



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

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

Tuesday, August 11, 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

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

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisor Avalos, Mirkarimi, Chu

City and School District Select Committee
Supervisors Elsbernd, Dufty, Avalos, Commissioners Maufas, Mendoza, Kim

City Operations and Neighborhood Services Committee
Supervisors Dufty, Daly, Elsbernd

Government Audit and Oversight Committee
Supervisors Mirkarimi, Mar, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Alioto-Pier

Rules Committee
Supervisors Campos, Daly, Alioto-Pier

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
11:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

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

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

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting.

Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

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

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

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

Disability Access

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

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

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the 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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the July 14, 2009, Board Meeting Minutes.

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 8

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

1. [090883](#) **[Airport Concession Lease]**
Resolution approving Amendment No. 3 to the Boarding Areas "B" and "C" Principal Retail Concession Lease No. 98-0228 between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

2. [090930](#) **[Renew Joint Powers Agreement with State and Accept and Expend up to \$2,249,136]**
Sponsor(s): Avalos
Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to retroactively contract for, accept and expend up to \$2,249,136 allocated from the California Victim Compensation and Government Claims Board for a project entitled the Joint Powers Agreement for the period of July 1, 2009, through June 30, 2012.
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. [090555](#) **[Amendments to the Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area]**
Sponsor(s): Daly
Ordinance amending the San Francisco Police Code by adding Section 1.1 designating Clipper Cove as a Special Use Area, making it a misdemeanor to moor or anchor a vessel in Clipper Cove without a valid permit issued by the Treasure Island Development Authority ("TIDA"), or its designee, and allowing TIDA to remove and store vessels moored in violation of this Ordinance.
08/04/2009; PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Rules Committee

Present: Supervisors Campos, Daly

4. [090878](#) **[Settlement of Lawsuits - John Tennison and Antoine Goff totaling \$7,500,000]**
Ordinance authorizing settlement of the lawsuits filed by John Tennison and Antoine Goff against the City and County of San Francisco for the total amount of \$7,500,000. The John Tennison lawsuit was filed on February 11, 2004, in the United States District Court for the Northern District of California, Case No. C04-0574 CW; entitled John Tennison, et al., v. City and County of San Francisco, et al. and will be settled by the payment of \$4,600,000. The Antoine Goff lawsuit was filed on April 27, 2004, in the United States District Court for the Northern District of California, Case No. C04-1643 CW; entitled Antoine Goff, et al., v. City and County of San Francisco, et al. and will be settled by the payment of \$2,900,000. (City Attorney)
- Question: Shall this Ordinance be FINALLY PASSED?**
5. [090896](#) **[Settlement of Lawsuit - John Williams - \$27,000]**
Ordinance authorizing settlement of the lawsuit filed by John Williams against the City and County of San Francisco for \$27,000; the lawsuit was filed on September 5, 2008, in San Francisco Superior Court, Case No. 479-512; entitled John Williams v. City and County of San Francisco, et al. (City Attorney)
- Question: Shall this Ordinance be FINALLY PASSED?**

- 6. [090897](#) **[Settlement of Lawsuit - Benson Chen - \$75,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Benson Chen against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 2, 2007, in San Francisco Superior Court, Case No. 468791; entitled Benson Chen v. City and County of San Francisco, et al. (City Attorney)
Question: Shall this Ordinance be FINALLY PASSED?

- 7. [090898](#) **[Settlement of Lawsuit - Yue Kong Kam - \$102,327.06]**
Ordinance authorizing settlement of the lawsuit filed by Yue Kong Kam against the City and County of San Francisco for \$102,327.06; the lawsuit was filed on June 19, 2008, in San Francisco Superior Court, Case No. 476-544; entitled Yue Kong Kam, et al. v. City and County of San Francisco, et al. (City Attorney)
Question: Shall this Ordinance be FINALLY PASSED?

- 8. [090899](#) **[Settlement of Lawsuits - United States of America - \$7,000,000]**
Ordinance authorizing settlement of the two lawsuits filed by the United States of America against the City and County of San Francisco for \$7,000,000; the two lawsuits were filed on August 22, 2005, and September 6, 2007, in the United States District Court for the Eastern District of California, Case No. 2:05 CV 01693 entitled United States of America v. City and County of San Francisco, et al. and Case No. 1:07 CV 01300 entitled United States of America v. City and County of San Francisco, et al. and appropriating \$7,000,000 of fund balance from the Hetch Hetchy Fund for this purpose. (City Attorney)
Question: Shall this Ordinance be FINALLY PASSED?

Severed from the Consent Agenda

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

9. [090868](#) **[Bicycle Plan adoption and related General Plan amendments]**
Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto. (Planning Department)
08/04/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
08/04/2009; PASSED ON FIRST READING AS AMENDED.
Question: Shall this Ordinance be FINALLY PASSED?
10. [090867](#) **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**
Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)
08/04/2009; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
08/04/2009; PASSED ON FIRST READING AS AMENDED.
Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Chu

11. [090546](#) **[Appropriating \$119,800,000 of proceeds from debt for wastewater system improvements at the Public Utilities Commission for FY 2009-2010 and 2010-2011]**
Sponsor(s): Mayor
Ordinance appropriating \$119,800,000 of proceeds from debt revenue for the Wastewater Enterprises' Interim Capital Improvement Program and the Sewer System Master Plan Biosolids/Digester and Channel Tunnel Projects at the San Francisco Public Utilities Commission for FY 2009-2010 and 2010-2011 and placing \$78,800,000 on Controller's reserve pending the sale of bonds.
(Fiscal Impact.)

Question: Shall this Ordinance be FINALLY PASSED?

12. [090869](#) **[Approval of SFPUC New Irvington Tunnel Construction Management Contract not to exceed \$15 million]**
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Water System Improvement Program-funded Professional Service Agreement No. CS-918, New Irvington Tunnel Construction Management Services, with Hatch Mott MacDonald, for an amount not to exceed \$15,000,000 with a term of up to five (5) years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

13. [090916](#) **[Approving one fuel contract estimated to exceed \$10 million]**
Resolution approving the Agreement between the City and Western States Oil for gasoline and diesel fuel, which is estimated to exceed \$10 million, pursuant to Charter Section 9.118(b). (Office of Contract Administration)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Rules Committee

Present: Supervisors Campos, Daly, Chu

14. [090461](#) **[Providing members of the public with access to language services]**
Sponsor(s): Chiu, Daly, Chu, Campos, Mar, Avalos and Mirkarimi
Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.
- Question: Shall this Ordinance be FINALLY PASSED?**

SPECIAL ORDER 3:00 P.M.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the below matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described below, or in written correspondence

- 15. [090576](#) **[Hearing - Hunters View - Street Vacation Order]**
 Hearing of persons interested in or objecting to proposed ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance.

Action: _____

From the Land Use and Economic Development Committee Without Recommendation

Present: Supervisors Maxwell, Mar, Chiu

- 16. [090575](#) **[Hunters View - Street Vacation Order]**
 Ordinance ordering the vacation of portions of Fairfax Avenue and West Point Road and various public service easements; making environmental findings and findings of consistency with the City's General Plan and the priority policies of Planning Code Section 101.1; quitclaiming the City's interest in the vacation areas; reserving easement rights for various utilities, including AT&T, Pacific Gas and Electric Company, and the City; reserving temporary private access easement to adjacent owner; accepting Department of Public Works Order No. 178,144; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Question: Shall this Ordinance be FINALLY PASSED?

SPECIAL ORDER 3:00 P.M.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the below matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described below, or in written correspondence

- 17. [090956](#) **[Public Hearing - Department of Public Health Delinquent Refuse Service Payment Liens (Garbage Liens)]**
Hearing of persons interested in or objecting to the report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of the resolution, and creating special assessments and liens based thereon.

Action: _____

- 18. [090957](#) **[Unpaid Department of Public Health Delinquent Refuse Service Payments to become Special Assessments and liens billed with property taxes]**
Resolution confirming report of delinquent charges for refuse collection service and removal costs submitted by the Director of Public Health, as modified to the date of adoption of this resolution, and creating special assessments and liens based thereon.

Question: Shall this Resolution be ADOPTED?

SPECIAL ORDER 3:00 P.M.

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the below matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described below, or in written correspondence

19. 090958 [Public Hearing - Department of Building Inspection Special Assessment of Liens for Assessment of Costs]

Hearing of persons interested in or objecting to the report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said department of costs thereof having accrued pursuant to Code Violations referenced above.

Action:_____

20. 090959 [Special Assessment of Liens for Assessment of Cost]

Resolution confirming report of Delinquent Charges for Code Enforcement cases with delinquent assessment of costs, and fees pursuant to the provisions of Section 102A.3, 102A.4, 102A.6 102A.12, 102A.16, 102A.17, 102A.18, 102A.19, 102A.20 et seq., 103A.3.3 Section 108A, Section 110A - Tables 1A-K and 1A-G, of the San Francisco Building Code, submitted by the Director of the Department of Building Inspection for services rendered by said department of costs thereof having accrued pursuant to code violations referenced above.

Question: Shall this Resolution be ADOPTED?

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

Privilege of the Floor

SPECIAL ORDER 4:00 P.M.*APPEAL PROCEDURES*

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

1. Appeals where all parties have agreed to request a continuance or a tabling of the appeal.
2. Continued appeals from previous Board meetings (continued appeals will be listed in order of those closest to deadlines for Board decision).
3. Appeals appearing on the calendar for the first time, in chronological order of receipt by the Clerk.
4. Multiple appeals appearing on the calendar may be staggered at times specific, beginning at 4pm.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 4pm.

21. 090109 [Public Hearing - Appeal of Categorical Exemption from Environmental Review for 717 Battery Street/350 Pacific Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated December 19, 2008, that a project at 717 Battery Street/350 Pacific Avenue (Case No. 2007.1460E) (Building Permit Application Nos. 2003.02.12.7271; 2005.04.21.0598 (UMB retrofit); and 2005.0321.8084 (two-story vertical addition) is exempt from environmental review under Categorical Exemption, Class 32 [State CEQA Guidelines, Section 15332]. The proposal would add to and rehabilitate the Musto Building, to expand the existing office use and provide ground-floor commercial and restaurant space. The project site (Assessor's Block 0165, Lot 022) is within a C-2 (Community Business) Use District, and in a 65-A Height and Bulk District, and in a Special Use District, the Washington-Broadway Special Use District No. 2. (Appellant: Susan Brandt-Hawley on behalf of San Francisco Preservation Action.) (Filed January 30, 2009; Companion to Files 090110, 090111, 090112; District 3.)

03/03/2009; CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to April 7, 2009.
04/07/2009; CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to May 12, 2009.
05/12/2009; CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to July 7, 2009.
07/07/2009; CONTINUED. The President inquired as to whether any member of the public wished to address the Board members. There were none.
The President declared the public hearing closed.

Continued to August 11, 2009.

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

22. [090110](#) [Affirming the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion affirming the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

03/03/2009; CONTINUED. Continued to April 7, 2009.

04/07/2009; CONTINUED. Continued to May 12, 2009.

05/12/2009; CONTINUED. Continued to July 7, 2009.

07/07/2009; CONTINUED. Continued to August 11, 2009.

Question: Shall this Motion be APPROVED?

23. [090111](#) [Disapproving the Categorical Exemption issued for the 717 Battery Street/350 Pacific Avenue project]

Motion disapproving the determination by the Planning Department that the 717 Battery Street/350 Pacific Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

03/03/2009; CONTINUED. Continued to April 7, 2009.

04/07/2009; CONTINUED. Continued to May 12, 2009.

05/12/2009; CONTINUED. Continued to July 7, 2009.

07/07/2009; CONTINUED. Continued to August 11, 2009.

Question: Shall this Motion be APPROVED?

24. [090112](#) [Preparation of findings related to the 717 Battery Street/350 Pacific Avenue project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 717 Battery Street/350 Pacific Avenue is exempt from environmental review under the California Environmental Quality Act.

03/03/2009; CONTINUED. Continued to April 7, 2009.

04/07/2009; CONTINUED. Continued to May 12, 2009.

05/12/2009; CONTINUED. Continued to July 7, 2009.

07/07/2009; CONTINUED. Continued to August 11, 2009.

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 Rules Committee at a Regular Meeting on Thursday, August 6, 2009, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, August 11,

25. [090895](#) **[Settlement of Lawsuit - Linda Caratti - \$80,000]**
Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for \$80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

Question: Shall this Ordinance be FINALLY PASSED?

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

26. [090970](#) **[Reappointment, Recreation and Parks Commission - Larry Martin]**
Motion approving the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

27. [090971](#) **[Reappointment, Recreation and Parks Commission - Larry Martin]**
Motion rejecting the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

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

28. [090972](#) **[Reappointment, Recreation and Parks Commission - David Lee]**
Motion approving the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

29. [090973](#) **[Reappointment, Recreation and Parks Commission - David Lee]**
Motion rejecting the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

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

30. [090974](#) **[Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]**
Sponsor(s): Elsbernd
Motion approving the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

31. [090975](#) **[Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]**
Motion rejecting the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

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

32. [090976](#) **[Reappointment, Civil Service Commission - Dennis Normandy]**
Motion approving the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

33. [090977](#) **[Reappointment, Civil Service Commission - Dennis Normandy]**
Motion rejecting the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2013.
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date – July 13, 2009.)

Question: Shall this Motion be APPROVED?

Recommendations of the Land Use and Economic Development Committee

The following items will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, August 10, 2009, at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee rep

34. [090554](#) **[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation]**
Sponsor(s): Chiu, Dufty, Mar and Avalos
Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

Question: Shall this Ordinance be FINALLY PASSED?

35. [090889](#) **[Regulations for Mortgage Modification Consultants]**
Sponsor(s): Campos, Maxwell, Mirkarimi, Dufty, Chiu, Chu, Mar and Avalos
Ordinance amending the San Francisco Police Code by adding Article 27 to regulate mortgage modification consultants by: (1) requiring a written contract describing mortgage modification services to be provided prior to initiation of services; (2) requiring that any contract entered into for these services provide notice that the contract may be cancelled within fourteen calendar days and that services may be obtained free of charge from nonprofit sources; (3) prohibiting collection of fees until the consultant has obtained a written loan modification offer for the homeowner; and (4) providing for enforcement by criminal penalties and a private cause of action for homeowners, and making environmental findings.

Question: Shall this Ordinance be FINALLY PASSED?

36. [090966](#) **[Opposing BART surcharge]**
Sponsor(s): Chiu, Dufty, Campos, Mirkarimi, Maxwell, Avalos and Mar
Resolution opposing BART surcharge on SFO employees.

08/04/2009; REFERRED to the Land Use and Economic Development Committee. Supervisor Avalos requested to be added as a co-sponsor.

Question: Shall this Resolution be ADOPTED?

ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 39 through 42

37. [090995](#) **[Urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media and to update the 1993 report on the Role of Telecommunications in Hate Crimes]**
Sponsor(s): Campos, Avalos, Chiu, Dufty, Daly, Mar, Mirkarimi and Maxwell
Resolution urging the Federal Communications Commission to conduct a comprehensive investigation on hate speech in the media, allowing public participation via public hearings, and to update the 1993 report on the Role of Telecommunications in Hate Crimes, including public participation via public hearings.
08/04/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
38. [090996](#) **[Recognizing and honoring Tim Reagan's contribution to social justice and workers' rights]**
Sponsor(s): Daly
Resolution acknowledging Tim Reagan's contributions to the struggle for social justice and workers' rights for more than two decades.
08/04/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Resolution be ADOPTED?
39. [090997](#) **[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election]**
Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 3, 2009, Election.
(Clerk of the Board)
08/04/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?
40. [090395](#) **[Final Map - 1355 Pacific Avenue]**
Motion approving Final Map 5525, a 23 unit residential condominium project, located at 1355 Pacific Avenue being a subdivision of Lot 031 in Assessors Block No. 0184 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.
(Public Works Department)
(DPW Order 178,260; District 3.)
07/31/2009; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
Question: Shall this Motion be APPROVED?

Severed from the For Adoption Without Committee Reference Agenda

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. 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 July 28, 2009, to August 3, 2009, for reference by President to appropriate committee on August 11, 2009.

41. [090791](#) **[Changing the official sidewalk width - 20th, Minnesota, and Indiana Streets]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1584 to change the official sidewalk width on the north side of 20th Street between Minnesota and Indiana Streets, southwest corner of 20th and Minnesota Streets, and southeast corner of 20th and Indiana Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)
07/31/2009; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

42. [090780](#) **[Revisions to Division I of the San Francisco Transportation Code]**
Ordinance amending San Francisco Transportation Code, Division I, by amending Sections 3.4, 6.7, 7.2.12, 7.2.26, 7.2.27, 7.2.28, 7.2.29, 7.2.71, 7.2.80, 7.2.101, 7.3.3 and 8.1 to change existing posting requirements for temporary parking restriction signs; amend the requirements for street barricades for street fairs; provide that yellow or white zones may be indicated by either yellow or white paint on the curb or signage; provide a three minute time limit for noncommercial vehicles parked in yellow zones; provide a three consecutive day on-street parking restriction instead of seven consecutive days; provide that any violation of Division II, Section 903 is a violation of Section 7.2.71; prohibit taxicab operators from leaving a vehicle unattended in certain use districts; provide that persons are prohibited from boarding a Municipal Railway vehicle in revenue service through the rear exit while the vehicle is operating on a transit line unless on a line, route or location designated by the SFMTA; provide that four or more violations of Section 7.2.71 within one year constitute a misdemeanor; repeal noticing requirements for towing vehicles on public streets; and clarify applicable restrictions and references to Division II; and repealing Section 7.2.44 prohibiting parking on designated streets near Candlestick Park. (Municipal Transportation Agency)
- 06/08/2009; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.
08/03/2009; SUBSTITUTED.
08/03/2009; ASSIGNED to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from July 28, 2009, to August 3, 2009, for reference by President to appropriate committee on August 11, 2009.

43. [090879](#) **[Approving amendment to engineering services agreement for SFPUC New Irvington Tunnel Project]**
Resolution approving and authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by \$3,900,000, for a total revised agreement amount of \$13,898,561, and extend the agreement term by one year for a total revised agreement term of eight years, pursuant to San Francisco Charter Section 9.118(b). (Public Utilities Commission)
- 08/03/2009; RECEIVED AND ASSIGNED to the Budget and Finance Committee.
44. [090979](#) **[CEQA findings for SFPUC Water System Improvement Program, Bay Division Pipeline Reliability Upgrade Project in Alameda and San Mateo Counties]**
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 Bay Division Pipeline Reliability Upgrade Project, CUW 36801, 36802 and 36803; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)
- 08/03/2009; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

45. [090980](#) **[CEQA findings for SFPUC Water System Improvement Program, San Joaquin Pipeline System Project]**

Resolution adopting findings under the California Environmental Quality Act ("CEQA"), including the adoption of a mitigation monitoring and reporting program and the statement of overriding considerations related to the San Joaquin Pipeline System Project, Project No. CUW37301; and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

08/03/2009; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

46. 091004 [Petitions and Communications]

Petitions and Communications received from July 28, 2009, through August 3, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 11, 2009.

From SF Civil Grand Jury, submitting a report entitled "Pensions: Beyond Our Ability to Pay." (1)

From SF Civil Grand Jury, submitting a report entitled "Truants Can Be Joyful Learners, Too." File No. 090920 (2)

From Office of the Controller, submitting the Controller's Annual Report of Municipal Code-Mandated Fee Reviews and Schedules for FY 2009-2010. (3)

From Department of the Environment, submitting the Annual Integrated Pest Management Program Report for FY 2006-2007. (4)

From Human Services Agency, submitting a waiver of Administrative Code Chapter 12B for Fleetcor Tech dba Chevron. (5)

From Public Utilities Commission, regarding the review of franchise fees NRG Energy Center, San Francisco, LLC, pays to the City and County to use City streets to install, construct, maintain and operate stream pipe conduits. Copy: Each Supervisor (6)

From Police Department, regarding the status of removing police barricades left from the 2009 Bay to Breakers race at the corner of Hayes and Pierce. Copy: Supervisor Mirkarimi (7)

From Fontana West Apartment Corporation, regarding the proposed bicycle plan and the traffic congestion at Van Ness and North Point. File No. 090912, Copy: Each Supervisor (8)

From Adams, Broadwell, Joseph & Cardozo, regarding a request for continuance of hearing of appeal for 1960-1998 Market Street. File No. 090871, Copy: Each Supervisor (9)

From Charles Cagnon, urging the Board of Supervisors to reject the Bicycle Plan. File No. 090912, Copy: Each Supervisor (10)

From Office of the Mayor, submitting a notice that Mayor Newsom will be out of State from July 30, 2009, until August 3, 2009. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor (11)

From Office of Clerk of the Board, submitting a Form 700 Statement of Economic Interest for Frank Darby-leaving. (12)

From Project Homeless Connect, letter requesting support for California Pacific Medical Center's plans to build seismically safe hospitals at the Cathedral Hill site on Van Ness Avenue and at St. Luke's. (13)

From Office of the Controller, submitting a report concerning the compliance audit of Virgin America, Inc. (14)

From Department of Public Works, submitting the status of repairing potholes at various locations in District 5. (Reference No. 20090630-006) (15)

From Department of Human Resources, submitting a “revised” list of City and County employees by gender, age, race and ethnicity, classification, title and department that have been laid off or have received a layoff notice, transferred to a new department, or released before completing their 90 day probationary period within FY 2008-2009. (Reference No. 20090616-008) (16)

From Wayne Lanier, commenting on an article in the New York Times regarding ways to reduce energy consumption in our homes and businesses. (17)

From concerned citizens, letter requesting support for preserving the historic 18-hole Sharp Park Golf Course. 13 letters (18)

From Police Commission, submitting a resolution regarding election of the President and Vice President of the Police Commission. Copy: Each Supervisor (19)

ADJOURNMENT