

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

**Tuesday, October 30, 2012 - 2:00 PM**

**Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

**Regular Meeting**

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DAVID CHIU, PRESIDENT

JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, MALIA COHEN, SEAN ELSBERND,  
MARK FARRELL, JANE KIM, ERIC MAR, CHRISTINA OLAGUE, SCOTT WIENER

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

<b>Budget and Finance Committee</b> Supervisors Chu, Avalos, Kim	Wednesday 11:00 AM
<b>City and School District Select Committee</b> Supervisors Campos, Olague, Chiu, Commissioners Fewer, Maufas, Mendoza	4th Thursday 3:30 PM
<b>City Operations and Neighborhood Services Committee</b> Supervisors Elsbernd, Chu, Olague	2nd and 4th Monday 10:00 AM
<b>Government Audit and Oversight Committee</b> Supervisors Farrell, Elsbernd, Chiu	2nd and 4th Thursday 1:00 PM
<b>Land Use and Economic Development Committee</b> Supervisors Mar, Cohen, Wiener	Monday 1:00 PM
<b>Public Safety Committee</b> Supervisors Avalos, Olague, Mar	1st and 3rd Thursday 10:30 AM
<b>Rules Committee</b> Supervisors Kim, Farrell, Campos	1st and 3rd Thursday 1:30 PM

**Members Present:** John Avalos, David Campos, David Chiu, Malia Cohen, Sean Elsbernd, Mark Farrell, Jane Kim, Eric Mar, Christina Olague, and Scott Wiener

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## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*The meeting was called to order at 2:08 p.m. On the call of the roll, Supervisor Chu was noted absent. There was a quorum.*

### **Supervisor Chu Excused from Voting**

**Supervisor Campos, seconded by Supervisor Olague, moved that Supervisor Chu be excused from voting. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

## **AGENDA CHANGES**

*There were none.*

## **APPROVAL OF MEETING MINUTES**

**Supervisor Cohen, seconded by Supervisor Campos, moved to approve the Board Meeting Minutes of September 18, 2012, and September 25, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

## **COMMUNICATIONS**

*There were none.*

## CONSENT AGENDA

### Recommendations of the Rules Committee

**120955 [Appointments, Balboa Park Station Community Advisory Committee - Nicole Agbayani, Rita Evans, David Mauroff, William L. Walker, Daniel Weaver, and Veronica Garcia]**

Motion appointing Nicole Agbayani, Rita Evans, David Mauroff, William L. Walker, Daniel Weaver, and Veronica Garcia, terms to be determined, to the Balboa Park Station Community Advisory Committee. (Clerk of the Board)

**Motion No. M12-129**

**APPROVED**

**121005 [Appointment, Graffiti Advisory Board - Michael Grgich]**

Motion appointing Michael Grgich, term ending April 10, 2013, to the Graffiti Advisory Board. (Clerk of the Board)

**Motion No. M12-130**

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendations of the Land Use and Economic Development Committee

**120812 [Administrative Code - Public Housing Right to Return to Revitalized Housing]  
Sponsors: Olague; Cohen and Mar**

Ordinance amending the San Francisco Administrative Code by: 1) adding Chapter 39, Sections 39.1 through 39.9, to establish the San Francisco Right to Revitalized Housing Ordinance and set City policy regarding the Right to Return to Revitalized Public Housing Units; and 2) adding Section 37.6(n) to establish new powers for the San Francisco Residential Rent Stabilization and Arbitration Board in connection with the new San Francisco Right to Revitalized Housing Ordinance.

**Ordinance No. 227-12**

**FINALLY PASSED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**120352 [Administrative Code - Housing Preservation and Production]****Sponsors: Olague; Kim, Campos and Mar**

Ordinance amending the San Francisco Administrative Code by 1) amending the title of Chapter 10E and adding Section 10E.4 to monitor San Francisco's housing preservation and production policies and goals; and 2) making environmental finding.

(Supervisor Wiener dissented in Committee.)

**Supervisor Olague, seconded by Supervisor Campos, moved that this Ordinance be CONTINUED ON FIRST READING to November 20, 2012. The motion carried by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu

**NEW BUSINESS****Recommendations of the Budget and Finance Committee****120985 [CEQA Findings - San Antonio Backup Pipeline Project in Alameda County]****Sponsor: Chu**

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations, related to the San Antonio Backup Pipeline Project, and directing the Clerk of the Board of Supervisors to notify the Controller of this action.

**Resolution No. 398-12****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu

**120986 [Lease - Transportation Security Administration - International Terminal and Terminal 2]****Sponsor: Elsbernd**

Resolution approving and authorizing the execution of Lease No. GS-09B-03014 with the Transportation Security Administration for terminal space to be occupied by the U.S. Transportation Security Administration, a Federal agency, in the International Terminal and Terminal 2 of the San Francisco International Airport with a term of five years.

**Resolution No. 399-12****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu

**121021 [Multifamily Housing Revenue Note - Candlestick Heights Apartments - 833-881 Jamestown Street - Not to Exceed \$70,000,000]****Sponsor: Cohen**

Resolution authorizing the issuance and delivery of a multifamily housing revenue note in a principal amount not to exceed \$70,000,000 for the purpose of providing financing for the acquisition and construction of a 196-unit multifamily residential rental housing project located at 833-881 Jamestown Street, known as Candlestick Heights Apartments: 1) approving the form of and authorizing the execution of a funding loan agreement; 2) approving the form of and authorizing the execution of a borrower loan agreement; 3) providing the terms and conditions of the note and authorizing the execution and delivery thereof; 4) approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; 5) authorizing the collection of certain fees; 6) approving modifications, changes, and additions to the documents; 7) granting general authority to City officials to take actions necessary to implement this Resolution; and 8) ratifying and approving any action heretofore taken in connection with the note and the project.

**Resolution No. 400-12****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**From the Budget and Finance Committee Without Recommendation****120980 [Expansion of Authority Regarding Lease - 1455 Market Street]**

Resolution authorizing additional allowance of up to \$5.10 per rentable square foot for construction of improvements amortized by Landlord over initial term of seven years at eight percent to be paid as additional rent in the amount of \$1,929.10 per month for property located at 1455 Market Street.  
(Real Estate Department)  
(Fiscal Impact)

**Resolution No. 397-12****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**Recommendations of the City Operations and Neighborhood Services Committee****120277 [Liquor License - 1059 Hyde Street]**

Resolution determining that the issuance of a Type 20 off-sale general license to LandMark Retail Group for CVS Pharmacy, located at 1059 Hyde Street (aka 1401 California Street) (District 3), will serve the public convenience and necessity of the City and County of San Francisco.

**Resolution No. 392-12****ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**120729 [Liquor License Transfer - 165 Jefferson Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises license from 247 Powell Street to 165 Jefferson Street (District 3), to Nick Bovis for the GDL SFO Inc., will serve the public convenience and necessity of the City and County of San Francisco.

**Resolution No.** 393-12

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**120826 [Liquor License - 810 Van Ness Avenue]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Roger Abuyaghi (Nob Hill Restaurant Ventures Inc.) for After Five, located at 810 Van Ness Avenue (District 6), will serve the public convenience and necessity of the City and County of San Francisco.

**Resolution No.** 394-12

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**120865 [Liquor License Transfer - 1201 Minnesota Street]**

Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 2200 Jerrold Avenue to 1201 Minnesota Street (District 10), to Nelly Ghassan for the Gifted Basket, will serve the public convenience and necessity of the City and County of San Francisco.

**Resolution No.** 395-12

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

**120878 [Liquor License - 1115-1117 Market Street]**

Resolution determining that the issuance of a Type 64 special on-sale general theater license to Jason Seifer for the American Conservatory Theatre Foundation, dba The Costume Shop, located at 1115-1117 Market Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco.

**Resolution No.** 396-12

**ADOPTED by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

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## **Recommendations of the Land Use and Economic Development Committee**

### **120220 [Planning Code - Signage Requirements for Privately-Owned Public Open Spaces]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code to: 1) consolidate into Section 138 the requirements for privately-owned public open space; 2) create a new Zoning Administrator Bulletin that will contain detailed design and graphics requirements for the required informational plaques; and 3) make environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and Planning Code Section 101.1.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

### **120882 [Administrative Code - Board of Supervisors Review of Affordable Housing Trust Fund]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Administrative Code by adding Section 1.60 to require the Mayor's Office of Housing and the Planning Department to report to the Board of Supervisors every five years on the implementation of Charter Section 16.110, the Affordable Housing Trust Fund Charter Amendment.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

### **121033 [Planning Code - Limited Commercial Uses in Residential Transit Oriented Mission District]**

**Sponsors: Campos; Chiu**

Ordinance amending the San Francisco Planning Code Section 231 to allow for greater size and depth from the corner for limited commercial uses in the Residential Transit Oriented Mission (RTO-M) District; and making environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1.

*Supervisor Chiu requested to be added as a co-sponsor.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener  
Excused: 1 - Chu

## **Recommendation of the Rules Committee**

### **120815 [Health Code - Bed Bug Infestation Prevention, Treatment, Disclosure and Reporting]**

**Sponsors: Kim; Campos**

Ordinance amending the San Francisco Health Code by adding Article 11A requiring: 1) the Department of Public Health ("DPH") to provide written information outlining the rights and responsibilities of tenants, property owners and Pest Control Operators ("PCO") regarding the prevention and treatment of bed bug infestations; 2) DPH to develop a training curriculum on bed bug abatement; 3) owners to respond to bed bug infestation complaints; 4) property owners to disclose bed bug infestation history for the previous two years; 5) DPH to collect and publish bed bug data on a quarterly basis; 6) the Health Department to conduct a biannual public hearing to review DPH's written materials, and adopt amendments as appropriate; establishing enforcement procedures; and making environmental findings.

**PASSED ON FIRST READING by the following vote:**

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu



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

### Privilege of the Floor

Supervisor Mar, seconded by Supervisor Olague, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 10 - Avalos, Campos, Chiu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu

Supervisor Mar introduced, welcomed, and presented a Certificate of Honor to San Francisco Poet Laureate Alejandro Murguia in recognition of his accomplishments and continued community support.

Supervisor Mar introduced, welcomed, and presented Certificates of Honor to Richmond District Poets Susan Terence, David Volpendesta, and Christopher Carsi in recognition of their accomplishments and continued community support.

Supervisor Olague introduced, welcomed, and presented a Certificate of Honor to Karim Mayfield, NABO Junior Welterweight Champion, in recognition of his accomplishments and continued community support.

Supervisor Olague introduced, welcomed, and presented a Certificate of Honor to Linda Avery-Herbert in honor of 30 years of service to the City and County of San Francisco upon her retirement.

### MENTAL HEALTH AWARENESS MONTH

Supervisors introduced, welcomed, and presented Certificates of Honor to individuals in recognition of Mental Health Awareness Month, their accomplishments, and their continued community support, as referenced below:

Supervisor Avalos recognized Ines Bettencourt; and

Supervisor Campos recognized Laura Guzman (Director, Mission Neighborhood Resource Center); and

Supervisor Chiu recognized Nancy Lim-Yee, LCSW (Program Director, Chinatown Child Development Center); and

Supervisor Cohen recognized Wanda Materre and Lavone King; and

Supervisor Elsbernd recognized Fred Martin; and

Supervisor Farrell recognized Lynn Fuller; and

Supervisor Farrell, on behalf of Supervisor Chu, recognized Officer Rich Jue (Taraval Police Station); and

Supervisor Kim recognized Seth Katzman (Director, Supportive Housing & Community Services); and

Supervisor Mar recognized Alison Ching and Yuka Hachiuma; and

Supervisor Olague recognized Kia Wallace (Director, Ajani Community Case Management from West Side Services)

Supervisor Wiener recognized Sergeant Kelly Dunn; and

Former Supervisor Bevan Dufty, Director, Housing Opportunity, Partnerships and Engagement (HOPE), representing on behalf of Mayor Lee, recognized Jason Albertson and Jo Robinson.

## ROLL CALL FOR INTRODUCTIONS

*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](http://www.sfbos.org/legislation_introduced).*

## PUBLIC COMMENT

*Abdallah Megahed; expressed various concerns.  
James Chaffee; expressed concerns relating to the SF Public Library.  
Elsa Casillos; expressed concerns relating to violence in the community.  
Male Speaker; expressed various religious concerns.  
Eugene Gordon, Jr.; expressed various concerns.  
Walter Paulson; shared in song certain concerns with the Board.  
Male Speaker; expressed various concerns.  
Peter Warfield; expressed concerns relating to the SF Public Library.  
Female Speaker; expressed various concerns.  
John DiDonna; shared in poem certain concerns with the Board.  
Male Speaker; expressed various concerns.  
Peter Alexander; expressed various concerns.  
Doug Mollary; expressed concerns relating to child abductions.  
Mary Morrison; expressed concerns relating to domestic terrorism.  
John Jankle; expressed concerns relating to mass murders.  
Paulette Brown; expressed concerns relating to human services and solving child homicides and violence in the community.*

*Supervisor Elsbernd was noted absent at 5:11 p.m. for the remainder of the meeting.*

**Supervisor Avalos, seconded by Supervisor Kim, moved to reopen Public Comment. The motion carried by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu

Absent: 1 - Elsbernd

*Female Speaker; expressed various concerns.  
Sala-Haqueenyah Chandler; expressed concerns relating to Bayview and mental health.  
David Elliott Lewis; spoke in support of mental health awareness.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **121040 [Bid to Host and Support for the 2016 and 2017 Super Bowl]**

**Sponsors: Farrell; Chiu**

Resolution recognizing the formation of the 2016 and 2017 Super Bowl Bid Committee and declaring the Board of Supervisor's support to host the Super Bowl in 2016 and 2017.

**Resolution No. 401-12**

**ADOPTED**

**121049 [Supporting the Passage of Senate Bill 637 and House of Representatives Bill 3125 - Earthquake Insurance Affordability Act]**

**Sponsor: Mar**

Resolution supporting the passage of Senate Bill 637 and House of Representatives Bill 3125, which would enact the Earthquake Insurance Affordability Act.

**Resolution No. 402-12**

**ADOPTED**

**121050 [Linda Avery-Herbert Day - October 30, 2012]**

**Sponsors: Olague; Campos, Chiu, Farrell, Wiener and Mar**

Resolution declaring October 30, 2012, as Linda Avery-Herbert Day in the City and County of San Francisco.

**Resolution No. 403-12**

**ADOPTED**

**121051 [Approval of a 45-Day Extension for Planning Commission Review of Establishing the Fillmore Street Neighborhood Commercial District (File No. 120814)]**

**Sponsor: Olague**

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 120814) amending the San Francisco Planning Code by: 1) adding Section 744.1 to establish the Fillmore Street Neighborhood Commercial District along Fillmore Street between Bush and Fulton Streets; 2) amending Section 151.1, a portion of Table 151.1, Section 263.20, and Section 607.1(f) to make conforming and other technical changes; 3) amending Sheets ZN02 and ZN07 of the Zoning Map to rezone specified properties to the Fillmore Street Neighborhood Commercial District; and 4) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**Resolution No. 404-12**

**ADOPTED**

**121052 [Approval of a 45-Day Extension for Planning Commission Review of Establishing the Divisadero Street Neighborhood Commercial District (File No. 120796)]**

**Sponsor: Olague**

Resolution extending by 45 days the prescribed time within which the Planning Commission may render its decision on a Ordinance (File No. 120796) amending the San Francisco Planning Code by: 1) adding Section 743.1 to establish the Divisadero Neighborhood Commercial District; 2) repealing the Divisadero Street Alcohol Restricted Use District established in Section 783; 3) amending Section 151.1 and a portion of Table 151.1, Sections 263.20, 607.1(f), and 702.3, the specific provisions of the Section 711 Zoning Control Table, and Section 790.55 to make conforming and other technical changes; 4) amending Sheets ZN02 and ZN07 of the Zoning Map to include the Divisadero Neighborhood Commercial District; 5) amending Sheet SU02 of the Zoning Map to delete the Divisadero Street Alcohol Restricted Use Special Use District; and 6) adopting environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

**Resolution No. 405-12**

**ADOPTED**

**The foregoing items were acted upon by the following vote:**

Ayes: 9 - Avalos, Campos, Chiu, Cohen, Farrell, Kim, Mar, Olague, Wiener

Excused: 1 - Chu

Absent: 1 - Elsbernd

**IMPERATIVE AGENDA**

*There were no items.*

**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.*

**Ordinances****120964 [Campaign and Governmental Conduct Code - Updating Conflict of Interest Code]  
Sponsor: Chiu**

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

09/25/12; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/25/2012.

10/30/12; SUBSTITUTED AND ASSIGNED to Rules Committee.

**120984 [Police Code - Prohibiting Public Nudity]  
Sponsor: Wiener**

Ordinance amending the San Francisco Police Code by adding Section 154 to prohibit nudity on public streets, sidewalks, street medians, parklets, and plazas, and on public transit vehicles, stations, platforms, and stops, except as part of permitted parades, fairs, and festivals.

10/02/12; ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 11/1/2012.

10/19/12; REFERRED TO DEPARTMENT.

10/30/12; SUBSTITUTED AND ASSIGNED to City Operations and Neighborhood Services Committee.

**121064 [Business and Tax Regulations, Police Codes - Parking Stations - Revenue Control Equipment; License Regulations; Parking Tax Bonds; Administrative Citation Process]**

**Sponsor: Campos**

Ordinance amending the San Francisco Business and Tax Regulations Code by amending Article 6 (Common Administrative Provisions) to revise the bonding requirements for parking operators; revise the time to bring an action to collect tax; clarify the extent of a surety's liability; revise the administrative citation appeal process; and make other minor technical changes; amending Article 22 (Parking Stations; Revenue Control Equipment) to clarify that non-City governmental entities operating parking stations are exempt from the revenue control equipment requirements; and amending the San Francisco Police Code by amending Article 17 (Miscellaneous License Regulations) to clarify that governmental entities operating parking garages or parking lots are exempt from the permitting requirements applicable to other commercial parking garage and valet operations.

10/30/12; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/30/2012.

**121065 [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions]**

**Sponsor: Chiu**

Ordinance amending the San Francisco Planning Code by amending Section 723 to extend the restriction on Tobacco Paraphernalia Establishments in the Polk Street Neighborhood Commercial District (NCD) for an additional three years and apply it to an area within one-quarter mile of the boundaries of the NCD; adding Section 788 to establish the Lower Polk Street Alcohol Restricted Use District for the properties located on Polk Street between California and O'Farrell Streets, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street and Van Ness Avenue; amending the San Francisco Zoning Map to designate the Lower Polk Street Alcohol Restricted Use District on Map Sheet ZN-02; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

10/30/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/30/2012.

**121066 [Administrative Code - Hearings on Tenant Allegations of Landlord Harassment to Recover Possession of the Tenant's Unit]**

**Sponsor: Olague**

Ordinance amending San Francisco Administrative Code, Chapter 37 (Residential Rent Stabilization and Arbitration Ordinance), Section 37.9, to add new Subsection 37.9(l), providing for hearings at the Rent Board on tenant allegations of landlord harassment constituting a wrongful endeavor to recover possession of the tenant's unit.

10/30/12; ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 11/30/2012.

## **Resolutions**

### **121067 [Accept and Expend Grant - Adolescent Health Working Group Health Education Collaborative - \$120,000]**

**Sponsor: Cohen**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$120,000 from The California Wellness Foundation to participate in a program entitled Adolescent Health Working Group Health Education Collaborative for the period of October 1, 2012, through September 30, 2014.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121068 [Accept and Expend Grant - Brownfields Assessment Project - \$400,000]**

**Sponsor: Mayor**

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$400,000 from the United States Department of Environmental Protection to support the Brownfields Assessment Project by performing site assessments and preparing cleanup plans for potentially contaminated properties located in the Southeast area of San Francisco, in support of the Blue Greenway Project for the period of October 1, 2012, through October 31, 2015.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121069 [Accept and Expend Grant - FY2012 Urban Areas Security Initiative Program - \$21,931,312]**

**Sponsor: Mayor**

Resolution authorizing the Department of Emergency Management, on behalf of the City and County San Francisco, as the primary grantee of Urban Areas Security Initiative (UASI) funds for the Bay Area Urban Area and as the fiscal agent for the UASI Approval Authority, to retroactively accept and expend a FY2012 UASI Program grant in the amount of \$21,931,312 from the U.S. Department of Homeland Security through the California Emergency Management Agency for the period of October 12, 2012, through May 31, 2014.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121070 [Contract Amendment - New Flyer of America, Inc. - Purchase Low Floor Diesel-Hybrid Buses - Not to Exceed \$48,669,369]**

**Sponsor: Wiener**

Resolution approving Amendment No. 1 to Contract No. SFMTA-2013-08 with New Flyer of America, Inc., to purchase 17 additional 40-foot low floor diesel-hybrid buses through the Cooperative Purchasing Venture established by the State of Minnesota's Materials Management Division, for an additional amount of \$11,780,005 and a total contract amount of \$48,669,369. (Fiscal Impact)

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

### **121071 [Urging Muni to Prioritize Eligible Funds for Low-Income Youth and Maintenance]**

**Sponsor: Wiener**

Resolution urging Muni to prioritize funding for vehicle and equipment maintenance, rehabilitation, and purchase in light of deteriorating Muni service. (Supervisor Chiu dissented in committee.)

10/30/12; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**121072 [Accept and Expend Grant - Medical Monitoring Project - \$196,104]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$196,104 from Centers for Disease Control and Prevention to participate in a program entitled Medical Monitoring Project for the period of June 1, 2012, through May 31, 2013.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121073 [Accept and Expend Grant - Enhancing Engagement and Retention in Quality HIV Care - \$300,000]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$300,000 from the Health Resources and Services Administration to participate in a program entitled "Enhancing Engagement and Retention in Quality HIV Care for Transgender Women of Color - Demonstration Sites" for the period of September 1, 2012, through August 31, 2013, and waiving indirect costs.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121074 [Accept and Expend Grant - Special Projects of National Significance Program - \$300,000]****Sponsor: Wiener**

Resolution authorizing the San Francisco Department of Public Health to retroactively accept and expend a grant in the amount of \$300,000 from the Health Resources and Services Administration to participate in a program entitled "Special Projects of National Significance Program Building a Medical Home for Multiply Diagnosed HIV Positive Homeless Populations - Demonstration Sites" for the period of September 1, 2012, through August 31, 2013, and waiving indirect costs.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121075 [Clean Water Act 40th Anniversary]****Sponsor: Cohen**

Resolution recognizing the 40th Anniversary of the Federal Clean Water Act and commending the San Francisco Public Utilities Commission for Clean Water Act implementation.

10/30/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**121076 [Urging the Commissioners of Men's Sports to Publicly Support Lesbian, Gay, Bisexual, and Transgender Athletes]****Sponsors: Olague; Campos and Mar**

Resolution requesting the Commissioners of professional men's sports to take part in the Last Closet Campaign, by going on record in a public interview in support of Lesbian, Gay, Bisexual, and Transgender athletes and to commit to setting up support systems and safeguards that allow athletes to be openly out and participate in sports without worry of discrimination or retaliation.

10/30/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Motions**

### **121079 [2013 Board of Supervisors Regular Meeting Schedule]**

Motion establishing the 2013 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 1, January 8, January 22, February 19, May 28, July 2, October 15, November 12, and December 3; and by further canceling all Board and Committee meetings during the summer and winter breaks from July 31 through August 30, and December 18 through December 31. (Clerk of the Board)

10/30/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **121080 [Committee of the Whole - Real Property Leases - 110-12th Street, 875 Stevenson Street, and 1155 Market Street]**

**Sponsor: Kim**

Motion directing the Board of Supervisors to hold a public hearing on November 6, 2012, at 3:00 p.m., with the Board sitting as a Committee of the Whole, to consider adopting Resolutions associated with various real property leases located at 110-12th Street, 875 Stevenson Street, and 1155 Market Street (File Nos. 121046, 121047, 121048).

10/30/12; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Requests for Hearing**

### **121077 [Hearing - After-School Programming for Students in the San Francisco Unified School District]**

**Sponsors: Avalos; Campos and Farrell**

Hearing on availability and gaps in after-school programming for students in the San Francisco Unified School District, including status of state and local funding, strategies for maximizing resources and addressing shortfalls, and estimated costs to provide universal after-school care in the near future.

10/30/12; RECEIVED AND ASSIGNED to City and School District Select Committee.

### **121078 [Hearing - Locate a Public Middle School in Potrero Hill]**

**Sponsor: Cohen**

Hearing on the proposal to locate a public middle school in Potrero Hill.

10/30/12; RECEIVED AND ASSIGNED to City and School District Select Committee.



**Introduced by the President at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors Section 2.8, 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 and introduced by the President.*

**PROPOSED ORDINANCE****121036 [Settlement of Lawsuit - Gilles Combrisson et al. - Not to Exceed \$320,000]**

Ordinance authorizing settlement of the class action lawsuit filed by Gilles Combrisson, William Phillips, Patrick Hagemester, and Ranell Hansen against the City and County of San Francisco for an amount not to exceed \$320,000; the lawsuit was filed on June 12, 2009, in San Francisco Superior Court, Case No. CGC-09-489400; entitled Gilles Combrisson, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

10/19/12; RECEIVED FROM DEPARTMENT.

10/30/12; RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS****121032 [Agreement - SFO Shuttle Bus Company - Shuttle Bus Services - Not to Exceed \$105,000,000]**

Resolution approving the agreement between SFO Shuttle Bus Company and the City and County of San Francisco to provide shuttle bus services at San Francisco International Airport acting by and through its Airport Commission. (Airport Commission)

10/18/12; RECEIVED FROM DEPARTMENT.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121034 [Real Property Lease - 1380 Howard Street - Community Behavioral Health Services - Department of Public Health - \$118,259.38-\$131,584.38 Monthly]**

Resolution authorizing the extension of a lease of 79,950 sq. ft. of office space at 1380 Howard Street for use by the Department of Public Health's Community Behavioral Health Services Division for a term of an additional five years from January 1, 2013, through December 31, 2017, at a monthly rate of \$118,259.38 for the first six months of the extended term and then \$131,584.38 per month for the remainder of the extended term. (Real Estate Department)

(Fiscal Impact)

10/18/12; RECEIVED FROM DEPARTMENT.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121035 [Real Property Lease - 760 Harrison Street - Cort Family Living Trust - Department of Public Health - \$25,350 Monthly]**

Resolution retroactively authorizing the extension of a lease of real property at 760 Harrison Street for the Department of Public Health with the Cort Family Living Trust for a term of an additional five years from July 1, 2012, to June 30, 2017, at a monthly rate of \$25,350. (Real Estate Department)

10/18/12; RECEIVED FROM DEPARTMENT.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121037 [Airport Lease Agreements - Cellular Service Equipment Sites - \$350,000 Plus Annual Increases]**

Resolution approving the Cellular Service Equipment Sites Leases between New Cingular Wireless PCS, LLC., Nextel of California, Inc., and Sprint Spectrum Realty Company, L.P., GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, and T-Mobile West Corporation and the City and County of San Francisco, acting by and through its Airport Commission retroactive to July 1, 2009, with a term of five years, and approving Amendment No. 1 to the Cellular Service Equipment Leases with New Cingular Wireless PCS, LLC., Nextel of California, Inc., and Sprint Spectrum Realty Company, L.P., and GTE Mobilnet of California Limited Partnership, dba Verizon Wireless, with a base annual rent of \$350,000 to be increased annually by \$25,000. (Airport Commission)

10/19/12; RECEIVED FROM DEPARTMENT.

10/30/12; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**121038 [Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]**

Resolution approving: 1) the acquisition of thirty Avigation Easements from various property owners in San Mateo County required for the San Francisco International Airport's Noise Insulation Program; 2) adopting findings that the project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; 3) adopting findings that the acquisition is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and 4) authorizing the Director of Property and Mayor to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution. (Real Estate Department)

10/22/12; RECEIVED FROM DEPARTMENT.

10/30/12; RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**Request Granted**

*From: Supervisor Avalos*

*To: Director, Department of the Environment*

*Requesting/Inquiring: Requesting that the Department of the Environment coordinate with the office of Supervisor Avalos, District 11 residents, the Department of Public Works, the Office of Small Business, and Recology to develop a plan for addressing the neighborhood and environmental impacts caused by small-scale scavengers who collect and sort junk and recyclable materials in residential neighborhoods.*

### **In Memoriams**

*Marta Silvia Solotar – Supervisor David Chiu  
Alan Farley – Supervisor Eric Mar  
Paul Addis – Supervisor John Avalos*

### **ADJOURNMENT**

*There being no further business, the Board adjourned at the hour of 5:24 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on December 11, 2012.*

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Angela Calvillo, Clerk of the Board