

**Board of Supervisors
City and County of San Francisco**

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



AGENDA
Tuesday, April 7, 2009
10:00 AM

Regular Meeting

DAVID CHIU, PRESIDENT
MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE
MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

COMMUNICATIONS

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

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

These items will be available for review at City Hall, Room 244, Reception Desk.

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 6

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chu

Board"]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled San Francisco Kindergarten Admissions: Back to the Drawing Board.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

13. 081249 **[Inclusionary In Lieu Fees For Small Site Acquisition and Rehabilitation]** **Supervisor Daly**

Ordinance amending Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units, and making findings including findings under CEQA.

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. 090203 **[Zoning Map Amendment - 401 - 421 Shields Street]**
- Ordinance amending the San Francisco Planning Code by amending Sheet 12 of the Zoning Map of the City and County of San Francisco to change the zoning of the properties located at 401-421 Shields Street, Block 7074, Assessor's Lot Nos. 001, 046, 047, 048, from P (Public) to RH-1 (Residential, House Districts, Single-Family); adopting findings, including environmental findings and findings of consistency with the General Plan and Priorities of Planning Code Section 101.1(b). (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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 p.m. 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 4 p.m.:

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 4 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4 p.m.

The President may entertain a motion to continue the following File Nos. 090109, 090110, 090111, 090112.

The Appellant and Project Sponsor have requested a continuance for property located at 717 Battery Street/350 Pacific Avenue.

15. 090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition)) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District-the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.)

(Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

3/3/2009, CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. Continued to April 7, 2009

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review 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.)

16. **090110** **[Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**
Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

3/3/2009, CONTINUED. Continued to April 7, 2009

Question: Shall this Motion be APPROVED?

17. **090111** **[Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]**
Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

3/3/2009, CONTINUED. Continued to April 7, 2009

Question: Shall this Motion be APPROVED?

18. **090112** **[Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

3/3/2009, CONTINUED. Continued to April 7, 2009

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

The President may entertain a motion to table the following File Nos. 090264, 090265, 090266, 090267.

The Planning Department has withdrawn the Categorical Exemption issued for property located at 429 Amador Street (Pier 92).

19. **090264** **[Public Hearing - Appeal of Categorical Exemption]**

**from Environmental Review for 429 Amador Street
(Pier 92)]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated September 8, 2008, that a project at 429 Amador Street (Pier 92) (Case No. 2008.1052E) is exempt from environmental review under Categorical Exemption, Class 1 [State CEQA Guidelines Section 15301(e)(2)]. The proposal would add a biodiesel operation to Darling International's existing facility that renders vegetable oils, fats and greases. The project site (Assessor's Block 4502A, Lot 002) is within the M-2 (Heavy Industrial) Zoning District and is within a 40-X Height and Bulk District. (Appellant: Deborah Behles, Kenneth Blackwood, and Cheryl Tang on behalf of Bayview Hunters Point Community Advocates.)

(Filed February 25, 2009; Companion to Files 090265, 090266, 090267; District 10.)

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review 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.)

**20. 090265 [Affirming the Categorical Exemption issued for the
429 Amador Street (Pier 92) project]**

Motion affirming the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.

Question: Shall this Motion be APPROVED?

**21. 090266 [Disapproving the Categorical Exemption issued for
the 429 Amador Street (Pier 92) project]**

Motion disapproving the determination by the Planning Department that the 429 Amador Street (Pier 92) project is categorically exempt from environmental review under the California Environmental Quality Act.

Question: Shall this Motion be APPROVED?

**22. 090267 [Preparation of findings related to the 429 Amador
Street (Pier 92) project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 429 Amador Street (Pier 92) is exempt from environmental review under the California Environmental Quality Act.

Question: Shall this Motion be APPROVED?

23. 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.

24. 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 25 through 34

25. 090373 [Supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act] Supervisors Avalos, Mirkarimi, Mar, Campos

Resolution supporting Assembly Bill 700, the Creative Industries and Community Revitalization Act; supporting creation of the Creative Industries and Community Economic Revitalization Fund; and urging passage of Assembly Bill 700 in the current legislative session.

33. **090357** **[Final Map - 4800 3rd Street]**
Motion approving Final Map 5140, an 18 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 4800 3rd Street being a subdivision of Lot 045 in Assessors Block No. 5322 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,089; District 10.)

3/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

34. **090358** **[Final Map - 4441 and 4445 Mission Street]**
Motion approving Final Map 5324, a 6 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 4441 and 4445 Mission Street being a subdivision of Lots 023A and 024 in Assessors Block No. 6013 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,097; District 11.)

3/24/2009, 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 8 votes or a unanimous 6 or 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 and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

*Proposed ordinances received from March 24, 2009 to March 30, 2009, for reference by President to appropriate committee on April 7, 2009.
There were none.*

PROPOSED RESOLUTIONS

*Proposed resolutions received from March 24, 2009 to March 30, 2009, for reference by President to appropriate committee on April 7, 2009.
There were none.*

090431 [Petitions and Communications]

Petitions and Communications received from March 24, 2009 through March 30, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on April 7, 2009.

From concerned citizens, urging the Board of Supervisors not to eliminate the Homeless Prevention Rental Assistant Coordinator's position.2 letters(1)

From Mayor's Office of Criminal Justice, regarding request for a report prepared by the French Commission Rogatoire. (Reference No. 20090127-015)(2)

From Aaron Goodman, commenting on a news article by Ken Garcia (SF Examiner) regarding ultra-green buildings.(3)

From concerned citizens, submitting support for proposed legislation amending

Administrative Code Section 57.8 regarding the Scene in San Francisco Rebate Program. File 090024, 2 letters(4)

From Pat Missud, commenting on the dangerous intersection at Alemany and San Juan Avenue.(5)

From Planning Department, responding to inquiry as to the status of enforcement actions on the development at 1250 Missouri Street. (Reference No. 20090203) (6)

From Department of Public Works, regarding status of removing graffiti from utility poles at various locations in District 5. (Reference No. 20090224-005)(7)

From Ivan Pratt, regarding preparing for community emergencies.(8)

From Patrick Monette-Shaw, regarding loss of skilled nursing beds and other hospital beds in San Francisco.(9)

From Francisco Da Costa, regarding the stimulus plan and future plans and jobs in San Francisco.(10)

From Francisco Da Costa, urging total removal of radiological contaminants on Parcel E2 on Hunters Point Naval Shipyard.(11)

From Joyce Ida Hammond, commenting on the warning signs All areas of this dealership contain chemicals known to the State of California to cause cancer and birth defects or other reproductive harm at the Honda Dealership at South Van Ness and Market Street.(12)

From Chi Shing Cheung, S.F. letter carrier, submitting opposition to the Do Not Mail Registry legislation. File 081526(13)

From State Fish and Game Commission, regarding proposal to amend Section 124, Title 14, California Code of Regulations, relating to commercial halibut trawl fishing.(14)

From Office of the Treasurer, submitting investment activity (for fiscal year to date) of the portfolios under the Treasurer's management.(15)

From Law Offices of Daniel Reidy, submitting motion of Blue and Gold Fleet, to become a party in complaint of Red and White Ferries, Inc. requesting determination of reasonable compensation and reasonable terms and conditions for use of ferry dock in Sausalito and in related motion to shorten time for defendant to answer complaint.(16)

From SF Homeless Yahoo Group, regarding J.P. Morgan EFS and the Kroger Food Store illegally taxing food stamps.(17)

From Martin McNerney Properties, submitting a grant application for the Transit-Oriented Development Housing Program for project located at 2235 Third Street. Copy: Each Supervisor(18)

From Martin McNerney Properties, submitting a grant application for the Transit-Oriented Development Housing Program for project located at 178 Townsend Street. Copy: Each Supervisor(19)

From concerned citizens, thanking the Board for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor

recreation and sustainable land use. File 090329, 1,748 letters(20)

From Christian Holmer, submitting a sample of Proposition G calendars from Ed Harrington, General Manager, Public Utilities Commission; Ben Rosenfeld, Controller and sample of a Sunshine audit submission from the City Attorney.(21)

From Department of Public Works, regarding status of removing graffiti from garbage cans in District 5. (Reference No. 20090224-002)(22)

From Department of Public Works, regarding status of removing graffiti from public property at various locations in District 5. (Reference No. 20090224-007)(23)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Safetran Systems Corporation.(24)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for Alstom Signaling, Inc.(25)

From Ahimsa Porter Sumchai, submitting letter entitled The Chicken or The Egg dated March 31, 2009.(26)

From Joseph Cadiz, regarding San Francisco Sanctuary Ordinance.(27)

From Francisco Da Costa, commenting on Mayor Newsom.(28)

From Ahimsa Porter Sumchai, regarding public records request from Supervisor Maxwell.(29)

From Jim Meko, regarding the Western SoMa Community Plan meeting on March 25, 2009.(30)

From Controller, Mayor's Office and Board of Supervisors' Budget Analyst, submitting joint report on the three-year budget projection for general fund supported operations, fiscal year 2009-2010 through 2011-2012.(31)

From concerned parents, concerning budget cuts to schools, after school programs, playgrounds and parks.(32)

From Joyce Cukelhaupt, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center.(33)

From SF Homeless Yahoo Group, submitting letter entitled websites on homeless residents filing suits against bad cities dated March 23, 2009.(34)

From State Fish and Game Commission, regarding proposed regulatory action relating to incidental take of pacific fisher during candidacy period.(35)

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.) 3) signs to be brought into the meeting or displayed in the room; and 4) standing in the Legislative Chamber.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. The agenda packet and legislative files (which contain documents submitted after the distribution of the agenda packet) are available at the Board of Supervisors, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Agendas are available on the Internet at www.sfgov.org/site/bos_meetings For information, call (415) 554-5184.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



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 J, K, L, M, N and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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 Frank Darby by mail to 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 sof@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics