



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, June 8, 2010 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

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 at a Committee meeting 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting.

Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244,

RECEPTION DESK. Agendas are available on the internet at www.sfbos.org/meetings

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**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 and the Committee Room 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, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. 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, by phone at (415) 554-7724, by 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 www.sfgov.org/ethics

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 on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the May 4, 2010, 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.

Items 1 through 19

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

- 1. 100488 [Recreation and Park Department - Coit Tower Non-Resident Fees]**
Sponsor: Mayor
Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.06, to establish non-San Francisco resident fees for the elevator at Coit Tower, and making environmental findings.

05/25/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. **100456 [Agreement to Purchase Easements in Connection with the New Irvington Tunnel Project in Alameda County]**

Resolution approving and authorizing an Agreement for Purchase and Sale of Real Estate to acquire for \$57,500 a permanent well easement and a temporary construction easement in Alameda County for the public purpose of constructing the San Francisco Public Utilities Commission New Irvington Tunnel Project; adopting findings under the California Environmental Quality Act; adopting findings that the purchase 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)

Question: Shall this Resolution be ADOPTED?

3. **100516 [Lease Agreement with the California State Lands Commission]**

Resolution approving and authorizing a 25 year lease with the California State Lands Commission for a portion of the San Francisco Bay in Alameda and San Mateo Counties, at no rent, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW36801, Bay Division Pipeline Reliability Upgrade - Tunnel; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; adopting findings of consistency with City Planning Code Section 101.1; and authorizing the General Manager of SFPUC to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Elsbernd

4. **100532 [Accept and Expend Grant - National Endowment for the Arts Learning in the Arts Program for the San Francisco Arts Commission's WritersCorps Program - \$60,000]**

Sponsor: Mayor

Resolution authorizing the San Francisco Arts Commission to retroactively accept and expend a grant in the amount of \$60,000 from the National Endowment for the Arts Learning in the Arts Program for general operating support for WritersCorps.

Question: Shall this Resolution be ADOPTED?

5. **100536 [Accept and Expend Grant - Public Health Emergency Response Phase IV - \$849,417]**

Sponsor: Chu

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$849,417 from the California Department of Public Health, to assist with a project entitled "Public Health Emergency Response Phase IV" for the period of March 1, 2010 through July 30, 2010.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

- 6. **100298** **[Freeway Maintenance Agreement for the Interchange at Highways 101 and 280]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the interchange at Highways 101 and 280 and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

Question: Shall this Resolution be ADOPTED?

- 7. **100299** **[Freeway Maintenance Agreement for the Bay Bridge Anchorage Security Measures]**
Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the San Francisco-Oakland Bay Bridge Beale Street anchorage security measures and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

- 8. **100517** **[Settlement of Lawsuit - Susan Garduno - \$47,500]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$47,500; 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 9. **100518** **[Settlement of Lawsuit - Linda Ho - \$88,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Linda Ho against the City and County of San Francisco for \$88,000; 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 10. **100519** **[Settlement of Lawsuit - Victoria Sanchez - \$66,500]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Victoria Sanchez against the City and County of San Francisco for \$66,500; 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)

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 11. 100520 [Settlement of Lawsuit - Sally Seid - \$48,500]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for \$48,500; 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)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 12. 100521 [Settlement of Lawsuit - Mary Anne Short and Robert Short - \$160,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Mary Anne Short/Robert Short against the City and County of San Francisco for \$160,000; 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)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 13. 100559 [Settlement of Lawsuit - SN Sands Corp. dba S&S Trucking - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by SN Sands Corp. dba S&S Trucking against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 10, 2009, in San Francisco Superior Court, Case No. CGC-09-487156; entitled SN Sands Corporation dba S&S Trucking v. City and County of San Francisco; other material terms of said settlement are term of five-year contract to run from December 20, 2008, to December 19, 2013. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 14. 100560 [Settlement of Lawsuit - James A. Shotwell - \$167,500]**
Ordinance authorizing settlement of the lawsuit filed by James A. Shotwell against the City and County of San Francisco for \$167,500; the lawsuit was filed on September 26, 2008, in San Francisco Superior Court, Case No. CGC-08-480280; entitled James A. Shotwell v. City and County of San Francisco. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 15. 100561 [Settlement of Lawsuit - 609-611 Burnett Apartments, LLC - \$128,700]**
Ordinance authorizing settlement of the lawsuit filed by 609-611 Burnett Apartments, LLC, against the City and County of San Francisco for \$128,700; the lawsuit was filed on December 9, 2008, in San Francisco Superior Court, Case No. CGC-08-482803; entitled Burnett Apartments, LLC, v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
- 16. 100562 [Settlement of Lawsuit - Melanie Wood and Timothy Wood - \$151,000]**
Ordinance authorizing settlement of the lawsuit filed by Melanie Wood and Timothy Wood against the City and County of San Francisco for \$151,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. CGC-07-463943; entitled Melanie Wood, et al. v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

17. 100563 [Appointments, Mental Health Board - Lara Arguelles, Ellis Joseph and Mary Ann Jones]

Motion appointing Lara Arguelles, Ellis Joseph and Mary Ann Jones, terms ending January 31, 2013, to the Mental Health Board. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

18. 100565 [Appointments, Sunshine Ordinance Task Force - James Knoebber and Nicholas Goldman]

Motion appointing James Knoebber and Nicholas Goldman, terms ending April 27, 2012, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

19. 100566 [Appointments, Children and Families First Commission - Veronica Chavez and Betty Robinson-Harris]

Motion appointing Veronica Chavez and Betty Robinson-Harris, terms ending April 29, 2014, to the Children and Families First Commission, residency requirement waived. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

20. 100663 [Adopting Findings Disapproving Conditional Use for Property Located at 725 Taraval Street]

Motion adopting findings disapproving the Planning Commission's approval of Conditional Use Authorization No. 2009.0531C which approved the installation of a wireless telecommunications facility consisting of eight new panel antennas located on the existing four-story mixed-use building's elevator penthouse structures, with related equipment cabinets located within the structure's subterranean garage, as part of T-Mobile's wireless telecommunications network within an NC-2 Zoning District and a 40-X Height and Bulk District, located at 725 Taraval Street (Lot Nos. 052-058 in Assessor's Block No. 2408). (Clerk of the Board)

Question: Shall this Motion be APPROVED?

From the Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Elsbernd

- 21. 100469 [Recreation and Park Department - Botanical Garden Non-Resident Fees]**
Sponsor: Mayor
Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46, to establish admission fees to the Botanical Garden for non-San Francisco residents, and making environmental findings.

05/25/2010; AMENDED.

05/25/2010; AMENDED.

05/25/2010; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

- 22. 100582 [Appropriating \$811,734 of Fund Balance for the Code Enforcement Rehabilitation Fund in Department of Building Inspection and Mayor's Office of Housing in FY2009-2010]**
Sponsor: Mayor
Ordinance appropriating \$738,240 of Code Enforcement Rehabilitation Fund unappropriated fund balance and deappropriating \$73,494 of prior year appropriations to support code enforcement activities in the Department of Building Inspection and the Mayor's Office of Housing in FY2009-2010.

Question: Shall this Ordinance be PASSED ON FIRST READING?
- 23. 100640 [Waiver of Temporary Street Space Occupancy Fee for the Mission Community Market]**
Sponsor: Campos
Ordinance waiving the permit fee in Public Works Code Section 724.1(b) for temporary street space occupancy on certain blocks of 22nd Street on Saturday, June 19, 2010, as part of a fundraiser to launch the Mission Community Market.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 24. 100644 [Contract Amendment - Serco, Inc., for Parking Meter Collection and Management Services - Not to Exceed \$77,300,000]**
Sponsor: Chiu
Resolution approving the ninth amendment to an agreement with Serco, Inc., for parking meter collection and management services, to extend the term by two years and increase the contract amount by \$16,800,000 for a total contract amount not to exceed \$77,300,000.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

- 25. 100646 [Issuance and Sale of Tax-Exempt Bonds - Children's Day School, Inc. - Not to Exceed \$10,000,000]**
Sponsor: Dufty
Resolution approving the issuance and sale of tax-exempt bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$10,000,000 to finance various capital facilities owned or leased by Children's Day School.

Question: Shall this Resolution be ADOPTED?

Recommendation of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Elsbernd

- 26. 100104 [Retailers' Duty to Disclose Specific Absorption Rate Values for Cell Phones]**
Sponsors: Mayor; Maxwell
Ordinance amending the San Francisco Environment Code by adding Chapter 11, Sections 1100 through 1105, to require retailers to disclose specific absorption rate values for cell phones, and making environmental findings.

(Supervisor Elsbernd dissented in Committee)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

27. 090906 [Planning - Uses Permitted in R Districts - Double Density for Senior Housing]

Sponsor: Chiu

Ordinance amending the Planning Code by adding Section 102.6.1 to create a definition related to housing for seniors; amending Planning Code Section 209.1(m) related to the Uses Permitted in R Districts - Dwelling Zoning Control Table to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

28. 100364 [Major Encroachment for San Francisco State University to Place Utilities Under Font Boulevard]

Resolution granting a revocable major encroachment permit to San Francisco State University to occupy a portion of the public right-of-way to install and maintain private underground utilities crossing Font Boulevard to serve properties within Assessor Block No. 7304; making findings, including environmental findings and findings of consistency with the General Plan and the Eight Priority Policies of Planning Code Section 101.1. (Public Works Department)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Dufty

29. 100529 [Creation of Neighborhood Community Justice Task Force]

Sponsors: Chiu; Maxwell and Alioto-Pier

Ordinance amending the San Francisco Administrative Code by adding Sections 5.70 through 5.75, to create a Neighborhood Community Justice Task Force to make recommendations to the Board of Supervisors regarding the creation of restorative and community justice programs; provide for the Task Force's membership, organization, and duties; and set a sunset date for the Task Force.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Public Safety Committee Without Recommendation

Present: Supervisors Chiu, Mirkarimi, Dufty

- 30. 100233 [Prohibition on Sitting or Lying on Public Sidewalks]**
Sponsors: Mayor; Alioto-Pier
Ordinance amending San Francisco Police Code by adding Section 168 to prohibit sitting or lying down upon a public sidewalk during specified hours, and with exceptions for the disabled and others.

(Supervisor Dufty dissented in Committee)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

- 31. 100437 [Standards of Care for City Shelters and Powers and Duties of the Shelter Monitoring Committee]**
Sponsors: Mar; Campos and Alioto-Pier
Ordinance amending the San Francisco Administrative Code by amending Chapter 20, Sections 20.304, 20.401, 20.403, 20.404, and 20.405, to: 1) amend City requirements in the delivery of shelter services to, among other things, expand reservation capability at shelters; 2) provide additional training to shelter staff; and ensure case management services for shelter clients in need; and 3) require the Shelter Monitoring Committee to track refusals of shelter beds and authorize the Committee to initiate investigations into alleged violations of contractual obligations imposed by Chapter 20.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. 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 4 pm. 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 4pm:

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 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

32. 100252 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)

(Filed 3/1/10; Companion Measure to File Nos. 100253, 100254, 100255.)

04/13/2010; CONTINUED.

05/11/2010; CONTINUED.

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

33. 100253 [Affirming the Exemption Determination for 100 – 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

04/13/2010; CONTINUED.

05/11/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

- 34. 100254 [Reversing the Exemption Determination Issued for 100 – 32nd Avenue]**
Motion reversing the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)
- 04/13/2010; CONTINUED.
05/11/2010; CONTINUED.
- Question: Shall this Motion be APPROVED?**
- 35. 100255 [Preparation of Findings Related to the Exemption Determination for the 100 – 32nd Avenue]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)
- 04/13/2010; CONTINUED.
05/11/2010; CONTINUED.
- 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 Rules Committee at a Regular Meeting on Thursday, June 3, 2010, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, June 8, 2010.

- 36. 100525 [Reappointment, Police Commission - Joseph E. Marshall]**
Motion confirming the Mayor's nomination of, and reappointing, Joseph E. Marshall to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2014. (Mayor)
- (Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - April 28, 2010.)
- Question: Shall this Motion be APPROVED?**
- 37. 100681 [Appointment, Juvenile Probation Commission - Joseph Arellano]**
Motion rejecting the Mayor's appointment of Joseph Arellano to the Juvenile Probation Commission, for the term ending January 15, 2014.
- (Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - May 24, 2010.)
- Question: Shall this Motion be APPROVED?**

The following item will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, June 7, 2010, 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, June 8, 2010.

38. 100648 [Accept and Expend Grant - Caltrans Community Design Process for Cesar Chavez Street - \$250,000]

Sponsors: Mayor; Maxwell, Campos and Dufty

Resolution authorizing the San Francisco Planning Department to retroactively accept and expend a grant in the amount of \$250,000 from Caltrans for the period February 16, 2010, through February 28, 2012, in order to conduct a community design process for Cesar Chavez Street.

Question: Shall this Resolution be ADOPTED?

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.

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.

Items 39 through 45

- 39. 100650 [Urging to Opt-Out of “Secure Communities”]**
Sponsors: Mar; Campos, Avalos, Maxwell, Daly, Mirkarimi, Chiu and Dufty
Resolution urging the San Francisco Sheriff’s Department, the Juvenile Probation Department and the San Francisco Police Department to opt-out of participating in the Police Immigration and Customs Enforcement collaboration program known as "Secure Communities."
- 05/18/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 05/25/2010; CONTINUED.
- Question: Shall this Resolution be ADOPTED?**
- 40. 100652 [Opposing Assembly Bill 2650 - Regarding Unnecessary Regulations and Intrusion into the City and County’s Authority]**
Sponsor: Daly
Resolution opposing Assembly Bill 2650, opposing unnecessary State intrusions on the City and County's land use and regulatory authority, and urging San Francisco's State Representatives to oppose this bill and any similar legislation to unnecessarily regulate the location of medical cannabis facilities in contravention of existing or future local ordinances.
- 05/18/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 05/25/2010; CONTINUED.
- Question: Shall this Resolution be ADOPTED?**
- 41. 100666 [Accept and Expend Grant - State Food and Agricultural Projects - \$11,188.77]**
Sponsor: Maxwell
Resolution authorizing the San Francisco Department of Public Health to accept and expend a grant in the amount of \$11,188.77 from the California Department of Food and Agriculture for the period of July 1, 2010, through June 30, 2011.
- 05/25/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

- 42. 100667 [Proclaiming Elizabeth Rojas-Colville Day - June 24, 2010]**
Sponsor: Daly
Resolution proclaiming June 24, 2010, as Elizabeth Rojas-Colville Day in the City and County of San Francisco.

05/25/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 43. 100668 [Enterprise Zone Targeted Employment Area]**
Sponsor: Chiu
Resolution approving the boundaries of the City and County of San Francisco Enterprise Zone Targeted Employment Area.

05/25/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 44. 100682 [Committee of the Whole - Elimination and/or Reduction of Health Care Services (Beilenson Hearing) - June 15, 2010, at 3:00 p.m.]**
Sponsor: Avalos
Motion scheduling the Board to sit as a Committee of the Whole to consider the elimination and/or reduction of health care services (Beilenson Act), to be held on June 15, 2010, at 3:00 p.m.

06/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

- 45. 100698 [Final Map 4025 - 301 King Street]**
Motion approving Final Map 4025, a four lot airspace subdivision with one lot being approved for a maximum of 313 residential condominium units, being a merger and re-subdivision of Lot Nos. 7 and 10 of Assessors Block No. 8705, located at 301 King Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

05/19/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda: _____

46. 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

PROPOSED ORDINANCES

Proposed ordinances received from May 18, 2010, to May 28, 2010, for reference by President to appropriate committee on June 8, 2010.

100689 [Settlement of Lawsuit - Nelson A. Estival - \$57,500]

Ordinance authorizing settlement of the lawsuit filed by Nelson A. Estival against the City and County of San Francisco for \$57,500; the lawsuit was filed on July 24, 2008, in San Francisco Superior Court, Case No. CGC 09-477871, entitled Estival v. City and County of San Francisco, et al. (City Attorney)

05/20/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100690 [Settlement of Lawsuit - Anthony Landry - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Landry against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 17, 2008, in the San Francisco Superior Court, Case No. CGC 08-744565, entitled Anthony Landry v. City and County of San Francisco. (City Attorney)

05/28/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 100691 [Settlement of Lawsuit - Bayshore Sanitary District - \$407,000]**
Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of \$407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future. (City Attorney)

05/28/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 100693 [Mission Bay North-Block N1 Public Infrastructure Improvements]**
Ordinance accepting of the irrevocable offer of additional property along Townsend Street, King Street, and Fourth Street and the irrevocable offer of public infrastructure improvements associated with Mission Bay North Block N1, including acquisition facilities on Third Street, Townsend Street, King Street, and Fourth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; designating street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,676; and authorizing official acts in connection with this Ordinance. (Public Works Department)

05/28/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from May 18, 2010, to May 28, 2010, for reference by President to appropriate committee on June 8, 2010.

- 100687 [Agreement to Purchase Permanent Subsurface Easements and Temporary License Agreements to Enter and Use Property for the Sunnydale Sewer System Improvement Project totaling \$2,459,664]**
Resolution approving and authorizing agreements for the acquisition of the following real property rights required for the Sunnydale Sewer Improvement Project No. CENMSCIC2362 (the "Project") totaling \$2,459,664: (1) permanent subsurface sewer easements over portions of San Francisco APN 4991/24 and 4991/65 comprising 11,677.7 square feet, (2) permanent subsurface sewer easements over portions of San Francisco APN 5100/3, 5101/7 and 5102/9 comprising 24,468 square feet, (3) a temporary 18-month License with a 6-month option term over San Francisco APN 4991/24, 4991/61, 4991/65 comprising 47,568 square feet, and 22,215 square feet over the contiguous Brisbane APN 005-153-030, and (4) a temporary 18-month License with a 6-month option term over portions of San Francisco APN 5100/3 and 5107/1 comprising 24,613.7 square feet; adopting findings under the California Environmental Quality Act ("CEQA"); 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)

05/24/2010; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

100688 [Agreement to Purchase Permanent Subsurface Easements for the Sunnydale Sewer Improvement Project totaling \$174,001]

Resolution approving and authorizing agreements for the acquisition of permanent subsurface sewer easements required for the Sunnydale Sewer Improvement Project No. CENMSCIC2362 (the "Project") over portions of San Francisco APN 5104/4, 4991/7/8, 4991/9 and 4991/68 from Recology Properties, Inc. (fka Macor, Inc.) and Recology San Francisco (fka SF Recycling & disposal, Inc./fka Sanitary Fill Co.) totaling \$174,001., comprising 31,826.19 square feet; adopting findings under the California Environmental Quality Act ("CEQA"); 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)

05/24/2010; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

100692 [Lease of Port Real Property - Pier 26 Annex]

Resolution approving Port Commission Lease No. L-14796 with IDEO, LLC for office space located at Pier 26 Annex within the Southern Waterfront with a sixty month term and a sixty month option. (Port)

05/28/2010; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

100748 [Petitions and Communications]

Petitions and Communications received from May 18, 2010, through May 28, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on June 8, 2010.

From concerned citizens, submitting opposition to proposed resolution calling for a boycott of the State of Arizona and Arizona-based businesses until Arizona repeals Senate Bill 1070. File No.100256, Approximately 300 letters (1)

From concerned citizens, submitting opposition to expanding parking meter hours/and or Sunday metering. Approximately 300 letters (2)

From Sandy Weil, suggesting eight hour parking meters be installed at the zoo on Sloat Boulevard. (3)

From Police Department, submitting request for waiver of Administrative Code Chapter 12B for Fleetcar Technologies. (4)

From concerned citizens, regarding the proposed plan to build a disc-golf course in McLaren Park. 2 letters (5)

From Municipal Transportation Agency, submitting copy of letter sent to constituent regarding an increase in parking rates at City facilitated garages. Copy: Supervisor Alioto-Pier (6)

From concerned citizens, urging the Mayor and Board of Supervisors to fund the Mission Learning Center. 3 letters (7)

From Kelly Leathers, submitting copy of petition sent to Matier and Ross regarding coverage of John O'Connell High School. (8)

From Department of Public Health, submitting the number of AIDS cases reported through March 2010. (9)

From Office of the Controller, submitting their audit report for the Police Department's Property Control Unit. Copy: Each Supervisor (10)

From Office of the Controller, submitting their audit report for the Sunol Valley Golf and Recreation Company. Copy: Each Supervisor (11)

From Patrick Monette-Shaw, regarding Laguna Honda Hospital. (12)

From Webster Bones, regarding the Department of Human Resources reform. (13)

From La Tonya Broughton, regarding the management at the Recreation and Parks Department. (14)

From Abdalla Megahed, submitting copy of letter sent to President Obama regarding his visit to San Francisco. (15)

From Office of the Mayor, submitting notice regarding transfer of function under Charter Section 4.132. Copy: Each Supervisor (16)

From Daniel Pong, commenting on MUNI's proposed budget. (17)

From concerned citizens, commenting on the 2010 Bay to Breakers event. 5 letters (18)

From State Office of Historic Preservation, submitting notice that the Temple Sherith Israel was placed on the National Register of Historic Places. Copy: Each Supervisor (19)

From Kimble McSweney, urging the Board of Supervisors to keep the Tonga Room open. (20)

From Don, inquiring when San Francisco will boycott China for human rights violations. (21)

From concerned citizens, submitting support for the proposed legislation concerning the sit/lie law. 5 letters (22)

From Office of the Mayor, submitting notice that the Mayor will be out of State from Thursday, May 27, 2010, through Monday, May 31, 2010. Supervisor Sean Elsbernd will serve as Acting-Mayor. Copy: Each Supervisor (23)

From Clerk of the Board, the following individual has submitted a Form 700 Statement of Economic Interest: Catherine Rauschuber, legislative aide to Supervisor Chiu, assuming. (24)

From Jill Linwood, submitting opposition to proposed placement of four cell antennas in the steeple at St. Matthew's Church at 3281-16th Street. (25)

From Blair Camp, regarding the mural being painted on a building at the corner of Fell and Scott Streets. (26)

From concerned citizens, urging the Board of Supervisors to ensure that the California Pacific Medical Center Master Plan meet the needs of the surrounding communities. 6 letters (27)

From concerned citizens, submitting opposition to the proposed plan to charge entrance fees for entrance to the Strybing Arboretum/Botanical Garden. File No. 100469, 2 letters (28)

From S.F. Public Utilities Commission, regarding the California Public Utilities Commission certification of San Francisco's Community Choice Aggregation Program Implementation Plan. (29)

From Becky Jennings, submitting opposition to 7-Eleven's proposal to open a store at 30th and Mission Streets. (30)

From Erik Gordon, regarding the beautiful plant life that was recently installed on the median strip leading into the Broadway Tunnel. (31)

From concerned citizens, urging the Board of Supervisors to protect Supportive Housing services in the FY2010-2011 Budget. 7 letters (32)

From Nudcot, regarding the recent statement by Human Rights Watch and Amnesty International concerning the treatment of migrants in Mexico. (33)

From Francisco Da Costa, regarding Candlestick Park and Hunter's Point Shipyard and the Public Utilities Commission. (34)

From concerned citizens, submitting support for Mayor Newsom's right to know cell phone legislation. 2 letters (35)

From Eden Niemela, regarding access to MUNI bus line 2X on May 22, 2010. (36)

From SF Local Agency Formation Commission, regarding status of Community Choice Aggregation Contract. (Reference No. 20100420-006) (37)

From James Corrigan, regarding the fake "On Official Fire Department Business" signs that are used by some to gain free parking advantages. (38)

From Mark Rand, submitting opposition to the 10% cut in MUNI service. (39)

From Michael Demetrious, concerning people looking through his trash for bottles to recycle. (40)

From Lawrence Feigenbaum, thanking the Board of Supervisors for voting to save the Botanical Gardens by charging an entry fee to out-of-town visitors. (41)

From concerned citizens, submitting opposition to proposed Charter Amendment regarding Board of Education electors regardless of whether the residents are United States citizens. File No.100635, 16 letters (42)

From concerned citizens, submitting opposition to proposal to cut the Citywide Case Management and Community Focus budget by 15%. 2 letters (43)

From Aaron Goodman, regarding predatory equity lending in San Francisco. (44)

From Jim Skanberg, commenting on the unfair parking ticket practices in San Francisco. (45)

From Anne Pagan, regarding college funding for San Francisco students. (46)

From Cecilia Ovando, regarding the Health Service System Plan and Contribution Rates. File No.100134 (47)

From Office of the Mayor, submitting appointments to the following Commissions: (48)

Art Commission

Jessica Silverman, term ending January 15, 2011

Golden Gate Park Concourse Authority Board

Anderson Pugash, term ending March 25, 2011

Mark Dunlop, term ending March 25, 2013

Murat Eskicioglu, term ending March 25, 2014

Stefanie Roumeliotes, term ending March 25, 2014

Mel Lee, term ending March 25, 2011

Isabelle Farrow, term ending March 25, 2011

Juvenile Probation Commission

Julian C.L. Chang, term ending January 15, 2014

War Memorial Board of Trustees

Gina Moscone, term ending January 2, 2013

Paul Pelosi, Sr., term ending January 2, 2013

Charlotte Mailliard Shultz, term ending January 2, 2013

Wilkes Bashford, term ending January 2, 2013

Nancy Bechtle, term ending January 2, 2013

From Office of the City Administrator, submitting the Capital Plan report for FYs2011-2012 through 2019-2020. (49)

From Michael Smith, regarding funding for the Youth Jobs Program. (50)

ADJOURNMENT