



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Hearing Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, September 27, 2011 - 2:00 PM

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

Angela Calvillo, Clerk of the Board

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim

City and School District Select Committee
Supervisors Cohen, Avalos, Chu, Commissioners Fewer, Maufas, Norton

City Operations and Neighborhood Services Committee
Supervisors Avalos, Mar, Elsbernd

Government Audit and Oversight Committee
Supervisors Campos, Farrell, Chiu

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

Public Safety Committee
Supervisors Mirkarimi, Cohen, Campos

Rules Committee
Supervisors Kim, Elsbernd, Farrell

Meeting Days

Wednesday
10:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:00 AM

2nd and 4th Thursday
10:00 AM

Monday
1:00 PM

1st and 3rd Thursday
10:30 AM

1st and 3rd Thursday
1:30 PM

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

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

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

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a 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 (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

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

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

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue,

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.

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

Items 1 through 22

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Kim

1. **110720 [Administrative Code - Gift Funds]**
Sponsors: Mayor; Chiu and Chu
Ordinance amending the San Francisco Administrative Code to: 1) create a Recreation and Parks Gift Fund; 2) update the Mayor's Earthquake Emergency Relief Fund to broaden its purpose as a general disaster recovery fund; and 3) amend the Mayor's Fund for the homeless to change the administering agency.

09/20/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Campos, Farrell, Chiu

2. **110766 [Administrative Code - Overtime Appropriations]**
Sponsors: Campos; Farrell
Ordinance amending the San Francisco Administrative Code by adding Section 3.17 to:
1) require separate overtime items in the budget for the Airport, Emergency
Management, Fire, Police, Public Health, Public Utilities, Public Works, Recreation and
Park, and Sheriff; and 2) require those departments to obtain a separate supplemental
appropriation to exceed those amounts.
- 09/20/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

3. **110785 [Planning Code - Zoning - Establishing Standards for Bird-Safe Buildings]**
Sponsors: Mar; Chiu
Ordinance amending the San Francisco Planning Code by: 1) adding Section 139 to
establish standards for bird-safe buildings to help reduce injury and mortality in birds
caused by certain types of new construction, replacement facades, and building features;
2) amending Section 145.1 to allow for exceptions to transparency and fenestration
requirements to meet standards for bird-safe buildings; and 3) adopting findings,
including environmental findings and findings of consistency with the General Plan and
Planning Code Section 101.1. (Planning Commission)
- 09/20/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**
4. **110786 [Planning Code - Eastern Neighborhoods Code Cleanup]**
Ordinance amending various sections of the San Francisco Planning Code to: 1) improve
the City's ability to implement the goals, objectives, and policies of the Eastern
Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use
tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and
the use of historic buildings in the UMU District; 5) clarify permitted modifications for
large project authorizations in the Eastern Neighborhoods; and 6) making environmental
findings, Planning Code Section 302 findings, and findings of consistency with the
General Plan, and the Priority Policies of Planning Code Section 101.1. (Planning
Commission)
- 09/20/2011; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

5. **110787** **[Administrative Code - Eastern Neighborhoods Code Cleanup]**
Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify the requirements for the Controller's assessment in order to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; and 2) making environmental findings. (Planning Commission)

09/20/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. **110788** **[Zoning Map Amendments - Eastern Neighborhoods Code Cleanup]**
Ordinance amending San Francisco Zoning Map Sheets ZN01, ZN07, ZN08, and SU08 to: 1) correct technical errors made in Ordinance No. 299-08; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Commission)

09/20/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. **110568** **[Street Artist Spaces - Post Street, Northwest Corner, at Stockton Street]**
Resolution approving designation for six months of two temporary selling spaces on Post Street, northwest corner, at Stockton Street, for street artists certified by the Arts Commission. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

8. **111004** **[Jurisdictional Transfer of City Property - 17th Street and Folsom Street]**
Sponsor: Kim
Resolution 1) approving the jurisdictional transfer of portions of Assessor's Block No. 3571, Lot No. 018, of the City and County of San Francisco, all currently under the jurisdiction of the San Francisco Public Utilities Commission, partially to the Mayor's Office of Housing as to 29,075 square feet, and partially to the Recreation and Park Department as to 31,578 square feet; (2) approving the transfer price of \$4,000,000 from the Mayor's Office of Housing to San Francisco Public Utilities Commission and of \$2,271,850 from the Recreation and Park Department to San Francisco Public Utilities Commission; (3) adopting findings, including environmental findings, General Plan findings, and Planning Code Section 101.1 findings; and (4) authorizing other actions in furtherance of this Resolution.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen, Campos

- 9. 110909 [Accept and Expend Grant - FY2007 Supplemental Port Security Grant Program - Marine-Based Equipment Enhancements - \$230,000]**
Sponsor: Chiu
Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$230,000 from the Federal Emergency Management Agency for FY2007 Supplemental Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.
Question: Shall this Resolution be ADOPTED?

- 10. 110910 [Accept and Expend Grant - FY2008 Port Security Grant Program - Type 2 Fire Boat - \$7,870,484]**
Sponsor: Chiu
Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$7,870,484 from the Federal Emergency Management Agency for the FY2008 Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.
Question: Shall this Resolution be ADOPTED?

- 11. 110911 [Accept and Expend Grant - FY2010 Port Security Grant Program - Rapid Response Vessel and Regional Marine Training - \$645,125]**
Sponsor: Chiu
Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$645,125 from the Federal Emergency Management Agency for FY2010 Port Security Grant Program for assets to enhance the Fire Department's water-based response capabilities and increase its protection of the Port of San Francisco and the San Francisco Bay.
Question: Shall this Resolution be ADOPTED?

- 12. 110912 [Accept and Expend Grant - FEMA Assistance to Fire Fighters - Heavy-Duty Washer Extractors - \$107,296]**
Sponsor: Chiu
Resolution authorizing the San Francisco Fire Department to accept and expend a grant in the amount of \$107,296 from the Federal Emergency Management Agency for the purchase and installation of seven commercial washer extractors to clean personal protective equipment.
Question: Shall this Resolution be ADOPTED?

13. 110918 **[Revolving Fund Agreement - Burial or Emergency Relocation of Crime Victims - \$75,000]**
Sponsor: Mirkarimi
Resolution authorizing the Office of the District Attorney to renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving fund in the amount of \$75,000 to be used to pay for verified funeral/burial expenses for eligible homicide victims and emergency relocation for victims of domestic violence and sexual assault for the period of July 1, 2011, through June 30, 2014.
- Question: Shall this Resolution be ADOPTED?**
14. 110919 **[Accept and Expend Grant - Compensation for Crime Victims - Up to \$714,138]**
Sponsor: Mirkarimi
Resolution authorizing the Office of the District Attorney to retroactively accept and expend up to \$714,138 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2011, through June 30, 2012.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

15. 110139 **[Settlement of Lawsuit - Loren Miller Homes - \$317,500]**
Ordinance authorizing settlement of the lawsuit filed by Loren Miller Homes, a California corporation, against the City and County of San Francisco for \$317,500; the lawsuit was filed on July 22, 2010, in San Francisco Superior Court, Case No. CGC-10-501831; entitled Loren Miller Homes v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
16. 110692 **[Settlement of Lawsuit - West Bay Builders, Inc. - City to Retain \$900,000]**
Ordinance authorizing settlement of the lawsuit entitled West Bay Builders, Inc. v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-10-503366, arising from a breach of contract dispute regarding Contract No. 6159A for construction of a new Recreation and Park Department (RPD) facility known as the Minnie and Lovie Ward Recreation Center and Ocean View Park, for which West Bay Builders, Inc., served as the prime contractor, calling for the RPD to retain \$900,000 from the contract balance and including other material terms of said settlement. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
17. 110954 **[Settlement of Lawsuit - Julio Calero - \$75,000]**
Ordinance authorizing settlement of the lawsuits filed by Julio Calero against the City and County of San Francisco for \$75,000; the lawsuits were filed on September 18, 2009, and March 19, 2010, in San Francisco Superior Court, Case Nos. CGC-08-479969 and CGC-10-497921; entitled Julio Calero, et al. v. City and County of San Francisco, et al. and Julio Calero, et al. v. Colin Construction Company, et al. (City Attorney)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

18. 110956 **[Settlement of Claim - Ernst & Young, LLP - \$158,646.36]**
Resolution approving the settlement of the unlitigated claim filed by Ernst & Young, LLP, against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of \$158,646.36; claim was filed on February 25, 2011. (City Attorney)

Question: Shall this Resolution be ADOPTED?

19. 110970 **[Annual Reports - Central Market Community Benefit District]**
Sponsor: Kim
Resolution regarding Central Market Community Benefit District annual reports to the City by receiving and approving the District's Annual Reports for calendar years 2007, 2008, 2009, and 2010, as submitted, pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

Question: Shall this Resolution be ADOPTED?

20. 110877 **[Appointments, Bicycle Advisory Committee - Richard Tilles, Bert Hill, Rachel Ebor, and Casey Allen]**
Motion appointing Richard Tilles, Bert Hill, Rachel Ebor, and Casey Allen, terms ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

21. 110963 **[Appointments, Reentry Council - Gerald Miller, Kimberli Courtney, Viet Mike Ngo, and Ronnie Muniz]**
Motion appointing Gerald Miller, Kimberli Courtney, Viet Mike Ngo, and Ronnie Muniz, terms ending July 17, 2013, to the Reentry Council. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

22. 110992 **[Appointment, Veteran Affairs Commission - Deborah Dacumos]**
Motion appointing Deborah Dacumos, term ending January 31, 2014, to the Veteran Affairs Commission. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Mar, Cohen, Wiener

**23. 110448 [Planning Code - Zoning Map - Establishing City Center Special Sign District]
Sponsor: Farrell**

Ordinance amending the San Francisco Planning Code Sections 602.10, 607.1, 608, adding Section 608.16, and amending Sectional Map SSD of the Zoning Map to establish the City Center Special Sign District encompassing the real property bounded by Masonic Avenue, Geary Boulevard, Lyon Street, and O'Farrell Street (Assessor's Block No. 1094, Lot No. 001) to allow additional projecting signs, freestanding identifying and directional signs, and to modify existing controls on business wall signs; adopting findings, including environmental findings pursuant to the California Environmental Quality Act, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

09/20/2011; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim

**24. 110900 [Administrative Code - Film Fees and Rebate Program]
Sponsor: Farrell**

Ordinance amending the San Francisco Administrative Code Sections 57.5 and 57.8 to: 1) decrease filming fees for smaller-budget productions; 2) include documentary films, docudrama films, and "reality" programming among eligible productions for the Film Rebate Program; 3) exempt productions by nonprofit entities, public service announcements, and qualifying student productions from film fees; and 4) make environmental findings.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

25. 110854 **[Environment Code - Green Building Requirements for City Buildings]**
Sponsors: Mayor; Mar
Ordinance amending the San Francisco Environment Code, Chapter 7, Sections 700 through 713, to update the green building requirements for the design, construction, and operation of City buildings.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendations of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen

26. 110846 **[Administrative Code - Postrelease Community Supervision Program]**
Sponsors: Mirkarimi; Cohen
Ordinance amending the San Francisco Administrative Code by adding Article XXII, Sections 2A.300 and 2A.301, Chapter 2A to: 1) designate the Adult Probation Department as the county agency responsible for providing postrelease community supervision to eligible inmates released from state prison, as required under California Penal Code section 3451; and 2) authorize the Adult Probation Department to develop a Home Detention and Electronic Monitoring Program that can be used as a supervision tool and sanction for persons who violate conditions of their Postrelease Community Supervision Program.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

Present: Supervisors Mirkarimi, Cohen, Campos

27. 110901 **[Police Code - Safe Storage and Enhanced-Lethality Ammunition Findings]**
Sponsors: Mirkarimi; Campos and Cohen
Ordinance amending the San Francisco Police Code by adding Sections 4511 and 613.9.5 to add findings to ordinances: 1) requiring a handgun to be kept in a locked container or disabled with a trigger lock; and 2) prohibiting the sale of enhanced-lethality ammunition.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

From the Rules Committee Without Recommendation

Present: Supervisors Kim, Elsbernd, Farrell

28. 110955 [Settlement of Lawsuits - Mitchell Engineering; Authorization of Bonds and Appropriation of Funds - Not to Exceed \$15,750,000]

Ordinance: 1) authorizing settlement of all claims arising out of nine lawsuits involving Mitchell Engineering and the City and County of San Francisco; 2) declaring the intent of the San Francisco Public Utilities Commission to reimburse certain expenditures for settlement costs from proceeds of future bonded indebtedness for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended; 3) authorizing the issuance of Settlement Bonds in connection therewith, as well as the associated financing cost to issue; 4) appropriating \$15,750,000, including insurance proceeds in the total amount of \$750,000, project construction funds in the total amount of \$920,207, and proceeds of Settlement Bonds in the amount of \$14,079,793; and 5) authorizing the use of substitute fund balance as a source in lieu of Settlement Bonds if available. (City Attorney)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pursuant to File No. 111006, approved September 20, 2011.)

29. 111007 [Public Hearing - Resolution to Establish the West Portal Community Benefit District]

Sponsor: Elsbernd

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based business improvement district to be known as the "West Portal Community Benefit District," ordering the levy and collection of assessments against property located in that district for 13 years commencing with FY2011-2012, with services, activities, and improvements to be provided for 13 calendar years commencing January 1, 2012, subject to conditions as specified, and making environmental findings.

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

- 30. 111008 [Resolution to Establish the West Portal Community Benefit District]**
Sponsor: Elsbernd
 Resolution establishing a property-based business improvement district to be known as the "West Portal Community Benefit District," ordering the levy and collection of assessments against property located in that district for 13 years commencing with FY2011-2012, with services, activities, and improvements to be provided for 13 calendar years commencing January 1, 2012, subject to conditions as specified, and making environmental findings.

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.*

- 31. 110950 [Conditional Use Appeal - 4141 Geary Boulevard/450 - 6th Avenue]**
 Hearing of persons interested in or objecting to the decision of the Planning Commission's July 28, 2011, Conditional Use Authorization identified as Planning Case No. 2010.0951C, by its Motion No. 18415, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of nine panel antennas and related equipment on an existing mechanical penthouse on the roof of a five-story publicly used structure (Kaiser Hospital) as part of Verizon's wireless telecommunications network within the RM-1 (Mixed, Low Density) and NC-3 (Neighborhood Commercial, Moderate Scale) Zoning Districts, and a 80-E Height and Bulk District, on property located at 4141 Geary Boulevard/450 - 6th Avenue, Assessor's Block No. 1539, Lot No. 003. (District 1) (Filed by Sandra Fen Ng on behalf of the San Francisco Tomorrow and subscribed by Supervisors Mar, Avalos, Chiu, Kim, and Mirkarimi.)

(Filed August 29, 2011; Companion Measure to File Nos. 110951, 110952, and 11953.)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

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.)

32. 110951 **[Approving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]**
Motion approving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
33. 110952 **[Disapproving Planning Commission Decision Related to Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]**
Motion disapproving decision of the Planning Commission by its Motion No. 18415, approving Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
34. 110953 **[Preparation of Findings Related to the Conditional Use Authorization - 4141 Geary Boulevard/450 - 6th Avenue]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Authorization identified as Planning Case No. 2010.0951C on property located at 4141 Geary Boulevard/450 - 6th Avenue.
- Question: Shall this Motion be APPROVED?**

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.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation as Defendant

35. 111044 [Closed Session - Anticipated Litigation - Public Financing Law]

Sponsor: Kim

Motion that the Board of Supervisors convene in closed session on September 27, 2011, to consult with Legal Counsel for the purpose of conferring with, or receiving advice from, Legal Counsel regarding anticipated litigation involving the City's public financing law (Campaign and Governmental Conduct Code Section 1.144) in light of Arizona Free Enterprise Club's Freedom PAC et al. v. Bennett, U.S. Supreme Court Case No. 10-238.

Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the anticipated litigation.

Question: Shall this Motion be APPROVED?

[Elect To Disclose]

Motion that the Board finds it is in the best interest of the public that the Board elect at this time to disclose its closed session deliberations.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interests of the public that the Board elect at this time not to disclose its closed session deliberations.

After a closed session, if one occurs, pending approval of above action to disclose, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

From the Rules Committee Without Recommendation

Present: Supervisors Kim, Elsbernd, Chu

36. 110718 [Campaign and Governmental Conduct Code - Capping the Amount of Public Matching Funds]

Sponsors: Farrell; Elsbernd

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.144 to cap the amount of public matching funds.

09/20/2011; CONTINUED ON FIRST READING.

Question: Shall this Ordinance be PASSED ON FIRST READING?

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

Items 37 through 47

- 37. 111035 [Grant Application - 2011 United States Department of Housing and Urban Development Continuum of Care Programs]**
Sponsor: Mayor
Resolution approving the City and County of San Francisco 2011 grant application for the United States Department of Housing and Urban Development Continuum of Care Programs and fulfilling the San Francisco Board of Supervisors review and approval process for all annual or otherwise recurring grants of \$5,000,000 or more.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 38. 111036 [Urging Governor Jerry Brown to Sign Assembly Bill 101 - Quality Family Child Care Act]**
Sponsor: Avalos
Resolution urging Governor Jerry Brown to sign Assembly Bill 101, the Quality Family Child Care Act.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 39. 111037 [Accept and Expend Grant - Community Health Assessment and Community Health Improvement Plan Demonstration Site Project - \$33,833]**
Sponsor: Campos
Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$33,833 from National Association of County and City Health Officials to participate in a program entitled "Community Health Assessment and Community Health Improvement Plan Demonstration Site Project" for the period of July 5, 2011, through July 4, 2012.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

40. 111038 [Accept and Expend Grant - Cross Bay Collaborative to Combat Human Trafficking Program - \$60,000]

Sponsor: Kim

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant in the amount of \$60,000 from Standing Against Global Exploitation to participate in a program entitled "Cross Bay Collaborative to Combat Human Trafficking" for the period of July 1, 2011, through June 30, 2012.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. 111039 [Approval of a Six Month Extension for Planning Commission Review of Japantown Special Use District Provisions (File No. 110768)]

Sponsor: Mirkarimi

Resolution extending by six months the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance (File No. 110768) that would amend the Planning Code by amending Section 249.31 to prohibit a Medical Service Use or a Business or Professional Use on the ground floor in the area zoned NC-2 in the Japantown Special Use District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

42. 111040 [Accept and Expend Grant - Central Asia Surveillance Assessment - \$23,933]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from Columbia University in the amount of \$23,933 to participate in a program entitled "Central Asia Surveillance Assessment" for the period of April 1, 2011, through June 30, 2011.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

43. 111041 [Accept and Expend Grant - Atlanta HQ University of California San Francisco Technical Assistance - \$13,595]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California San Francisco in the amount of \$13,595 to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for AIDS" for the period of October 1, 2011, through March 31, 2012.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 111042 [Urging Congress to Provide Funding for the Land and Water Conservation Fund]

Sponsor: Wiener

Resolution urging Congress to provide funding for the Land and Water Conservation Fund.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 111043 [Accept and Expend Grant - Atlanta HQ University of California San Francisco Technical Assistance - \$27,189]

Sponsor: Wiener

Resolution authorizing the Department of Public Health to retroactively accept and expend a grant from the University of California San Francisco in the amount of \$27,189 to participate in a program entitled "Atlanta HQ UCSF Technical Assistance to Support President's Emergency Plan for AID" for the period of April 1, 2011, through March 31, 2012.

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 111026 [Final Map 5625 - 333 Greenwich Street]

Motion approving Final Map 5625, a Five Unit Residential Condominium Project, located at 333 Greenwich Street being a subdivision of Assessor's Block No. 0086, Lot No. 010; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

47. 111027 [Final Map 6395 - 2829 California Street and 1933 Divisadero Street]

Motion approving Final Map 6395, a 13 Residential Unit and Three Commercial Unit Mixed-Use Condominium Project, located at 2829 California Street and 1933 Divisadero Street being a subdivision of Assessor's Block No. 1028, Lot Nos. 003 and 028; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

09/20/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

48. 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

110993 [Police Code - Commercial Parking Permits]

Ordinance amending the San Francisco Police Code Section 1215.2 to modify the requirements for the Chief of Police to refer applications for Commercial Parking Permits to the Municipal Transportation Agency for review of traffic impacts. (Municipal Transportation Agency)

09/19/2011; ASSIGNED UNDER 30 DAY RULE to the Public Safety Committee.

110994 [Transportation Code - Clipper Card Regulations]

Ordinance amending the San Francisco Transportation Code, Article 7, Division I, by adding Section 7.2.104 to regulate the use of Clipper Cards on transit vehicles or in Proof of Payment Zones. (Municipal Transportation Agency)

09/19/2011; ASSIGNED UNDER 30 DAY RULE to the City Operations and Neighborhood Services Committee.

110995 [Mission Bay South Blocks 41-43, Phase 2 - Improvements]

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay South Blocks 41-43, Phase 2, including acquisition facilities on Owens Street and within public utility easements in private streets; 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 Owens Street and improvements for street and roadway purposes; establishing street grades and sidewalk widths on Owens Street; 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 Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/19/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110996 [Mission Bay Park Block P16 - Improvements]

Ordinance dedicating City property and portions of State Trust Parcels 4 and 5, known as Mission Bay Park Block P16, lying along Third Street, Mission Bay Boulevard North and Mission Bay Boulevard South for public use and naming the new park "Mission Bay Commons Park;" accepting the irrevocable offer for the acquisition facilities; designating said facilities for open space and park purposes; accepting the Park for maintenance and liability purposes, subject to specified limitations; adopting environmental findings and findings that such actions are consistent with the City's General Plan, priority policy findings of City Planning Code Section 101.1, and the Mission Bay South Redevelopment Plan; accepting a Department of Public Works Order and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/19/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

111028 [Petitions and Communications]

Petitions and Communications received from September 6, 2011, through September 19, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 27, 2011.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted.

From Department of Public Works, submitting status of repairing potholes at the intersection of Grattan and Shrader Streets. (Reference No. 20110906-007) (1)

From Office of the Treasurer and Tax Collector, submitting its Investment Report as of August 2011. (2)

From Sunshine Ordinance Task Force, submitting a request for immediate extension of Noise Ordinance Task Force's sunset date. (3)

From Clerk of the Board, submitting notification of amendments to Ethics Commission Regulations VI.A and XIV.C. (4)

From Office of Economic and Workforce Development, submitting a letter that funding provided in the budget for FY2011-2012 adopted by the Board is adequate for the office to meet service levels. (5)

From Ethics Commission, submitting its FY2010-2011 Annual Report. (6)

From Clerk of the Board, the following individuals have submitted a Form 700 Statements: (7)

Mike Alonso, Redistricting Task Force Member - Assuming
Eric McDonnell, Redistricting Task Force Member - Assuming
Sonia Melara, Redistricting Task Force Member - Assuming
David Pilpel, Redistricting Task Force Member - Assuming
Melissa Tidwell, Redistricting Task Force Member - Assuming
Jenny Lam, Redistricting Task Force Member - Assuming
Marily Mondejar, Redistricting Task Force Member - Assuming

From Ariella Hyman, Bicycle Advisory Committee, submitting a letter of resignation. (8)

*From United States Department of the Interior, National Park Service, submitting a summary edition and three volumes entitled Golden Gate National Recreation Area, Muir Woods National Monument, Draft General Management Plan/Environmental Impact Statement. (9)

From Michelle London, submitting opposition to a new cell phone tower at 3901 Mission. (10)

From concerned citizens, submitting support for wireless upgrades. 2 letters. (11)

From concerned citizens, submitting opposition to nudity in San Francisco. File No. 110967, 3 letters. (12)

From concerned citizens, submitting support for bird safe buildings. File No. 110785, 3 letters. (13)

*From concerned citizens, submitting support preserving Sharp Park wetlands and wildlife. File No. 110966, 860 letters. (14)

*From concerned citizens, submitting support for San Francisco Animal Control and Welfare Humane Pet Acquisition proposal. 17 letters (15)

From concerned citizens, submitting letters concerning aggressive transients loitering on the streets. 2 letters (16)

From Jim and Ninfa Wood, submitting a letter concerning the noise level of patrons outside of club Ruby Skye. (17)

From John and Catherine Sanger, submitting a letter withdrawing as appellants from CEQA and Tentative Parcel Map Appeals for 1171 Sansome Street. File Nos. 110945 and 110835 (18)

From Jeannette Luini, submitting a letter of concerning recycling plastic bags. (19)

From California Public Utilities Commission, submitting notification of filing of Pacific Gas and Electric Company's, Gas Transmission Pipeline Safety Enhancement Plan. (20)

From Michel and Associates, P.C., on behalf of the California Rifle and Pistol Association Foundation, submitting opposition to safety storage and enhanced lethality ammunition findings. File No. 110901 (21)

From Frank Hung, submitting opposition to transitional age youth housing in the vicinity of bars, night clubs, and alcohol drinking establishments. (22)

From J.R. Rubang, submitting a letter concerning unfair treatment to injured United Airline personnel based out of San Francisco. File No. 093175. (23)

From Ralph and Arlene Reed, submitting support for false advertising by limited services pregnancy centers. File No. 110899. (24)

*From concerned citizens, submitting opposition to false advertising by limited services pregnancy centers. File No. 110899, 152 letters. (25)

From Controller's Office of Public Finance, submitting a copy of the Debt Policy of the City and County of San Francisco. (26)

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

ADJOURNMENT