



# BOARD OF SUPERVISORS

## CITY AND COUNTY OF SAN FRANCISCO

### AGENDA

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

Tuesday, April 16, 2013 - 2:00 PM

#### Regular Meeting

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

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at [www.sfbos.org](http://www.sfbos.org)

#### BOARD COMMITTEES

##### Committee Membership

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

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

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

**Government Audit and Oversight Committee**  
Supervisors Cohen, Tang, Campos

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

**Neighborhood Services and Safety Committee**  
Supervisors Campos, Mar, Yee

**Rules Committee**  
Supervisors Yee, Breed, Cohen

##### Meeting Days

Wednesday  
1:00 PM

Wednesday  
10:00 AM

4th Thursday  
3:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
1:30 PM

1st and 3rd Thursday  
10:00 AM

1st and 3rd Thursday  
1:30 PM

## **Agenda Item Information**

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

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

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, Reception Desk.

## **Meeting Procedures**

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

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

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

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

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

**AGENDA PACKET:** Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

**LANGUAGE INTERPRETERS:** Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

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

### **Disability Access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under The Sunshine Ordinance**

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

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

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

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>

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

## **AGENDA CHANGES**

## **APPROVAL OF MEETING MINUTES**

*Approval of the March 12, 2013, Board Meeting Minutes.*

## **COMMUNICATIONS**

## **CONSENT AGENDA**

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

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

### **Items 1 through 14**

### **Recommendations of the Budget and Finance Sub-Committee**

*Present: Supervisors Farrell, Mar, Avalos*

1. [130221](#) **[Payment of Reward to Doe One - \$250,000]**  
**Sponsor: Mayor**  
Ordinance authorizing payment of a \$250,000 reward to Doe One for supplying information leading to the arrest and conviction of the perpetrator who murdered Willie Allen.

(Fiscal Impact)

**Attachments:** [Leg Ver1](#)

[Comm Pkt 040313](#)

[Board Packet 040913](#)

[Board Packet 041613](#)

04/09/2013; PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

Present: Supervisors Farrell, Avalos

2. [130085](#) **[Administrative Code - Establishing San Francisco City Hall Preservation Fund]**

**Sponsor: Farrell**

Ordinance amending the Administrative Code, by adding Section 10.100-289, to establish a San Francisco City Hall Preservation Fund to receive donations and to authorize expenditures for the purpose of promoting the 100th anniversary of San Francisco City Hall, including promotional events, community outreach activities, preservation, maintenance, repair, improvements, and similar post-anniversary endeavors.

**Attachments:** [Leg Ver1](#)

[Response HPC 032513](#)

[Bdgt Analyst Rpt 040313](#)

[Comm Pkt 040313](#)

[Leg Ver2](#)

[Board Packet 040913](#)

[Board Packet 041613](#)

04/09/2013; PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

**Recommendation of the Budget and Finance Committee**

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

3. [130283](#) **[Appropriation - Surplus Revenues, Expenditures, City Reserve for State Revenue Loss, and General Fund Reserve of \$44,857,000 Supporting Shortfalls - FY2012-2013]**

**Sponsor: Mayor**

Ordinance appropriating \$37,467,454 in the Department of Public Health, including \$3,092,849 of General Fund Reserves, \$8,410,605 of the City Reserves for State Revenue Loss, and \$2,600,000 from Community Mental Health Services; surplus hospital revenues of \$6,504,000 in General Hospital, \$12,560,000 of Laguna Honda Hospital Revenues, and \$4,300,000 of Laguna Honda Hospital Reserve for Debt Service (Senate Bill 1128) revenues are recognized, as well as expenditure reductions of \$7,389,546 and additional expenditures of \$34,520,000 at San Francisco General Hospital, and \$10,337,000 at Laguna Honda Hospital.

(Fiscal Impact)

**Attachments:** [Leg\\_Ver1](#)

[Supp Approp Anal](#)

[Bdgt Analyst Rpt 040313](#)

[Comm Pkt 040313](#)

[Board Packet 040913](#)

[Leg\\_Ver2](#)

[Board Packet 041613](#)

04/09/2013; PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

### **Recommendations of the Government Audit and Oversight Committee**

*Present: Supervisors Tang, Campos*

4. [121017](#) **[Administrative Code - Citywide Coordination of Open Data Policy and Procedures]**

**Sponsors: Mayor; Chiu**

Ordinance amending the Administrative Code, Sections 22D.2 and 22D.3, relating to San Francisco's open data policies and procedures and establishing the position and duties of Chief Data Officer and Departmental Data Coordinators.

**Attachments:** [Leg\\_Ver1](#)

[Leg\\_Dig\\_Ver1](#)

[Comm Pkt 032813](#)

[Leg\\_Ver2](#)

[Board Packet 040913](#)

[Board Packet 041613](#)

04/09/2013; PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

5. [130183](#) **[Accept and Expend Grant - FY2012 Second Chance Act Juvenile Offender Reentry Program and Amendment to the Annual Salary Ordinance, FY2012-2013 - \$461,166]**

**Sponsor: Breed**

Ordinance authorizing the Juvenile Probation Department (JPD) to retroactively accept and expend a grant in the amount of \$461,166 from the Office of Justice Programs for the United States Department of Justice for funding under the FY2012 Second Chance Act Juvenile Offender Reentry Program (Second Chance grant award); and amending Ordinance No. 165-12 (Annual Salary Ordinance, FY2012-2013 and FY2013-2014) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.4 FTE) at JPD.

(Fiscal Impact)

**Attachments:** [Leg\\_Ver1](#)

[Grant\\_Info\\_022613](#)

[Bdgt\\_Analyst\\_Rpt\\_032513](#)

[Comm\\_Pkt\\_032813](#)

[Leg\\_Ver2](#)

[Board\\_Packet\\_040913](#)

[Board\\_Packet\\_041613](#)

04/09/2013; PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

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

*Present: Supervisors Wiener, Kim, Chiu*



6. [120474](#) **[Planning, Administrative Codes - Transfer of Development Rights]**  
**Sponsor: Chiu**  
Ordinance amending the Planning Code, Sections 128 and 819, and Administrative Code, Section 10E.1, to permit the transfer of development rights from any eligible building in a Downtown Commercial (C-3) District or the South of Market Extended Preservation District to a development site in a C-3 District; require annual reporting of buildings designated as historic resources and of transferred development rights, and requiring a Preservation, Rehabilitation, and Maintenance Plan to be submitted with an application for Certificate of Transfer instead of with an application for Statement of Eligibility; and adopting environmental findings, Section 302, findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code, Section 101.1.

**Attachments:** [Leg Ver1](#)  
[Leg Digest Ver1](#)  
[Leg Ver2](#)  
[Leg Dig Ver2](#)  
[Comm Packet 040113](#)  
[Leg Ver3](#)  
[Board Packet 040913](#)  
[Board Packet 041613](#)

04/09/2013; PASSED, ON FIRST READING.

**Question: Shall this Ordinance be FINALLY PASSED?**

7. [130301](#) **[Subsurface Easement for Tiebacks - Chinese Hospital Replacement Project]**  
**Sponsor: Chiu**  
Resolution approving the grant of a Tieback Subsurface Easement on Assessor's Parcel Block No. 192, Lot No. 035, to the Chinese Hospital Association required for the Chinese Hospital Replacement Project; adopting findings that the grant of subsurface easement is consistent with the General Plan and the priority policies of Planning Code, Section 101.1, and environmental findings; and authorizing the Director of Property to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.

**Attachments:** [Leg Ver1](#)  
[Comm Packet 040813](#)  
[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

### **Recommendations of the Rules Committee**

*Present: Supervisors Yee, Breed, Cohen*

8. [130071](#) **[Settlement of Lawsuit - Espinoza (named in the complaint as Carlos Espinosa) - \$95,000]**  
Ordinance authorizing settlement of the lawsuit filed by Carlos Cadena-Espinoza (named in the complaint as Carlos Espinosa) and Noemi Gereda-Cerrato against the City and County of San Francisco for \$95,000; the lawsuit was filed on January 6, 2011, in the Superior Court, Case No. CGC-11-507063; and removed on May 9, 2011, to the United States District Court - Northern District of California, Case No. 11-cv-02282 JSW; entitled Carlos Espinosa, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

**Attachments:** [Leg Ver1](#)

[Comm Pkt 040413](#)

[Board Packet 041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

9. [130167](#) **[Settlement of Lawsuit - Jane Martin, et al. - \$1,748,840.74]**  
Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for \$1,748,840.74; 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's Office)

**Attachments:** [Leg Ver1](#)

[Comm Pkt 030713](#)

[Comm Pkt 040413](#)

[Board Packet 041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

10. [130278](#) **[Settlement of Lawsuit - Dadario v. CCSF - \$72,500]**  
Ordinance authorizing settlement of the lawsuit filed by Marlene Dadario against the City and County of San Francisco for \$72,500; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510516; entitled Marlene Dadario v. City and County of San Francisco, et al. (City Attorney's Office)

**Attachments:** [Leg Ver1](#)

[Comm Pkt 040413](#)

[Board Packet 041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

11. [130279](#) **[Settlement of Lawsuit - Willis v. CCSF, et al. - \$210,000]**  
Ordinance authorizing settlement of the lawsuit filed by Thomas Willis against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 13, 2012, in United States District Court, Northern District of California, Case No. CV 12-0231 JSW; entitled Thomas Willis v. City and County of San Francisco, et al. (City Attorney's Office)

**Attachments:** [Leg Ver1](#)  
[Comm Pkt 040413](#)  
[Board Packet 041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

12. [130220](#) **[Settlement of Claim - Roman Carrasco - \$42,000]**  
Resolution approving the settlement of the unlitigated claim filed by Roman Carrasco against the City and County of San Francisco for \$42,000; claim was filed on August 1, 2012. (City Attorney's Office)

**Attachments:** [Comm Pkt 040413](#)  
[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

13. [130171](#) **[Appointments, Pedestrian Safety Advisory Committee - Robin Brasso and Sonja Kos]**  
Motion appointing Robin Brasso and Sonja Kos, terms ending March 28, 2015, to the Pedestrian Safety Advisory Committee. (Clerk of the Board)

**Attachments:** [Leg Ver2](#)  
[Comm Pkt 040413](#)  
[Board Packet 041613](#)

**Question: Shall this Motion be APPROVED?**

14. [130282](#) **[Appointment, Graffiti Advisory Board - Jonathan Goldberg]**  
Motion appointing Jonathan Goldberg, term ending April 20, 2015, to the Graffiti Advisory Board. (Clerk of the Board)

**Attachments:** [Comm Pkt 040413](#)  
[Leg Ver2](#)  
[Board Packet 041613](#)

**Question: Shall this Motion be APPROVED?**

## REGULAR AGENDA

## UNFINISHED BUSINESS

**Recommendation of the Neighborhood Services and Safety Committee**

*Present: Supervisors Campos, Mar, Yee*

15. [130033](#) **[Liquor License - 555 Howard Street, #102]**  
Resolution determining that the issuance of Type 42 on-sale beer and wine license to Steven Chen for SharChen Golf, Inc., dba Eagle Club Indoor Golf, located at 555 Howard Street (District 6), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Attachments:** [Comm Packet 032113](#)  
[Leg Ver2](#)  
[Board Packet 040213](#)  
[Board Packet 041613](#)

04/02/2013; CONTINUED.

**Question: Shall this Resolution be ADOPTED?**

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

*Present: Supervisors Farrell, Avalos*

16. [121038](#) **[Avigation Easements - San Mateo County - San Francisco International Airport's Noise Insulation Program]**  
Resolution approving 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; adopting findings that the project is categorically exempt from environmental review under the California Environmental Quality Act Class 1: Existing Facilities; 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 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)

(Fiscal Impact)

**Attachments:** [Leg\\_Ver1](#)

[Budget\\_Analyst\\_041013](#)

[Comm\\_Pkt\\_041013](#)

[Leg\\_Ver2](#)

[Board\\_Packet\\_041613](#)

**Question: Shall this Resolution be ADOPTED?**

17. [130285](#) **[Public Works Code - Waiver of Temporary Street Space Occupancy Fee for Small Business Week Sidewalk Sales]**  
**Sponsors: Farrell; Chiu, Cohen, Wiener, Yee, Kim, Mar and Breed**  
Ordinance waiving the fee required by Public Works Code, Section 724.1(b), for temporary street space occupancy within certain designated streets in the City and County of San Francisco on Saturday, May 11, 2013, and Saturday May 18, 2013, as part of Small Business Week Sidewalk Sales.

**Attachments:** [Leg\\_Ver1](#)

[Leg\\_Dig](#)

[Comm\\_Pkt\\_041013](#)

[Repsonse\\_Planning\\_041013\\_130285.pdf](#)

[Board\\_Packet\\_041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

18. [130287](#) **[Issuance of Tax-Exempt Obligations - Progress Foundation - Not to Exceed \$9,000,000]**

**Sponsor: Farrell**

Resolution approving the issuance of tax-exempt obligations by the California Enterprise Development Authority in an aggregate principal amount not to exceed \$9,000,000 to finance and refinance various capital facilities owned by Progress Foundation.

**Attachments:** [Leg\\_Ver1](#)

[Bond\\_App](#)

[Comm\\_Pkt\\_041013](#)

[Board\\_Packet\\_041613](#)

**Question: Shall this Resolution be ADOPTED?**

**Recommendations of the Budget and Finance Committee**

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

**19. [130275](#) [Appropriation - Surplus Revenues, Expenditures, and General Fund Reserve of \$4,384,994 Supporting Shortfalls - FY2012-2013]**

**Sponsor: Mayor**

Ordinance appropriating \$3,568,579 in the Sheriff's Department, including \$3,277,905 from General Reserve and \$290,674 from State Disability Claim Reimbursement in the amount of \$1,189,268 for Worker's Compensation Expense, \$3,195,726 for overtime expenditures, and \$538,690 for reduction of revenues; including revenue de-appropriation of \$538,690 for reduction of State revenues and expenditure de-appropriation of \$1,355,105 for permanent salaries and materials and supplies in order to support the Sheriff's Department projected expenditures; as required per Ordinance No. 194-11, this Ordinance requires a two-thirds vote of all members of the Board of Supervisors for approval for \$3,195,726 of this request.

(Fiscal Impact)

**Attachments:** [Leg Ver1](#)

[Supp Approp Anal](#)

[Budget Analyst 041013](#)

[Comm Pkt 041013](#)

[Leg Ver1](#)

[Board Packet 041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**20. [130228](#) [Ten-Year Capital Expenditure Plan - FY2013-2014 through FY2022-2023]**

**Sponsors: Mayor; Chiu**

Resolution adopting the City's Ten-Year Capital Expenditure Plan for FY2013-2014 through FY2022-2023 pursuant to Administrative Code, Section 3.20.

**Attachments:** [Leg Ver1](#)

[Comm Pkt 041013](#)

[Leg Ver2](#)

[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

21. [130230](#) **[5-Year Information and Communication Technology Plan - FY2013-2014 through FY2017-2018]**  
**Sponsors: Mayor; Chiu**  
Resolution adopting the City's 5-Year Information and Communication Technology Plan for FY2013-2014 through FY2017-2018 pursuant to Administrative Code, Section 22A.6.

**Attachments:** [Leg Ver1](#)

[Comm Pkt 041013](#)

[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**



**Recommendation of the Land Use and Economic Development Committee**

*Present: Supervisors Wiener, Kim, Chiu*

**22. [121065](#) [Planning Code, Zoning Map - Polk Street Alcohol and Tobacco Paraphernalia Restrictions; Establishing Lower Polk Street Alcohol Restricted Use District]  
Sponsor: Chiu**

Ordinance amending the Planning Code, 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 Street to the north, O'Farrell Street to the south, and Polk Street's side streets between California Street, Larkin Street, O'Farrell Street, and Van Ness Avenue; amending Zoning Map, Sheet ZN-02, to designate the Lower Polk Street Alcohol Restricted Use District; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1.

- Attachments:** [Leg\\_Ver1](#)  
[Leg\\_Dig\\_Ver1](#)  
[Response\\_PLN\\_110912](#)  
[Response\\_SBC\\_022013](#)  
[Response\\_PLN\\_031813](#)  
[Hrg\\_Notice\\_031913](#)  
[Leg\\_Ver2](#)  
[Leg\\_Dig\\_Ver2](#)  
[Comm\\_Packet\\_040113](#)  
[Leg\\_Ver3](#)  
[Leg\\_Dig\\_Ver3](#)  
[Comm\\_Packet\\_040813](#)  
[Leg\\_Ver4](#)  
[Board\\_Packet\\_041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**From the Land Use and Economic Development Committee with a Recommendation of "Do Not Pass"**

*Present: Supervisors Wiener, Kim, Chiu*

**23. [120458](#) [General Plan - Van Ness Area Plan Amendments - California Pacific Medical Center: Cathedral Hill Campus]**

Ordinance amending the General Plan, Van Ness Area Plan, in order to facilitate the development of a high density medical center at the transit nexus of Van Ness Avenue and Geary Boulevard and reflect various elements of this use; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

- Attachments:** [Legislation\\_Ver1](#)  
[Leg\\_Digest\\_Ver1](#)  
[Comm\\_Packet\\_061512](#)  
[Comm\\_Packet\\_062512](#)  
[Comm\\_Packet\\_070912](#)  
[Comm\\_Packet\\_071612](#)  
[Comm\\_Packet\\_040813](#)  
[Board\\_Packet\\_041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**24. [120459](#) [General Plan Map - California Pacific Medical Center: St. Luke's Campus]**

Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to increase the height limit for the California Pacific Medical Center's St. Luke's Campus (Assessor's Parcel Block No. 6575/Lot Nos. 001, 002; Assessor's Parcel Block No. 6576/Lot No. 021, and the portion of San Jose Avenue between Cesar Chavez Street and 27th Street) to 105 feet; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 227' and 270', respectively, for the St. Luke's Replacement Hospital site and 204' and 228', respectively, for the medical office building site at the St. Luke's Campus; and adopting findings, including environmental findings, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

- Attachments:** [Legislation\\_Ver1](#)  
[Leg\\_Digests\\_Ver1](#)  
[Comm\\_Packet\\_061512](#)  
[Comm\\_Packet\\_062512](#)  
[Comm\\_Packet\\_070912](#)  
[Comm\\_Packet\\_071612](#)  
[Comm\\_Packet\\_040813](#)  
[Board\\_Packet\\_041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**25. [120460](#) [General Plan Map - California Pacific Medical Center: Cathedral Hill Campus]**

Ordinance amending the General Plan by amending Map 4 of the Urban Design Element to allow for development up to a height of 265 feet on the block bounded by Van Ness Avenue, Geary Boulevard, Franklin and Post Streets; amending Map 5 of the Urban Design Element to reflect the proposed maximum plan dimensions and maximum diagonal plan dimensions of 385' and 466', respectively, for the Cathedral Hill Hospital site, and 265' and 290', respectively, for the Cathedral Hill Medical Office Building site; amending Map 1 of the Van Ness Area Plan, to designate the sites of the proposed Cathedral Hill Hospital and Medical Office Building as the Van Ness Medical Use Subdistrict; amending Map 2 of the Van Ness Area Plan to create a 265-V height/bulk district coterminous with the Hospital site; and adopting findings, including environmental findings, Planning Code, Section 340, findings, and findings of consistency with the General Plan and the priority policies of Planning Code, Section 101.1. (Planning Department)

**Attachments:** [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 061512](#)

[Comm Packet 062512](#)

[Comm Packet 070912](#)

[Comm Packet 071612](#)

[Comm Packet 040813](#)

[Board Packet 041613](#)

**Question: Shall this Ordinance be PASSED ON FIRST READING?**

**Recommendations of the Neighborhood Services and Safety Committee**

*Present: Supervisors Mar, Yee, Wiener*

**26. [120961](#) [Liquor License - 543-2nd Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Dion Cheng and Rachel Cheng for Zaza Spa, located at 543-2nd Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Attachments:** [Comm Pkt 030713](#)

[Comm Pkt 040413](#)

[Leg Ver2](#)

[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

27. [121082](#) **[Liquor License - 57 New Montgomery Street]**  
Resolution determining that the issuance of a Type 21 off-sale general license to Mokles S. Hanna for F.M. Smokes and Wines, Inc., located at 57 New Montgomery Street (District 6), will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Attachments:** [Comm Pkt 032113](#)  
[Comm Pkt 040413](#)  
[Leg Ver2](#)  
[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

28. [130067](#) **[Liquor License Transfer - 500 Laguna Street]**  
Resolution determining that the transfer of a Type 21 off-sale general license from 201 Leland Avenue to 500 Laguna Street (District 5), to Krista Avery and Manuel Bargiela for O Camino, dba Nosa Ria, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Attachments:** [Comm Pkt 040413](#)  
[Leg Ver2](#)  
[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

29. [130069](#) **[Liquor License - 820-26th Street]**  
Resolution determining that the issuance of Type 42 on-sale beer and wine license to Cesar Ascarrunz for Cesar's Ballroom, located at 820-26th Street (District 10), will serve the public convenience and necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4, and recommending that the California Department of Alcoholic Beverage Control impose conditions on the issuance of the license. (Neighborhood Services and Safety Committee)

**Attachments:** [Comm Pkt 040413](#)  
[Leg Ver2](#)  
[Board Packet 041613](#)

**Question: Shall this Resolution be ADOPTED?**

### **Recommendation of the Rules Committee**

*Present: Supervisors Yee, Breed, Cohen*

30. [130280](#) **[Appointment, Association of Bay Area Governments Executive Board - Supervisor Eric Mar]**  
Motion appointing Supervisor Eric Mar, term ending June 30, 2013, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

Attachments: [Comm Pkt 040413](#)  
[Board Packet 041613](#)

**Question: Shall this Motion be APPROVED?**

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

### **31. 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.*

### **32. PUBLIC COMMENT**

*An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.*

*Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.*

## **FOR ADOPTION WITHOUT COMMITTEE REFERENCE**

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

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

33. [130320](#) **[The Year of the Child - 2013]**  
**Sponsors: Mar; Cohen, Yee and Chiu**  
Resolution declaring 2013 as "The Year of the Child" in the City and County of San Francisco.

**Attachments:** [Leg Ver1](#)

[Board Packet 041613](#)

04/09/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**Question: Shall this Resolution be ADOPTED?**

### 34. IMPERATIVE AGENDA

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

*[Serious Injury Finding]*

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

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

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

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

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

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

### Introduced at the Request of a Department

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

## PROPOSED ORDINANCES

### 130313 [Settlement of Lawsuit – Carlos Benavides Arroliga v. CCSF, et al. - \$250,000]

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

**Attachments:** [Leg\\_Ver1](#)

04/03/2013; RECEIVED FROM DEPARTMENT.

04/16/2013; RECEIVED AND ASSIGNED to the Rules Committee.

### 130314 [Settlement of Lawsuit - Lloyds and Zurich North America v. CCSF - \$80,000]

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

**Attachments:** [130314](#)

04/03/2013; RECEIVED FROM DEPARTMENT.

04/16/2013; RECEIVED AND ASSIGNED to the Rules Committee.

**130315**

**[Settlement of Lawsuit - CTIA - The Wireless Association]**

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

**Attachments:** [Leg Ver1](#)

04/05/2013; RECEIVED FROM DEPARTMENT.

04/16/2013; RECEIVED AND ASSIGNED to the Rules Committee.

**PROPOSED RESOLUTION**

**130312**

**[Settlement of Claim - Kerry MacRae - \$275,000]**

Resolution approving the settlement of the unlitigated claim filed by Kerry MacRae against the City and County of San Francisco for \$275,000; claim was filed on April 27, 2012. (Public Works Department)

**Attachments:** [Leg Ver1](#)

04/03/2013; RECEIVED FROM DEPARTMENT.

04/16/2013; RECEIVED AND ASSIGNED to the Rules Committee.



**130316 [Petitions and Communications]**

Petitions and Communications received from April 1, 2013, through April 8, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on April 16, 2013.

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

From Clerk of the Board, reporting the following individuals have submitted a Form 700 Statement: (1)

- Michael Lee - Legislative Aide - Assuming
- Judy Pietrzak - Business Analyst - Assuming
- Leah Pimentel - LAFCo - Annual

From Controller, submitting Condominium Conversion Impact Fee: Economic Impact Report. File No. 120669. Copy: Each Supervisor. (2)

From Controller, submitting Recreation and Park Department: Chinese Recreation Center and Mission Clubhouse and Playground Construction Management - The Change Management Process Requires Some Improvements report. Copy: Each Supervisor. (3)

From Department of the Environment, submitting 2012 Annual Report. Copy: Each Supervisor. (4)

From Assessor-Recorder, submitting the Annual Real Estate Watchdog Cases report for 2012. Copy: Each Supervisor. (5)

From Department of Public Health, regarding proposed amendments to the Weights and Measures Ordinances in the California Government Code. Copy: Each Supervisor. (6)

From Dorothy S. Liu, submitting letter of resignation from the Ethics Commission. Copy: Each Supervisor. (7)

From Association of Bay Area Governments and the Metropolitan Transportation Commission, submitting Draft Environmental Impact Report companion for the Draft Plan Bay Area. (8)

From concerned citizens, regarding the Law Library. File No. 130227. 2 Letters. Copy: Each Supervisor. (9)

From Charles Marsteller, regarding the Office of the District Attorney. File No. 130274. Copy: Each Supervisor. (10)

From Charles Marsteller, regarding the Mayor's trip to China. Copy: Each Supervisor. (11)

From Howard Wong, regarding the Central Subway. Copy: Each Supervisor. (12)

From concerned citizens, regarding the Seismic Retrofit Ordinance. File No. 130119. 2 letters. Copy: Each Supervisor. (13)

From concerned citizens, regarding the Ordinance to revise the Administrative Code to reflect CEQA changes. File No. 121019. 19 letters. Copy: Each Supervisor. (14)

From Andrea Lara, regarding the plastic bag ban. (15)

From Roni McKinley, regarding the Masonic Avenue Streetscape Improvement Project.  
Copy: Each Supervisor. (16)

From concerned citizens, regarding the 611 Buena Vista Avenue West project. File No. 130213. 3 letters. Copy: Each Supervisor. (17)

From Patrick Monette-Shaw, regarding the Open Data Policy Ordinance. File No. 121017. Copy: Each Supervisor. (18)

From Patrick Monette-Shaw, regarding the Equal Pay Day Resolution. File No. 130305.  
Copy: Each Supervisor. (19)

From Cathy Bellin, regarding condo conversions. File No. 120669. Copy: Each Supervisor. (20)

From concerned citizen, regarding lawn trimming. Copy: Each Supervisor. (21)

From Ivan Edgar Pratt, concerning issues facing the Tenderloin. Copy: Each Supervisor. (22)

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

## **ADJOURNMENT**