Lebrun, supporting Caltrain modernization program. Copy: Each Supervisor. (18)

From Michael Sonn, supporting the Transportation Impact Development Fee legislation. File No. 120523. Copy: Each Supervisor. (19)

From concerned citizens, opposing proposed lease agreement with Woodhouse Marina Green, LLC. File No. 120987. Copy: Each Supervisor, Government Audit & Oversight Committee Clerk. 4 letters. (20)

From concerned citizens, regarding proposed changes to California Environmental Quality Act Procedures. File No. 121019. Copy: Each Supervisor, Land Use & Economic Development Committee Clerk. 2 letters. (21)

*(An asterisked item represents the cover sheet to document that exceeds 25 pages. The complete document is available at the Clerk's Office, Room 244, City Hall.)

ADJOURNMENT