



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 7, 2013 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, KATY TANG, SCOTT WIENER, NORMAN YEE

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Farrell, Mar, Avalos, Breed, Wiener

Budget and Finance Sub-Committee
Supervisors Farrell, Mar, Avalos

City and School District Select Committee
Supervisors Kim, Avalos, Farrell, Commissioners Mendoza, Norton, Wynns

Government Audit and Oversight Committee
Supervisors Cohen, Tang, Campos

Land Use and Economic Development Committee
Supervisors Wiener, Kim, Chiu

Neighborhood Services and Safety Committee
Supervisors Campos, Mar, Yee

Rules Committee
Supervisors Yee, Breed, Cohen

Meeting Days

Wednesday
1:00 PM

Wednesday
10:00 AM

4th Thursday
3:30 PM

2nd and 4th Thursday
10:00 AM

Monday
1:30 PM

1st and 3rd Thursday
10:00 AM

1st and 3rd Thursday
1:30 PM

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.

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 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; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, 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. 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.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

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, 1 Dr. Carlton B Goodlett Place, or 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 Derek Evans (415) 554-7702.

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 (Room 250) and the Committee Room (Room 263) 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, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. 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; phone at (415) 554-7724; 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 <http://www.sfgov.org/ethics>

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the March 26, 2013, and April 2, 2013, 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.

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

Items 1 through 10

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Farrell, Mar

1. [130131](#) **[Administrative Code - Agricultural Inspection Fees]**
Ordinance amending the Administrative Code, Section 1.10, to revise registration fees for inspecting agricultural products; and making environmental findings. (Public Health Department)

Attachments: [Leg_Ver1](#)
[Leg_Dig_Ver1](#)
[130131 response Planning.pdf](#)
[Bdgt_Analyst_Rpt_041713](#)
[Comm_Pkt_041713](#)
[Board_Packet_042313](#)
[Board_Packet_050713](#)

04/23/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 2. [130132](#) **[Administrative Code - Weights and Measures Fees]**
Ordinance amending the Administrative Code, Section 1.13-5, to revise registration fees for inspecting and testing weighing and measuring devices as provided by State law; and making environmental findings. (Public Health Department)

Attachments: [Leg Ver1](#)
[Leg Dig Ver1](#)
[Response PLN 022713](#)
[Response SBC 041113](#)
[Bdgt Analyst Rpt 041713](#)
[Comm Pkt 041713](#)
[Board Packet 042313](#)
[Board Packet 050713](#)

04/23/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 3. [130133](#) **[Administrative Code - Public Health Solid Waste Penalties Fund]**
Ordinance amending the Administrative Code, by adding Section 10.100-217, to establish a fund for the deposit of civil penalties assessed by the Department of Public Health and paid by operators of solid waste facilities for violation of solid waste disposal laws; and making environmental findings. (Public Health Department)

Attachments: [Leg Ver1](#)
[Response PLN 022713](#)
[Bdgt Analyst Rpt 041713](#)
[Comm Pkt 041713](#)
[Leg Ver2](#)
[Board Packet 042313](#)
[Board Packet 050713](#)

04/23/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Wiener, Kim, Chiu

4. [120901](#) **[Planning Code - Upper Market Zoning]**

Sponsor: Wiener

Ordinance amending Planning Code, Sections 721.1 and 733.1, to modify the explanation of the boundaries of the Upper Market Street Neighborhood Commercial District and the Upper Market Street Neighborhood Commercial Transit District; Section 703.2(b), to permit in a limited area food processing as an accessory use to a nearby off-site non-residential use; Section 733, making clerical corrections in tables; and making 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: [Leg_Ver1](#)

[Leg_Dig_Ver1](#)

[Leg_Ver2](#)

[Leg_Dig_Ver2](#)

[Response_PLN_021313](#)

[Response_PLN_022513](#)

[Comm_Pkt_041513](#)

[Leg_Ver3](#)

[Leg_Dig_Ver3](#)

[Board_Packet_042313](#)

[Board_Packet_050713](#)

04/23/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. [120902](#) [Planning Code, Zoning Map - Upper Market Zoning Map]**Sponsor: Wiener**

Ordinance amending Planning Code, Sectional Map Sheets ZN07 and HT07, to change the use classification of specified lots on Assessor's Block Nos. 3561 through 3565, now in the Upper Market Neighborhood Commercial District to the Upper Market Neighborhood Commercial Transit District; change the height and bulk classification of Assessor's Block No. 3563, Lot No. 034, from 50-X to 62-B; and adopting findings, including environmental findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

Attachments: [Leg Ver1](#)[Leg Dig Ver1](#)[Leg Ver2](#)[Leg Dig Ver2](#)[Response PLN 021313](#)[Response PLN 022513](#)[Hrg Notice 041513](#)[Comm Pkt 041513](#)[Leg Ver3](#)[Leg Dig Ver3](#)[Board Packet 042313](#)[Board Packet 050713](#)

04/23/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?**Recommendations of the Rules Committee***Present: Supervisors Yee, Breed, Cohen***6. [130313](#) [Settlement of Lawsuit - Carlos Benavides Arroliga v. CCSF, et al. - \$250,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Benavides Arroliga against the City and County of San Francisco for \$250,000; the lawsuit was filed on September 13, 2011, in San Francisco Superior Court, Case No. CGC-11-514165; entitled Carlos Benavides Arroliga, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney's Office)

Attachments: [Leg Ver1](#)[Comm Pkt 041813](#)[Board Packet 050713](#)**Question: Shall this Ordinance be FINALLY PASSED?**

7. [130314](#) **[Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - \$80,000]**
Ordinance authorizing settlement of the lawsuit by Zurich American Insurance Company, against the City and County of San Francisco for \$80,000; the lawsuit was filed on January 17, 2013, in San Francisco Superior Court, Case No. CGC-13-528071; entitled Zurich American Insurance Company v. City and County of San Francisco, et al. (City Attorney's Office)

Attachments: [130314](#)
[Comm_Pkt_041813](#)
[Board_Packet_050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

8. [130315](#) **[Settlement of Lawsuit - CTIA - The Wireless Association]**
Ordinance authorizing settlement of a lawsuit filed by CTIA against the City and County of San Francisco; the lawsuit was filed on July 23, 2010, in United States District Court, Northern District of California, Case No. 3:10-cv-03224 (WHA); entitled CTIA - The Wireless Association v. City and County of San Francisco; the material terms of said settlement are that: CTIA and the City will enter into a stipulated Final Judgment for the CTIA, including declaratory relief and a permanent injunction against enforcement of the Cell Phone Right-to-Know Law; the City will cease all litigation over the Cell Phone Right-to-Know Law; and, CTIA will waive its claims for attorney's fees. (City Attorney's Office)

Attachments: [Leg_Ver1](#)
[Comm_Pkt_041813](#)
[Board_Packet_050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

9. [130312](#) **[Settlement of Claim - Kerry MacRae - \$275,000]**
Resolution approving the settlement of the unlitigated claim filed by Kerry MacRae against the City and County of San Francisco for \$275,000; claim was filed on April 27, 2012. (Public Works Department)

Attachments: [Leg_Ver1](#)
[Comm_Pkt_041813](#)
[Board_Packet_050713](#)

Question: Shall this Resolution be ADOPTED?

10. [121102](#) **[Appointments, In-Home Supportive Services Public Authority - Patricia Webb, Kelly Dearman, and Tatiana Kostanian]**
Motion appointing Patricia Webb, Kelly Dearman, and Tatiana Kostanian, terms ending March 1, 2016, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

Attachments: [Comm_Pkt_041813](#)
[Leg_Ver2](#)
[Board_Packet_050713](#)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Cohen, Tang, Campos

11. [130179](#) **[Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-Needed Contract Requirements In Order to Complete Design and Engineering of Bayview Opera House - \$1,275,000]**

Sponsor: Cohen

Ordinance waiving the as-needed contract modification not to exceed amount requirement under Administrative Code, Section 6.64, and authorizing the Director of Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot Fisch/Knapp Architects, JV by increasing the not to exceed amount by \$150,000 from \$1,125,000 to \$1,275,000 for the limited purpose of completing the design and engineering for the Bayview Opera House project for the period of September 2, 2010, through September 1, 2015.

Attachments: [Leg Ver1](#)

[Comm Pkt 041113](#)

[Board Packet 042313](#)

[Board Packet 050713](#)

04/23/2013; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Farrell, Mar, Avalos, Wiener

12. [130284](#) **[Planning, Building Codes - Fee Waiver Program - Small Business Month, May 2013]**

Sponsor: Tang

Ordinance recognizing Small Business Month in May 2013; amending the Planning Code and the Building Code to retroactively waive fees for the month of May for certain façade improvements; and making findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code, Section 101.1.

Attachments: [Leg_Ver1](#)

[Leg_Dig_Ver1](#)

[Reponse Planning_040713](#)

[Response BIC_042413](#)

[Response SBC_042413](#)

[Resonse Planning_Comm_050113](#)

[Leg_Ver2](#)

[Leg_Dig_Ver2](#)

[Board Packet_050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Farrell, Mar, Avalos, Breed, Wiener

13. [130299](#) **[Appropriation and De-Appropriation - \$4,072,764 for Overtime - FY2012-2013]**

Sponsor: Mayor

Ordinance appropriating \$4,072,764 to overtime and de-appropriating \$4,072,764 consisting of \$3,272,301 in permanent salaries and \$800,463 in fringe benefits in the Fire Department's operating budget in order to support the department's projected increases in overtime as required per Ordinance No. 194-11.

(Fiscal Impact)

Attachments: [Leg Ver1](#)

[Bdgt Analyst Rpt 042413](#)

[Comm Pkt 042412](#)

[Leg Ver2](#)

[Board Packet 050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Farrell, Avalos

14. [130224](#) **[Agreement - Pacific Gas and Electric Company - University Mound Reservoir Project - \$86,765.18]**

Sponsor: Campos

Ordinance authorizing the Public Utilities Commission General Manager to enter into a long-term interconnection agreement with Pacific Gas and Electric Company to connect a small renewable energy project at University Mound Reservoir to the electric system; and waiving specific requirements of the Administrative Code and the Environment Code in the best interests of the City for an amount of \$86,765.18 with a duration of ten years and automatic renewal every year thereafter.

Attachments: [Leg Ver1](#)

[Leg Dig Ver1](#)

[Bdgt Analyst Rpt 042413](#)

[Comm Pkt 042412](#)

[Leg Ver2](#)

[Leg Dig Ver2](#)

[Board Packet 050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

15. [130319](#) **[Multifamily Housing Revenue Bonds - Western Park Apartments - 1280 Laguna Street - Not to Exceed \$25,000,000]**

Sponsor: Breed

Resolution declaring the intent of the City and County of San Francisco (City) to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (Director) to submit an application and related documents to the California Debt Limit Allocation Committee (CDLAC) to permit the issuance of residential mortgage revenue bonds in an aggregate principal amount not to exceed \$25,000,000 for Western Park Apartments, 1280 Laguna Street, San Francisco, California 94115; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed \$100,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the residential mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of residential mortgage revenue bonds by the City in an aggregate principal amount not to exceed \$25,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

Attachments: [Leg Ver1](#)

[Comm Pkt 042412](#)

[Board Packet 050713](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Wiener, Kim, Chiu

16. [120669](#) [Subdivision Code - Condominium Conversion Impact Fee]**Sponsors: Farrell; Wiener, Chiu and Yee**

Ordinance amending the Subdivision Code, by adding Section 1396.4, to adopt a condominium conversion impact fee applicable to certain buildings that would be permitted to convert during a six year period, and subject to specified requirements, including lifetime leases for non-purchasing tenants; adding Section 1396.5, to suspend the annual condominium conversion lottery until 2024 and resume said lottery under specified circumstances tied to permanently affordable rental housing production; amending Section 1396, to restrict future condominium lotteries to buildings of no more than four units with a specified number of owner occupied units for three years prior to the lottery; and adopting environmental findings.

(Economic Impact)

(Supervisor Wiener dissented in Committee.)

Attachments: [Leg Ver1](#)

[Leg Dig Ver1](#)

[Response Controller 030212](#)

[Response Controller 0309012](#)

[Response PLN 010413](#)

[Leg Ver2](#)

[Leg Dig Ver2](#)

[Fee Ad 012813](#)

[Comm Pkt 012813](#)

[Leg Ver3](#)

[Leg Dig Ver3](#)

[Comm Pkt 022513](#)

[Response Youth 022713](#)

[Comm Pkt 031113](#)

[Comm Pkt 032513](#)

[Econ Analysis Rpt 040213](#)

[Comm Pkt 041513](#)

[Leg Ver4](#)

[Leg Dig Ver4](#)

[Response PLN 041713](#)

[Comm Pkt 042213](#)

[Board Packet 050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Neighborhood Services and Safety Committee

Present: Supervisors Campos, Yee

17. [130262](#) **[Police Code - Access to Reproductive Health Care Facilities]**
Sponsors: Campos; Cohen, Kim, Avalos, Wiener, Mar, Breed, Chiu, Yee and Tang
Ordinance amending the Police Code, Article 43, Sections 4301, 4302, 4303, and 4304, to replace the existing eight-foot bubble zone around individuals entering, exiting, and seeking services at health care facilities with a fixed buffer zone around the entrances, exits, and driveways of reproductive health care facilities; and to prohibit any person from entering or remaining in that buffer zone, with certain exceptions; and making environmental findings.

Attachments: [Leg_Ver1](#)
[Leg_Dig1](#)
[Comm Pkt 041813](#)
[Board Packet 050713](#)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Yee, Breed, Cohen

18. [130329](#) **[Appointments, Shelter Monitoring Committee - Deborah Muise and Raija Freeman]**
Motion appointing Deborah Muise and Raija Freeman, terms ending November 23, 2014, to the Shelter Monitoring Committee, residency requirement waived. (Clerk of the Board)

Attachments: [Comm Pkt 041813](#)
[Leg_Ver2](#)
[Board Packet 050713](#)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 2:30 P.M. - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. 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 3:00 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 3:00 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 3:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.

19. **130308** **[Public Hearing - Appeal of a Final Environmental Impact Report - 706 Mission Street - The Mexican Museum and Residential Tower Project]**

Hearing of persons interested in or objecting to the Planning Commission's decision, dated March 21, 2013, Certification of a Final Environmental Impact Report identified as Planning Case No. 2008.1084E, through its Motion No. 18829, a proposed mixed-use project at 706 Mission Street (Assessor's Block No. 3706, Lot Nos. 093, 275, and portions of 277), the Mexican Museum and Residential Tower Project. (District 6) (Appellants: Lippe Gaffney Wagner, LLP, on behalf of the 765 Market Street Residential Owners Association, Friends of Yerba Buena, Paul Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins; and Brandt-Hawley Law Group on behalf of the Tenants and Owners Development Corporation and Yerba Buena Neighborhood Consortium, LLC) (Filed April 2, 9, and 10, 2013) (Clerk of the Board)

Attachments: [Appellant Lippe Air Qual Arg 1.pdf](#)
[Appellant Lippe Air Qual Arg 2.pdf](#)
[Appellant Lippe Air Qual Arg 3.pdf](#)
[Appellant Lippe Shadow/Noise Arg.pdf](#)
[Appellant Lippe Historic Arg 1.pdf](#)
[Appellant Lippe Historic Arg 2.pdf](#)
[Appellant Lippe Historic Arg 3.pdf](#)
[Planning Dept Appeal Response.doc](#)
[Board Packet 050713](#)

Question: Shall this Hearing be HEARD AND FILED?

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

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

20. [130309](#) **[Affirming FEIR Certification - 706 Mission Street - The Mexican Museum and Residential Tower Project]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 706 Mission Street - The Mexican Museum and Residential Tower Project. (Clerk of the Board)

Attachments: [Leg_Ver1.doc](#)

[Board Packet 050713](#)

Question: Shall this Motion be APPROVED?

21. [130310](#) **[Reversing FEIR Certification - 706 Mission Street - The Mexican Museum and Residential Tower Project]**

Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 706 Mission Street - The Mexican Museum and Residential Tower Project. (Clerk of the Board)

Attachments: [Leg_Ver1.doc](#)

[Board Packet 050713](#)

Question: Shall this Motion be APPROVED?

22. [130311](#) **[Preparation of Findings to Reverse FEIR Certification - 706 Mission Street - The Mexican Museum and Residential Tower Project]**

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 706 Mission Street - The Mexican Museum and Residential Tower Project. (Clerk of the Board)

Attachments: [Leg_Ver1.doc](#)

[Board Packet 050713](#)

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.

Questions on the For Adoption Without Committee Reference Agenda are on for adoption, or approved, as indicated.

Items 25 through 27

25. [130386](#) **[Urging the California State Senate to Pass Senate Bill 622]**
Sponsors: Campos; Avalos, Mar and Kim
Resolution urging the California State Senate to Pass Senate Bill 622, which would levy an excise tax of one cent (\$0.01) per fluid ounce on any beverage with added caloric sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.
- Attachments:** [Leg_Ver1.doc](#)
[SB_622.pdf](#)
[Board Packet 050713](#)

04/23/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

26. [130387](#) **[Urging the United States Senate to Amend Senate Bill 744 and Pass Comprehensive Immigration Reform]**
Sponsors: Chiu; Campos and Kim
Resolution urging the United States Senate to amend Senate Bill 744 and pass Comprehensive Immigration Reform legislation to focus on family reunification, create a real pathway to citizenship, and be inclusive of our country's diversity.
- Attachments:** [Leg_Ver1.doc](#)
[SB_744](#)
[Board Packet 050713](#)

04/23/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

27. [130354](#) **[Final Map 7335 - 1880 Mission Street]**

Motion approving Final Map 7335, a 202 residential unit and three commercial unit mixed-use condominium project, located at 1880 Mission Street, being a merger and resubdivision of Assessor's Block No. 3547, Lot Nos. 002A, 003, 004 and 029, and adopting findings pursuant to the General Plan and Planning Code, Section 101.1. (Public Works Department)

- Attachments:** [Leg_Ver1](#)
[DPW_Ltr_082412](#)
[DPW_Order_181175](#)
[Final_Map_7335](#)
[Notice_LouisRoeschCompany](#)
[Notice_PaulNiето](#)
[RteSheet_Map_7335](#)
[Tax_Cert_3547_002A](#)
[Tax_Cert_3547_003](#)
[Tax_Cert_3547_004](#)
[Tax_Cert_3547_029](#)
[Board_Packet_050713](#)

04/17/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

28. 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

Introduced by a Supervisor or the Mayor

Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on http://www.sfbos.org/legislation_introduced.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.

PROPOSED ORDINANCES

There were none.

PROPOSED RESOLUTIONS

130359 [Sale of Easement - Public Utilities Commission to Pacific Gas & Electric Company - Watershed Lands Near Edgewood Road, Unincorporated San Mateo County - \$2,200]

Resolution approving and authorizing the sale of an easement on the City and County of San Francisco's property, consisting of approximately 7,800 square feet of watershed lands in unincorporated San Mateo County, near Edgewood Road, by the Public Utilities Commission, for the price of \$2,200; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the General Plan and the priority policies of Planning Code, Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

Attachments: [Leg_Ver1](#)

[Real Estate Ltr 041713](#)

[Easement Agmt](#)

[PUC Res 13-0052](#)

[SFPUC Memo 010713](#)

[Cat Ex 083012](#)

[PLN Email 041013](#)

[Form 126](#)

[Gen Pln Ref 050713](#)

04/19/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

130360 [Settlement of Claim - Bank of San Francisco v. CCSF]

Resolution approving the proposed settlement of claim filed by Bank of San Francisco against the City and County of San Francisco for \$32,246.00; claim was filed on July 17, 2012, bearing claim number 13-00117. (City Attorney's Office)

Attachments: [Leg_Ver1.DOC](#)

04/19/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Rules Committee.

130361 [Settlement of Claim - Stanford Group Company v. CCSF]

Resolution approving the proposed settlement of claim filed by Stanford Group Company against the City and County of San Francisco for \$63,292.52; claim was filed on July 25, 2012, bearing claim number 13-00190. (City Attorney's Office)

Attachments: [Leg_Ver1.DOC](#)

04/18/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Rules Committee.

130362**[Lease Extension Agreement - 711 Van Ness Avenue - Emergency Management and Assessor-Recorder - 14.5 Months for \$17,996.67 Per Month]**

Resolution authorizing a 14.5 month extension of the Lease with SFOC, LLC, of 9,800 sq. ft. at 711 Van Ness Avenue, for a total lease term of thirty-five months, for the Department of Emergency Management and the Office of the Assessor-Recorder. (Real Estate Department)

Attachments: [Leg Ver1](#)

[Lease Extension](#)

[Form 126](#)

04/22/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

130391**[Airport Professional Services Agreement Amendment - Curbside Management Program - Not to Exceed \$15,067,000]**

Resolution approving Amendment No. 1 to Professional Services Agreement, Airport Contract No. 8994, Manage and Staff the Curbside Management Program, between FSP PPM Management, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed \$15,067,000, pursuant to Charter, Section 9.118(b), for the period of July 1, 2013, through June 30, 2014. (Airport Commission)

Attachments: [Leg Ver1](#)

[Form 126.doc](#)

[Contract Ver1.pdf](#)

[Contract Appendices.pdf](#)

[Reso 13 0005 .pdf](#)

[Contract First Amendment.pdf](#)

04/24/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130392

[Agreement Amendment - Motorola, Inc., 800 MHz - \$28,000,000]

Resolution authorizing the Department of Technology to enter into the Seventh Amendment of the Citywide 800 MHz Radio System Project Agreement between the City and Motorola, Inc., to increase the contract amount to \$28,000,000 for the period of September 22, 1997, through September 21, 2017. (Department of Technology)

Attachments: [Leg_Ver1](#)

[Assignment Assumption Agreement.pdf](#)

[Seventh Amendment.pdf](#)

[Contract Amend 1.pdf](#)

[Contract Amend 2.pdf](#)

[Contract Amend 3.pdf](#)

[Contract Amend 4.pdf](#)

[Contract Amend 5.pdf](#)

[Contract Amend 6.pdf](#)

[Agreement Master.pdf](#)

[Exhibit B.pdf](#)

[Exhibit C.pdf](#)

[Exhibit D.pdf](#)

[Exhibit E.pdf](#)

[Exhibit F.pdf](#)

[Exhibit G.pdf](#)

[Exhibit H.pdf](#)

[Exhibit I.pdf](#)

[Exhibit J.pdf](#)

[Exhibit K.pdf](#)

[Exhibit L.pdf](#)

[Form 126.pdf](#)

04/25/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

130399

[Report of Assessment Costs for Blighted Properties]

Resolution approving report of assessment costs submitted by the Director of Public Works for inspection and/or repair of blighted properties ordered to be performed by said Director pursuant to Administrative Code, Chapter 80, the costs thereof having been paid for out of a blight abatement fund. (Public Works Department)

Attachments: [Leg_Ver1.docx](#)

[DPW_Ltr_042913.pdf](#)

[DPW_Order_No_181187.pdf](#)

[Property_Owners.pdf](#)

04/29/2013; RECEIVED FROM DEPARTMENT.

05/07/2013; RECEIVED AND ASSIGNED to the Board of Supervisors.

130395 [Petitions and Communications]

Petitions and Communications received from April 15, 2013, through April 29, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 7, 2013.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From Public Health, submitting notification of a Federal Grant budget revision. Copy: Each Supervisor. (1)

From Mayor, submitting notice of appointment to the Fire Commission. Copy: Each Supervisor, Rules Committee Clerk. (2)
Francee Covington

From Mayor, submitting notice of appointment to the Fire Commission. Copy: Rules Committee Clerk. (3)
Donald R. Carmignani

From Mayor, designating Supervisor Scott Wiener as Acting-Mayor from April 24, 2013, until April 28, 2013. Copy: Each Supervisor. (4)

From Mayor, submitting notice of reappointment to Treasure Island Development Authority Board of Directors. Copy: Each Supervisor, Rules Committee Clerk. (5)
Larry Del Carlo

From Mayor, submitting notice of appointment to the Port Commission. Copy: Each Supervisor, Rules Committee Clerk. (6)
Kimberly Brandon

From Clerk of the Board, regarding Ethics Commission approval of Signature Verification Form for regulation of electronic campaign finance reports. Copy: Each Supervisor. (7)

From City Administrator, regarding urban agriculture recommendation. Copy: Each Supervisor. (8)

From Chancellor, City College of San Francisco, submitting response to related legislation. File No. 130303. Copy: Each Supervisor, Budget and Finance Committee Clerk. (9)

From Entertainment Commission, regarding Police, Administrative Codes-Entertainment-related Permits. File No. 130182. Copy: Each Supervisor, Land Use Committee Clerk. (10)

From Communications Supply Corp., regarding Release of Stop Notice. (11)

From Rent Board, submitting Annual Eviction Report 2012-2013. (12)

From Jan Blum, regarding proposal to use Ferry Building Plaza as a parking lot. 1 letter. (13)

From Patricia Campbell, regarding strip club in the Castro District. (14)

From League of California Cities, submitting notice of opposition to AB 162. (15)

From concerned citizens, regarding Central Subway and Pagoda Theater cost increases. 3 Letters. (16)

From Bryan Waxman, regarding shark finning. Copy: Each Supervisor. (17)

From Treasurer and Tax Collector, submitting Monthly Investment Report for March 2013. Copy: Each Supervisor. (18)

From Li Chapman, regarding Polk Street Restricted Use District. File No. 121065. Copy: Each Supervisor, Land Use and Economic Development Committee Clerk. (19)

From Krista Avery, regarding ABC License. File No. 130067. Copy: Each Supervisor. (20)

From Controller, regarding authorization for San Francisco Finance Corporation to issue Lease Revenue Bonds, Series 2013A. (21)

From Employees' Retirement System, submitting Retirement Contribution Rates for Fiscal Year 2013-2014. (22)

From MaryLou Corrigan, regarding Fire Chief Hayes-White and overtime. (23)

From concerned citizens, regarding Municipal Transportation Agency Board hearing on taxi apps and medallions. Copy: Each Supervisor. 2 Letters. (24)

From Environment, submitting regulation and fact sheet for Commuter Benefits Ordinance. Copy: Each Supervisor. (25)

From concerned citizens, regarding Masonic Avenue bike lane project. 15 Letters. (26)

From Francisco Da Costa, regarding San Bruno Avenue and Burrows. Copy: Each Supervisor. (27)

From Employees' Retirement System, regarding public holdings in fossil fuel companies. File No. 130123. Copy: Each Supervisor. (28)

*From concerned citizens, regarding divestment from publicly traded fossil fuel companies. File No. 130123. Copy: Each Supervisor, Budget and Finance Committee Clerk. 491 Letters. (29)

From Controller, regarding compliance audit of Port's tenants. (30)

*From Controller, regarding fiscal report on community-based long term care services. (31)

From Association of Bay Area Governments, regarding costs for the proper disposal of toxic and hazardous consumer products. Copy: Each Supervisor. (32)

From United Brotherhood of Carpenters and Joiners of America Local Union No. 22, regarding requests for information from the Office of Labor Standards Enforcement. Copy: Each Supervisor. (33)

From Jim Harris, regarding video surveillance in stores. (34)

From Aaron Goodman, regarding proper notification and alternatives to development. (35)

From Adrienne Fong, regarding City College of San Francisco. File No. 130303. (36)

From concerned citizens, regarding proposed CEQA legislation. File Nos. 130248 and 121019. 3 Letters. (37)

From concerned citizens, regarding support for Fire Department Neighborhood Emergency Response Team. 2 Letters. (38)

From Sally McDonnell, regarding right to appeal tentative map approval. (39)

From James Chaffee, regarding the Public Library. (40)

From Lee Goodin, regarding requests for investigation of Central Subway Project. (41)

From Kathy Mitchell, regarding condo conversion legislation. File No. 120669. (42)

*(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.)

Attachments: [Board Packet 050713](#)

ADJOURNMENT