

File No. 140279

Committee Item No. 11

Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Rules

Date April 3, 2014

Board of Supervisors Meeting

Date \_\_\_\_\_

### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input 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 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: \_\_\_\_\_ Date \_\_\_\_\_

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.

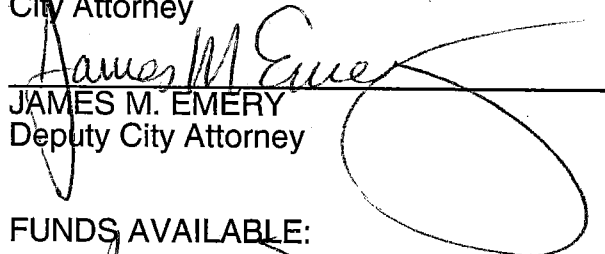
16 Section 2. Pursuant to Charter section 6.102(5), the Board of Supervisors hereby  
17 authorizes the City Attorney to settle the action entitled California Coastal Protection Network  
18 v. City and County of San Francisco, San Francisco County Superior Court, Case No.  
19 CGC-11-513176 by the payment 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.

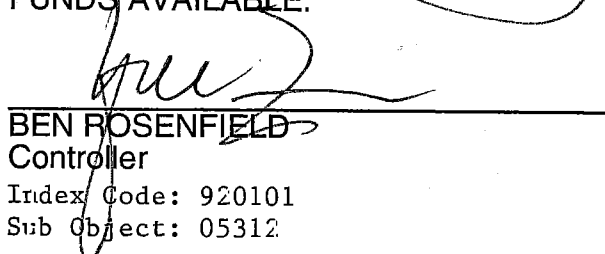
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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

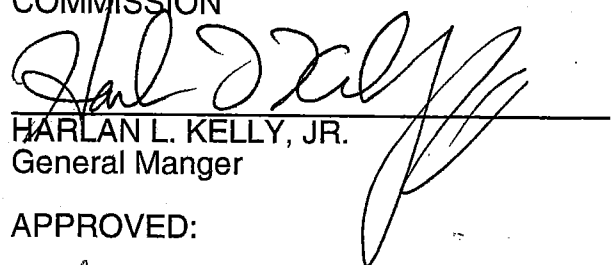
  
\_\_\_\_\_  
JAMES M. EMERY  
Deputy City Attorney

FUNDS AVAILABLE:

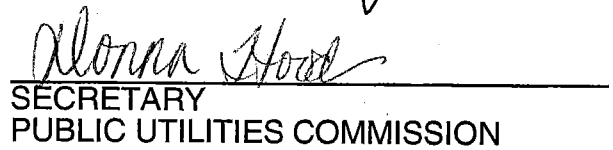
  
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BEN ROSENFELD  
Controller  
Index Code: 920101  
Sub Object: 05312

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

  
\_\_\_\_\_  
HARLAN L. KELLY, JR.  
General Manger

APPROVED:

  
\_\_\_\_\_  
ALONNA HOOD  
SECRETARY  
PUBLIC UTILITIES COMMISSION

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# 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

Reception:  
**415.558.6378**

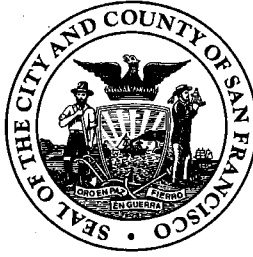
Fax:  
**415.558.6409**

Planning  
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



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
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, 4<sup>th</sup> 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

LEGISLATION RECEIVED CHECKLIST

Date 3/24/14

File Number (if applicable)

- Legislation for Introduction (NEW)
Legislation Pending in Committee (AMENDED)
Legislation for Board Agenda (AMENDED)
Legislation Clerk
Committee Clerk
Dep Clerk, Legislative Div

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation: Original and 2 hard copies and 1 electronic copy in word format
Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
Back-up materials: 2 full sets (see below) and 1 electronic copy in pdf format\*
Cover letter (original and 1 hard copy)
Grant budget/application
Grant information form, including disability checklist
Letter of Intent or grant award letter from funding agency
Contract, Leases/Agreements (if applicable)
Ethics Form 126 (if applicable)\*Word format
E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Ordinance

- Legislation: Original and 2 hard copies and 1 electronic copy in word format
Signature: City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
Back-up materials: 2 hard copies (see below) and 1 electronic copy in pdf format
Cover letter (original and 1 hard copy)
Settlement Report/Agreement (for settlements)
Other (Explain)
E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Grant Resolution

- Legislation: Original and 2 hard copies and 1 electronic copy in word format
Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
Back-up materials: 2 hard copies (see below) and 1 electronic copy in pdf format\*
Cover letter (original and 1 hard copy)
Grant budget/application
Grant information form, including disability checklist
Letter of Intent or grant award letter from funding agency
Contract, Leases/Agreements (if applicable)
Ethics Form 126 (if applicable)\*Word format
E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Resolution

- Legislation: Original and 2 hard copies and 1 electronic copy in word format
Signature: None (Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
Back-up materials: 2 full sets (see below) and 1 electronic copy in pdf format
Cover letter (original and 1 hard copy)
Settlement Report/Agreement (for settlements)
Other (Explain)
E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Shona Navarre 554-3889
Name and Telephone Number

City Attorney
Department