



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, January 29, 2013 - 2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT
JOHN AVALOS, LONDON BREED, DAVID CAMPOS, CARMEN CHU, MALIA COHEN,
MARK FARRELL, JANE KIM, ERIC MAR, 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

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

City Operations and Neighborhood Services Committee
Supervisors Campos, Mar, Yee

Government Audit and Oversight Committee
Supervisors Chu, Cohen, Campos

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

Public Safety Committee
Supervisors Campos, Mar, Yee

Rules Committee
Supervisors Yee, Breed, Cohen

Meeting Days

Wednesday
11:00 AM

4th Thursday
3:30 PM

1st and 3rd Thursday
10:00 AM

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

There are none.

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 18

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

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Avalos, Kim

1. [121163](#) **[Accept and Expend Grant - TechSF-Workforce Innovation Partnership and Amendment to the Annual Salary Ordinance - \$3,000,000]**

Sponsor: Mayor

Ordinance authorizing the Office of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$3,000,000 from the Department of Labor for the TechSF-Workforce Innovation Partnership, and amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to reflect addition of one (1) Class 9775 Senior Community Development Specialist II grant-funded position (0.77 FTE) in the Office of Economic and Workforce Development and one (1) Class 1053 IS Business Analyst - Senior grant-funded position (0.77 FTE) in the Department of Technology.

Attachments: [Leg_Ver1](#)

[Comm_Packet_010913](#)

[Board_Packet_011513](#)

[Board_Packet_012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. [121164](#) **[Accept and Expend Grant - Office of Financial Empowerment Kindergarten to College Outreach Position and Amendment to the Annual Salary Ordinance - Up to \$80,000]**

Sponsor: Mayor

Ordinance authorizing the Office of the Treasurer-Tax Collector to accept and expend a grant in the amount of up to \$80,000 from the Earned Assets Resource Network for implementing the Office of Financial Empowerment Kindergarten to College program, and amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to provide for the creation of one (1) grant-funded position in the Office of Financial Empowerment.

Attachments: [Leg_Ver1](#)

[Comm_Packet_010913](#)

[Leg_Ver2](#)

[Board_Packet_011513](#)

[Board_Packet_012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

3. [121196](#) **[Accept and Expend Grant - Energy Efficiency Program and Amendment to the Annual Salary Ordinance - \$13,100,000]**

Sponsor: Mayor

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of \$13,100,000 from the California Public Utilities Commission, through Pacific Gas and Electric Company, to implement an Energy Use and Demand Reduction through Energy Efficiency Program and amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to reflect the addition of three grant funded positions (3 FTE) at the Department of the Environment, for a term from January 1, 2013, through December 31, 2014.

Attachments: [Leg_Ver1](#)

[Comm Packet 010913](#)

[Leg_Ver2](#)

[Board Packet 011513](#)

[Board Packet 012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

4. [120789](#) **[Planning Code - Landmark Designation of 4004-4006 Third Street - Sam Jordan's Bar]**

Sponsor: Cohen

Ordinance designating 4004-4006 Third Street (Sam Jordan's Bar), Assessor's Block No. 5253, Lot No. 030, as a landmark under Planning Code, Article 10; and adopting General Plan, Planning Code, Section 101.1, and environmental findings. (Planning Department)

Attachments: [Legislation Ver1](#)

[Leg_Digest Ver1](#)

[Comm Packet 121012](#)

[Board Packet 011513](#)

[Board Packet 012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. [121061](#) **[Planning Code - Landmark Designation of 401 Castro Street (Twin Peaks Tavern)]**
Sponsors: Wiener; Campos
Ordinance designating 401 Castro Street (Twin Peaks Tavern), Assessor's Block No. 3582, Lot No. 71, as a landmark under Planning Code, Article 10; and adopting General Plan, Planning Code, Section 101.1, and environmental findings. (Planning Department)
Attachments: [Leg_Ver1](#)
[Leg_Dig_Ver1](#)
[Response_PLN_101812](#)
[Comm_Packet_121012](#)
[Board_Packet_011513](#)
[Board_Packet_012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. [121107](#) **[Health Code - Disclosing Landlord's Prohibition of Smoking in Residential Rental Units; Designating Units as Smoke Free or Smoking Optional]**
Sponsors: Mar; Cohen
Ordinance amending the Health Code, by adding Article 19M, relating to multi-unit residential rental properties where less than 100 percent of the units are designated as smoke free, to require that owners designate each unit as either smoke free or smoking optional, and include that designation in residential vacancy listings; provide a list to a rental applicant showing the designation of units in the building that are smoking optional, before offering a unit to that applicant; disclose in writing to any rental applicant whether the landlord has designated the unit for rent as smoke free or smoking optional, prior to entering into a new lease or rental agreement; develop and maintain a master list available to all tenants that identifies the location of each smoking optional unit; and comply with a timeline and process to designate the units as smoke free or smoking optional (one year for owners of 50 units or less in the City, two years for owners of more than 50 units in the City).
Attachments: [Leg_Ver1](#)
[Leg_Dig_Ver1](#)
[Comm_Packet_121012](#)
[Leg_Ver2](#)
[Board_Packet_011513](#)
[Board_Packet_012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Kim, Farrell, Avalos

7. [120964](#) **[Campaign and Governmental Conduct Code - Updating Conflict of Interest Code]**

Sponsor: Chiu

Ordinance amending the Campaign and Governmental Conduct Code to update the City's Conflict of Interest Code.

- Attachments:** [Legislation Ver2](#)
[Leg Digest Ver2](#)
[Legislation Ver1](#)
[Leg Digest Ver1](#)
[Legislation Ver3](#)
[Leg Digest Ver3](#)
[Comm Packet 120612](#)
[Board Packet 011513](#)
[Board Packet 012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. [121030](#) **[Police Code - Enforcement Provisions for Clipper Cove Special-Use Area Adjacent to Treasure Island]**

Sponsor: Kim

Ordinance amending the Police Code, Section 1.1, Mooring in Clipper Cove, to further delineate enforcement provisions including infractions, provide for administrative citations and penalties, specify procedures for changing rules and regulations, and clarify existing provisions.

- Attachments:** [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Comm Packet 120612](#)
[Board Packet 011513](#)
[Board Packet 012913](#)

01/15/2013; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Present: Supervisors Kim, Farrell, Yee

9. [121190](#) **[Settlement of Lawsuit - Bryan Vestal - \$420,000]**
Ordinance authorizing settlement of the lawsuit filed by Bryan Vestal against the City and County of San Francisco for \$420,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507921; entitled Bryan Vestal v. City and County of San Francisco, et al.; another material term of said settlement is the waiver of the San Francisco General Hospital medical lien in the amount of \$110,098.30. (City Attorney)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

10. [121226](#) **[Settlement of Lawsuit - Sandra Ramos - \$60,000]**
Ordinance authorizing settlement of the lawsuit filed by Sandra Ramos against the City and County of San Francisco for \$60,000; the lawsuit was filed on October 12, 2011, in the United States District Court for the Northern District of California, Case No. C-11-5033 WHA, entitled Sandra Ramos v. City and County of San Francisco; other material terms of said settlement are reimbursement to Plaintiff of up to \$2,500 for services of an organizational consultant. (City Attorney)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

11. [121227](#) **[Settlement of Lawsuit - Health Net - City to Receive \$800,000 and Future Payments]**
Ordinance authorizing settlement of the lawsuit filed by the San Francisco City Attorney's Office, acting on behalf of the People of the State of California, against (among other Defendants) Health Net of California, Inc., for the payment by Health Net of \$800,000 for under reimbursing San Francisco General Hospital for emergency medical care provided to Health Net's insureds prior to January 1, 2012, and for the payment of an additional amount, to be determined, for such claims rising between January 1, 2012, and June 30, 2014; the lawsuit was filed on May 24, 2011, in the San Francisco Superior Court, Case No. 11-511181; entitled People of the State of California v. Health Net, et al.; other material terms of said settlement are that Health Net and San Francisco will enter into a prompt payment agreement under which Health Net agrees to pay San Francisco General Hospital certain specified rates for treatment provided to its insureds for emergency medical services rendered from January 1, 2012, through at least June 30, 2014. (City Attorney)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

12. [121228](#) **[Settlement of Lawsuit - Brendan Cadam - \$42,500]**
Ordinance authorizing settlement of the lawsuit filed by Brendan Cadam against the City and County of San Francisco for \$42,500; the lawsuit was filed on July 3, 2012, in San Francisco Superior Court, Case No. CGC-12-522047; entitled Brendan Cadam, et al. v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Leg Ver1](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. [121229](#) **[Settlement of Lawsuit - Maya Vlanin - \$95,000]**
Ordinance authorizing settlement of the lawsuit filed by Maya Vlanin against the City and County of San Francisco for \$95,000; the lawsuit was filed on June 29, 2010, in San Francisco Superior Court, Case No. CGC-10-501138; entitled Maya Vlanin v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Leg Ver1](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

14. [121161](#) **[Settlement of Claim - Crystal Cheung - \$110,000]**
Resolution approving the proposed settlement of claim by Crystal Cheung against the City and County of San Francisco for \$110,000; the claim was filed on January 24, 2012, bearing Claim No. 12-01653. (City Attorney)

Attachments: [Leg Ver1](#)

[Board Packet 012913](#)

Question: Shall this Resolution be ADOPTED?

15. [130006](#) **[Appointments, Assessment Appeals Board No. 1 - Joseph Tham, Mark Watts, Scott Spertzel, and Donna Crowder]**
Motion appointing Joseph Tham, Mark Watts, Scott Spertzel, and Donna Crowder, terms ending September 7, 2015, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Attachments: [Legislation Ver2](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

16. [130013](#) **[Appointments, Assessment Appeals Board No. 2 - Louisa Mendonza, Daniel Hershkowitz, Joyce Lewis, and Diana Daniel]**
Motion appointing Louisa Mendonza, Daniel Hershkowitz, Joyce Lewis, and Diana Daniel, terms ending September 7, 2015, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Attachments: [Legislation Ver2](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

17. [130014](#) **[Appointment, Bicycle Advisory Committee - Casey Allen]**
Motion appointing Casey Allen, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Attachments: [Legislation Ver2](#)
[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

18. [130028](#) **[Appointment, Eastern Neighborhoods Citizens Advisory Committee - Walker Bass]**
Motion appointing Walker Bass, term ending October 19, 2013, to the Eastern Neighborhood Citizens Advisory Committee. (Clerk of the Board)

Attachments: [Legislation Ver2](#)
[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

(The public comment legally required under California Government Code, Section 54954.3, and San Francisco Administrative Code, Section 67.15(a), prior to approval was provided and completed on July 17, 2012.)

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

19. [120550](#) **[Affirming Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]**
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

Attachments: [Legislation_Ver1](#)

[Board Packet 061212](#)

[Board Packet 071712](#)

[Board Packet 073112](#)

[Board Packet 112012](#)

[Board Packet 121112](#)

[Board Packet 012913](#)

06/12/2012; CONTINUED.

07/17/2012; CONTINUED.

07/31/2012; CONTINUED.

11/20/2012; CONTINUED.

12/11/2012; CONTINUED.

Question: Shall this Motion be APPROVED?

20. [120551](#) **[Reversing Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]**
Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 061212](#)
[Board Packet 071712](#)
[Board Packet 073112](#)
[Board Packet 112012](#)
[Board Packet 121112](#)
[Board Packet 012913](#)

06/12/2012; CONTINUED.
07/17/2012; CONTINUED.
07/31/2012; CONTINUED.
11/20/2012; CONTINUED.
12/11/2012; CONTINUED.

Question: Shall this Motion be APPROVED?

21. [120552](#) **[Preparation of Findings to Reverse Certification of Final Environmental Impact Report - California Pacific Medical Center's Long Range Development Plan]**
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 California Pacific Medical Center's Long Range Development Plan. (Clerk of the Board)

Attachments: [Legislation Ver1](#)
[Board Packet 061212](#)
[Board Packet 071712](#)
[Board Packet 073112](#)
[Board Packet 112012](#)
[Board Packet 121112](#)
[Board Packet 012913](#)

06/12/2012; CONTINUED.
07/17/2012; CONTINUED.
07/31/2012; CONTINUED.
11/20/2012; CONTINUED.
12/11/2012; CONTINUED.

Question: Shall this Motion be APPROVED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

22. 120772 [Health, Transportation Codes - Prohibiting Smoking at Certain Outdoor Events]

Sponsors: Mar; Cohen and Farrell

Ordinance amending the Health Code, by adding Article 19L, to prohibit smoking at outdoor events on property owned by the City and County of San Francisco where approval is required under Transportation Code, Article 6; the Transportation Code, by amending Sections 6.2 and 6.7, establishing obligations for producers of outdoor events that require approval for temporary use or occupancy of a public street to notify the public that the event is smoke-free; and making environmental findings.

Attachments: [Leg_Ver1](#)

[Leg_Dig_Ver1](#)

[Respose_PLN_082312](#)

[Comm_Packet_121012](#)

[Leg_Ver2](#)

[Board_Packet_011513](#)

[Leg_Ver3](#)

[Board_Packet_012913](#)

01/15/2013; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

01/15/2013; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Rules Committee

Present: Supervisors Kim, Farrell, Avalos

23. 120817 [Campaign and Governmental Conduct Code - Requiring Electronic Filing of Campaign Statements]

Sponsor: Chiu

Ordinance amending the Campaign and Governmental Conduct Code, Section 1.112, to require the electronic filing of campaign statements submitted to the Ethics Commission.

Attachments: [Leg Digest Ver1](#)

[Legislation Ver1](#)

[Comm Packet 120612](#)

[Board Packet 011513](#)

[Board Packet 012913](#)

01/15/2013; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Chu, Avalos

24. [121194](#) [Administrative Code - Water Enterprise Capital Cost Recovery Payment Surcharge Fund]

Sponsors: Mayor; Chu

Ordinance amending the Administrative Code, Chapter 10, Article XIII, to create the Public Utilities Water Enterprise Capital Cost Recovery Payment Surcharge Fund.

(Fiscal Impact)

Attachments: [Leg Ver1](#)

[Budget Analyst Rpt 011613](#)

[Comm Packet 011613](#)

[Leg Ver2](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

25. [121195](#) [Appropriating \$2,566,145 of General Fund Reserve to the Treasurer/Tax Collector - FY2012-2013]

Sponsors: Mayor; Chiu, Farrell and Avalos

Ordinance appropriating \$2,566,145 from the General Fund Reserve to the Treasurer/Tax Collector for Gross Receipts Tax Implementation Planning for FY2012-2013.

(Fiscal Impact)

Attachments: [Leg Ver1](#)

[Budget Analyst Rpt 011613](#)

[Comm Packet 011613](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

26. [121197](#) **[Public Employment - Amending the Annual Salary Ordinance for Implementation of Proposition E and the Gross Receipts Tax]**
Sponsors: Mayor; Chiu, Farrell and Avalos
Ordinance amending Ordinance No. 165-12 (Annual Salary Ordinance, FYs 2012-2013 and 2013-2014) to reflect the addition of 5 positions (2.2 FTE) in the Office of the Treasurer/Tax Collector for the implementation of Proposition E and the Gross Receipts Tax.

(Fiscal Impact)

Attachments: [Leg Ver1](#)
[Budget Analyst Rpt 011613](#)
[Comm Packet 011613](#)
[Leg Ver2](#)
[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

27. [121085](#) **[Prevailing Wage Rates - Various Workers Performing Work Under City Contracts]**
Resolution fixing prevailing wage rates for workers performing work under City contracts for public work and improvement; workers performing work under City contracts for janitorial services; workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; workers engaged in theatrical or technical services for shows on property owned by the City; workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City; and workers performing moving services under City contracts at facilities owned or leased by the City. (Civil Service Commission)

(Fiscal Impact)

Attachments: [Leg Ver1](#)
[Budget Analyst Rpt 011613](#)
[Comm Packet 011613](#)
[Board Packet 012913](#)

Question: Shall this Resolution be ADOPTED?

28. [121193](#) **[Contract Amendment - Renewable Energy and Climate Change Professional Services - \$31,400,000]**
Resolution approving the Fourth Amendment to the contract with ICF Resources, LLC, for Renewable Energy and Climate Change Professional Services, to increase the amount of the contract by \$12,400,000 for a total of \$31,400,000 and to extend the term of the contract from July 1, 2014, to December 31, 2016. (Environment)

Attachments: [Leg Ver1](#)
[Comm Packet 011613](#)
[Board Packet 012913](#)

Question: Shall this Resolution be ADOPTED?

29. [121203](#) **[Prepayment and Collection Agreement - Bay Area Water Supply and Conservation Agency]**
Sponsors: Mayor; Chu
Resolution approving the Prepayment and Collection Agreement between the Bay Area Water Supply and Conservation Agency and the Public Utilities Commission and authorizing the taking of appropriate actions in connection therewith, and related matters, for a term ending July 1, 2036.

(Fiscal Impact)

Attachments: [Leg_Ver1](#)
[Budget_Analyst_Rpt_011613](#)
[Comm_Packet_011613](#)
[Leg_Ver2](#)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Farrell, Mar, Avalos

30. [121202](#) **[Accept and Expend Grant - FY2012 Emergency Management Performance Grant - \$289,613]**
Sponsor: Mayor
Resolution authorizing the Department of Emergency Management to retroactively accept and expend a FY2012 Emergency Management Performance Grant in the amount of \$289,613 from the United States Department of Homeland Security, through the California Emergency Management Agency, for building and sustaining preparedness capabilities, for the period of July 1, 2012, to June 30, 2013.

(Fiscal Impact)

Attachments: [Leg_Ver1](#)
[Budget_Analyst_012313.pdf](#)
[Comm_Packet_012312](#)

Question: Shall this Resolution be ADOPTED?

31. [121210](#) **[Agreement - Fong and Chan Architects, Inc. - San Francisco General Hospital Rebuild Program]**
Resolution ratifying Modification No. 7 to the Architectural and Engineering Design Services Agreement with Fong & Chan Architects, Inc., for the San Francisco General Hospital Rebuild Program from \$51,507,500 to \$52,521,000 and authorizing the Director of Public Works to execute Modification No. 10 from \$52,710,860 to \$53,376,607 pursuant to Charter Section 9.118(b). (Public Works Department)

(Fiscal Impact)

Attachments: [Leg_Ver1](#)
[Budget_Analyst_012313.pdf](#)
[Comm_Packet_012312](#)

Question: Shall this Resolution be ADOPTED?

32. [130022](#) [Apply for, Accept, and Expend - Local Priority Development Area Planning and Implementation Efforts - \$2,380,000]

Sponsor: Wiener

Resolution authorizing the Planning Department to apply for, accept, and expend funds in the amount of \$2,380,000 from the Metropolitan Transportation Commission for local Priority Development Area Planning and Implementation efforts spanning FYs 2012-2013 through 2015-2016.

Attachments: [Leg Ver1](#)

[Comm Packet 012312](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Mar, Cohen, Wiener

33. [120959](#) [Building Code - Fees and Permit Extensions]

Ordinance amending the Building Code, Sections 106A.3.7, 106A.3.8.1, 106A.4.1, and 106A.4.4, to address permit expirations and extensions and Tables 1A-A, 1A-G, 1A-J, 1A-K, and 1A-L, of Section 110A, to modify various fees; and making environmental findings. (Building Inspection Department)

Attachments: [Leg Ver1](#)

[Leg Dig Ver1](#)

[Response PLN 101112](#)

[Leg Ver2](#)

[Leg Dig Ver2](#)

[Board Packet 012913](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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

34. 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.

35. 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 36 through 47

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

36. **130048** **[Declaring Support - Sandy Hook Promise]**
Sponsors: Farrell; Chiu
Resolution adopting the Sandy Hook Promise for the families and children of the City and County of San Francisco.
Attachments: [Leg_Ver1](#)
[Support1_Doc](#)
[Board Packet 012913](#)

01/15/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

37. [130049](#) **[Declaring Support - Senator Dianne Feinstein's Assault Weapons Regulatory Act of 2013]**

Sponsors: Farrell; Chiu

Resolution supporting Senator Dianne Feinstein's Assault Weapons Regulatory Act of 2013.

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

01/15/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

38. [130007](#) **[Final Map 6902 - 261-265 Dolores Street]**

Motion approving Final Map 6902, a Subdivision of Airspace for Residential Purposes, Parcel "B" being a Three Unit Residential Condominium Project, located at 261-265 Dolores Street being a subdivision of Assessor's Block No. 3556, Lot No. 030, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

39. [130008](#) **[Final Map 7040 - 200 Dolores Street]**

Motion approving Final Map 7040, a 13 Residential Unit Condominium Project, located at 200 Dolores Street being a subdivision of Assessor's Block No. 3557, Lot No.132, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

40. [130009](#) **[Final Map 7357 - 610-616 20th Street]**

Motion approving Final Map 7357, a 16 Residential Unit and One Commercial Unit, Mixed-Use Condominium Project, located at 610-616 20th Street being a subdivision of Assessor's Block No. 4058, Lot No. 008, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

41. [130010](#) **[Final Map 6977 - 435 Duboce Avenue]**
Motion approving Final Map 6977, a Two Lot Subdivision, Parcel "A" being a Four Residential and One Commercial Unit, Mixed-Use Condominium Project, located at 435 Duboce Avenue being a subdivision of Assessor's Block No. 3537, Lot No. 087, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

42. [130011](#) **[Final Map 7288 - 4201 California Street]**
Motion approving Final Map 7288, a Six Residential Unit and One Commercial Unit, Mixed-Use Condominium Project, located at 4201 California Street being a subdivision of Assessor's Block No. 1364, Lot No. 048, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [130011](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

43. [130012](#) **[Final Map 6895 - 693 Sutter Street]**
Motion approving Final Map 6895, a 17 Residential Unit and Three Commercial Unit, Mixed-Use Condominium Project, located at 693 Sutter Street being a subdivision of Assessor's Block No. 0297, Lot No. 009, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

44. [130058](#) **[Final Map 5215 - 1275 Indiana Street, 1260 Minnesota Street]**
Motion approving Final Map 5215, a 39 Residential Unit and Three Commercial Unit, Mixed-Use Condominium Project, located at 1275 Indiana Street, 1260 Minnesota Street being a subdivision of Assessor's Block No. 4228, Lot No. 158, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

45. [130059](#) **[Final Map 6479 - 300-304 Sanchez Street, 3509-3511 16th Street]**
Motion approving Final Map 6479, a Four Residential Unit and One Commercial Unit, Mixed-Use Condominium Project, located at 300-304 Sanchez Street, 3509-3511 16th Street being a subdivision of Assessor's Block No. 3564, Lot No. 107, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

46. [130060](#) **[Final Map 7387 - 1945 Hyde Street]**
Motion approving Final Map 7387, a Seven Residential Unit and One Commercial Unit, Mixed-Use Condominium Project, located at 1945 Hyde Street being a subdivision of Assessor's Block No. 0123, Lot No. 002, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

47. [130061](#) **[Final Map 7367 - 1461 Pine Street]**
Motion approving Final Map 7367, a 35 Residential Unit and One Commercial Unit, Mixed-Use Condominium Project, located at 1461 Pine Street being a subdivision of Assessor's Block No. 0668, Lot Nos. 012, 013, and adopting findings pursuant to the General Plan and City Planning Code, Section 101.1. (Public Works Department)

Attachments: [Leg_Ver1](#)

[Board Packet 012913](#)

Question: Shall this Motion be APPROVED?

48. **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

130034 [Settlement of Lawsuit - Mary Bull - \$465,000]

Ordinance authorizing settlement of a lawsuit filed by Mary Bull, Lisa Giampaoli, Alexis Bronson, Micky Mangosing, Leigh Fleming, Laura Timbrook, J. Quechan Allen, Diana Smith, Michele De Ranleau, Michael Marron, Steve Noh, Sister Bernie Galvin, and Brian Vowell against the City and County of San Francisco for an amount not to exceed \$465,000; the lawsuit was filed on April 23, 2003, in United States District Court, Northern District of California, Case No. C03-1840 (CRB); entitled Mary Bull et al. v. City and County of San Francisco. (City Attorney)

Attachments: [Leg Ver1](#)

01/10/2013; RECEIVED FROM DEPARTMENT.

01/29/2013; RECEIVED AND ASSIGNED to the Rules Committee.

130062 [Planning, Administrative Codes - Miscellaneous Technical Amendments, Fee Changes, Clarifications, and Corrections]

Ordinance amending the Planning and Administrative Codes, to correct errors, make language revisions and updates; revise graphics to be consistent with text; amend fees to be charged for certain kinds of applications and appeals; clarify the meaning of certain Planning Code sections; and adopt findings, including findings under the California Environmental Quality Act and Planning Code, Section 302, and findings of consistency with the General Plan and Planning Code, Section 101.1. (Planning Commission)

Attachments: [Leg_Ver1](#)

01/17/2013; RECEIVED FROM DEPARTMENT.

01/29/2013; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS**130057 [Lease Termination Agreement - Ellis-O'Farrell Parking Corporation - 123 O'Farrell Street - January 31, 2013]**

Resolution authorizing the termination of the lease agreement with the Ellis-O'Farrell Parking Corporation and authorizing the Director of Transportation to execute a Lease Termination Agreement for property located at 123 O'Farrell Street, terminating on January 31, 2013. (Municipal Transportation Agency)

Attachments: [Leg_Ver1](#)

[Support1_Doc](#)

[Support2_Doc](#)

01/17/2013; RECEIVED FROM DEPARTMENT.

01/29/2013; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

130063 [Street Artist Spaces - Post Street at Stockton Street]

Resolution approving re-designation, for six months, two temporary selling spaces on Post Street, northwest corner, at Stockton Street, for street artists certified by Arts Commission. (Arts Commission)

Attachments: [Leg_Ver1](#)

[Support1_Doc](#)

[Support2_Doc](#)

01/15/2013; RECEIVED FROM DEPARTMENT.

01/29/2013; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

130064

[Street Artist Space - Leavenworth Street at Jefferson Street]

Resolution approving re-designation of one selling space on Leavenworth Street, west side, at Jefferson Street, for six months, for street artists certified by the Arts Commission; exempting said space from the regulations of Police Code, Section 2405(c) (6) and (11), prohibiting selling within ten feet from the outer edge of any entrance to any building and prohibiting selling within five feet of the display of any other street artist. (Arts Commission)

Attachments: [Leg_Ver1](#)

[Support1_Doc](#)

[Support2_Doc](#)

01/16/2013; RECEIVED FROM DEPARTMENT.

01/29/2013; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

130066 [Petitions and Communications]

Petitions and Communications received from January 8, 2013, through January 18, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on January 29, 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 PG&E, regarding their 2012 Nuclear Decommissioning Cost Triennial Proceeding for Electric Customers report. Copy: Each Supervisor. (1)

From State Fish and Game Commission, regarding mammal hunting regulations for the 2013-2014 season. (2)

*From Planning, submitting notice of responses to comments on the 801 Brannan and One Henry Adams Streets Project. Copy: Each Supervisor. (3)

From SFMTA, submitting their third and fourth quarter 2012 Tow Refund report. (4)

From Treasurer/Tax Collector, submitting the CCSF Investment Report for December 2012. (5)

From State Fish and Game Commission, regarding proposed regulation to sport fishing. Copy: Each Supervisor. (6)

From Controller, regarding their Financial Statement Audit of the City Investment Fund July 1, 2011, Through June 30, 2012, report. (7)

From Mayor, providing notice of line-item veto for File No. 120997. Copy: Each Supervisor. (8)

From Mayor, designating President David Chiu as Acting-Mayor from January 16, 2013, until January 18, 2013. Copy: Each Supervisor. (9)

From Mayor, designating Supervisor Malia Cohen as Acting-Mayor from January 19, 2013, until January 22, 2013. Copy: Each Supervisor. (10)

From President David Chiu, assigning Committee members and chairs effective January 18, 2013. Copy: Each Supervisor. (11)

From Safeway Inc., commenting on proposed Fillmore Street Neighborhood Commercial District legislation. File No. 120814. Copy: Each Supervisor. (12)

From concerned citizens, regarding Supervisor Scott Wiener. 4 letters. (13)

From Department on the Status of Women, regarding Women's History Month. Copy: Each Supervisor. (14)

From concerned citizen, requesting that Board meetings return to radio broadcast. (15)

From concerned citizen, regarding street vendors at Hallidie Plaza. File No. 121003. Copy: Each Supervisor. (16)

From Nielsen Merksamer Parrinello Gross and Leoni LLP, regarding zoning and rent control laws. File No. 120299. Copy: Each Supervisor. (17)

From Brian Browne, regarding Kokkari restaurant. (18)

From concerned citizens, regarding renaming San Francisco Airport. File No. 130037. 7 letters. Copy: Each Supervisor. (19)

From Bernie Flores Jr., regarding the government of Israel. (20)

From Pat Tashima, regarding Warriors Arena construction on Piers 30-32. (21)

From Ed Sanford, regarding the 49ers and Delta Airlines. (22)

From Greta Hayward, regarding animal welfare concerns. Copy: Each Supervisor. (23)

From Pree Spears, regarding Charlie the Dog. (24)

From concerned citizens and organizations, urging support of secondhand smoke ordinances. File Nos. 121107 and 120772. 5 letters. (25)

*From concerned citizens, regarding Woodhouse on Marina Green. 34 letters. File No. 120987. (26)

From concerned citizens, urging support for Mr. Matthew Steen's candidacy for the Market-Octavia Plan Advisory Committee. File No. 121117. 4 letters. (27)

*(An asterisked item represents the cover sheet to document that exceeds 25 pages. The complete document is available at the Clerk's Office, Room 244, City Hall.)

ADJOURNMENT