



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, May 4, 2010 - 2:00 PM

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

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/bos

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
1:30 PM

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings 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 at a Committee 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or 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 IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244,

RECEPTION DESK. Agendas are available on the internet at www.sfbos.org/meetings

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.

**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 April 6, 2010, 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 8

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

1. [100251](#) **[Approval of Contract with AT&T for City Telecommunications Services - \$75,000,000]**

Ordinance approving, retroactively, a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000 for a four and one-half year term beginning on March 1, 2010. (Department of Technology)

(Fiscal Impact.)

Attachments: [Comm Packet 041410](#)

[Comm Packet 042110](#)

[Board Packet 042710](#)

04/27/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [100349](#) **[Lease of Real Property – 1390 Market Street]**

Resolution authorizing the exercise of a five year option to extend the lease of approximately 9,397 square feet of space located at 1390 Market Street for the Department of Children, Youth and their Families. (Real Estate Department)

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 042810](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Elsbernd

3. [100227](#) **[Accept and Expend Gift - Recreation and Parks Presidio Heights Playground - \$910,800]**

Sponsor: Alioto-Pier

Resolution authorizing the Department of Recreation and Parks to retroactively accept and expend a gift valued at \$910,800 from the Friends of Presidio Heights Playground through the San Francisco Parks Trust for Phase One Improvements to Presidio Heights Playground.

Attachments: [Comm Packet 042610](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

4. [100401](#) **[Accept and Expend Grant - Bio-Rad Clinical Trial - \$159,876]**

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from Bio-Rad Laboratories in the amount of \$159,876 to fund the Bio-Rad Clinical Trial project for the period of February 1, 2010, through June 30, 2010.

Attachments: [Legislation Ver1](#)

[Comm Packet 042610](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

5. [100403](#) **[Accept and Expend Grant - Medical Monitoring Project - \$401,770]**

Sponsor: Dufty

Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the Centers for Disease Control and Prevention in the amount of \$401,770 to support a project entitled, "Medical Monitoring Project" for the period of June 1, 2010, through May 31, 2011.

Attachments: [Legislation Ver1](#)

[100403 Ethics Form](#)

[Ethics Form Part 2](#)

[Comm Packet 042610](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

6. [091208](#) **[24th Street - Noe Valley Neighborhood Commercial District - Conditional Use for New Full-Service and Small Self-Service Restaurants]**

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by amending Section 728.1 and Sections 728.42, 728.44 and 728.69A of the Zoning Control Table to allow new full-service restaurants, small self-service restaurants, and self-service specialty food establishments with conditional use authorization and removing the Specific Provisions for full-service restaurants; adopting findings, including environmental findings, Section 301 findings, and findings of consistency with the General Plan and the Priority Policies of Section 101.1.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 110509](#)

[Response SBC 111609](#)

[Response PLN 012110](#)

[Comm Packet 041910](#)

[Board Packet 042710](#)

04/27/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Alioto-Pier, Mar

7. [100421](#) **[Settlement of Lawsuit - John Hartnett - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

Attachments: [Comm Packet 041510](#)

[Board Packet 042710](#)

04/27/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. [100438](#) **[Settlement of Lawsuit - Michelle Cody - \$105,000]**

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Comm Packet 041510](#)

[Board Packet 042710](#)

04/27/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

9. [090584](#) **[Requiring Lighting Efficiency Measures in Commercial and City Buildings]**
Sponsors: Dufty; Mayor and Chiu

Ordinance amending the San Francisco Building Code by adding a new Chapter 13D, Sections 1301D through 1311D, to require commercial buildings to increase efficiency of fluorescent lighting by the year 2011; amending the San Francisco Environment Code by dividing Section 705 into Sections 705 through 705.5 and amending them to require City-owned facilities to increase efficiency of fluorescent lighting; adopting findings required by California Health and Safety Code Section 17958.7 and environmental findings; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Attachments: [Response_DBI_012610](#)

[Legislation_Ver2](#)

[Leg_Digest_Ver2](#)

[Response_SBC_041310](#)

[Comm_Packet_041910](#)

[Legislation_Ver3](#)

[Board_Packet_042710](#)

04/27/2010; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

10. [100246](#) **[Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of \$10,000 or Less to a Collection Agency]**
Sponsor: Mirkarimi
Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from \$4,000 to accounts with a fair market value of \$10,000. (Treasurer-Tax Collector)
Attachments: [Comm Packet 042810](#)
[Board Packet 050410](#)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
11. [100247](#) **[Additional Penalty for Underreporting Tax by Twenty-five Percent or More]**
Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more. (Treasurer-Tax Collector)
Attachments: [Board Packet 050410](#)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
12. [100471](#) **[Accept and Expend Grant - American Recovery and Reinvestment Act Energy Efficiency Projects and Amendment to the Annual Salary Ordinance, FY2009-2010 - \$875,957]**
Sponsors: Mayor; Dufty
Ordinance authorizing the Department of the Environment to expend a grant in the amount of \$875,957 from the California Energy Commission's State Energy Program through the Association of Bay Area Governments for the deployment of energy efficiency projects in the City and County of San Francisco and amend Ordinance Number 183-09 to reflect the addition of three (3) grant funded positions in the Department of the Environment.
Attachments: [Legislation Ver1](#)
[Comm Packet 042810](#)
[Board Packet 050410](#)
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
13. [100386](#) **[Approval to Award Restaurant Lease Between the Port of San Francisco and D & G Company, LLC, Doing Business as Lou's Pier 47]**
Resolution approving Port Commission Restaurant Lease No. L-14630 with D & G Company, LLC, doing business as Lou's Pier 47, for certain real property at 300 Jefferson Street located in Fisherman's Wharf in the City and County of San Francisco for a term of fifteen and one half (15 1/2) years, plus a five (5) year extension option. (Port)

(Fiscal Impact.)
Attachments: [Comm Packet 042810](#)
[Board Packet 050410](#)
- Question: Shall this Resolution be ADOPTED?**

14. [100473](#) **[Adopting Five Year Financial Plans Submitted by the Port and the Airport]**

Sponsor: Mayor

Resolution adopting the five year financial plans submitted by the Port and the Airport under Charter Section 9.119.

Attachments: [Legislation Ver1](#)

[Comm Packet 042810](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

15. [100500](#) **[Apply for, Accept and Expend Grant - HOME Investment Partnership Program Entitlement, FY2010-2011 - \$8,580,153]**

Sponsor: Mayor

Resolution approving the FY2010-2011 HOME Investment Partnership Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 HOME Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$8,580,153 and to expend program income in the amount of \$301,605.

Attachments: [Legislation Ver1](#)

[Comm Packet 042810](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

16. [100501](#) **[Apply For, Accept and Expend Grant - Emergency Shelter Grants Program Entitlement, FY2010-2011 - \$926,523]**

Sponsor: Mayor

Resolution approving the FY2010-2011 Emergency Shelter Grant Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$926,523 and to expend reprogrammed funds in the amount of \$35,703.

Attachments: [Legislation Ver1](#)

[Comm Packet 042810](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

17. [100503](#) **[Apply for, Accept and Expend Grant - Community Development Block Grant Entitlement, FY2010-2011 - \$22,267,380]**

Sponsor: Mayor

Resolution approving the FY2010-2011 Community Development Block Grant Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's FY2010-2011 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development in the amount of \$22,267,380 and to expend program income in the amount of \$4,886,000.

Attachments: [Legislation Ver1](#)

[Comm Packet 042810](#)

[Board Packet 050410](#)

Question: Shall this Resolution be ADOPTED?

From the Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Avalos, Mirkarimi, Elsbernd

- 18. [091269](#) **[Payroll Expense Tax Biotechnology Exclusion Amendment]**
Sponsors: Alioto-Pier; Dufty
 Ordinance amending Section 906.1 of the San Francisco Business and Tax Regulations Code to clarify the definition of "biotechnology business" and to allow applicants to claim the biotechnology exclusion for seven and one half (7.5) years irrespective of the application date.

(Fiscal Impact.)

- Attachments:** [Legislation Ver1](#)
[Legislation VER2](#)
[Legislation Ver3](#)
[Comm Packet 042810](#)
[Board Packet 050410](#)

04/20/2010; SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing the same title.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Avalos, Elsbernd

- 19. [100399](#) **[Contract Modification with Acumen Fiscal Agent, LLC, for the Jobs Now Program - \$19,995,000]**
Sponsor: Mayor
 Resolution approving the emergency declaration to modify the contract between the City and County of San Francisco and Acumen Fiscal Agent, LLC, to provide private employer based wage subsidy reimbursements under the City's Jobs Now Program for qualified Jobs Now participants during the period of March 25, 2010, to June 30, 2011, in the additional amount of \$10,000,000 for a total modified contract amount of \$19,995,000.

- Attachments:** [Legislation_Ver1](#)
[Comm_Packet_042810](#)
[Board_Packet_050410](#)

Question: Shall this Resolution be ADOPTED?

From the City Operations and Neighborhood Services Committee with Recommendation "Do Not Pass"

Present: Supervisors Chu, Avalos, Elsbernd

20. [100103](#) [Prohibition on Tobacco Sales Within 1,000 Feet of a School]**Sponsor: Mayor**

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

Attachments: [Legislation_VER1](#)

[Legislation_VER2](#)

[Response_Small_041610](#)

[Comm_Packet_042610](#)

[Legislation_Ver3](#)

[Board_Packet_050410](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 3:30 P.M. - Recognition of Commendations

Privilege of the Floor

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.*

21. [100447](#) **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 1111 California Street (Nob Hill Masonic Center) Project]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated February 18, 2010, Case No. 2009.0183E, that a project located at 1111 California Street is exempt from environmental review under Categorical Exemption, Class 32 (State CEQA Guidelines Section 15332). The proposed project involves interior changes to the building, which would result in an increase of the person-occupancy of the Masonic auditorium from 3,282 to 3,500 (an increase in 218 persons) for standing concert events and a reduction in the person-occupancy of the Exhibition Hall by 220 persons. A maximum of 95 evening live entertainment events would be held at the Masonic Center annually, compared to an average of about 50 such events in recent years. The project would not result in any exterior modifications or changes to the building envelope. The project site is located at the southeast corner of California and Taylor Streets on a block bounded by Jones and Pine Streets in the Nob Hill neighborhood on property within the RM-4 (Residential Mixed, High-Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, on property located at 1111 California Street (Nob Hill Masonic Center), Lot No. 020 in Assessor's Block No. 0253. (District 3) (Appellants: Aldo Caccamo, Rich Hanson, Amy Harmer, Adria Price, William Terrell, Elizabeth Pomada, Donna Muse, and David Chow; and David Millstein, on behalf of Lee Saylor.) (Clerk of the Board)

(Filed April 5, 2010; Companion Measure to File Nos. 100448, 100449, 100450.)

Attachments: [Board Packet 050410](#)

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.)

22. [100448](#) **[Affirming Planning Department Determination of Exemption for 1111 California Street (Nob Hill Masonic Center) Project]**
Motion affirming the determination by the Planning Department that the project located at 1111 California Street (Nob Hill Masonic Center) is exempt from environmental review. (Clerk of the Board)
Attachments: [Legislation_Ver1](#)
[Board_Packet_050410](#)

Question: Shall this Motion be APPROVED?

23. [100449](#) **[Reversing Planning Department Determination of Exemption Issued for 1111 California Street (Nob Hill Masonic Center) Project]**
Motion reversing the determination by the Planning Department that the 1111 California Street (Nob Hill Masonic Center) project is exempt from environmental review. (Clerk of the Board)
Attachments: [Board_Packet_050410](#)

Question: Shall this Motion be APPROVED?

24. [100450](#) **[Preparation of Findings to Reverse the Determination of Exemption for the 1111 California Street (Nob Hill Masonic Center) Project]**
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Department that the project located at 1111 California Street (Nob Hill Masonic Center) is exempt from environmental review. (Clerk of the Board)
Attachments: [Legislation_Ver1](#)
[Board_Packet_050410](#)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

- 25. [100451](#) **[Public Hearing - Appeal of Conditional Use for 1111 California Street]**
 Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 18042 dated March 4, 2010, relating to the approval, of a conditional use authorization (Case No. 2008.1072C), to change the existing non-conforming entertainment use of the "Nob Hill Masonic Center" to "Other Entertainment," pursuant to Planning Code Sections 182(B)(1) and 723.48, and to add permanent food and beverage service for patrons of entertainment and assembly events, pursuant to Planning Code Section 238(D), on a property within the RM-4 (Residential Mixed, High-Density) District, the 65-A Height and Bulk District, and the Nob Hill Special Use District, on property located at 1111 California Street, Lot No. 020 in Assessor's Block No. 0253. (District 3) (Appellants: William Terrell, Aldo Caccamo, Chris Freeman, Enrique Landa, Elizabeth Pomada, and Donna Muse) (Clerk of the Board)

(Filed 11/9/09 - Companion Measure to File Nos. 100452, 100453, 100454.)

Attachments: [Board Packet 050410](#)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision 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.)

- 26. [100452](#) **[Approving Planning Commission Decision Related to Conditional Use Appeal for 1111 California Street]**
 Motion approving decision of the Planning Commission by its Motion No. 18042, approving Conditional Use Application No. 2008.1072C on property located at 1111 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Attachments: [Board Packet 050410](#)

Question: Shall this Motion be APPROVED?

- 27. [100453](#) **[Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1111 California Street]**
 Motion disapproving decision of the Planning Commission by its Motion No. 18042, approving Conditional Use Application No. 2008.1072C on property located at 1111 California Street. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 050410](#)

Question: Shall this Motion be APPROVED?

28. [100454](#) [Preparation of Findings Related to the Conditional Use Appeal for 1111 California Street]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2008.1072C on property located at 1111 California Street, for action by the Board by May 25, 2010. (Clerk of the Board)

Attachments: [Legislation Ver1](#)

[Board Packet 050410](#)

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following items will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, May 3, 2010, at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, May 4, 2010.

29. [100332](#) [Revisions to Integrated Project Delivery Construction Contracting Procedures; Signature Authority for Administrative Code Chapter 6 Contracts and Related Documents]

Sponsors: Maxwell; Mar and Chiu

Ordinance amending San Francisco Administrative Code Chapter 6 to revise Section 6.68 concerning integrated project delivery contracting procedures and revise Subsection 6.1(H) to allow a department head to designate an individual to execute, on his or her behalf, contracts awarded under Chapter 6 and related documents.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 041910](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Comm Packet 050310](#)

[Legislation Ver3](#)

[Leg Digest Ver3](#)

Question: Shall this Ordinance be FINALLY PASSED?

30. [100333](#) **[Bid Discount for Small and Micro-Local Business Enterprises that Joint Venture to Bid on Construction Contracts]**
Sponsors: Maxwell; Mar and Chiu
Ordinance amending Administrative Code Section 14B.7(F) to grant bid discounts to Small and Micro-Local Business Enterprises that joint venture with other firms to bid on construction contracts.
Attachments: [Legislation_Ver1](#)
[Leg_Digest_Ver1](#)
[Comm Packet_041910](#)
[Legislation_Ver2](#)
[Leg_Digest_Ver2](#)
[Comm Packet_050310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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 38

31. [100006](#) **[Authorizing the Director of Elections to Make Confidential Certain Voter Registration Information Pertaining to Public Safety Officers]**
Sponsor: Chiu
Resolution authorizing the Director of Elections to, upon proper application of a public safety officer, make confidential that officer's residential address, telephone number and e-mail address appearing on the affidavit of registration, in accordance with California Elections Code Section 2166.7.
Attachments: [Legislation_Ver1](#)
[Board Packet 050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [100244](#) **[Declaring May 2010 Building Safety Month]**
Sponsor: Avalos
Resolution declaring May 2010 as Building Safety Month in the City and County of San Francisco and urging support for supporting public safety efforts by the Department of Building Inspection and recognizing public employees for their contributions to San Francisco's structural safety and well-being.
Attachments: [Legislation_Ver1](#)
[Board Packet 050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [100256](#) [Calling for a Boycott of the State of Arizona and Arizona-Based Businesses Until Arizona Repeals Senate Bill 1070]

Sponsors: Campos; Chiu, Avalos, Dufty, Daly, Mirkarimi and Mar

Resolution denouncing Arizona State Senate Bill 1070, a law that seeks to implement Arizona's own scheme of immigration regulation and will inevitably lead to racial profiling of people of color and limited English proficient persons, calling for a boycott of the State of Arizona and Arizona-based businesses, and endorsing the City Attorney's offer to cooperate in a lawsuit challenging Arizona State Senate Bill 1070.

Attachments: [Legislation_Ver1](#)

[Board Packet_050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

34. [100257](#) [Calling for Comprehensive Immigration Reform and Condemning Immigration and Customs Enforcement Audits of San Francisco Businesses]

Sponsors: Campos; Mar, Avalos, Mirkarimi, Chiu, Dufty, Elsbernd, Daly and Alioto-Pier

Resolution calling upon United States Congress to pass Comprehensive Immigration Reform that will solve the problem of undocumented immigration at its roots instead of through piecemeal enforcement-only measures, and condemning Immigration and Customs Enforcement audits of San Francisco businesses, including a unionized company.

Attachments: [Legislation_Ver1](#)

[Board Packet_050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

35. [100285](#) [Federal Disaster Corps Grants Administered by the California Volunteers]

Sponsor: Mayor

Resolution authorizing designated City and County of San Francisco officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of the California, any applications or agreements and to take any actions necessary to obtain federal financial assistance through the federal Disaster Corps Grant administered by California Volunteers.

Attachments: [Legislation_Ver1](#)

[Board Packet_050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

36. [100286](#) [Supporting Assembly Bill 1900 Relating to Inmates]**Sponsor: Mirkarimi**

Resolution urging the State Legislature to pass Assembly Bill 1900 relating to inmates.

Attachments: [Board Packet 050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**37. [100220](#) [Committee of the Whole - Public Hearing on Adopting a Resolution to Acquire Real Property Interests by Eminent Domain]****Sponsor: Mayor**

Motion that the Board of Supervisors hold a public hearing on May 18, 2010, at 3:00 p.m., with the Board of Supervisors, sitting as a Committee of the Whole, to consider adopting a Resolution of Necessity to authorize acquisition of: (1) a temporary interest in real property in Alameda County known as Assessor's Parcel #513-0065-011-02 in Fremont, owned by Malik A. Alarab, Trustee, and Barbara E. Alarab, Trustee; (2) a temporary interest in real property in Alameda County known as Assessor's Parcel # 096-0001-020-03 in Sunol, owned by Kenneth and Janice Mackin; and (3) a temporary interest and a permanent interest in portions of real property in Alameda County known as Assessor's Parcel # 096-0080-004 in Sunol, owned by Carolyn Marie Garcia and Stanley A. Garcia, Trustees, by eminent domain, for the public purpose of constructing the San Francisco Public Utilities Commission Water System Improvement Program-Funded Project CUW35901, New Irvington Tunnel Project; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and under City Planning Code Section 101.1.

Attachments: [Legislation VER1](#)[Board Packet 050410](#)

04/27/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?**38. [100489](#) [Final Map 3191 - 1124 Leavenworth Street]**

Motion approving Final Map 3191, a Six Unit Residential Condominium Project, located at 1124 Leavenworth Street being a subdivision of Lot No. 015 in Assessors Block No. 0247 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 (Public Works Department)

Attachments: [Board Packet 050410](#)

04/26/2010; 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: _____

39. 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 April 20, 2010, to April 26, 2010, for reference by President to appropriate committee on May 4, 2010.

100358 [Settlement of Lawsuit - Noah Booyer - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Noah Booyer against the City and County of San Francisco for \$35,000; the lawsuit was filed on March 10, 2009, in the United States District Court for the Northern District of California, Case No. C08-1045 MHP, entitled Noah Booyer v. City and County of San Francisco et al. (City Attorney)

Attachments: [Legislation VER1](#)

[Comm Packet 050610](#)

04/23/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100359 [Settlement of Lawsuit – Betty C. Bullock - \$134,000]

Ordinance authorizing settlement of the lawsuit filed by Betty C. Bullock against the City and County of San Francisco for \$134,000; the lawsuit was filed on December 1, 2008, in San Francisco Superior Court, Case No. 482347; entitled Betty C. Bullock v. City and County of San Francisco, et al. (City Attorney)

Attachments: [100359.DOC](#)

[Comm Packet 050610](#)

04/23/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100360

[Recreation and Park Department - Harding Park Fees]

Ordinance amending the San Francisco Park Code by amending Section 12.12, to increase greens fees at Harding Park and Fleming Golf Courses, and making environmental findings. (Recreation and Park Department)

Attachments: [Legislation VER1](#)

04/26/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100361

[Settlement of Lawsuit – Assimina Mavromatis - \$29,500]

Ordinance authorizing settlement of the lawsuit filed by Assimina Mavromatis against the City and County of San Francisco for \$29,500; the lawsuit was filed on July 6, 2007, in San Francisco Superior Court, Case No. CGC 07-464948; entitled Assimina Mavromatis, et al., v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)

[Comm Packet 050610](#)

04/26/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100287 [Petitions and Communications]

Petitions and Communications received from April 20, 2010, through April 26, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 4, 2010.

From Health Commission, submitting resolution memorializing the agreements reached by the Health Commission and California Pacific Medical Center regarding its Institutional Master Plan. Copy: Each Supervisor (1)

From Civil Service Commission, regarding the salary survey for registered nurses, for FY2010-2011. Copy: Each Supervisor (2)

From Municipal Transportation Agency, submitting request for waiver of Administrative Code Chapter 12B for the Training Network. (3)

From National Humane Education Society, thanking the Board of Supervisors for passing legislation that urges the citizens of San Francisco to eat vegetarian meals on Mondays. (4)

From the Port, regarding the Third Quarter Contracting Activity Report for FY2009-2010. Copy: Each Supervisor (5)

From Human Services Agency, submitting the Human Services Agency's revised FY2009-2010 savings projections for the Human Services Care Fund. Copy: Each Supervisor (6)

From Branch Library Improvement Program, submitting the 2000 Branch Library Improvement Bond Quarterly Report for the period of January through March 2010. (7)

From Department of Public Health, submitting report of agencies awarded federal funds by the Department of Public Health in FY2008-2009. Copy: Each Supervisor (8)

From concerned citizens, submitting opposition to the Municipal Transportation Agency's proposed changes to parking meters in the City. 12 letters (9)

From Golden Gate Park Senior Center, urging the Recreation and Parks Commission not to lay off the two recreation directors that work at the Golden Gate Park Senior Center. Copy: Supervisor Mar (10)

From concerned citizen, submitting opposition to approval of the Conditional Use Application on property located at 725 Taraval Street. File No. 100382 (11)

From David Ross, urging the Board of Supervisors to uphold the Environmental Impact Report for 555 Washington Street. File No. 100443 (12)

From concerned citizens, submitting opposition to the Environmental Impact Report for 555 Washington Street. File No. 100443, 13 letters (13)

From concerned citizens, urging the Board of Supervisors to deny the Conditional Use Application for the Nob Hill Masonic Center at 1111 California Street. File No. 100451, Copy: Each Supervisor, 2 letters (14)

From concerned citizens, urging the Board of Supervisors to approve the Conditional Use Application for the Nob Hill Masonic Center at 1111 California Street. File No. 100451, 2 letters (15)

From concerned citizens, submitting opposition to the proposed cell tower at Miraloma Community Church. 2 letters (16)

From concerned citizens, submitting support for the proposed legislation concerning the sit/lie law. File No. 100233, Copy: Each Supervisor, 2 letters (17)

From Mary Jessup, submitting opposition for the proposed legislation concerning the sit/lie law. File No. 100233 (18)

From concerned citizens, submitting opposition to proposed legislation regarding development impact fees. File No. 091251, 2 letters (19)

From Secretary of State, Elections Division, submitting copy of the cassette-recorded version of the Official California Voter Information Guide for the June 8, 2010, Statewide Direct Primary Election. (20)

From Melanie Macchio, regarding the proposed project at Beach Chalet Fields in Golden Gate Park. File No. 100053 (21)

From Janet Gracyk, expressing dismay at the Planning Department's Categorical Exemption for the Beach Chalet Soccer Fields Project. File No. 100067 (22)

From Office of the Controller, submitting report regarding the monitoring of nonprofit organizations that received federal funding through the Department of Public Health in FY2008-2009. (23)

From concerned citizen, submitting support for legislation that requires a review of the management contract with the San Francisco Zoological Society to operate the city-owned San Francisco Zoo. (24)

From US Army Corps of Engineers, regarding proposal to accept funds from the California High Speed Rail Authority. (25)

From Office of the Controller, submitting the Economic Barometer Report for February 2010. (26)

From concerned citizen, submitting opposition to California Pacific Medical Center's "Master Plan" for St. Luke's Hospital and the new Cathedral Hill facility. (27)

From Christine Temple-Wolfe, regarding Arizona and illegal citizens. (28)

ADJOURNMENT