

Board of Supervisors

City and County of San Francisco

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



AGENDA

Tuesday, June 30, 2009

2:00 PM

Regular Meeting

DAVID CHIU, PRESIDENT

MICHELA ALIOTO-PIER, JOHN AVALOS, DAVID CAMPOS, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ERIC MAR, SOPHIE MAXWELL, ROSS MIRKARIMI

Angela Calvillo, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

Approval of the June 2, 2009, Board Meeting Minutes.

AGENDA CHANGES

COMMUNICATIONS

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

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

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

CONSENT AGENDA

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

Items 1 through 7

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Dufty, Daly

- 1. 090493 [Liquor License Transfer - 3950 24th Street]**
Resolution determining that the transfer of a Type 20 off-sale beer and wine license from 1469 Hyde Street to 3950 24th Street (District 8) to Joseph N. Rogoff for Whole Foods Market California, Inc. dba Whole Foods Market, will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with section 23958.4 of the California Business and Professions Code, with conditions.

Question: Shall this Resolution be ADOPTED?

- 2. 090797 [Accept and Expend Grant - Department of Public Health - \$1,925,719]** **Supervisor Dufty**
Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California Department of Corrections and

Rehabilitation (CDCR) in the amount of \$1,925,719 to expand the City's treatment capacity for mentally ill parolees; for the period of June 1, 2009, through June 30, 2012.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. **081251** **[Planning Code-Appendix K to Article 10, Bush Street-Cottage Row Historic District]** **Supervisor Mirkarimi**
Ordinance amending the San Francisco Planning Code by amending Appendix K to Article 10, "Bush Street-Cottage Row Historic District," by adding a new Section 7 to set forth additional requirement for Certificates of Appropriateness; and making findings, including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1 and environmental findings.
6/23/2009, PASSED ON FIRST READING.
Question: Shall this Ordinance be FINALLY PASSED?

4. **090141** **[Zoning - Ordinance Making Tobacco Paraphernalia Establishments a Non-Permitted Use in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use District]** **Supervisor Mirkarimi**
Ordinance amending the Planning Code to amend Section 227(v), to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending Section 719.1 and the Table at Section 719, to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street Neighborhood Commercial District; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street Neighborhood Commercial District and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to eighteen months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict, and making findings, including findings of consistency with the Priority policies of Planning Code Section 101.1 and environmental findings.

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. **090327** [First Source Hiring Program - expanding definitions of "entry level position" and "economically disadvantaged individual"] **Supervisor Mirkarimi**
Ordinance amending Section 83.4 of the San Francisco Administrative Code by expanding the definitions of "economically disadvantaged individual" and "entry level position."

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Rules Committee

Present: Supervisors Daly, Campos

6. **090770** [Appointment, Commission on the Aging Advisory Council - Jerry Brown]
Motion appointing Jerry Brown, term ending March 31, 2011, to the Commission on the Aging Advisory Council.
Question: Shall this Motion be APPROVED?
7. **090790** [Appointment, Graffiti Advisory Board - Rebecca Delgado Rottman]
Motion appointing Rebecca Delgado Rottman, term ending April 10, 2011, to the Graffiti Advisory Board.
Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

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

8. **090723 [Budget Savings Incentive Fund] Mayor**
- Ordinance amending the San Francisco Administrative Code by amending Section 10.20 to permit the suspension of appropriations from the Budget Savings Incentive Fund for any single fiscal year and to deposit the amounts in the Fund as of June 30, 2009, into the General Fund to assist in balancing the FY 2009-2010 budget.
- (Supervisor Chu dissented in Committee.)
- 6/23/2009, PASSED ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mirkarimi, Mar

9. **090276 [Housing Code Section 503(d) "Housing Access" extend protections to all persons sharing housing by deleting references to "families" and technical correction to Section 503(b)] Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**
- Ordinance amending the San Francisco Housing Code Chapter 5, by amending Section 503(d) "Housing Access" to promote affordable housing by extending the protections of that Section to all persons sharing housing by deleting the references to "families" and to specify that the both prospective and current tenants are protected; amending Section 503(b) "Superficial Floor Area" to make a technical correction.
- 6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

10. 090277 **[Residential Rent Ordinance: Limit total amount of annual and banked rent increases imposed to 8% per year, written advance notice of basis for banked increases required]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.3 to limit the total amount of annual and banked rent increases that may be imposed in any one year to 8% of the tenant's base rent, and to provide that any remaining banked increase may be imposed in the following years, subject to this same 8% limit (Section 37.3(a)(2)); and to require that landlords provide written advance notice to tenants stating the dates upon which the banked increase is based (Section 37.3(b)(1)).

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

**** Denotes link to current amendment

11. 090278 **[Residential Rent Ordinance: Tenant financial hardship relief from Section 37.3 rent increases, when total rent would exceed 33% of tenant's gross income; multilingual outreach]** **Supervisors Daly, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance," by amending Section 37.3 to add Subsection (f) "Tenant Financial Hardship Applications" to provide tenant relief from Section 37.3 rent increases, with relief determined by whether (1) a tenant is unemployed or has had wages reduced by 20% or more, or only has income from government benefits such as Social Security and has not received a cost of living increase in the past 12 months, and (2) the rent including the increase comprises or will comprise 33% or more of tenant's gross income (including consideration of tenant assets); rent increase stayed pending determination of application; if application is granted, the rent increase will not be in effect for a period of time based on the tenant's circumstances, with a review scheduled at the end of that period; a delayed rent increase later allowed will be effective as of the date the tenant's income or assets changed to permit the increase; hardship applications to be available in multiple languages; multilingual notice of hardship application procedures to be mailed with each Administrative Law Judge or Rent Board decision; Rent Board to implement a process for outreach to landlords and tenants whose primary language is not English regarding availability and use of the hardship application procedure, and report to the Board of Supervisors describing the implementation process and any known results; Section 37.3(f) to sunset and no longer be in effect when the City unemployment rate drops to 5% or less according to the annual average published by the California Employment Development Department "Monthly Labor Force Data for Counties, Annual Average."

(Fiscal Impact.)
(Economic Impact.)

6/23/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

6/23/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

**** Denotes link to current amendment

12. **090279** **[Residential Rent Ordinance: Prohibit rent increases and evictions based on additional occupants where total number is within Housing Code Section 503 occupancy limits]** **Supervisors Daly, Chiu, Avalos, Mirkarimi, Campos**

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Sections 37.3 and 37.9: to prohibit rent increases based on the addition of occupants, even where a pre-existing rental agreement or lease otherwise permits a rent increase for additional occupants, except that a landlord may petition for and be granted a rent increase based on increased costs caused by the additional occupant(s), and except that rent increases otherwise permitted by California Civil Code Section 1954.53(d)(1) are not prohibited (Section 37.3(a)(11)); and to prohibit evictions based on the addition of occupants, so long as the total number of occupants does not exceed the maximum number of occupants per sleeping room set by San Francisco Housing Code §503(b) "superficial floor area" standards, if the landlord has unreasonably refused a written request by the tenant to add the occupant(s) (Section 37.9(a)(2)).

6/23/2009, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

6/23/2009, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

13. **090734** **[Amending Ordinance 125-08, which approved an agreement with Cochran, Inc. to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and waived requirements of the Administrative Code and Environment Code]** **Mayor, Supervisors Chiu, Alioto-Pier, Dufty**

Ordinance amending Ordinance 125-08, which authorized the Executive Director of the Port to execute an agreement with Cochran, Inc., to install shoreside power equipment at Piers 27 and 29 of the Port of San Francisco and exempted the agreement from the contracting requirements of the Administrative Code and Environment Code, to increase the amount of the contract to design, purchase, and install the shoreside power equipment, and to allow the Port to contract with Cochran, Inc. to operate and maintain said equipment for a period of three (3) years, for a total amount not to exceed \$5,198,000.

(Fiscal Impact.)

6/23/2009, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

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

- 14. 090756 [Approval of FY 2009-2010 Expenditure Plan for the Human Services Care Fund]**
Resolution approving the FY 2009-2010 Expenditure Plan for the Human Services Care Fund. (Human Services Department)
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
- 15. 090695 [Approval of FY 2009-2010 Redevelopment Agency Budget and Bonds]** **Mayor**
Resolution approving the Budget of the Redevelopment Agency of the City and County of San Francisco for FY 2009-2010 and approving the Issuance by the Redevelopment Agency of Bonds in an aggregate principal amount of not to exceed \$87.5 million to finance a portion of redevelopment activities described in such approved Budget for FY 2009-2010.
(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?
- 16. 090701 [Setting Patient Rates - effective July 1, 2009]** **Mayor**
Ordinance amending Section 128 of the San Francisco Health Code to set patient rates and other services provided by the Department of Public Health, effective July 1, 2009.

Question: Shall this Ordinance be PASSED ON FIRST READING?
- 17. 090702 [Emergency Medical Services Fees]** **Mayor**
Ordinance amending the San Francisco Health Code by amending Section 901 and adding Section 914.5, and amending San Francisco Business and Tax Regulations Code Section 249.8, to amend definitions, add fees and a Certificate of Participation requirement for

22. **090713** **[Recreation and Park - Day Camp Fees]** **Mayor**
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.15 to increase fees for Day Camps and making environmental findings.
Question: Shall this Ordinance be PASSED ON FIRST READING?
23. **090714** **[Recreation and Park - Kezar Parking Lot Fees]** **Mayor**
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.08 to increase fees for parking in the lot at the Kezar Stadium and making environmental findings.
Question: Shall this Ordinance be PASSED ON FIRST READING?
24. **090717** **[Recreation and Park Department - Athletic Field Fees]** **Mayor**
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.36 to increase the fees for use of Athletic Fields and making environmental findings.
(Supervisor Mirkarimi dissented in Committee.)
Question: Shall this Ordinance be PASSED ON FIRST READING?
25. **090718** **[Recreation and Park Department - Japanese Tea Garden Fees]** **Mayor**
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.05 to add a non-resident entrance fee for the Japanese Tea Garden and making environmental findings.
Question: Shall this Ordinance be PASSED ON FIRST READING?
26. **090719** **[Recreation and Park Department - Latch Key and Afterschool Programs Fees]** **Mayor**
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.30 to increase fees for Latchkey and Afterschool programs and making environmental findings.
Question: Shall this Ordinance be PASSED ON FIRST READING?
27. **090720** **[Recreation and Park - Conservatory of Flowers Fees]** **Mayor**
Ordinance amending San Francisco Park Code, Article 12, by amending Section 12.34 to add

a non-resident entrance fee for the Conservatory of Flowers and making environmental findings.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Mar, Chiu

28. **090367** **[Planning Code Amendment - Philanthropic** **Supervisor Alioto-Pier**
 Administrative Service Use; Zoning Map Amendment
 - 2503 Clay Street]

Ordinance amending the San Francisco Planning Code by adding Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet ZN02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to Upper Fillmore Street NCD; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

29. **090755** **[Street Artist Spaces]**
 Resolution approving permanent designation of nine (9) former temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone. (Arts Commission)

Question: Shall this Resolution be ADOPTED?

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

SPECIAL ORDER 4:00 P.M.

APPEAL PROCEDURES

Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may

determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:

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

The President may entertain a motion to continue the following File Nos. 090772, 090773, 090774, 090775 to August 4, 2009.

The Appellant and Project Sponsor have requested a continuance for property located at 2901 California Street/1831-1835 Broderick Street - Drew School Addition.

30. 090772 [Public Hearing - Appeal of Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition]

Hearing of persons interested in or objecting to the Planning Commission's May 14, 2009, certification of a Final Environmental Impact Report identified as Planning Case No. 2007.0128E, through its Motion No. 17879, for a proposed Drew School Addition project located at 2901 California Street/1831-1835 Broderick Street, Assessor's Block No. 1029, Lots 003 and 095. (Appellant: Stephen M. Williams on behalf of the Pacific Heights Residents Association and the Western Addition Neighborhood Association)

(Filed 6/3/09; Companion Measure to 090773, 090774, 090775; District 2.)

Action:_____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report 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.)

- 31. 090773 [Affirming the certification of the 2901 California Street (Drew School Addition) FEIR]**
Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.
Question: Shall this Motion be APPROVED?
- 32. 090774 [Reversing the certification of 2901 California Street (Drew School Addition) FEIR]**
Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for 2901 California Street/1831-1835 Broderick Street-Drew School Addition Project.
Question: Shall this Motion be APPROVED?
- 33. 090775 [Preparation of findings to reverse certification of 2901 California Street (Drew School Addition) FEIR]**
Motion directing the Clerk of the Board to prepare findings reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 2901 California Street/1831-1835 Broderick Street-Drew School Addition FEIR.
Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

Reports from committees, if any, recommending emergency or urgent measures.

The following item will be considered by the Land Use Committee at a Regular Meeting on Monday, June 29, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 30, 2009.

34. 090798 [Bayview Hunters Point Redevelopment Project Area C Interim Controls Extension] Supervisor Maxwell

Resolution extending the imposition of interim zoning controls for an additional six (6) months in the area designated as "Area C" in the Bayview Hunters Point Redevelopment Survey Area, an area generally bounded by Jennings Street, Hunters Point Boulevard, Innes Avenue, Earl Street and the San Francisco Bay by requiring a conditional use permit for all new construction, changes of use, alterations that expand the building envelope and demolitions, except for alterations of a lawfully existing use in the M-1, M-2 or NC-2 zones or the establishment of or a change of use on the ground floor of a principally permitted use in the NC-2 area; by specifying criteria to be applied in the evaluation of a conditional use permit application; and adopting findings.

Question: Shall this Resolution be ADOPTED?

The following items will be considered by the Budget and Finance Committee at a Special Meeting on Monday, June 29, 2009 at 11:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, June 30, 2009.

35. 090586 [Safe Streets and Road Repair General Obligation Bonds - \$388,000,000] Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$388,000,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

36. 090828 [Safe Streets and Road Repair General Obligation Bonds - \$368,000,000] Mayor, Supervisors Chiu, Dufty, Mar, Alioto-Pier, Campos

Resolution determining and declaring that the public interest and necessity demand the resurfacing of roads, repair of sidewalks and street structures, and the redesign of streetscapes to include curb ramps and other pedestrian safety features and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$368,000,000 for such improvements is and will be too great to be paid out of the ordinary

annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that the proposed bond is not a project under the California Environmental Quality Act ("CEQA"); finding the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34.

(Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

The following item will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, June 25, 2009 at 1:00 p.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, June 30, 2009.

37. 090753 [Selection of independent City auditors] Supervisor Mirkarimi

Resolution selecting independent auditors for the Controller's office and the separately audited departments of the City and authorizing a two-year contract with the selected audit firm with five years worth of options for renewal.

(Fiscal Impact.)

6/9/2009, REFERRED to Government Audit and Oversight Committee. Supervisor Mirkarimi requested that this matter be referred to Committee.

Question: Shall this Resolution be ADOPTED?

38. 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.

39. 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

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 40 through 46

- 40. 090825 [Opposing proposed California constitutional amendment] Supervisors Mirkarimi, Avalos, Campos**
- Resolution in opposition to the proposed California constitutional amendment ballot measure misleadingly referred to as the "Taxpayers Right to Vote Act."
- 6/16/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
- 6/23/2009, CONTINUED. Supervisors Avalos and Campos requested to be added as co-sponsors. Continued to June 30, 2009.
- Question: Shall this Resolution be ADOPTED?**
-
- 41. 090838 [Fair and balanced State budget] Supervisor Avalos**
- Resolution urging California's elected leaders to use a fair and balanced approach to solving the State's budget crisis.
- 6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
-
- 42. 090839 [Accept and Expend State Grant - Recreation and Park Department - \$68,250] Supervisor Avalos**
- Resolution authorizing the San Francisco Recreation and Park Department to accept and expend retroactively a grant in the amount of \$68,250 from the California Integrated Waste Management Board for the purchase of tire derived products for the Crocker Amazon Soccer Complex Project.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 43. 090840 [Urging California State Legislature to reject the passage of Assembly Bill 746 (Conflicts of Interest)] Supervisors Chiu, Campos**
- Resolution urging the California State Legislature to reject the passage of Assembly Bill 746, relating to conflicts of interest.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 44. 090841 [Commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government] Supervisors Dufty, Campos**

Resolution commending Shanghai Pride Week as China's first gay pride festival, and recognizing its organizers and the Chinese government for their role in its actualization.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 45. 090842 [Commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department] Supervisor Dufty**

Resolution commending Carri Lucas for 29 years of dedicated service in the San Francisco Police Department.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 46. 090843 [California State Budget - Opposing the use of motor fuel tax and redevelopment tax increment funds] Supervisor Maxwell**

Resolution urging the City Attorney and the General Counsel of the San Francisco Redevelopment Agency to cooperate with the League of California Cities, the California Redevelopment Association, and other cities and counties in possible litigation challenging the constitutionality of any seizure by State government of the City's street maintenance and

redevelopment funds.

6/23/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE
AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

*Questions on the For Adoption Without Committee Reference
Agenda: _____*

47. 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 ordinance received from June 16, 2009, to June 22, 2009, for reference by President to appropriate committee on June 30, 2009.

**090829 [Trinity Plaza Development Agreement Amendment;
Property at 1167 Market Street, 670-693 Stevenson
Street, and 1164 Mission Street]**

Ordinance amending a development agreement between the City and County of San Francisco and 1169 Market Street, L.P. for certain real property located at 1167 Market Street (Assessor's Block 3702/Lot 053), 670 Stevenson Street (Assessor's Block 3702/Lot 051), 693 Stevenson Street (Assessor's Block 3702/Lot 052), 1164 Mission Street (Assessor's Block 3702/Lot 039), and a portion of former Jessie Street between 7th and 8th Streets, altogether consisting of approximately 177,295 square feet (4.07 acres) and commonly known as Trinity Plaza, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), to add 5 years to the term, to permit the construction of the entirety of a parking garage, to amend the definition of Existing Tenants, to identify the BMR Units for Building A, to modify the location and selection process for the Replacement Units, and to permit a Project-wide art component for the Project; and adopting environmental, General Plan and Planning Code Section 101.1(b) findings. (Planning Department)

6/16/2009, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from June 16, 2009, to June 22, 2009, for reference by President to appropriate committee on June 30, 2009.

090830 [Airport Concession Lease]

Resolution approving the Terminal 1 Boarding Area "C" Retail Lease between Hudson News Company and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

6/19/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090831 [Settlement of Potential Litigation - George Boutros - \$25,000]

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

6/22/2009, RECEIVED AND ASSIGNED to Rules Committee.

090832 [Approval of Surface Mining Permit 30 Sunol Valley Quarry Lease]

Resolution authorizing the General Manager of the Public Utilities Commission to enter into a quarry lease for a 308.5 acre parcel located in unincorporated Alameda County in the Sunol Valley with Oliver de Silva, Inc., as tenant, through June 1, 2021, pursuant to San Francisco Charter Section 9.118, with rights to extend the term for two years to complete reclamation and with potential expansion and extension rights subject to further environmental review and regulatory approvals. (Public Utilities Commission)

6/22/2009, RECEIVED AND ASSIGNED to Budget and Finance Committee.

090859 [Petitions and Communications]

Petitions and Communications received from June 16, 2009, through June 22, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on June 30, 2009.

From concerned citizens, submitting opposition to the nomination of Anson Moran to the Public Utilities Commission. File No. 090768, Copy: Rules Committee, Approximately 50 letters (1)

From Akki Patel, regarding the notice of delinquency he received from the Office of the Treasurer and Tax Collector. Copy: Each Supervisor (2)

From James Chaffee, regarding the lack of "public comment" at the June 16, 2009, Board of Supervisors meeting. Copy: Each Supervisor (3)

From James Chaffee, submitting letter entitled "Sunshine Assault at the Library Commission." (4)

From James Chaffee, submitting letter regarding "Sunshine" violations at the Board of Supervisor's Budget Committee. Copy: Each Supervisor (5)

From Office of the Clerk of the Board, submitting list of sole source contracts received from various city departments entered into during FY 2008-2009. (6)
Civil Service Commission
Rent Board

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Radiation Detection Company. (7)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for TW Medical Vet Supply. (8)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Pfizer Animal Health Corporation. (9)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Merial Limited. (10)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Merry X-Ray (formerly Source One Healthcare Technologies). (11)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Intervet Inc. (12)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Bayer Healthcare LLC. (13)

From Department of Animal Care and Control, submitting request for waiver of Administrative Code Chapter 12B for Abaxix Inc. (14)

From Department of Public Health, submitting request for waiver of Administrative Code Chapter 12B for Safeway. (15)

From Office of the Controller, pursuant to Administrative Code Section 2.10, submitting updated status of the implementation of the recommendations of the San Francisco Civil Grand Jury. Copy: Each Supervisor (16)

From the Sweatfree Procurement Advisory Group, thanking Mayor Newsom for maintaining funding for the independent monitor the City and County has hired to assist its staff in enforcing the Sweatfree Contracting Ordinance. Copy: Each Supervisor (17)

From Office of the Controller, submitting the Public Education Enrichment Fund annual report for FY 2009-2010. (18)

From Lorena Kehoe, suggesting the Fire Department could have a tremendous cost savings by releasing civilian inspectors and hiring Prop "F" Inspectors from the newly retired ranks of the uniformed inspectors. File No. 090779, Copy: Each Supervisor (19)

From concerned citizens, submitting opposition to any cuts in funding in the Police and Fire budgets. File No. 090779, approximately 400 letters and post cards (20)

From Jeanette Berger, commenting on proposed budget cuts. (21)

From concerned citizens, urging the Board of Supervisors not to decrease the funding for the Neighborhood Emergency Response Training (NERT) program. Copy: Each Supervisor, 13 letters (22)

From Clerk of the Board, submitting Form 700 Statement of Economic Interests for Rose Chung, Legislative Aide. (23)

From Office of the Mayor, submitting notice of transfer of function under Charter Section 4.132 (addendum). File No. 090696, Copy: Each Supervisor (24)

From SF Community Clinic Consortium, submitting revision to FY 2009-2010 SF Community Clinic Consortium funding request. Copy: Each Supervisor (25)

From Office of the Controller, submitting revisions to FY 2009-2010 Interim Consolidated Budget and Annual Appropriation Ordinance. Copy: Budget and Finance Committee (26)

From Municipal Transportation Agency, submitting list of contracts under \$10 million issued by the Airport and the Municipal Transportation Agency in FY 2007-2008, 2008-2009 and 2009-2010. (Reference No. 20090519-002) (27)

From Department of Public Works, regarding the San Francisco Clean-up Project. (Reference No. 20090616-003) (28)

From Ron Timberlake, submitting his money-making proposal to reduce the budget deficit in San Francisco. Copy: Each Supervisor (29)

From Maury Cooper, submitting opposition to the elimination of a staff position at the SF Department and Commission on the Status of Women. File No. 090779, Copy: Each Supervisor (30)

From Francisco Da Costa, commenting on SFHOPE. (31)

From North of Market Neighborhood Improvement Corporation, regarding Central City Hospitality House. Copy: Each Supervisor (32)

From John Eckstrom, thanking Supervisor David Chiu for his leadership in making community health care a priority. Copy: Each Supervisor (33)

From Doug Mathieux, commenting on San Francisco's new composting law. File No. 081404 (34)

From James Chaffee, regarding public comment at Budget hearings. Copy: Each Supervisor, File No. 090779 (35)

From Arthur Evans, commenting on Supervisor Campos and the Public Safety Committee. (36)

From Abdalla Megahed, welcoming Michelle Obama to San Francisco. Copy: Each Supervisor (37)

From Francisco Da Costa, regarding the Planning Commission and Japantown. (38)

From Francisco Da Costa, regarding "CityBuild" and taxpayer dollars. (39)

From Francisco Da Costa, regarding SF Superior Court and SF Muhammad University. (40)

From Human Services Commission, regarding the Human Services Commission not receiving any gifts in FY 2009-2009. (41)

From The Cultural Landscape Foundation, submitting the Parkmerced landslide update for

June 2009. (42)

From Hiroshi Fukuda, submitting a petition regarding paying \$4.50 per square foot for the lease in a new Japan Center Mall. (43)

From State Fish and Game Commission, submitting notice that the American peregrine falcon warrants de-listing from the list of endangered species status. (44)

From State Fish and Game Commission, regarding markings and inspections of live fish transportation vehicles and inspections of aquaculture facilities, which will be published in the California Regulatory Notice Register on June 19, 2009. (45)

From Rachel West, regarding penalties for violation of massage practitioner licensing and regulation ordinance and zoning controls for massage establishments. File Nos. 090402, 090403 (46)

ADJOURNMENT

Meeting Procedures

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

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

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

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

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

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

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



Disability access

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

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

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

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

Know Your Rights Under the Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics