

File No. 140279

Committee Item No. 11

Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date April 3, 2014

Board of Supervisors Meeting

Date April 15, 2014

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|-------------------------------------|---------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Miller Date March 28, 2014

Completed by: Alisa Miller Date April 10, 2014

1 [Settlement of Lawsuit - California Coastal Protection Network - \$125,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by California Coastal Protection**
4 **Network against the City and County of San Francisco for \$125,000; the lawsuit was**
5 **filed on August 9, 2011, in San Francisco County Superior Court, Case No. CGC-11-**
6 **513176; entitled California Coastal Protection Network v. City and County of San**
7 **Francisco; other material terms of said settlement include implementation of long-term**
8 **adaptive management plan for the South Reach of Ocean Beach; and making**
9 **environmental findings.**

10
11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The Planning Department has determined that the actions contemplated in
13 this ordinance comply with the California Environmental Quality Act (California Public
14 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
15 Board of Supervisors in File No. 140279 and is incorporated herein by reference.

16 Section 2. Pursuant to Charter section 6.102(5), the Board of Supervisors hereby
17 authorizes the City Attorney to settle the action entitled California Coastal Protection Network
18 v. City and County of San Francisco, San Francisco County Superior Court, Case No.
19 CGC-11-513176 by the payment of \$125,000 and development of a Long-term Adaptive
20 Management Plan for the South Reach of San Francisco's Ocean Beach, and interim
21 measures to manage the South Reach of Ocean Beach pending implementation of the Long-
22 term Plan.

23 Section 3. The above-named action was filed in San Francisco County Superior Court
24 on August 9, 2011, and the following parties were named in the lawsuit: California Coastal
25 Protection Network as Plaintiff, and City and County of San Francisco as Defendant.

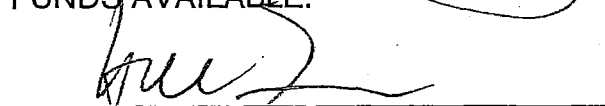
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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney


JAMES M. EMERY
Deputy City Attorney

FUNDS AVAILABLE:


BEN ROSENFELD
Controller

Index Code: 920101
Sub Object: 05312

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RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION


HARLAN L. KELLY, JR.
General Manger

APPROVED:


SECRETARY
PUBLIC UTILITIES COMMISSION



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: March 25, 2014
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sarah B. Jones, Environmental Review Officer
RE: California Coastal Protection Network Litigation Settlement

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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415.558.6378

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415.558.6409

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Information:
415.558.6377

Pending before the Board of Supervisors is a proposed Settlement Agreement ("Agreement") with California Coastal Protection Network. The Agreement sets up a process whereby San Francisco will develop a long-term adaptive management plan for the South Reach of Ocean Beach, as well as interim measures to manage the South Reach. Both the long-term plan and the interim measures will be subject to appropriate environmental review after the City has identified preferred alternatives. The Agreement expressly retains the City's full discretion to (i) make such modifications to a proposed project as are deemed necessary to mitigate significant environmental impacts; (ii) select other feasible alternatives to avoid such impacts; (iii) balance the benefits against unavoidable significant impacts prior to taking final action if such significant impacts cannot otherwise be avoided; or (iv) determine not to proceed with a proposed project if the City determines that the benefits of a proposed project fail to outweigh the unavoidable significant impacts. No physical changes to the environment would result from the Agreement, because the City has not committed itself to any specific alterations to Ocean Beach and any future alternative will be subject to full environmental review.

Establishing a process for the City to develop preferred alternatives and to submit them to environmental review does not qualify as a "project" under CEQA. The identification of a preferred alternative would not result in any changes to the environment, and the City has not committed itself to any specific long-term plan or to any specific interim measures. Therefore, the Agreement is not subject to review under CEQA.

BOARD of SUPERVISORS



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San Francisco 94102-4689
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Fax No. 554-5163
TDD/TTY No. 554-5227

March 27, 2014

File No. 140279

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On April 1, 2014, the City Attorney's Office will introduce the following proposed legislation:

File No. 140279

Ordinance authorizing settlement of the lawsuit filed by California Coastal Protection Network against the City and County of San Francisco for \$125,000; the lawsuit was filed on August 9, 2011, in San Francisco County Superior Court, Case No. CGC-11-513176; entitled California Coastal Protection Network v. City and County of San Francisco; other material terms of said settlement include implementation of long-term adaptive management plan for the South Reach of Ocean Beach; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Rules Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

