

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, October 8, 2013 - 2:00 PM**

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

**Regular Meeting**

---

DAVID CHIU, PRESIDENT

JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,  
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

<b>Budget and Finance Committee</b> Supervisors Farrell, Mar, Avalos	Wednesday 10:30 AM
<b>City and School District Select Committee</b> Supervisors Kim, Avalos, Farrell, Commissioners Mendoza-McDonnell, Norton, Wynns	4th Thursday 3:30 PM
<b>Government Audit and Oversight Committee</b> Supervisors Cohen, Tang, Campos	2nd and 4th Thursday 10:00 AM
<b>Land Use and Economic Development Committee</b> Supervisors Wiener, Kim, Chiu	Monday 1:30 PM
<b>Neighborhood Services and Safety Committee</b> Supervisors Campos, Mar, Yee	1st and 3rd Thursday 10:00 AM
<b>Rules Committee</b> Supervisors Yee, Breed, Cohen	1st and 3rd Thursday 1:30 PM

**Members Present:** John Avalos, London Breed, David Campos, David Chiu, Malia Cohen, Mark Farrell, Jane Kim, Eric Mar, Katy Tang, Scott Wiener, and Norman Yee

---

## ROLL CALL AND PLEDGE OF ALLEGIANCE

*The meeting was called to order at 2:07 p.m. On the call of the roll, all Supervisors were noted present.*

## AGENDA CHANGES

*There were none.*

## APPROVAL OF MEETING MINUTES

Supervisor Cohen, seconded by Supervisor Kim, moved to approve the Board Meeting Minutes of September 3, 2013. The motion carried by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

## COMMUNICATIONS

*There were none.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

### **130985 [Formal Policy Discussions - October 8, 2013]**

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall answer the following eligible question submitted from the Supervisor representing District 8. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Mr. Mayor, we recently held a hearing at the Land Use and Economic Development Committee on the issue of illegal double parking in San Francisco - including its impacts on traffic, Muni, cycling, and pedestrians - and the City's enforcement policies and practices. While some might say that double parking is an innocent infraction, it can create traffic jams and block Muni. On our light rail vehicle lines, a single double parker can effectively shut down the line, since LRVs cannot swerve off of their tracks to get around the double parker. Moreover, double parking often occurs in bike lanes, causing cyclists to have to swerve into traffic, and double parking near crosswalks reduces pedestrian safety by blocking sight lines. While double parking is at times appropriate - for example a delivery truck that has no other option or a paratransit vehicle dropping off its passengers - double parking in San Francisco has become the wild west. All sorts of vehicles - taxis, private autos, delivery trucks - seem to park in the middle of the street whenever they want and even when there is space to pull over.

At the hearing, we heard from the Municipal Transportation Agency and the Police Department that double parking enforcement outside of the downtown core is infrequent. For example, on the entirety of 16th Street - which goes through multiple dense commercial areas - on average one double parking citation is issued every other day. On the entirety of Castro and Divisadero Streets, on average one citation is issued each day. At the same time that very few double parking citations are issued outside of the downtown core, MTA is engaging in periodic saturation ticketing in our neighborhoods for minor infractions like not curbing wheels on a slight grade or vehicle protruding an inch onto a sidewalk from a driveway. In other words, MTA is engaging in significant enforcement of minor infractions while not enforcing an infraction - double parking - that has serious impacts in our neighborhoods.

Mr. Mayor, what will you do to ensure that double parking enforcement is a priority where it impacts transit riders, pedestrians, and cyclists? What specific goals and metrics do you propose we establish to ensure that the most impactful double parking behavior becomes an enforcement priority for the MTA and the Police Department? Will your office agree to report back in a year on the city's stepped up enforcement efforts against double parking?

*Mayor Edwin Lee addressed the Board of Supervisors and discussed the above referenced question. Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

## CONSENT AGENDA

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

#### **130765 [Health Code - Alternate Water Sources for Non-Potable Applications]**

**Sponsors: Chiu; Mar**

Ordinance amending the Health Code to establish permitting requirements for two or more parcels that share the use of alternate water sources for non-potable applications; setting permit fees; and making environmental findings.

**Ordinance No. 208-13**

**FINALLY PASSED**

#### **130785 [Administrative Code - Family Friendly Workplace Ordinance]**

**Sponsors: Chiu; Cohen, Mar, Campos, Yee, Breed, Avalos and Kim**

Ordinance amending the Administrative Code to allow San Francisco-based employees to request flexible or predictable working arrangements to assist with care giving responsibilities, subject to the employer's right to deny a request based on business reasons; prohibit adverse employment actions based on caregiver status; prohibit interference with rights or retaliation against employees for exercising rights under the Ordinance; require employers to post a notice informing employees of their rights under the Ordinance; require employers to maintain records regarding compliance with the Ordinance; authorize enforcement by the Office of Labor Standards Enforcement, including the imposition of remedies and penalties for a violation and an appeal process for an employer to an independent hearing officer; authorize waiver of the provisions of the Ordinance in a collective bargaining agreement; and making environmental findings.

**Ordinance No. 209-13**

**FINALLY PASSED**

#### **130863 [Eliminating Official Sidewalk Width - Renovation of Glen Canyon Park - Portion of Elk Street (Between Chenery and Sussex Streets)]**

**Sponsor: Wiener**

Ordinance amending Ordinance No. 1061, entitled "Regulating the Width of Sidewalks," to eliminate the official sidewalk width on a portion of the westerly side of Elk Street, between Chenery and Sussex Streets, for the renovation of Glen Canyon Park; requiring the Recreation and Park Department to address relocation, modification, or both of facilities affected by the sidewalk width change; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

**Ordinance No. 210-13**

**FINALLY PASSED**

**Recommendations of the Rules Committee****130581 [Appointment Process - Road Commissioner]****Sponsor: Mayor**

Ordinance declaring that future appointments done by the City and County of San Francisco for Road Commissioner shall be enacted by Resolution.

**Ordinance No. 211-13****FINALLY PASSED****130582 [Appointment, Road Commissioner - Mohammed Nuru]****Sponsor: Mayor**

Ordinance appointing Mohammed Nuru, Director of the Department of Public Works, as Road Commissioner for the City and County of San Francisco; repealing Ordinance No. 160-10.

**Ordinance No. 212-13****FINALLY PASSED****130696 [Settlement of Lawsuit - Jessica Orozco - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Jessica Orozco against the City and County of San Francisco for \$50,000; the lawsuit was filed on March 13, 2012, in San Francisco Superior Court, Case No. CGC-12-519124; entitled Jessica Orozco v. City and County of San Francisco, et al. (City Attorney's Office)

**Ordinance No. 213-13****FINALLY PASSED****130697 [Settlement of Lawsuit - Andrew Melomet - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Andrew Melomet against the City and County of San Francisco for \$40,000; the lawsuit was filed on February 2, 2012, in California Superior Court, San Francisco Branch, Case No. CGC-12-518471, entitled Andrew Melomet v. City and County of San Francisco Human Services Agency; said lawsuit was removed to United States District Court for the Northern District of California, Case No. C 12-03101 EDL. (City Attorney's Office)

**Ordinance No. 214-13****FINALLY PASSED****130757 [Settlement of Lawsuit - Joseph P. CuvIELLO, Deniz Bolbol, and Alex Felsing - \$180,000]**

Ordinance authorizing settlement of the lawsuit filed by Joseph P. CuvIELLO, Deniz Bolbol, and Alex Felsing against the City and County of San Francisco for \$180,000 in the United States District Court for the Northern District of California, Case No. CV-12-3034-EMC; entitled CuvIELLO et al. v. City and County of San Francisco, et al. (City Attorney's Office)

**Ordinance No. 215-13****FINALLY PASSED**

**130758 [Settlement of Lawsuit - Ana Pichardo - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Ana Pichardo against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 9, 2012, in United States District Court, Case No. C12-4042; entitled Ana Pichardo v. City and County of San Francisco, et al. (City Attorney's Office)

**Ordinance No. 216-13**

**FINALLY PASSED**

**130759 [Settlement of Lawsuit - Bank of America N.A. - \$975,000]**

Ordinance authorizing settlement of the lawsuit filed by Bank of America N.A. against the City and County of San Francisco for \$975,000; the lawsuit was filed on September 9, 2010, in San Francisco Superior Court, Case No. CGC-10-503389; entitled Bank of America N.A. v. City and County of San Francisco, et al. (City Attorney's Office)

**Ordinance No. 217-13**

**FINALLY PASSED**

**130803 [Settlement of Lawsuit - Lloyd O'Neil - \$185,000]**

Ordinance authorizing the settlement of the lawsuit filed by Lloyd O'Neil against the City and County of San Francisco for \$185,000; the lawsuit was filed on September 29, 2011, in San Francisco Superior Court, Case No. CGC 11-514739; entitled Lloyd O'Neil v. City and County Of San Francisco. (City Attorney's Office)

**Ordinance No. 218-13**

**FINALLY PASSED**

**130854 [Settlement of Lawsuit - Erik Russell - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by Erik Russell against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 24, 2012, in United States District Court, Northern District of California, Case No. 12-CV-00929 JCS; entitled Erik Russell, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

**Ordinance No. 219-13**

**FINALLY PASSED**

**130855 [Settlement of Lawsuit - E. Lynn Schoenmann - \$160,000]**

Ordinance authorizing settlement of the lawsuit filed by E. Lynn Schoenmann against the City and County of San Francisco for \$160,000; the lawsuit was filed on December 10, 2012, in Bankruptcy Court, Case No. 12-32146-HLB; Adv. Proc. No. 12-03170; entitled E. Lynn Schoenmann, Trustee, et al., v. City and County of San Francisco. (City Attorney's Office)

**Ordinance No. 220-13**

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### From the Board

#### **130966 [Adopting Findings Related to Conditional Use Application - 3771 and 3781 Cesar Chavez Street]**

Motion adopting findings related to the appeal of a decision of the Planning Commission, Motion No. 18930, approving Conditional Use Application identified as Planning Case No. 2013.0259CV on property located at 3771 and 3781 Cesar Chavez Street, pursuant to Motion No. M13-11, approved September 17, 2013. (Clerk of the Board)

**Motion No.** M13-122

**APPROVED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

### NEW BUSINESS

#### Recommendations of the Budget and Finance Committee

#### **130790 [Business and Tax Regulations, Police Codes - Renting Parking Spaces at Residential Properties to Non-Residents]**

**Sponsor:** Wiener

Ordinance amending the Business and Tax Regulations and Police Codes to change the limits of Parking Tax Occupancy Simplification for residential properties by increasing, from five to 10, the number of parking spaces residential buildings may rent to non-residents and increasing the gross revenue they may earn from rent from \$4,000 to \$12,000 per quarter and from \$15,000 to \$40,000 annually; and making environmental findings.

**PASSED, ON FIRST READING** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130885 [Certificates of Participation - Treasure Island Improvement Project - Not to Exceed \$13,500,000]****Sponsor: Mayor**

Resolution authorizing the execution and delivery of not to exceed \$13,500,000 of Certificates of Participation (Certificates) or other forms of indebtedness to finance the cost of additions and improvements to the utility infrastructure at Treasure Island; authorizing the Director of Public Finance to cause the preparation of documents necessary for the execution and delivery of the certificates or other forms of indebtedness, including a Trust Agreement, a Property Lease, a Project Lease, Notice of Sale, Official Notice of Sale, an Official Statement and, if required, a Purchase Contract and such other necessary documents; authorizing the Director of Public Finance to cause the issuance of commercial paper certificates in an amount not to exceed \$13,500,000 in anticipation of the issuance of the certificates or other forms of indebtedness; granting general authority to City officials to take necessary actions in connection with the authorization, issuance, sale, and delivery of the certificates or other form of indebtedness and the Commercial Paper Certificates; approving modifications to documents and agreements; making California Environmental Quality Act findings, and a General Plan consistency determination; and ratifying previous actions taken in connection therewith.

(Fiscal Impact)

**Resolution No.** 353-13

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130883 [Appropriation - Certificates of Participation - Utility Infrastructure System - Treasure Island - \$13,500,000 - FY2013-2014]****Sponsor: Mayor**

Ordinance appropriating \$13,500,000 of Certificate of Participation proceeds to finance improvements to the Utility Infrastructure System at Treasure Island beginning in FY2013-2014.

**PASSED, ON FIRST READING** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130884 [Cooperative Agreement Modification - United States Navy - Treasure Island Development Authority]****Sponsor: Mayor**

Resolution retroactively approving and authorizing the Treasure Island Development Authority to enter into a Modification of the Cooperative Agreement with the United States Navy to extend the Cooperative Agreement for the period of October 1, 2013, through September 30, 2014.

**Resolution No.** 354-13

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee



**130886 [Memorandum of Understanding - Treasure Island Development Authority and the Public Utilities Commission - Provision of Utilities Services - Treasure Island and Yerba Buena Island]**

**Sponsor: Mayor**

Resolution retroactively approving a Memorandum of Understanding between the Treasure Island Development Authority and the Public Utilities Commission for the provision of utilities services including the maintenance and operation of utility infrastructure on Treasure Island and Yerba Buena Island for the period of October 1, 2013, through September 30, 2014.

(Fiscal Impact)

**Resolution No. 355-13**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130810 [Contract Amendment - Cornerstone Technology Partners, JV - \$22,820,000]**

Resolution authorizing the Office of Contract Administration to enter into the Fourth Amendment between the City and Cornerstone Technology Partners, JV (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from \$12,490,000 to \$22,820,000 for the term ending December 31, 2013. (Office of Contract Administration)

*Privilege of the floor was granted to Bill Jones (Office of Contract Administration) who responded to questions raised throughout the discussion.*

**Resolution No. 356-13**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130811 [Contract Amendment - En Pointe Technology Sales, Inc. - \$64,810,000]**

Resolution authorizing the Office of Contract Administration to enter into the Seventh Amendment between the City and En Pointe Technology Sales, Inc. ("En Pointe," part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from \$54,640,000 to \$64,810,000 for the term ending December 31, 2013. (Office of Contract Administration)

**Resolution No. 357-13**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130812 [Contract Amendment - CCT Technologies, Inc., dba ComputerLand of Silicon Valley - \$43,850,000]**

Resolution authorizing the Office of Contract Administration to enter into the Fifth Amendment between the City and CCT Technologies, Inc., dba ComputerLand of Silicon Valley (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from \$34,950,000 to \$43,850,000 for the term ending December 31, 2013. (Office of Contract Administration)

*Privilege of the floor was granted to Bill Jones (Office of Contract Administration) and Harvey Rose, Budget and Legislative Analyst, who responded to questions raised throughout the discussion.*

**Resolution No. 358-13**

**ADOPTED by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130813 [Contract Amendment - Xtech - \$79,830,000]**

Resolution authorizing the Office of Contract Administration to enter into the Seventh Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract limit from \$68,380,000 to \$79,830,000 for the term ending December 31, 2013. (Office of Contract Administration)

**Resolution No.** 359-13

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130889 [Application Approval - Comprehensive HIV Prevention Programs - \$8,001,007]**

**Sponsors:** Wiener; Campos

Resolution authorizing the Department of Public Health to submit a one-year application for calendar year 2014 to continue receiving funding for the Comprehensive HIV Prevention Programs grant from the Centers for Disease Control and Prevention; and requesting \$8,001,007 in HIV prevention funding for San Francisco from January 1, 2014, through December 31, 2014.

*Supervisor Campos requested to be added as a co-sponsor.*

**Resolution No.** 360-13

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**Recommendations of the Government Audit and Oversight Committee****130608 [Board Response - Civil Grand Jury Report - Log Cabin Ranch: Planning for the Future, a Continuity Report]**

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2012-2013 Civil Grand Jury Report, entitled "Log Cabin Ranch: Planning for The Future, A Continuity Report;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

**Resolution No.** 361-13

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130394 [Follow-Up Board Response - 2011-2012 Civil Grand Jury Report - Deja Vu All Over Again: San Francisco's City Technology Needs a Culture Shock]**

Motion responding to the 2012-2013 Civil Grand Jury request to provide a status update on the Board of Supervisors' responses to the relevant recommendations issued in the 2011-2012 Civil Grand Jury Report entitled, "Déjà Vu All Over Again: San Francisco's City Technology Needs a Culture Shock." (Government Audit and Oversight Committee)

**Motion No.** M13-123

**APPROVED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

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

### **130877 [Street Encroachment - Operator Convenience Facilities - Terminus of Muni Transit Lines]**

Resolution granting revocable permission to the Municipal Transportation Agency to occupy portions of the public right-of-way to install and maintain two new operator convenience facilities at the terminus of various Muni bus routes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works Department)

**Resolution No.** 362-13

**ADOPTED** by the following vote:

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

## **SPECIAL ORDER 2:30 P.M. - Recognition of Commendations**

*There were none.*

*Supervisor Farrell was noted absent at 3:38 p.m. and noted present at 3:45 p.m.*

## **SPECIAL ORDER 3:00 P.M.**

**130843 [Public Hearing - Appeal of Final Mitigated Negative Declaration - 480 Potrero Avenue]**

Hearing of persons interested in or objecting to the Planning Commission's approval of a Final Mitigated Negative Declaration (Case No. 2011.0430E) adopted and issued on August 8, 2013, for the proposed construction of a six-story, 58-foot-tall mixed-use building, which would include residential, ground-floor retail, and parking uses within the UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District, on property located at 480 Potrero Avenue, Assessor's Block No. 3973, Lot No. 002C. (District 10) (Appellants: Jean Bogiages and Juan M. Jayo, on behalf of the Mariposa Utah Neighborhood Association; and Mica I. Ringel) (Filed August 28, 2013). (Clerk of the Board)

*The President inquired as to whether any member of the public wished to address the Board. Juan Jayo, Mica Ringel, and Jean Bogiages (Appellants) provided an overview of the appeal, responded to questions raised throughout the discussion, and further requested the Board to approve the appeal. Olga Kist; Female Speaker; Francisco Da Costa; Ray Hartz; Dean Dinelli; Female Speaker; Adam Ringel; Erin Huff; Dr. Diane Ringel; spoke in support of the appeal. Don Lewis and Sarah Jones (Planning Department) provided an overview of the decision of the Planning Department and responded to questions raised throughout the discussion. Siavash Tahbazof, John Goodman, and Reza Khoshnevisan (Project Sponsors) provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Commission. Steve Pullen; Daniel Brighton; Juan Sanchez; Edmund Juicye; spoke in support of the project and in opposition to the appeal. Mica Ringel and Juan Jayo (Appellants) provided a rebuttal and further requested the Board to approve the appeal. There were no other speakers. The President declared the public hearing closed.*

**HEARD AND FILED**

**130844 [Affirming the Approval of a Final Mitigated Negative Declaration - 480 Potrero Avenue]**

Motion affirming the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act by the Planning Commission for a project located at 480 Potrero Avenue. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Campos, moved that this Motion be CONTINUED to October 22, 2013, at 3:00 p.m. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130845 [Reversing the Approval of a Final Mitigated Negative Declaration - 480 Potrero Avenue]**

Motion reversing the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act by the Planning Commission for a project located at 480 Potrero Avenue. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Campos, moved that this Motion be CONTINUED to October 22, 2013, at 3:00 p.m. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**130846 [Preparation of Findings to Reverse the Approval of a Final Mitigated Negative Declaration - 480 Potrero Avenue]**

Motion directing the Clerk of the Board to prepare findings reversing the approval of a Final Mitigated Negative Declaration under the California Environmental Quality Act by the Planning Commission for a project located at 480 Potrero Avenue. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Campos, moved that this Motion be CONTINUED to October 22, 2013, at 3:00 p.m. The motion carried by the following vote:**

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee

**ROLL CALL FOR INTRODUCTIONS**

*Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).*

*Supervisor Farrell was noted absent at 5:01 p.m. for the remainder of the meeting.*

**PUBLIC COMMENT**

*Gino Papi; expressed concerns relating to pending BART strike.  
Abdallah Megahed; expressed various concerns.  
Peter Warfield; expressed concerns relating to the SF Public Library and Librarian.  
David Bancroft; spoke in support of utility undergrounding.  
James Chaffee; expressed concerns relating to the SF Public Library and Librarian.  
Kimberley Jones; expressed concerns relating to pedestrian safety.  
Nienke Schouten; expressed concerns relating to pedestrian safety.  
Monique Porsandeh; expressed concerns relating to pedestrian safety.  
Tom Gilberty; expressed various concerns.  
John DiDonna; shared in poem certain concerns with the Board.  
Christopher Galt; expressed various concerns.  
Ray Hartz; expressed concerns relating to government and Librarian.  
Edmund Juicye; expressed various concerns.*

**FOR ADOPTION WITHOUT COMMITTEE REFERENCE****130978 [Domestic Violence Awareness Month - October 2013]**

**Sponsors: Chiu; Tang, Campos and Mar**

Resolution declaring October 2013 as Domestic Violence Awareness Month in the City and County of San Francisco.

*Supervisors Campos and Mar requested to be added as co-sponsors.*

**Resolution No. 363-13**

**ADOPTED**

**130963 [Final Map 6945 - Avocet Way]**

Motion approving Final Map 6945, a three Lot Subdivision being a merger and re-subdivision of Lots Nos. 042 - 059 and Lot O, and an 18 Unit Residential Condominium Project, located at Avocet Way, being a subdivision of Assessor's Block No. 4591C, Lot Nos. 049 through 067, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

**Motion No.** M13-124

**APPROVED**

**130964 [Final Map 6946 - Avocet Way]**

Motion approving Final Map 6946, a three Lot Subdivision being a merger and re-subdivision of Lots Nos. 080 through 097 and Lot P, and an 18 Unit Residential Condominium Project, located at Avocet Way being a subdivision of Assessor's Block No. 4591C, Lot Nos. 110 through 128, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

**Motion No.** M13-125

**APPROVED**

**130965 [Final Map 7347 - 2001 Market Street and 38 Dolores Street]**

Motion approving Final Map 7347, a four Lot Airspace Subdivision and 92 Units Mixed-Use Condominium Project, located at 2001 Market Street and 38 Dolores Street being a subdivision of Assessor's Block No. 3535, Lot No. 041, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

**Motion No.** M13-126

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Breed, Campos, Chiu, Cohen, Kim, Mar, Tang, Wiener, Yee  
Absent: 1 - Farrell

**IMPERATIVE AGENDA**

*There were no items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

### Ordinances

#### **130084 [Planning Code, Zoning Map - Establishing the Excelsior Outer Mission Street Neighborhood Commercial District]**

**Sponsor: Avalos**

Ordinance amending the Planning Code to establish the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repealing the Excelsior Alcohol Restricted Use District and adding controls on liquor establishments to the new NCD; amending various sections to make conforming and other technical changes; amending the Zoning Map to rezone specified properties to the new NCD; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

01/29/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 3/1/2013.

02/06/13; REFERRED TO DEPARTMENT.

02/20/13; RESPONSE RECEIVED.

02/25/13; RESPONSE RECEIVED.

04/10/13; RESPONSE RECEIVED.

04/17/13; RESPONSE RECEIVED.

04/19/13; RESPONSE RECEIVED.

10/08/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

**130938 [Planning Code - Transit Impact Development Fee Exemptions]****Sponsor: Wiener**

Ordinance amending the Planning Code to revise deadlines for certain Transit Impact Development Fee (TIDF) exemptions; eliminate project-specific references in exemptions applicable to redevelopment areas, and make such exemptions dependent on the terms of the controlling development agreement, redevelopment plan, interagency agreement or other contract entered into by the City; require that the TIDF be calculated based on the rate in effect and the time of issuance of the first construction document; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

09/24/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 10/24/2013.

10/02/13; REFERRED TO DEPARTMENT.

10/04/13; RESPONSE RECEIVED.

10/08/13; SUBSTITUTED AND ASSIGNED to Land Use and Economic Development Committee.

**130998 [Planning Code - Cottage Food Operation Controls]****Sponsor: Chiu**

Ordinance amending the Planning Code, by adding Section 102.37 and amending Section 204.1, to allow Cottage Food Operation as an accessory use for dwelling units and increase the allowable area for accessory uses in dwelling units; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/08/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/7/2013.

**130999 [Zoning Map - Transferable Development Right Sale Eligibility - 133-135 Golden Gate Avenue (St. Boniface Church and Rectory)]****Sponsor: Kim**

Ordinance amending the Planning Code, Zoning Use District Map ZN01, to provide for eligibility to sell transferable development rights for property at 133-135 Golden Gate Avenue (St. Boniface Church and Rectory); and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

10/08/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/7/2013.

**131000 [Street Acceptance for Lee Avenue (North of Ocean); Approval of a Sidewalk Easement for Brighton Avenue (North of Ocean)]****Sponsor: Yee**

Ordinance accepting an irrevocable offer for a public sidewalk easement on the Brighton Avenue extension, north of Ocean Avenue, and accepting an easement for these purposes; accepting an irrevocable offer for improvements and real property related to Lee Avenue, north of Ocean Avenue, and accepting a grant deed for these purposes; conditionally accepting an irrevocable offer for sidewalk improvements for Ocean Avenue, east of Lee Avenue; declaring such areas to be open public right-of-way and dedicating them for right-of-way and roadway purposes; accepting maintenance and liability for these areas subject to certain limitations; establishing public right-of-way width and sidewalk width for the Lee Avenue and Ocean Avenue sidewalks; approving an interdepartmental transfer of property for a portion of Lee Avenue and for a portion of Ocean Avenue; approving and making findings, including environmental findings, General Plan findings, and the eight priority policies of Planning Code, Section 101.1; and authorizing official acts in connection with this Ordinance.

10/08/13; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/7/2013.



## **Resolutions**

### **131001 [Health Care Services Master Plan]**

**Sponsors: Campos; Farrell**

Resolution adopting the Health Care Services Master Plan and commending the Department of Public Health and Planning Department for running a robust data driven process infused with widespread community input to create the plan.

10/08/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

### **131002 [Opposing Golden Gate National Recreation Area's Draft Dog Walking Access Policy]**

**Sponsors: Wiener; Tang, Breed, Avalos, Campos and Chiu**

Resolution opposing the Golden Gate National Recreation Area's (GGNRA) currently proposed preferred alternative for dog management; and urging the GGNRA to adopt a different approach.

10/08/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

### **131003 [Ocean View, Merced Heights, Ingleside Neighbors in Action Day - October 24, 2013]**

**Sponsors: Avalos; Campos**

Resolution declaring October 24, 2013, as Ocean View, Merced Heights, Ingleside Neighbors in Action Day in the City and County of San Francisco.

10/08/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **131004 [Commemorating the National Housing Law Project - 45th Anniversary]**

**Sponsors: Chiu; Campos**

Resolution commemorating the National Housing Law Project on their 45th Anniversary for their distinguished service in advocating on behalf of our most vulnerable families' housing needs.

10/08/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **131005 [Behavioral Health Court Day - October 16, 2013]**

**Sponsors: Farrell; Chiu and Campos**

Resolution declaring October 16, 2013, as Behavioral Health Court Day in the City and County of San Francisco.

10/08/13; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Requests for Hearing**

### **131006 [Hearing - Update on Conditions at 16th Street Bay Area Rapid Transit Plaza]**

**Sponsor: Campos**

Hearing to have the following San Francisco departments and agencies report on conditions at 16th Street Bay Area Rapid Transit (BART) Plaza: Police Department, Mayor's Office of Housing Opportunities, Partnerships and Engagement, BART, Recology, Department of Public Works, District Attorney's Office, and the City Attorney's Office.

10/08/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

### **131007 [Hearing - Operation of the Dialysis Center at General Hospital]**

**Sponsor: Campos**

Hearing on the Department of Public Health's plan for the build out and operation of the outpatient dialysis center to explore the impacts on patient health and worker well being if the Department's dialysis services are contracted out to a for profit company; and the impact of moving the dialysis center from its current location at San Francisco General Hospital to Laguna Honda Hospital and Rehabilitation Center.

10/08/13; RECEIVED AND ASSIGNED to Neighborhood Services and Safety Committee.

### **131008 [Hearing - Eastern Neighborhoods Plan Infrastructure Improvements]**

**Sponsor: Cohen**

Hearing on the City's strategy for funding and implementing the estimated \$250,000,000-\$390,000,000 of infrastructure improvements that have been identified to support new development in the Eastern Neighborhoods Plan.

10/08/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **131009 [Hearing - Federal Government Shutdown]**

**Sponsor: Farrell**

Hearing on how the Federal government shutdown in Washington, D.C., will effect the City and County of San Francisco and the City's services capabilities.

10/08/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **131010 [Hearing - San Francisco Unified School District's Science, Technology, Engineering, and Mathematics Programming]**

**Sponsor: Kim**

Hearing to present San Francisco Unified School District's package of initiatives related to Science, Technology, Engineering, and Mathematics Programming, including the Mayor's Middle School Leadership Initiative, at the Joint City and School District Select Committee.

10/08/13; RECEIVED AND ASSIGNED to City and School District Select Committee.

### **131011 [Hearing - Budget and Legislative Analyst Report - Restored Vehicle License Fees]**

**Sponsor: Mar**

Hearing on the findings of the Budget and Legislative Analyst's report on restored vehicle license fees, potential uses, and equity impacts.

10/08/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**131012 [Hearing - Oversize Vehicle Overnight Parking Restriction]****Sponsors: Tang; Breed, Cohen, Mar and Yee**

Hearing to review the effectiveness and impact of the oversize vehicle overnight parking restriction pilot implemented by the Municipal Transportation Agency.

10/08/13; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

**PROPOSED ORDINANCES****130955 [Settlement of Administrative Enforcement Action - San Francisco Bay Regional Water Quality Control Board - \$608,310]**

Ordinance authorizing settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against the City and County of San Francisco for \$608,310; and appropriating \$608,310 for this purpose from the Public Utilities Commission Water Enterprise fund balance. (City Attorney's Office)

09/27/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Rules Committee.

**130956 [Settlement of Lawsuit - Carlos Hutcherson, et al. - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Hutcherson, Tarasa Gates, and Donald Walton against the City and County of San Francisco for \$125,000; the lawsuit was filed on December 21, 2012, in United States District Court, Case No. 12-cv-6481; entitled Carlos Hutcherson, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

09/27/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS****130957 [Settlement of Administrative Enforcement Acton - San Francisco Bay Regional Water Quality Control Board - \$69,000]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$69,000. (City Attorney's Office)

09/27/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Rules Committee.

**130958 [Settlement of Administrative Enforcement Action - Central Valley Regional Water Quality Control Board - \$1,000,000]**

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the Central Valley Regional Water Quality Control Board against San Francisco imposing a penalty of \$1,000,000. (Public Utilities Commission)

09/27/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Rules Committee.

**130959 [Settlement of Claim - Adam Holm - \$50,000]**

Resolution approving the settlement of the unlitigated claim filed by Adam Holm against the City and County of San Francisco for \$50,000; claim was filed on March 28, 2013. (City Attorney's Office)

09/27/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Rules Committee.

**130960 [Support Goals for Federal Funding - Community Development Block Grant, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS Programs - FY2014-2015]**

**Sponsor: Chiu**

Resolution supporting the FY2014-2015 Community Development Block Grant, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS Consolidated Plan Goals. (Mayor's Office of Housing)

09/24/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**130961 [Acquisition of Discharge Easements - California Water Service Company - Bay Division Pipeline Nos. 3 and 4 Crossovers Project in San Mateo County - \$3,640]**

Resolution approving and authorizing the acquisition of two Discharge Easements from the California Water Service Company, a California Corporation, for \$3,640 to be used by the City and County of San Francisco (City) for discharge of pipeline water and groundwater, as needed for the installation, construction, modification, removal, inspection, maintenance, repair, and replacement of the water system infrastructure in the City's right of way, including without limitation, periodic scheduled maintenance, emergency repairs, and the construction of the project known as the Bay Division Pipeline Nos. 3 and 4 Crossovers Project No. CUW38001; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

09/26/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**130962 [Contract Modification - S & S Trucking Corporation - Estimated Cumulative Value of \$13,500,000]**

Resolution extending an agreement between the City and County of San Francisco and S & S Trucking Corporation from December 20, 2013, through December 19, 2015, and increasing the estimated cumulative contract amount from \$9,000,000 to \$13,500,000 for hauling biosolids (sludge) and grit, pursuant to Charter, Section 9.118(b). (Public Utilities Commission)  
(Fiscal Impact)

09/30/13; RECEIVED FROM DEPARTMENT.

10/08/13; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Request Granted**

*From: Supervisor Chiu*

*To: City Attorney*

*Requesting/Inquiring: Requesting that the City Attorney draft legislation that would amend Administrative Code Section 30 by removing unworkable provisions and adding the creation of a body that will coordinate workforce development across city departments. The purpose of this proposed coordinating body would be to develop a multi-year workforce development strategic plan, to coordinate departments' workforce development expenditures according to this plan, and to implement, track, and align performance measures.*

**ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 5:17 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on November 19, 2013.*

---

Angela Calvillo, Clerk of the Board