



# 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, September 28, 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](http://www.sfgbos.org)

#### BOARD COMMITTEES

##### Committee Membership

**Budget and Finance 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, Dufty

**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, Elsbernd

**Rules Committee**  
Supervisors Campos, Alioto-Pier, Mar

##### Meeting Days

Wednesday  
11:00 AM

2nd and 4th Thursday  
3:30 PM

2nd and 4th Monday  
10:30 AM

2nd and 4th Thursday  
10:30 AM

Monday  
1:00 PM

1st and 3rd Monday  
10:00 AM

1st and 3rd Thursday  
10:00 AM

## Meeting Procedures

Board procedures do not permit: 1) persons in the audience at a Board 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) bringing in or displaying signs in the meeting room; 4) standing in the meeting room. The public is encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

**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, and 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 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](mailto: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](http://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

## 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 4

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Elsbernd*

1.     **101051     [Approval to Implement Alternative Bid Process for Construction Trade Packages for the Renovation and Construction of the George S. Moscone Convention Center]**  
Ordinance authorizing the San Francisco Department of Public Works to implement an alternative bid process for construction trade packages and to award contracts for construction services, for the renovation of and capital improvements to the Moscone Convention Center. (Public Works Department)  
  
09/21/2010; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**
  
2.     **101140     [Cigarette Litter Abatement Fee - Timing and Standards for Controller's Review and Adjustment]**  
**Sponsor: Mayor**  
Ordinance amending Section 105.3 of the San Francisco Administrative Code to change the timelines and standards under which the Controller is directed to review and adjust the Cigarette Litter Abatement Fee.  
  
09/21/2010; PASSED, ON FIRST READING.  
  
**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendation of the City Operations and Neighborhood Services Committee**

*Present: Supervisors Chu, Avalos, Dufty*

3.     **100922**     **[Authorizing the Department of Public Health to Enter Into Contracts for Out-of-County Behavioral Health Services in the Foster Care System]**  
          **Sponsor: Mayor**  
          Ordinance amending the San Francisco Administrative Code by amending Section 21.42 to authorize the Department of Public Health to contract for behavioral health services to children in the foster care system under the jurisdiction of the City and County of San Francisco and located outside of San Francisco, utilizing contracting language and forms mandated by the State of California under California Welfare and Institutions Code Section 5777.7.

09/21/2010; PASSED, ON FIRST READING.

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

**Recommendation of the Land Use and Economic Development Committee**

*Present: Supervisors Maxwell, Mar, Chiu*

4.     **101161**     **[Construction Agreement for 1150 Ocean Avenue]**  
          **Sponsor: Elsbernd**  
          Resolution approving an agreement and authorizing the Director of Planning to execute the agreement on behalf of the City and County of San Francisco in order to ensure the construction on-site of 26 inclusionary units in the mixed-use development proposed at 1150 Ocean Avenue (Lot No. 003 in Assessor's Block No. 3180).

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Vetoed by the Mayor

*(Consideration to override Mayor's Veto pursuant to Charter Section 2.106, pending approval of File No. 101209.)*

- 5. **100865** **[Establishing an Alcohol Cost Recovery Fee]**  
**Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos**  
 Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

NOTE: This action requires a two-thirds vote pursuant to Charter Section 2.106. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor's veto was received on September 21, 2010. Therefore, the Board of Supervisors will lose the ability to override the veto unless it votes on the veto override on or before October 21, 2010.

09/14/2010; AMENDED.

09/14/2010; AMENDED.

09/14/2010; PASSED ON FIRST READING AS AMENDED.

09/21/2010; FINALLY PASSED.

**Question: Shall this Ordinance be APPROVED OVER THE MAYOR'S VETO?**

### Recommendations of the Land Use and Economic Development Committee

*Present: Supervisors Maxwell, Mar, Chiu*

- 6. **101056** **[Banning the Sale of Tobacco Products in Pharmacies]**  
**Sponsors: Mar; Dufty and Maxwell**  
 Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Sections 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for general grocery stores and big box stores from the general ban on the sale of tobacco products in pharmacies.

09/21/2010; PASSED ON FIRST READING.

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

## NEW BUSINESS

### Recommendations of the Budget and Finance Committee

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

7.    **100832**    **[Contract with Institute on Aging for the Provision of Case Management, Community Living Fund and Linkages Program Services - Not to Exceed \$16,144,866]**  
Resolution retroactively approving the grant agreement between the City and County of San Francisco and the non-profit Institute on Aging to provide Case Management, Community Living Fund and Linkages Program services to seniors and adults with disabilities during the period of July 1, 2010, to June 30, 2014, for a total not to exceed amount of \$16,144,866. (Human Services Department)  
  
(Fiscal Impact.)  
  
**Question: Shall this Resolution be ADOPTED?**
8.    **100894**    **[Increasing Contract with Xtech to \$41,000,000]**  
Resolution authorizing the Office of Contract Administration to enter in the First Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from \$24,000,000 to \$41,000,000 and update certain standard contractual clauses. (Office of Contract Administration)  
  
**Question: Shall this Resolution be ADOPTED?**
9.    **100991**    **[Resolution of Intention to Form the Ocean Avenue Community Benefits District]**  
**Sponsor: Avalos**  
Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Ocean Avenue Community Benefits District," and levy a multi-year assessment on identified parcels in the district; (2) approving the management district plan and engineer's report and proposed boundaries map for the district; (3) ordering and setting a time and place for a public hearing thereon; (4) approving the form of the Notice of Public Hearing and Assessment Ballots; and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.  
  
**Question: Shall this Resolution be ADOPTED?**
10.   **101110**    **[Accept and Expend Grant - Airport Commission - U.S. Federal Aviation Administration Grant - Not to Exceed \$79,982,500]**  
**Sponsor: Mayor**  
Resolution authorizing the Airport Commission to execute an Other Transaction Agreement with the Federal Aviation Administration (FAA) for the Replacement Airport Traffic Control Tower and FAA Offices in the amount not to exceed \$79,982,500 and retroactively accept and expend federal funds.  
  
**Question: Shall this Resolution be ADOPTED?**

11. 101152 **[San Francisco International Airport Environment Review]**  
**Sponsor: Mayor**  
Resolution adopting California Environmental Quality Act findings related to the Courtyard 2 Air Traffic Control Tower Replacement Project and Integrated Facilities Project at San Francisco International Airport.
- Question: Shall this Resolution be ADOPTED?**

### **Recommendation of the Government Audit and Oversight Committee**

*Present: Supervisors Mar, Chu, Maxwell*

12. 101131 **[Board Response to the 2009-2010 Civil Grand Jury Report Entitled "Pension Tsunami: The Billion Dollar Bubble"]**  
**Sponsor: Mar**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled "Pension Tsunami: The Billion Dollar Bubble" and urging the Mayor to cause the implementation of accepted findings and recommendations through the department heads and through the development of the annual budget. (Clerk of the Board)
- Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Land Use and Economic Development Committee**

*Present: Supervisors Maxwell, Mar, Chiu*

13. 100757 **[Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]**  
**Sponsor: Daly**  
Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
14. 100918 **[Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]**  
Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth 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; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; 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. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**



15. 100755 **[Supporting Existing Area Plan Housing Requirements]**  
**Sponsors: Chiu; Mirkarimi, Avalos and Campos**  
 Resolution supporting existing area plan housing requirements.  
**Question: Shall this Resolution be ADOPTED?**

## 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.

16. 101041 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)

(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

09/14/2010; CONTINUED.

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)**

17. 101042 **[Affirming the Exemption Determination for 10 Bernal Heights Boulevard]**  
Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

09/14/2010; CONTINUED.

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

18. 101043 **[Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]**  
Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)

09/14/2010; CONTINUED.

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

19. 101044 **[Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]**  
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

09/14/2010; CONTINUED.

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

**SPECIAL ORDER 4:00 P.M.**

20. 101045 **[Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]**  
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)

(Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

09/14/2010; CONTINUED.

**Action:** \_\_\_\_\_

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision 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.)**

**21. 101046 [Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]**

Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/14/2010; CONTINUED.

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

**22. 101047 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]**

Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

09/14/2010; CONTINUED.

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

**23. 101048 [Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]**

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)

09/14/2010; CONTINUED.

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

**SPECIAL ORDER 4:00 P.M.****24. 101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)

(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

**Action:** \_\_\_\_\_

*Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)****25. 101032 [Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]**

Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

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

**26. 101033 [Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

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

**27. 101034 [Preparation of Findings to Reverse Certification of the 222-2nd Street Project Final Environmental Impact Report]**

Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 222-2nd Street Project.

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

## Board of Supervisors Sitting as a Committee of the Whole

*(Pending approval of File No. 101181.)*

**28. 101182 [Public Hearing - Certification of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]**

Hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

**Action:**\_\_\_\_\_

## Committee of the Whole Adjourn and Report

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

**29. 101183 [Approving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]**

Motion approving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

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

**30. 101184 [Disapproving the Historic Preservation Commission's Approval for Certificate of Appropriateness Regarding the Alterations of the Board of Supervisors' Legislative Chamber]**

Motion disapproving the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0677A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place. (Clerk of the Board)

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

## COMMITTEE REPORTS

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

*The following items will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, September 27, 2010, at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, September 28, 2010.*

**31. 100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]**

**Sponsors: Chiu; Maxwell**

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

09/21/2010; DUPLICATED. See File No. 101200.

09/21/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

09/21/2010; RE-REFERRED to the Land Use and Economic Development Committee.

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

**32. 101200 [Planning Code - Preservation and Rehabilitation of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]**

**Sponsors: Chiu and Maxwell**

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on preservation and rehabilitation of the Transfer Lot property, to establish reporting procedures regarding the preservation and rehabilitation, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/21/2010; DUPLICATED. See File No. 100851.

09/21/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

09/21/2010; RE-REFERRED to the Land Use and Economic Development Committee.

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

## **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 33 through 41**

- 33. 101209 [Directing the Clerk of the Board to Agendize Consideration to Override Alcohol Cost Recovery Fee Veto]**  
**Sponsor: Avalos**  
Motion directing the Clerk of the Board to agendize consideration to override veto pursuant to Charter Section 2.106 of an ordinance which would establish an Alcohol Cost Recovery Fee (File No. 100865) at the Regular Meeting of September 28, 2010.  
  
09/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Motion be APPROVED?**
- 34. 101181 [Committee of the Whole - September 28, 2010 - Hearing on the Historic Preservation Commission's Certificate of Appropriateness for Alterations to the Board of Supervisors' Legislative Chamber]**  
Motion to sit as a Committee of the Whole for a hearing on the Historic Preservation Commission's approval of Motion No. 0079 (Case No. 2010.0667A), Certificate of Appropriateness, pursuant to Planning Code Section 1006.8(e), in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot No. 001 in Assessor's Block No. 0787 (City Hall) - 1 Dr. Carlton B. Goodlett Place, to be held on September 28, 2010. (Clerk of the Board)  
  
09/16/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Motion be APPROVED?**
- 35. 101203 [Ensuring Safe, Affordable, and Quality Patient Care]**  
**Sponsor: Daly**  
Resolution urging all relevant City agencies to uphold and strengthen current medical cannabis laws, and regulatory procedures that ensures quality care of patients, protects residents, and provides a true benefit to the community, and discourages business practices that threaten local permitted medical cannabis dispensary operators.  
  
09/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.  
  
**Question: Shall this Resolution be ADOPTED?**



**36. 101204 [Declaring October 6, 2010, as Walk to School Day to Promote the Safety and Health of Children]**

**Sponsor: Dufty**

Resolution declaring October 6, 2010, as Walk to School Day to promote the safety and health of children in the City and County of San Francisco.

09/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**37. 101205 [Affordable Child Care Facilities and Teacher's Housing - 1155 Page Street]**

**Sponsor: Mirkarimi**

Resolution urging the San Francisco Unified School District to consider developing both affordable child care facilities and affordable teacher's housing on the surplus property located at 1155 Page Street.

09/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**38. 101206 [Proposition 23 - California Global Warming Solutions Act of 2006]**

**Sponsors: Mayor; Chiu, Mirkarimi, Alioto-Pier, Dufty, Mar, Chu, Elsbernd, Maxwell and Avalos**

Resolution opposing Proposition 23, an initiative constitutional amendment suspending the California Global Warming Solutions Act of 2006, until California's unemployment rate drops to 5.5 percent or less for four consecutive quarters.

09/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**39. 101207 [Committee of the Whole - October 5, 2010 - Public Hearing to Renew/Re-Establish the 2500 Block of Mission Street Business Improvement District, to be Known as the Mission Miracle Mile Business Improvement District]**

**Sponsor: Campos**

Motion to sit as a Committee of the Whole to hold a public hearing on October 5, 2010, to consider adopting a Resolution to renew and re-establish the 2500 Block of Mission Street Business Improvement District, to now be known as the Mission Miracle Mile Business Improvement District.

09/21/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**40. 101210 [Supporting the LGBT Marchers and Their Supporters in the October 10, 2010, Gay Pride Parade in Belgrade, Serbia]**

**Sponsor: Dufty**

Resolution supporting the Lesbian, Gay, Bisexual, and Transgender marchers and their supporters as they peacefully exercise their human right to be visible in the streets, free from violence and fear, during the Gay Pride Parade in Belgrade, Serbia on October 10, 2010.

09/22/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**41. 101189 [Final Map 5679: 531 - 545 Octavia Street]**

Motion approving Final Map 5679, a five Lot Airspace Subdivision Project, located at 531 - 545 Octavia Street being a subdivision of Lot No. 001B in Assessors Block No. 0807 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

09/20/2010; 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: \_\_\_\_\_

**42. 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 September 14, 2010, to September 20, 2010, for reference by President to appropriate committee on September 28, 2010.*

**101216 [Mission Bay South - Fourth Street, Channel Street, and Third Street Public Infrastructure Improvements]**

Ordinance accepting the Irrevocable Offers of property along portions of Channel Street and Third Street and the irrevocable offers of Improvements of public infrastructure improvements, including acquisition facilities on Channel Street, Fourth Street, and Third Street; dedicating such improvements for public use; declaring such areas as shown on Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing 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 South Redevelopment Plan; accepting Department of Public Works Order No. 178,869; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**101217 [Mission Bay South - Blocks 10-10A Public Infrastructure Improvements]**

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 10-10A including acquisition facilities on China Basin Street, Terry A. Francois Boulevard and Mission Bay Boulevard North; declaring City property as shown on official Department of Public Works maps as open public right-of-way; dedicating such improvements for public use and designating such areas and improvements for street and roadway purposes; establishing 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 South Redevelopment Plan; accepting Department of Public Works Order No. 178,870; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**101218 [Mission Bay South - Storm Water Pump Station No. 6 Public Infrastructure Improvements]**

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay Storm Water Pump Station No. 6 including acquisition facilities located on and under Bayfront Park along Terry A. Francois Boulevard; accepting said facilities for City maintenance and liability purposes; 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 South Redevelopment Plan; accepting Department of Public Works Order No. 178,871; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/20/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**101219 [Relocation Impact Study and Last Resort Housing Plan for Central Subway Project]**

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project. (Municipal Transportation Agency)

09/20/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

**PROPOSED RESOLUTIONS**

*Proposed resolution received from September 14, 2010, to September 20, 2010, for reference by President to appropriate committee on September 28, 2010.*

**101213 [Airline/Airport 2011 Lease and Use Agreement]**

Resolution approving six new Airline/Airport Lease and Use Agreements between the City and County of San Francisco and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

09/15/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**101214 [Airline/Airport Lease and Use Agreement and Lease and Operating Agreement Modifications]**

Resolution approving modifications to the terms of two Airline/Airport Lease and Use Agreements between the City and County of San Francisco and Alaska Airlines, Inc. and Continental Airlines, Inc. to allow such Airlines to modify the rental of Terminal Space. (Airport Commission)

09/15/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**101215 [Leases of Real Property]**

Resolution authorizing the amendment of four existing leases (at 729 Filbert Street, 650 Fifth Street, 160 South Van Ness Avenue, and 109 New Montgomery Street) to reduce the rent and extend the lease term for the Department of Public Health, Human Services Agency, and the Department of Child Support Services. (Real Estate Department)

09/20/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**101180 [Petitions and Communications]**

Petitions and Communications received from September 14, 2010, through September 20, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 28, 2010.

From Controller's Office, submitting a report of concession audit of J. Avery Enterprises, Inc., dba Klein's Deli. (1)

From Planning Department, submitting a transmittal for a Certificate of Appropriateness approved by the Historic Preservation Commission, to make the Board Chambers wheelchair accessible. (2)

From Police Department, submitting reports for Part II crime data. (3)

From Controller's Office, submitting a report of City departments using the most overtime for July 2010. (4)

From concerned citizens, submitting a letter of support for the proposed Ocean Avenue Community Benefit District. File No. 100991, 10 letters (5)

From Christopher Wen, urging the Board of Supervisors to not to raise the fee nor extend the hours of parking meters along West Portal Avenue to include Sundays. (6)

From concerned citizens, submitting opposition to Establishing an Alcohol Cost Recovery Fee. File No. 100865, 9 letters (7)

From the Capital Planning Committee, submitting recommendations of the Capital Planning Committee on Streets and Rights-of-Way Certificates of Participation, Board Chambers Barrier Removal, Hope San Francisco Hunter's View, and the Area Plan Infrastructure Finance Committee. (8)

From Tyler Wierzbicki, submitting support of the Planning Commission's, Conditional Use Permit to allow Pet Food Express, on property located at 3150 California Street. File No. 101087 (9)

From concerned citizens, submitting opposition to the Planning Commission's, Conditional Use Permit to allow Pet Food Express, on property located at 3150 California Street. File No. 101087, 4 letters (10)

From Department of Toxic Substances Control, submitting public notice and comment period for proposed rulemaking, to add chapter 53 to division 4.5 or Title 22, California Code of Regulations, and to amend the Table of Contents. (11)

From Christian Holmer, submitting opinion on San Francisco Chronicle story to require online posting of San Francisco data. (12)

From Steve Heilig, submitting support for banning the sale of tobacco products in pharmacies. File No. 101056 (13)

From Department of Public Works, submitting data on the cost to abate litter in FY2009-2010. File No. 101140 (14)

From City Attorney Dennis Herrera and Supervisor Maxwell, submitting a letter to Yakout Mansour, President and Chief Officer, California Independent System Operator, regarding the closing of the Potrero Power Plant. Copy: Board of Governors, ISO, Mirant, and Pacific Gas and Electric. (15)

From San Francisco Municipal Transportation Agency, submitting response to request for the Municipal Transportation Agency to research the feasibility of amending Transportation Code 7.2.84 to address the issue of visibility at major traffic intersections. (16)

From Tim Brace, submitting concern regarding the Library Commission not posting Civic Center Community Benefit District proposal. (17)

From Aaron Goodman, submitting an article from the New York Times, regarding the loss and reduction in rent controlled and rent stabilized units in New York City. (18)

From Janas Page, submitting recommendations to educate drivers on which lanes bike use, re-timing the lights on bike-laned streets to slow cars, and trucks to a safer speed. (19)

From Janas Page, submitting concern of a public toilet at the 24th Street BART Plaza. (20)

From California State Lands Commission, submitting notice of hearing to determine cession of jurisdiction to the United States over land known as leased state owned tidelands adjacent to the Golden Gate National Recreation area at Ocean Beach and the San Francisco Presidio. (21)

From Fish and Game Commission, submitting notice of proposed regulatory action, relating to marine protected areas. (22)

From the Office of the Treasurer and Tax Collector, submitting a report on the investment activity for fiscal-year-to-date of the portfolios under the Treasurer's management. (23)

## **ADJOURNMENT**