



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, March 15, 2011 - 2:00 PM

Regular Meeting

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.sfgbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

Budget and Finance Sub-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
1:00 PM

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

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Meeting Procedures

Board procedures do not permit: 1) persons in the audience at a Board meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; 4) standing in the meeting room. The public is encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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

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

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

Disability Access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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

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

Know Your Rights Under The Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

Agenda Item Information

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

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

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, Reception Desk on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the February 8, 2011, Board Meeting Minutes.

COMMUNICATIONS

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 12

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Chu, Mirkarimi

1. [110068](#) **[Administrative Code - Rewards to Informants for Information Related to the Detection of Underpayment of Property Tax]**

Sponsor: Chiu

Ordinance amending the San Francisco Administrative Code by amending Chapter 10, Sections 10.177-2 and 10.177-3, authorizing the Assessor to recommend rewards for information related to the detection of underpayment of tax owed to the City and County of San Francisco.

Attachments: [Legislation Ver1](#)

[030211 B&F Committee Report](#)

[Comm Packet 030211](#)

[Legislation Ver2](#)

[Board Packet 030811](#)

[Board Packet 031511](#)

03/08/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [110183](#) **[Accept and Expend Grant - Broadband Technology Opportunities Program and Amendment to the Annual Salary Ordinance, FY2010-2011 - \$7,931,632]**

Sponsors: Mayor; Chiu and Campos

Ordinance authorizing the Department of Technology to accept and expend a grant in the amount of \$7,931,632 from the U.S. Department of Commerce through the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) Broadband Technology Opportunities Program for Sustainable Broadband Adoption Training and Services, and amending Ordinance No. 191-10 (Annual Salary Ordinance FY 2010-2011) to reflect the addition of two (2) grant-funded positions for the Department of Aging and Adult Services in Class 1823 Senior Administrative Analyst, and four (4) grant-funded positions for the Department of Technology as follows: one (1) position in Class 1823 Senior Administrative Analyst; one (1) position in Class 1844 Senior Management Assistant; one (1) position in Class 1766 Media Production Technician; and one (1) position in Class 1769 Media Production Supervisor.

Attachments: [Legislation Ver1](#)

[Comm Packet 030211](#)

[Board Packet 030811](#)

[Board Packet 031511](#)

03/08/2011; PASSED, ON FIRST READING. Supervisor Campos requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

3. [110009](#) **[Planning Code - Amending Area Plan Fee Waiver Criteria for Affordable Housing]**

Sponsor: Cohen

Ordinance amending the San Francisco Planning Code by amending Section 406 to revise the criteria for waiver of Area Plan fees, including the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, and the Visitacion Valley Community Facilities and Infrastructure Impact Fee, for affordable housing projects; and making findings, including environmental findings.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 011411](#)

[Response PLN 021711](#)

[Comm Packet 022811](#)

[Legislation Ver2](#)

[Board Packet 030811](#)

[Board Packet 031511](#)

03/08/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. [110115](#) **[Summary Vacation, Jurisdictional Transfer, and Sale of City Property - Ocean Avenue and Phelan Avenue]**

Sponsors: Elsbernd; Avalos

Ordinance: 1) ordering the summary vacation of an approximately 17,050 square foot portion of City property located near Ocean Avenue and Phelan Avenue pursuant to the California Streets and Highways Code Sections 8330 et seq.; 2) authorizing the jurisdictional transfer of such portion of City property from the Department of Public Works to the Municipal Transportation Agency; 3) authorizing the sale of an approximately 25,772 square foot portion of City property located near Ocean Avenue and Phelan Avenue to the San Francisco Redevelopment Agency for \$4,056,580 and the grant of a pedestrian access easement and an emergency fire apparatus access easement over a portion of adjacent City property; 4) adopting environmental findings and other findings that the actions set forth in this Ordinance are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; 5) adopting findings that Administrative Code Chapter 23A does not apply to the sale of such portion of City property; and 6) authorizing other actions in furtherance of this Ordinance.

Attachments: [Legislation Ver1](#)

[Comm Packet 022811](#)

[Board Packet 030811](#)

[Board Packet 031511](#)

03/08/2011; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety Committee

Present: Supervisors Mirkarimi, Cohen, Campos

5. **101120** **[Police Code - Discharge of Firearms; Fireworks]**

Sponsor: Mayor

Ordinance amending the San Francisco Police Code by amending Sections 1290, 4502, and 4506 to consolidate the prohibitions on the discharge of firearms within the City and to re-state the exceptions to those prohibitions.

Attachments: [Comm Packet 020311](#)

[Legislation Ver2](#)

[Board Packet 021511](#)

[BoardPacket 030111.pdf](#)

[Board Packet 030811](#)

[Board Packet 031511](#)

02/15/2011; PASSED, ON FIRST READING.

03/01/2011; CONTINUED ON FINAL PASSAGE.

03/08/2011; CONTINUED ON FINAL PASSAGE.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Elsbernd, Farrell

6. [110105](#) **[Appointments, Sunshine Ordinance Task Force - Jay Costa and Jackson West]**

Motion appointing Jay Costa, term ending April 27, 2012, and Jackson West, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Attachments: [Comm Packet 030311](#)

[Legislation Ver1](#)

[Board Packet 031511](#)

Question: Shall this Motion be APPROVED?

7. [110145](#) **[Appointments, Citizens' General Obligation Bond Oversight Committee - Robert Muscat and Jonathan Alloy]**

Motion appointing Robert Muscat and Jonathan Alloy, to the Citizens' General Obligation Bond Oversight Committee, terms ending November 21, 2012. (Clerk of the Board)

Attachments: [Comm Packet 030311](#)

[Legislation Ver1](#)

[Board Packet 031511](#)

Question: Shall this Motion be APPROVED?

Present: Supervisors Kim, Farrell

8. [110146](#) **[Settlement of Lawsuit - Liberato Primer, Jr. - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr., against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

Attachments: [Legislation Ver1](#)

[Comm Packet 030311](#)

[Board Packet 031511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

9. [110173](#) **[Settlement of Lawsuit - Esther Downes, et al. - \$350,000]**
Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

Attachments: [Legislation_Ver1](#)
[Comm_Packet_030311](#)
[Board_Packet_031511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. [110174](#) **[Settlement of Claim - Homeless Prenatal Program, Inc. - \$135,246.65]**
Resolution approving the settlement of the unlitigated claim filed by Homeless Prenatal Program, Inc., against the City and County of San Francisco for \$135,246.65; claim was filed on September 23, 2010. (City Attorney)

Attachments: [Legislation_Ver1](#)
[Comm_Packet_030311](#)
[Board_Packet_031511](#)

Question: Shall this Resolution be ADOPTED?

11. [101471](#) **[Appointment, Sweatfree Procurement Advisory Group - Eleanor Morton]**
Motion appointing Eleanor Morton, to the Sweatfree Procurement Advisory Group, term ending December 17, 2011. (Clerk of the Board)

Attachments: [Comm_Packet120210](#)
[Comm_Packet_030311](#)
[Legislation_Ver1](#)
[Board_Packet_031511](#)

Question: Shall this Motion be APPROVED?

12. [110218](#) **[Appointments, Urban Forestry Council - Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan]**
Motion appointing Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan to the Urban Forestry Council, terms ending November 18, 2012. (Clerk of the Board)

Attachments: [Comm_Packet_030311](#)
[Legislation_Ver1](#)
[Board_Packet_031511](#)

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

Present: Supervisors Chu, Mirkarimi, Kim, Wiener, Chiu

13. [100962](#) **[Appropriating \$1,300,000 of General Fund Reserve - Ethics Commission Public Election Campaign Finance Fund for FY2010-2011]**
Sponsors: Avalos; Mirkarimi and Campos
Ordinance appropriating \$1,300,000 of General Fund Reserve for the Ethics Commission in the Public Election Campaign Finance Fund for FY2010-2011.

(Fiscal Impact.)
(Supervisors Chu and Wiener dissented in Committee.)

Attachments: [Comm Packet 030911](#)
[Budget Analyst 030911](#)
[Board Packet 031511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Chu, Mirkarimi, Kim

14. [110154](#) **[Appropriating \$2,809,000 of General Fund Reserve - Fourth Street Bridge Project Litigation Expenses in FY2010-2011]**
Sponsor: Mayor
Ordinance appropriating \$2,809,000 from the General Fund Reserve to the Department of Public Works for litigation expenses related to the Santa Clara Superior Court Case between Mitchell Engineering/Obayashi Corporation v. City and County of San Francisco for the Fourth Street Bridge Project in FY2010-2011.

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)
[Budget Analyst 030211](#)
[Comm Packet 030211](#)
[Comm Packet 030911](#)
[Budget Analyst 030911](#)
[Board Packet 031511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

15. [110148](#) **[Lease - ParkWide Activities, LLC - Master Bike Rental Concession Operation]**
Resolution authorizing the Recreation and Park Department General Manager to enter into a lease with ParkWide Activities, LLC, for the operation of a Master Bike Rental Concession in City Parks. (Recreation and Park Department)

Attachments: [Legislation Ver1](#)
[Comm Packet 030911](#)
[Budget Analyst 030911](#)
[Board Packet 031511](#)

Question: Shall this Resolution be ADOPTED?

16. [110168](#) **[Lease of Real Property - 1421 Broderick Street]**
Resolution authorizing the exercise of a ten year option to extend the lease of the 12,417 square foot building located at 1421 Broderick Street for the Department of Public Health. (Real Estate Department)

Attachments: [Legislation Ver1](#)
[Comm Packet 030911](#)
[Budget Analyst 030911](#)
[Board Packet 031511](#)

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Chu, Mirkarimi, Kim

17. [110175](#) **[Settlement of Unlitigated Claims - East Bay Regional Park District - Public Utilities Commission Calaveras Dam Replacement Project]**
Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco and the East Bay Regional Park District (EBRPD) related to the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program, Calaveras Dam Replacement Project, in Alameda County, calling for SFPUC to pay EBRPD \$2,000,000 related to project construction activities, and including other material terms and conditions in a settlement and release agreement. (City Attorney)

Attachments: [Legislaton Ver1](#)
[Comm Packet 030911](#)
[Board Packet 031511](#)

Question: Shall this Resolution be ADOPTED?

18. [110187](#) **[CEQA Findings - Public Utilities Commission Calaveras Dam Replacement Project]**

Sponsor: Elsbernd

Resolution adopting findings under the California Environmental Quality Act, including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Water System Improvement Program Calaveras Dam Replacement Project, in Alameda and Santa Clara Counties, including the mitigation habitat actions at various sites; and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

Attachments: [Legislation Ver1](#)

[Comm Packet 030911](#)

[Budget Analyst 030911](#)

[Board Packet 031511](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

19. [101523](#) [Planning Code, Administrative Code - Development Impact and In-Lieu Fees]

Sponsor: Mayor

Ordinance amending the San Francisco Planning Code by: 1) amending Section 409 to clarify that the Annual Infrastructure Cost Inflation Adjustments to development fees authorized by the section do not need further action by the Board of Supervisors, to provide that the Planning Director be included in the annual fee reporting process, and to make other technical amendments to simplify the annual fee reporting process and ensure that the Controller's Office and the Capital Planning Program coordinate their efforts; 2) amending Sections 413.6 and 415.5 to provide that the annual adjustments to the Jobs-Housing Linkage and Affordable Housing fees shall be made at the same time as the cost inflation adjustments are made to the other development fees; 3) amending other sections of Article 4 to clarify language, eliminate confusion as to when requirements must be met, and correct errors in cross-referencing; and 4) adding an uncodified section providing that (a) if a development fee was evaluated in 2010 or 2011, it need not be included in the 2011 five-year evaluation and (b) authorizing the Controller to make the 2011 Infrastructure Cost Inflation Adjustments to the development fees in April rather than January; amending the San Francisco Administrative Code by repealing Section 38.14 (the Severability Clause) and moving it to Section 430; and adopting environmental, Planning Code Section 302, and Planning Code Section 101.1 findings.

Attachments: [Legislation Ver1](#)

[Leg_Digest Ver1](#)

[Response PLN 122210](#)

[Response PLN 122810](#)

[Response SBC 011911](#)

[Comm Packet 022811](#)

[Comm Packet 030711](#)

[Legislation Ver2](#)

[Leg_Digest Ver2](#)

[Board Packet 031511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. [110024](#) [Planning Code - Zoning Map Amendment - Correction to Market and Octavia Area Plan Zoning]**Sponsor: Mirkarimi**

Ordinance amending Zoning Map Sheet No. 2 of the San Francisco Planning Code to include parcels inadvertently excluded from the Zoning Map amendment adopted to implement the Market and Octavia Plan (Ordinance No. 72-08) affecting the area roughly bounded by a line beginning at the intersection of Buchanan and Fell Street, continuing northwest, thence northeast on Grove Street, continuing northwest at Laguna Street, thence heading northeast on Turk Street, continuing southeast at Franklin Street, thence continuing southwest at Fell Street to the starting point at the intersection of Buchanan Street, to eliminate use districts within the Market and Octavia Plan Area and replace them with revised use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)[Leg Digest Ver1](#)[Response PLN 021911](#)[Comm Packet 030711](#)[Board Packet 031511](#)**Question: Shall this Ordinance be PASSED ON FIRST READING?****21. [110070](#) [Planning Code - Zoning - Upper Fillmore Neighborhood Commercial District]****Sponsor: Farrell**

Ordinance amending the San Francisco Planning Code by amending Sections 703.3 and 718.1 and the Zoning Control Table for the Upper Fillmore NCD to: 1) allow as a conditional use on the first floor a new full-service restaurant, large fast food restaurant, small self-service restaurant or self-service specialty food establishment that is not defined as a formula retail use; and 2) add Specific Provisions to the Zoning Control Table to allow a bar associated with a full-service restaurant as a conditional use and require the Planning Commission to consider daytime usage on the block in conditionally approving a new restaurant; adopting findings, including 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.

Attachments: [Legislation Ver1](#)[Leg Digest Ver1](#)[Response PLN 012511](#)[Response PLN 020411](#)[Response PLN 021111](#)[Response SBC 021611](#)[Comm Packet 030711](#)[Legislation Ver2](#)[Board Packet 031511](#)**Question: Shall this Ordinance be PASSED ON FIRST READING?**

Recommendation of the Rules Committee

Present: Supervisors Kim, Farrell

22. [110117](#) **[Administrative Code - Publication Requirements]**
Sponsor: Mirkarimi
Ordinance amending San Francisco Administrative Code Section 2.97 to define "Summary" for the purpose of publishing "Public Notices."

Attachments: [Legislation Ver1](#)
[Comm Packet 030311](#)
[Board Packet 031511](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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Present: Supervisors Kim, Elsbernd, Farrell

23. [110150](#) **[Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]**
Sponsors: Chiu; Mar
Ordinance amending the San Francisco Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

Attachments: [Legislation Ver1](#)
[Committee Packet 021711](#)
[Legislation Ver2](#)
[Board Packet 030111](#)
[Board Packet 030811](#)
[Board Packet 031511](#)

03/01/2011; CONTINUED ON FIRST READING.

03/08/2011; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

SPECIAL ORDER 3:00 P.M

Board of Supervisors Sitting as a Committee of the Whole

(Pending approval of Item No. 31, File No. 110212.)

24. [110213](#) **[Hearing - Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]**
Sponsor: Chiu
Hearing of persons interested in or objecting to the proposed Emergency Ordinance authorizing the Director of Elections to extend deadlines in the San Francisco Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011.

Attachments: [Board Packet 031511](#)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

(Pursuant to Charter Section 2.107, the following Emergency Ordinance requires an affirmative vote of 2/3 or the Board of Supervisors.)

25. [110278](#) **[Municipal Elections Code - Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]**
Sponsor: Chiu
Emergency Ordinance authorizing the Director of Elections to extend deadlines in the San Francisco Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011.

Attachments: [Board Packet 031511](#)

[Legislation Ver1](#)

Question: Shall this Ordinance be FINALLY PASSED?

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.

26. [110202](#) [Public Hearing - Appeal of Final Environmental Impact Report - Calaveras Dam Replacement Project]

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 27, 2011, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.0161E, through its Motion No. 18261, for the proposed Calaveras Dam Replacement Project located in unincorporated areas of Alameda and Santa Clara Counties. (Appellant: Gregory Stepanicich, on behalf of the East Bay Regional Park District).

(Filed February 14, 2011; Companion to File Nos. 110203, 110204, 110205.)

Attachments: [Board Packet 031511](#)

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 Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

27. [110203](#) [Affirming Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Attachments: [Legislation Ver1](#)

[Board Packet 031511](#)

Question: Shall this Motion be APPROVED?

28. [110204](#) **[Reversing Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]**
Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Attachments: [Legislation Ver1](#)
[Board Packet 031511](#)

Question: Shall this Motion be APPROVED?

29. [110205](#) **[Preparation of Findings to Reverse Certification of Calaveras Dam Replacement Project Final Environmental Impact Report]**
Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the Calaveras Dam Replacement Project.

Attachments: [Legislation Ver1](#)
[Board Packet 031511](#)

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following item will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, March 14, 2011, at 10:00 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, March 15, 2011.

30. [110283](#) **[Urging Avalon Bay Communities to Utilize Sub-Contractors that Compensate Workers Consistent with Area Standard Wages]**

Sponsor: Avalos

Resolution encouraging Avalon Bay Communities to sub-contract all carpentry crafts to a responsible contractor that pays area standard wages and benefits and has a State of California certified apprenticeship program and journeyman upgrade training.

Attachments: [Legislation Ver1](#)
[Comm Packet 031411f](#)
[Board Packet 031511](#)

Question: Shall this Resolution be ADOPTED?

ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 31 through 34

31. [110212](#) [Committee of the Whole - Hearing to Consider and Approve an Emergency Ordinance Extending Municipal Elections Code Deadlines for Possible June 2011 Election]

Sponsor: Chiu

Motion that the Board of Supervisors convene as a Committee of the Whole on March 15, 2011, at 3:00 p.m., to consider an emergency ordinance authorizing the Director of Elections to extend deadlines in the Municipal Elections Code by no more than 15 days for a possible special municipal election to be held in June 2011. (Clerk of the Board)

Attachments: [Board Packet 031511](#)

03/10/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

32. [110293](#) [Monsignor Oscar Romero Day - March 26, 2011]

Sponsor: Campos

Resolution declaring March 26, 2011, as Monsignor Oscar Romero Day in San Francisco, to honor a person who dedicated themselves to, and ultimately gave their life for, social justice and human rights protection, and preached the message of peace, non-violence, reconciliation, and love.

Attachments: [Legislation Ver1](#)
[Board Packet 031511](#)

03/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [110295](#) [Extension of 45 Days for Planning Commission Review - Market and Octavia Plan Area]

Sponsor: Wiener

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 415.5 to provide a new land dedication alternative in the Market and Octavia Plan Area, in lieu of payment of the affordable housing fee, and adding Section 415.10 to provide for the requirements of such land dedication, and making findings, including environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)
[Board Packet 031511](#)

03/08/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [110260](#) [Final Map 5889: 619, 631-633 Taraval Street]

Motion approving Final Map 5889, a 9 Unit Mixed-Use (6 Unit Residential and 3 Unit Commercial) Condominium Project, located at 619, 631-633 Taraval Street being a subdivision of Lots 039, 040, and 042A in Assessors Block No. 2409 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

Attachments: [Board Packet 031511](#)

03/04/2011; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

Questions on the For Adoption Without Committee Reference Agenda: _____

35. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires eight (8) votes or a unanimous six (6) or seven (7). A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that, for the resolution(s) being considered at this time, there is a need to take immediate action. The need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

Proposed ordinances received from March 1, 2011, to March 7, 2011, for reference by President to appropriate committee on March 15, 2011.

110300

[Development Agreement - Parkmerced, LLC]

Ordinance approving a Development Agreement between the City and County of San Francisco and Parkmerced Investors, LLC, for certain real property located in the Lake Merced District of San Francisco and commonly referred to as Parkmerced, generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west, making findings under the California Environmental Quality Act, findings of conformity with the City's General Plan and with the eight priority policies of Planning Code Section 101.1(b), and waiving certain provisions of Administrative Code Chapter 56. (Planning Department)

03/15/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110301

[Planning Code - Special Use District - Parkmerced]

Ordinance amending the San Francisco Planning Code by amending Sections 102.5 and 201 to include the Parkmerced Zoning Districts; adding Section 249.64 to establish the Parkmerced Special Use District for the property consisting of Assessor's Block Nos. 7303, 7303A, 7308 through 7311, 7309A, 7315 through 7323, 7325 and 7326, 7330, 7331 (Lot No. 4), 7332 (Lot No. 4), 7333 (Lot Nos. 1 and 3), 7333A, 7333B, 7333C, 7333D, 7333E, 7334 through 7345, 7345A, 7345B, 7345C, 7356 through 7359, and 7360 through 7370; amending Planning Code Section 270 to refer to the Parkmerced Special Use District; and adopting findings, including 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)

03/04/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110302

[Planning Code - Zoning Map Amendments - Parkmerced]

Ordinance amending the San Francisco Planning Code by amending Sectional Maps ZN13, HT13, and SU13, of the Zoning Map of the City and County of San Francisco, to reflect the Parkmerced Special Use District; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Commission)

03/04/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

110303

[General Plan Amendment - Parkmerced]

Ordinance amending the San Francisco General Plan by amending the Urban Design Element Height Map with respect to the Parkmerced site; adopting findings, including environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1. (Planning Commission)

03/04/2011; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

PROPOSED RESOLUTION

Proposed resolution received from March 1, 2011, to March 7, 2011, for reference by President to appropriate committee on March 15, 2011.

110210

[Airline/Airport 2011 Lease and Use Agreements - Various Airlines]

Resolution approving leases to the terms of eight (8) new Airline/Airport Lease and Use Agreements between the City and various airlines, effective July 1, 2011, to allow such Airlines to conduct domestic and international flight operations at San Francisco International Airport. (Airport Commission)

Attachments: [110210.docx](#)

03/15/2011; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

110265 [Petitions and Communications]

Petitions and Communications received from March 1, 2011, through March 7, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 15, 2011.

From concerned citizens, regarding the Parkmerced Project. File No. 110206, Copy: Each Supervisor, 17 letters (1)

*From concerned citizens, regarding the sidewalk sitting ban. 58 letters (2)

From concerned citizens, submitting support for proposed legislation that bans the delivery of unwanted Yellow Pages in San Francisco. File No. 110114, 2 letters (3)

From concerned citizens, submitting support for keeping the Haight Ashbury Neighborhood Council's Recycling Center open. File No. 101490, 3 letters (4)

From Paul Reeberg, submitting budgetary ideas for FY2011-2012. (5)

From Department of Human Resources, submitting request for waiver of Administrative Code Chapter 12B for Holiday Inn Fisherman's Wharf. (6)

From Ed Healy, regarding illegal taxis and limousines. (7)

From Department of Aging and Adult Services, submitting a line item summary of the resources allocated to District 11. (8)

From Micki Jones, regarding the murder of Kate Horan on October 29, 2010. Copy: Each Supervisor (9)

From State Senate Rules Committee, submitting request for nominations by the Board of Supervisors for an appointment to the California Coastal Commission. Copy: Each Supervisor, Rules Committee Clerk (10)

From Christopher Reiger, submitting support for closing Sharp Park Golf Course. Copy: Each Supervisor (11)

From Arthur Evans, concerning a study published in the British Medical Journal concerning young people smoking cannabis. Copy: Each Supervisor (12)

From Department of Public Works, submitting FY2010-2011 Quarterly Reports concerning the Adopt-A-Tree Fund. (13)

From Adam Lowry, submitting petition opposing dumping bleach into our sewers and open water systems. File No. 101578, Copy: Each Supervisor (14)

From Office of the Assessor-Recorder, regarding the Watchdog Ordinance. Copy: Each Supervisor (15)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement: (16)

Rick Caldeira, Deputy Director - annual
Hope Schmeltzer, LAFCo - annual
Jeremy Pollock, Legislative Aide - leaving
Erasmio Vazquez - annual

From Elections Commission, submitting their 2010 Annual Report. Copy: Each Supervisor (17)

From Office of the Controller, submitting FY2010-2011 Biannual and Monthly Overtime Report. (18)

From Danny, regarding using bleach in San Francisco sewers. (19)

From SF Ocean Edge, regarding the Beach Chalet Soccer Development in Golden Gate Park. Copy: Each Supervisor (20)

From Planning Department, submitting the 2005-2009 Market/Octavia Street Plan Monitoring Report. (21)

From Verizon Wireless, submitting notification of three cellular antennas to be installed at Hwy 280 Alemany. (22)

From City Administrator, regarding FY2012-2021 draft Capital Plan. Copy: Each Supervisor (23)

From Doug MacTavish, requesting no smoking signs at transit stops. (24)

From Mark Gruberg, regarding proposed taxi legislation. File No.110257 (25)

From Abdalla Megahed, regarding alleged harassment. (26)

From Arthur Evans, concerning news about the medical effects of pot smoking according to a recent European study. (27)

*(Note: 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