

Board of Supervisors

City and County of San Francisco

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



AGENDA

**Tuesday, March 17, 2009
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

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the January 27, 2009, February 3, 2009 and February 10, 2009 Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

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

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

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

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

Items 1 through 13

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. **090220** **[Apply-accept-expend State Grant funds - Recreation and Park Department - \$65,000]** **Supervisor Mar**
Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Public Education Grant administered by the California Department of Forestry and Fire Protection in the amount of \$65,000 for the Urban Forestry Project.
Question: Shall this Resolution be ADOPTED?

2. **090221** **[Apply-accept-expend State Grant funds - Recreation and Park Department - \$200,000]** **Supervisor Mar**
Resolution authorizing the San Francisco Recreation and Park Department to apply for, accept and expend an Urban Forestry Inventory Grant administered by the California Department of Forestry and Fire Protection in the amount of \$200,000 for the Urban Forestry Inventory Project.
(Fiscal Impact.)
Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. **081560** **[India Basin Industrial Park Zoning Map Amendment]** **Supervisor Maxwell**
Ordinance amending the San Francisco Planning Code by amending Sectional Map Sheets ZN08, ZN10, SU08 and SU10 to change the use classification of certain parcels in and around the India Basin Industrial Park Redevelopment Project Area from M-1 (Light Industrial) and M-2 (Heavy Industrial) Districts to PDR-1-B (Light Industrial, Buffer) and PDR-2 (Production, Distribution, and Repair) Districts and to incorporate all of the subject parcels into the India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
3/3/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

4. **081561** **[India Basin Industrial Park, Planning Code Text Amendment]** **Supervisor Maxwell**
Ordinance amending the San Francisco Planning Code by adding Section 249.42 to create a new India Basin Industrial Park Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
3/3/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

5. **090137** [Landmark Tree Designation of California Buckeye, **Supervisor Maxwell**
Aesculus Californica, located behind 757 Pennsylvania
Street]
Ordinance designating the California Buckeye (Aesculus Californica) located behind 757 Pennsylvania Street (Assessor's Block 4168, Lot 011) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.
3/3/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

6. **090117** [Settlement of Lawsuit - Antia Lelaind - \$175,000]
Ordinance authorizing settlement of the lawsuit filed by Antia Lelaind against the City and County of San Francisco et al. for \$175,000; the lawsuit was filed on September 22, 2006, in the United States District Court of the Northern District of California, Case No. C06-05870 MHP; entitled Antia Lelaind v. City and County of San Francisco, et al. (City Attorney)
Question: Shall this Ordinance be PASSED ON FIRST READING?
7. **090158** [Settlement of Lawsuit - Mark Boyd - \$85,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Mark Boyd against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)
Question: Shall this Ordinance be PASSED ON FIRST READING?
8. **090172** [Settlement of complaint before the Federal Energy
Regulatory Commission and approval of Revised
Procedures]
Ordinance authorizing settlement of proceedings before the Federal Energy Regulatory Commission in FERC Dockets No. ER05-516-000, et al, initiated by the City against Pacific Gas & Electric Company contesting costs and terms and conditions for the interconnection of City facilities under the Interconnection Agreement with PG&E and approving the Revised Procedures for interconnection of City facilities. (Public Utilities Commission)
Question: Shall this Ordinance be PASSED ON FIRST READING?
9. **090155** [Settlement of Claim - Deo Dutt - \$98,443.83]
Resolution approving the settlement of unlitigated claim of State Farm Insurance Company as subrogee for Deo Dutt against the City and County of San Francisco for \$98,443.83; claim was filed on October 21, 2008. (City Attorney)
Question: Shall this Resolution be ADOPTED?
10. **081592** [Appointments, Voting Systems Task Force - Joanne

Sanford, Brent Turner, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson]

Motion appointing Joanne Sanford, Brent Turner, Ka-Ping Yee, Gregory Miller, Beth Mazur, Tim Mayor, Elizabeth Bergman and Roger Donaldson, terms to be determined, to the Voting Systems Task Force, residency requirement waived.

Question: Shall this Motion be APPROVED?

11. **090037** **[Appointments, Mental Health Board - Errol Wishom, Mary Ann Jones and Virginia Wright]**

Motion appointing Errol Wishom, Mary Ann Jones and Virginia Wright, terms ending January 31, 2010 and January 31, 2012, to the Mental Health Board.

Question: Shall this Motion be APPROVED?

12. **090244** **[Appointments, Library Citizens Advisory Committee - Theodore Bamberger and Houston Garcia]**

Motion appointing Theodore Bamberger and Houston Garcia, terms ending July 18, 2010, to the Library Citizens Advisory Committee.

Question: Shall this Motion be APPROVED?

13. **090245** **[Appointment, Asthma Task Force - Rondell Lane, M.D.]**

Motion appointing Rondell Lane, M.D., term ending July 1, 2011, to the Asthma Task Force.

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

From the Rules Committee Without Recommendation

Present: Supervisors Daly, Chu, Campos

14. **090046** **[Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]**

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7,

2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

3/3/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu, Campos, Dufty

- 15. 081603 [Redevelopment Agency Budget] Mayor, Supervisor Mirkarimi**
- Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009 to reprogram \$3,301,225 of funds budgeted for the Western Addition A2 Plan Area from the Muni Substation line item to the Fillmore Jazz Preservation District Revolving Loan Program line item in the amount of \$2,366,000, to the Office of Economic and Workforce Development for marketing and economic development activities within the Fillmore Jazz Preservation District including predevelopment planning for the Muni Substation in the amount \$535,225, subject to Budget and Finance Committee Reserve, and to a new Western Addition A2 property management line item in the amount of \$400,000.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

- 16. 090197 [Tax Exempt and Taxable Revenue Certificates of Participation] Mayor**
- Resolution of the City and County of San Francisco authorizing the execution and delivery from time to time of its Tax-Exempt and Taxable Lease Revenue Commercial Paper Certificates of Participation in an amount not to exceed \$150,000,000 in order to provide short-term financing to pay for certain capital improvements, and approving and authorizing execution of a trust agreement and certain financing documents and authorizing other related actions.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Chu, Campos, Dufty

- 17. 090131 [Appropriating \$17,000,000 of State Loans for West Marina Yacht Harbor Renovations in the Recreation and Park Department for Fiscal Year 2008-2009] Supervisor Alioto-Pier**
- Ordinance appropriating \$17,000,000 of loan funding from the California Department of Boating and Waterways for renovations of the West Harbor of the Marina Yacht Harbor in the Recreation and Park Department for Fiscal Year 2008-2009, and placing \$15,500,000 on Controller's Reserve pending receipt of the funds from the State within six (6) months for the prior quarter's invoiced costs.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Present: Supervisors Avalos, Mirkarimi, Chu

18. 090100 [Solar Energy Incentive Program] **Supervisor Mirkarimi**
Ordinance amending the San Francisco Environment Code by amending Sections 18.3, 18.4, 18.6, 18.7-1, 18.7-2, 18.7-3, 18.7-4, and 18.7-6, and by repealing Section 18.7-7, to increase the incentives available to low-income and non-profit applicants under the Solar Energy Incentive Program and to make technical changes to program requirements.

Question: Shall this Ordinance be PASSED ON FIRST READING?

19. 090140 [De-appropriating \$1,000,000 of Power for Resale for use with the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009] **Mayor, Supervisors Mirkarimi, Dufty**
Ordinance de-appropriating \$1,000,000 of Power for Resale expenses and appropriating \$1,000,000 for the Solar Incentive Program at the Public Utilities Commission for Fiscal Year 2008-2009, allowing \$500,000 of low income/nonprofit funding to be utilized for the general GoSolarSF program, and amending San Francisco Environmental Code section 18.7-5

Question: Shall this Ordinance be PASSED ON FIRST READING?

20. 090275 [Waiver of temporary street space occupancy fee on April 4, 2009 for Cesar E. Chavez Holiday Parade and Festival 2009] **Supervisor Campos**
Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain blocks of 24th Street on Saturday, April 4, 2009 as part of Cesar E. Chavez Holiday Parade and Festival 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar, Maxwell

21. 081400 [Recreation and Park Department - Water Use Efficiency and Recycled Water] **Supervisors Mirkarimi, Maxwell**
Ordinance making environmental findings and amending San Francisco Park Code Article 3 by adding Section 3.19, to require the Recreation and Park Department to maximize water use efficiency and to use Recycled Water where available for Park irrigation needs.
(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

22. 081504 [Massage Services in South of Market] **Supervisors Daly, Dufty**

Residential/Service Mixed Use District]

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. **081598** **[Public Works Code - Appellate body for minor sidewalk encroachments]** **Supervisor Elsbernd**

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Appeals.

Question: Shall this Ordinance be PASSED ON FIRST READING?

24. **081620** **[Zoning - Ordinance amending the Planning Code to correct errors and omissions]** **Supervisor Maxwell**

Ordinance amending the Planning Code to correct errors including: 1) amend Section 140(a) to properly reference Sections 504 and 503 of the Housing Code instead of 501.4 and 501.1, respectively; 2) amend 151 to specify the number of required parking spaces per beds in hospital uses; 3) amend Section 209.8 to link exceptions to "if permitted in the nearest NC District" instead of C-1 and C-2; 4) amend Section 263.9 to properly reference Chart C instead of Chart B and to reference Section 271 instead of Section 270(4) which does not exist; 5) amend Sections 816.67 (SLR District), 817.67 (SLI District), and 818.67 (SSO District) to properly reference Section 225 Wholesaling, Storage, Distribution and Open-Air Handling of Materials and Equipment instead of Section 255 which does not exist; 6) amend Appendix A to Article 10, List of Designated Landmarks to correct the number for certain Landmarks; and 7) amend each neighborhood commercial district and neighborhood commercial transit district to explicitly prohibit Amusement Enterprises as currently defined by Section 790.04, except NC-3 and NCT-3 where Amusement Enterprises would be reviewed as Conditional Use authorization per Section 303; making environmental findings; and findings of consistency with the City's General Plan and Planning Code Section 101.1. (Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Rules Committee

Present: Supervisors Daly, Chu, Campos

25. **090057** **[Appointment, San Francisco Bay Conservation and Development Commission - David Chiu]**
Motion appointing Supervisor David Chiu, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.
(Supervisor Chu dissented in Committee.)

Question: Shall this Motion be APPROVED?

26. **090151** **[Appointments, Golden Gate Bridge, Highway and**

Transportation District - Janet Reilly and Lynne Newhouse Segal]

Motion appointing Janet Reilly and Lynne Newhouse Segal, terms ending January 31, 2011, to the Golden Gate Bridge Highway and Transportation District.

Question: Shall this Motion be APPROVED?

27. 090207 [Appointment, Golden Gate Bridge, Highway and Transportation District - Member of the Board of Supervisors]

Motion appointing a member of the Board of Supervisors as a member of the Board of Directors, Golden Gate Bridge, Highway and Transportation District, term ending January 31, 2011.

(Supervisor Daly dissented in Committee.)

2/24/2009, RE-REFERRED to Rules Committee.

Question: Shall this Motion be APPROVED?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 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.*

28. 090159 [Public Hearing - Appeal of Mitigated Negative Declaration - 110 The Embarcadero]

Hearing of persons interested in or objecting to the decision of the Planning Commission on November 6, 2008, approving a Mitigated Negative Declaration (Case No. 2006.1294E) for the proposed development at 110 The Embarcadero (Assessor's Block 3715, Lot 002). The project as proposed would demolish an existing two-story office building and construct a new 123-foot tall, 10-story over basement building containing approximately 52,890 square feet of office use; 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces located within the C-3-O Zoning District and the 84-X Height

and Bulk District. (Appellant: Sue C. Hestor on behalf of San Franciscans for Reasonable Growth)

(Filed 2/4/09; Companion Measure to 090160, 090161, 090162; District 6.)

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the mitigated negative declaration 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.)

- 29. 090160 [Affirming adoption of the mitigated negative declaration for 110 The Embarcadero]**
Motion affirming Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.
Question: Shall this Motion be APPROVED?
- 30. 090161 [Reversing adoption of the mitigated negative declaration for 110 The Embarcadero]**
Motion reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.
Question: Shall this Motion be APPROVED?
- 31. 090162 [Preparation of findings to reverse adoption of the mitigated negative declaration for 110 The Embarcadero]**
Motion directing the Clerk of the Board to prepare findings reversing the Planning Commission adoption of the final mitigated negative declaration for 110 The Embarcadero.
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 Government Audit and Oversight Committee at a Special Meeting on Monday, March 16, 2009 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, March 17, 2009.

- 32. 081563 [Public Employment - San Francisco's Local Agency Formation Commission (LAFCO)]** **Supervisor Mirkarimi**
Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of one position (.50 FTE) 9775 Senior Community Development Specialist II and one position (.50 FTE) 9770 Community Development Assistant to the Board of Supervisors (BOS).

(Fiscal Impact.)

Question: Shall this Ordinance be FINALLY PASSED?

33. **090230** **[MOU, Amendment No. 1 - Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.)]** **Mayor**

Ordinance adopting and implementing Amendment #1 to the 2007-2011 Memorandum of Understanding between the City and County of San Francisco and the Freight Checkers, Clerical Employees & Helpers, Local 856 (Supervising Registered Nurses, Unit 11.B.) by implementing specified terms and conditions of employment for fiscal years 2008-2009, 2009-2010 and 2010-2011.

Question: Shall this Ordinance be PASSED ON FIRST READING?

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 49

36. **090240** **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]** **Mayor, Supervisors Dufty, Avalos, Chiu, Alioto-Pier, Campos, Maxwell, Mirkarimi, Chu, Mar**

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2009-2010 school year.

(Fiscal Impact.)

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

3/3/2009, CONTINUED. Continued to March 17, 2009

Question: Shall this Resolution be ADOPTED?

37. **090242** **[Urging passage of the Marijuana Control, Regulation and Education Act (AB 390) which would tax and regulate marijuana in a manner similar to alcohol]** **Supervisors Campos, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi, Duffy**

Resolution supporting the recently proposed state legislation, the Marijuana Control, Regulation and Education Act (AB 390), which would tax and regulate marijuana in a manner similar to alcohol.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

3/3/2009, CONTINUED. Continued to March 17, 2009

Question: Shall this Resolution be ADOPTED?

38. **090246** **[Urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California]** **Supervisors Campos, Avalos, Daly, Mar, Mirkarimi, Chiu**

Resolution urging President Barack Obama and Senators Barbara Boxer and Dianne Feinstein to appoint a new U.S. Attorney for the Northern District of California.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

3/3/2009, CONTINUED. Continued to March 17, 2009

Question: Shall this Resolution be ADOPTED?

39. **090239** **[Adopting a proposed schedule of audits to be conducted of programs of City and County departments]** **Supervisor Mirkarimi**

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

3/3/2009, CONTINUED. Continued to March 17, 2009

Question: Shall this Motion be APPROVED?

40. **090288** **[Accept-Expend State Grant Funds - Recreation and Park Department - \$40,045]** **Supervisor Alioto-Pier**

Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a grant in the amount of \$40,045 for the Marina Green Pedestrian and Bicycle Improvement Project, under the Bicycle Facility Fund administered by the Bay Area Air Quality Management District (Air District).

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

41. **090289** **[Accept-Expend Grant Funds - Recreation and Park Department - \$35,189]** **Supervisor Alioto-Pier**
Resolution authorizing the San Francisco Recreation and Park Department to accept and expend a Carl Moyer Program Grant administered by the Bay Area Air Quality Management District (Air District) in the amount of \$35,189.00 for the repowering (replacement) of a workboat diesel engine belonging to and operated by San Francisco Small Craft Harbor/Recreation and Park Department.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
42. **090290** **[Mountain Lake Park - Toxicity Issue]** **Supervisors Alioto-Pier, Mar**
Resolution urging CalTrans to use funds from the federal stimulus package to immediately resolve the toxicity issue at Mountain Lake through diversion of storm drains flowing directly into the lake and replacement of the outlet and overflow pipe and by dredging the lake to remove contaminated sediments and fill.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
43. **090291** **[Supporting Senate Bill 810, the California Health Insurance Reliability Act]** **Supervisors Avalos, Campos, Daly, Mar, Mirkarimi, Chiu**
Resolution supporting Senate Bill 810, the California Health Insurance Reliability Act of Senate Bill 810.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
44. **090292** **[Mediation Week in San Francisco - March 16 - 20, 2009]** **Supervisor Chu**
Resolution declaring March 16th through 20th, 2009 as Mediation Week in San Francisco.

3/3/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
45. **090293** **[Declaring San Francisco Arbor Week - March 7 - 14, 2009]** **Supervisor Chu**
Resolution declaring the week of March 7th through March 14th as Arbor Week in San Francisco.

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

Question: Shall this Resolution be ADOPTED?

- 46. 090294 [Commending Ming Pao Daily News - San Francisco edition] Supervisors Chu, Chiu**

Resolution commending Ming Pao Daily News' San Francisco edition for five years of service to the Chinese-American community in the San Francisco Bay Area.

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

Question: Shall this Resolution be ADOPTED?

- 47. 090295 [Accept- Expend Federal/State Pass Through Grant - San Francisco Public Library - \$5,000] Supervisor Chu**

Resolution authorizing the Department of Public Library to retroactively accept and expend a grant in the amount of \$5,000 from the California State Library as part of the Federal Library Services and Technology Act (LSTA) for the SFPL Partnerships Plan which will provide a coherent system for staff to document, nurture, learn about, and extend partnerships that strengthen library ties within the community.

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

Question: Shall this Resolution be ADOPTED?

- 48. 090204 [Final Map - 73-83 Grattan Street]**

Motion approving Final Map 4294, a 6 Residential Unit Condominium Project, located at 73 - 83 Grattan Street being a subdivision of Lot 025 in Assessors Block No. 1280 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,057; District 5.)

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

- 49. 090206 [Final Map - 1300-1320 Potrero Avenue, 2801 25th Street]**

Motion approving Final Map 4876, a Two Lot Subdivision with a Three Unit Commercial Condominium Project on Parcel "A" and a Two Unit Commercial Condominium Project on Parcel "B", located at 1300 - 1320 Potrero Avenue, 2801 25th Street being a subdivision of Lot 029 in Assessors Block No. 4276 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 178,072; District 9.)

2/24/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

50. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from February 24, 2009 to March 9, 2009, for reference by President to appropriate committee on March 17, 2009.

090261 [Settlement of Lawsuit - Estenoz v. First American Title Insurance Company, et al.]

Ordinance authorizing settlement of the lawsuit entitled Estenoz v. First American Title Insurance Company, et al., filed on November 26, 2007 by Ernesto Estenoz, Administrator With Will Annexed of the Estate of Guillermo Crosbie-Grimaldo, aka G. Crosbie-Grimaldo, aka Guillermo Crosbie, deceased, against the City and County of San Francisco, in San Francisco Superior Court Case No. CGC 07-469460 ; settlement in exchange for plaintiff's waiver of the right to appeal the order granting summary judgment and judgment entered thereon, and on such further terms set forth in the Settlement Agreement dated as of January 31, 2009, contained in Board of Supervisors File No. 090261, or as shall be negotiated and approved by the City Attorney's Office. (City Attorney)

2/26/2009, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 24, 2009 to March 9, 2009, for reference by President to appropriate committee on March 17, 2009.

090251 [Approve SFPUC Sunol Valley Construction Management Contract]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-915R, Sunol Valley Regional Construction Management Services, with CH2MHill, for an amount not to exceed \$16,000,000 with a term of up to 60 months, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

3/9/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090252 [Street Encroachment at 19th Avenue and Crespi Drive]

Resolution granting revocable permission to Parkmerced Investors Properties LLC, to occupy portions of the public right-of-way to construct, realign, and maintain an existing paved curb islands to improve pedestrian accessibility and vehicular traffic circulation and safety, resurface portions of Crespi Drive with new Bomanite stamped concrete paving and install three (3) decorative columns at the entry way to Crespi Drive public right-of-way, between 19th Avenue and Serrano Drive, to enhance the Property at 3711 19th Avenue (Assessor's Blocks 7315, 7316, 7320), conditioned upon the payment of an annual assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

3/9/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee

090262 [Lease of Real Property at 520 Jones Street]

Resolution authorizing and approving the lease by and between the City and County of San Francisco, for the Department of Public Health, as Tenant, and Pacific Bay Inn, Inc., as Landlord, for the Pacific Bay Inn located at 520 Jones Street, San Francisco. (Real Estate Department)

3/2/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090263 [Approval of an historical property contract for 166-178 Townsend Street]

Resolution under Chapter 71 of the San Francisco Administrative Code, approving an historical property contract between 178 Townsend Properties LLC, the owner of 166-178 Townsend Street, and the City and County of San Francisco; authorizing the Director of Planning and the Assessor to execute the historical property contract. (Planning Department)

3/2/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

090301 [Petitions and Communications]

Petitions and Communications received from February 24, 2009 through March 9, 2009 for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 17, 2009.

From concerned citizens, submitting copy of petition that was presented to the Recreation and Park Commission urging them not to layoff Carli Fullerton, the director of the Golden Gate

Park Senior Community Center.Signed by approximately 400 seniors of the Golden Gate Park Senior Community Center(1)

From concerned citizens, urging the Recreation and Park Commission not to layoff Carli Fullerton, the director of the Golden Gate Park Senior Community Center. Approximately 500 letters(2)

From James Chaffee, regarding disclosure of contributions to the benefit of the Public Library from the Friends/Foundation of the Public Library.(3)

From concerned citizens, submitting opposition to closing the Park Branch Public Library. 4 letters(4)

From Pat Missud, regarding the dangerous intersection at San Juan Avenue/Alemanay Boulevard.(5)

From Asian Art Museum, submitting the Efficiency Plan and Performance Measures for the Asian Art Museum, fiscal year 2008-09.(6)

From Ivan Pratt, regarding the American Recovery and Reinvestment Act.(7)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-005)(8)

From Police Department, regarding statistics showing trends in violent crime over the past 12 months in District 11. (Reference No. 20091113-008)(9)

From Department of Public Works, regarding the status of removing graffiti from garbage cans at various locations in District 5. (Reference No. 20090202-002)(10)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-003)(11)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-004)(12)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090127-004)(13)

From Planning Department, submitting an invitation to all city residents to participate in the development of the 2009 Housing Element.(14)

From Christian Holmer, regarding a public records request from public officials for various weeks. 2 letters (15)

From Dr. Ahimsa Sumchai, submitting photos of the Stanford Life Flight rooftop helipad. (16)

From Dr. Ahimsa Sumchai, submitting changes the National Toxic Site Clean-Up Network supports to clean up toxic and radioactive sites.(17)

From Office of the Controller-City Services Auditor, submitting its audit report of 10 organizations and their compliance with the City and County of San Francisco ordinance prohibiting the use of city funds for political activity.(18)

From Clerk of the Board, submitting notice that the following individuals have submitted a Form 700 Statement of Economic Interests:(19)

Sean Elsbernd, Supervisor (Annual)

Rick Caldeira, Deputy Director II (Assuming)

April Veneracion, Legislative Aide (Assuming)

Sarah Ballard, Legislative Aide (Annual)

Jennifer Stuart, Legislative Aide (Annual)

Katy Tang, Legislative Aide (Annual)

Frank Darby, Records & Information Manager (Annual)

Nilka Julio, Deputy Director II, Administration (Annual)

Madeleine Licavoli, Deputy Director II, Operations (Annual)

Michael Stover, Fiscal Officer (Annual)

Marjorie Williams, Sunshine Task Force (Annual)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090127-001)(20)

From Francisco Da Costa, commenting that the entire Hunters Point Naval Shipyard must be cleaned to residential standards.(21)

From Francisco Da Costa, regarding how the city and county will spend the stimulus money from the federal government.(22)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to tag quota changes, clarifications and urgency changes for the 2009-2010 mammal hunting regulations.(23)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Klamath Trinity River sport fishing.(24)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to ocean salmon sport fishing.(25)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Central Valley sport fishing.(26)

From Neighborhood Parks Council, submitting notice of the Western Addition Open Space Community Workshop on Wednesday, March 11, 2009.(27)

From Balboa High School students, regarding earthquake preparedness in San Francisco.75 letters(28)

From concerned citizens, submitting support for the proposed development of 110 The Embarcadero Project. File 090159, Copy: Each Supervisor, 2 letters(29)

From Arthur Evans, commenting on the March 2, 2009 Public Safety Committee. Copy: Each Supervisor(30)

From Brandt-Hawley Law Group, submitting request to continue public hearing of project at 717 Battery Street/350 Pacific Avenue until April 7, 2009. Copy: Each Supervisor(31)

From Office of the Controller-City Services Auditor, submitting a concession audit report for Stow Lake Corporation.(32)

From concerned citizens, submitting opposition to any cuts in the After School Latchkey Programs.2 letters(33)

From Arthur Evans, commenting on proposed resolution urging President Obama and Senators Boxer and Feinstein to appoint a new U.S. Attorney for the Northern District of California. File 090246(34)

From Municipal Transportation Agency, submitting the tow refund report for the fourth quarter of 2008.(35)

From Tom Taylor, submitting support for full funding of a LAFCO managed Clean Power San Francisco project that will run San Francisco on 50% renewable energy sources within the next decade.(36)

From Public Utilities Commission, submitting request for waiver of Administrative Code Chapter 12B for Northern Energy.(37)

From Daniel Malone, submitting opposition to closing the Great Highway on Sundays.(38)

From Department of Public Works, regarding the current regulations for wireless facility installations on city streets. (39)

From Recreation and Park Department, submitting the Efficiency Plan and Performance Measures for the Recreation and Park Department, fiscal year 2008-09.(40)

From Adult Probation Department, regarding the feasibility of allocating housing and/or supportive housing units to Adult Probation Officer Darrin Dill's Homeless Outreach program.(41)

From Tenants of 769 North Point, submitting copy of letter sent to the Planning Department regarding 2650-52 Hyde Street, a historic registered Victorian.(42)

From Aaron Goodman, commenting on the need to improve bus service on the 17 and M lines.(43)

From concerned citizens, submitting support to restore Sharp Park.2 letters(44)

From concerned citizen, commenting how small landlords are also hit by the recession.(45)

From Christina Ortiz, submitting opposition to any staff changes in the current Pine Lake Day Camp program.(46)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090203-001)(47)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090210-005)(48)

From Department of Public Works, regarding the status of removing graffiti from various locations in District 5. (Reference No. 20090210-003)(49)

From Francisco Da Costa, commenting that Lennar Corp. is using the stimulus money-tax payer's money illegally.(50)

From Francisco Da Costa, submitting letter entitled "Mayor Newsom and his ploys at Hunters Point Naval Shipyard" dated March 6, 2009.(51)

From Dr. Ahimsa Porter Sumchai, regarding letter of intent to apply for NIEH Partnership in Environmental Public Health Community Exposure Research Funds for Bayview Hunters Point Community.(52)

From Dr. Ahimsa Porter Sumchai, submitting letter entitled "Lennar Corp. and Mayor to force Board of Supervisors approval of Shipyard/Candlestick Plan without Environmental Impact Report" letter dated March 5, 2009.(53)

From Office of the Controller, submitting the Controller's Monthly Economic Barometer for January 2009.(54)

From Office of the Chief Medical Examiner, regarding preventive action to protect the integrity of a French and American citizen that was the victim of a homicide on June 2, 2007, in San Francisco. (Reference No. 20090127-014)(55)

From Elena Felder, urging the Board of Supervisors to release the full rainy day fund (23 million dollars) to the public schools.(56)

From Jim Meko, regarding the Western SoMa Community Plan meeting on March 12, 2009.(57)

From Juvenile Probation Department, submitting the Efficiency Plan and Performance Measures for the Juvenile Probation Department.(58)

From concerned citizens, submitting opposition to the proposed development of 110 The Embarcadero Project. File 090159, 2 letters(59)

From concerned citizen, regarding the change in the condominium conversion process for current condominium conversion lottery holders. Copy: Each Supervisor(60)

From Patrick A., submitting opposition to Recreation and Park staff cuts in San Francisco. (61)

ADJOURNMENT

Meeting Procedures

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

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

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

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-

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

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

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



Disability access

The Legislative Chamber and the Committee Room in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

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

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-

2300; fax (415) 581-2317; web site www.sfgov.org/ethics