



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 13, 2010 - 2:00 PM

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

Supervisors Avalos, Mirkarimi, Elsbernd, Maxwell, Campos

Budget and Finance Sub-Committee

Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee

Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee

Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee

Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Mar, Chiu

Public Safety Committee

Supervisors Chiu, Mirkarimi, Dufty

Rules Committee

Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
1:30 PM

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
10:00 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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. 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, 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 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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics

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 on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the March 16, 2010, 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.

Items 1 through 10

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Avalos, Elsbernd

- 1. **100147** **[2010 Annual Fundraising Drive]**
 Resolution designating those agencies qualified to participate in the 2010 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.
Attachments: [Comm Packet 040710](#)
[Board Packet 041310](#)

Question: Shall this Resolution be ADOPTED?

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Present: Supervisors Avalos, Mirkarimi, Elsbernd

2. [100325](#) **[Approving Sixth Modification to Water Supply Contract]**
Resolution approving a sixth modification to the water supply contract (Contract No. EY-76-C-03-0269), between the City and County of San Francisco and the Department of Energy, pursuant to Charter Section 9.118. (Public Utilities Commission)
Attachments: [Comm Packet 040710](#)
[Board Packet 041310](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

3. [091453](#) **[Planning Code Amendment – Green Landscaping Ordinance]**
Sponsors: Mayor; Chu, Dufty, Mar and Maxwell
Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for “vehicle use area,” “ornamental fencing,” and “permeable surface;” amending the Public Works Code Sections 805, 806 and 807 to create requirements for the establishment of new street trees, replacement of dead street trees, and removal of street trees and adding Section 802.1 to define climate appropriate standards for plantings in the public right-of-way; and 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.
Attachments: [Legislation Ver1](#)
[Leg Digest Ver1](#)
[Response PLN 030310](#)
[Comm Packet 032910](#)
[Comm Packet 040510](#)
[Legislation Ver2](#)
[Board Packet 040610](#)

04/06/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. [091476](#) **[Zoning Map Amendments - Market and Octavia Area Plan Historic Resource Survey Integration]**

Ordinance amending the Zoning Map Sheets 7 and 7H of the City and County of San Francisco Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan to increase, decrease, or retain the heights of certain parcels, consistent with the findings of the Market and Octavia Area Plan Historic Resources Survey, specifically increasing or decreasing heights on some parcels in the Upper Market Street Historic District (an area generally described as Market Street between Church and Noe Streets) and decreasing heights on two parcels at the corner of Guerrero and Duboce Streets (also known as Assessors block and lot numbers 3501004 and 3501003); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. (Planning Department)

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 121509](#)

[Comm Packet 031510](#)

[Comm Packet 032910](#)

[Board Packet 040610](#)

04/06/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

5. [100093](#) **[Housing Code – Residential Hotel Notice Posting Requirement]**

Sponsors: Campos; Chiu and Maxwell

Ordinance amending the San Francisco Housing Code by amending Section 1002 to add subsection (f) requiring residential hotel owners/operators to post a notice advising hotel occupants that they may telephone the City's Customer Service Center at 311 to report alleged violations of the Housing Code; adopting findings, including environmental findings.

Attachments: [Legislation Ver1](#)

[Response DBI 032410](#)

[Comm Packet 032910](#)

[Board Packet 040610](#)

04/06/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

6. [100102](#) **[Requiring the Development and Maintenance of Stormwater Management Controls]**

Sponsors: Mayor; Maxwell, Mar, Chiu and Dufty

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, Sections 140 - 149.4, and adding Article 4.2, Sections 147 - 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 022510](#)

[Comm Packet 032910](#)

[Board Packet 040610](#)

04/06/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

7. [100265](#) **[Urging the Treasury Oversight Committee to Ratify Socially Responsible Investment Goals in the City's Investment Policy to Encourage Investments Related to Foreclosure Mitigation]**

Sponsors: Chiu; Mar and Maxwell

Resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's Investment Policy to encourage investments related to foreclosure mitigation.

Attachments: [Board Packet 041310](#)

[Comm Packet 040510](#)

[Board Packet 041310](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Mar

8. [100392](#) **[Appointments, Eastern Neighborhoods Citizens Advisory Committee - Toby Levy and Henry Karnilowitz]**

Motion appointing Toby Levy and Henry Karnilowitz, terms to be determined, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)

Toby Levy, seat 10, new appointment, must be appointed by the Western SoMa Planning Area Task Force and confirmed by the full Board, for a term to be determined.

Henry Karnilowitz, seat 11, new appointment, must be appointed by the Western SoMa Planning Area Task Force and confirmed by the full Board, for a term to be determined.

Attachments: [Comm Packet 040110](#)

[Legislation Ver2](#)

[Board Packet 041310](#)

Question: Shall this Motion be APPROVED?

9. [100393](#) **[Appointment, Market and Octavia Community Advisory Committee - Marius Starkey]**

Motion appointing Marius Starkey, term ending December 16, 2010, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Marius Starkey, seat 1, succeeding Julian Davis, resigned, must be a resident renter and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2010.

Attachments: [Comm Packet 040110](#)

[Legislation Ver2](#)

[Board Packet 041310](#)

Question: Shall this Motion be APPROVED?

10. [100394](#) **[Appointment, Local Homeless Coordinating Board - Erick Brown]**

Motion appointing Erick Brown, term ending October 21, 2010, to the Local Homeless Coordinating Board. (Clerk of the Board)

Erick Brown, seat 4, succeeding Ginger Martin, resigned, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a five-year term ending October 21, 2010.

Attachments: [Comm Packet 040110](#)

[Legislation Ver2](#)

[Board Packet 041310](#)

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Sub-Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

11. [100337](#) **[Appropriating \$1,647,249,198 of Proceeds from Debt for the Water System Improvement Program at the Public Utilities Commission for FY2010-2011 through FY2015-2016]**
Sponsor: Mayor
Ordinance appropriating \$1,647,249,198 of proceeds from debt for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for FY2010-2011 through FY2015-2016, and placing the entire appropriation of \$1,647,249,198 by project on Controller's reserve subject to SFPUC's and Board of Supervisors' discretionary approval following completion of project-related analysis pursuant to the California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, placing on Budget and Finance Committee reserve the funds for construction costs of any project with costs in excess of \$100,000,000 and \$116,863,924 related to funding for project construction starting after June 30, 2012, and adopting environmental findings.

(Fiscal Impact.)

Attachments: [Comm Packet 040710](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

12. [100341](#) **[Water Revenue Bond Issuance - Not to Exceed \$1,737,724,038]**
Sponsor: Mayor
Ordinance approving the issuance and sale of water revenue bonds by the San Francisco Public Utilities Commission to finance various projects under the Water System Improvement Program and the Capital Improvement Program, including but not limited to the Commission's Advanced Meter Infrastructure System, pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002, as Proposition E; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 040710](#)

[Board Packet 041310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

13. [100400](#) **[Waiver of Temporary Street Space Occupancy Fee on May 15, 2010, for Small Business Week Sidewalk Sale]**

Sponsors: Mirkarimi; Chiu and Chu

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 15, 2010, as part of Small Business Week.

Attachments: [Legislation_Ver1](#)

[Leg_Diget_Ver1](#)

[Comm Packet 040710](#)

[Board Packet 041310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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Present: Supervisors Avalos, Elsbernd

14. [100331](#) **[Approving Central Subway Final Design Contract Package - Not to Exceed \$32,294,319]**

Sponsor: Chu

Resolution approving Municipal Transportation Agency Contract No. CS-155-3, Professional Architectural and Engineering Services for the Final Design and Construction Support of the Central Subway Project - Design Package No. 3 Systems Design for the Central Subway Project with HNTB - B&C JV, a joint venture of HNTB Corporation and B&C Transit, Inc. for an amount not to exceed \$32,294,319 for a term not to exceed ten years with an option to extend the term an additional two years.

(Fiscal Impact.)

Attachments: [Legislation_VER1](#)

[Comm Packet 040710](#)

[Board Packet 041310](#)

Question: Shall this Resolution be ADOPTED?

From Budget and Finance Sub-Committee Without Recommendation

Present: Supervisors Avalos, Elsbernd

15. [100373](#) **[Authorizing Expenditures from South of Market Community Stabilization Fund - \$1,844,273]**
Sponsor: Daly
Resolution approving the 2010 South of Market Community Stabilization Fund Program and authorizing the Mayor's Office of Housing to expend South of Market Community Stabilization Fund dollars in the amount of \$1,844,273.

(Fiscal Impact.)
Attachments: [Legislation Ver1](#)
[Comm Packet 040710](#)
[Board Packet 041310](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Campos, Elsbernd, Maxwell

16. [100248](#) **[Creation of General Reserve and Budget Stabilization Reserve]**
Sponsors: Chiu; Mayor
Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds. (Controller)
Attachments: [Comm Packet 040710](#)
[Board Packet 041310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

17. [091271](#) **[Zoning – Street Frontages for Most Use Districts]**

Sponsors: Mirkarimi; Mar

Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; 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.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Response PLN 120709](#)

[Response PLN 030310](#)

[Legislation Ver2](#)

[Comm Packet 032910](#)

[Legislation Ver3](#)

[Leg Digest Ver3](#)

[Response PLN 033010](#)

[Comm Packet 040510](#)

[Board Packet 041310](#)

03/23/2010; SUBSTITUTED.

Question: Shall this Ordinance be PASSED ON FIRST READING?

18. [100008](#) **[Permit and License Fee Elimination]**

Sponsor: Chiu

Ordinance amending San Francisco Business and Tax Regulations Code Sections 248 and 249.1, amending San Francisco Police Code Sections 2.26 and 2.27, and repealing San Francisco Police Code Section 2.28, all to eliminate certain permit and license fees and revenue fees, while retaining any underlying permitting, licensing, and other substantive regulatory requirements.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 011310.pdf](#)

[Comm Packet 040510](#)

[Response SBC 040210](#)

[Legislation Ver2](#)

[Leg Digest Ver2](#)

[Board Packet 041310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Dufty

19. [100268](#) **[Accept and Expend Grant - Edward Byrne Memorial Justice Assistance and Amend Annual Salary Ordinance FY2009-2010 - \$729,932]**

Sponsor: Mayor

Ordinance authorizing the Department of Children, Youth & Their Families to retroactively accept and expend grant funding in the amount of \$729,932 from the Federal Department of Justice, Office of Justice Programs for implementation of criminal justice programs; and amending the Annual Salary Ordinance No. 183-09 for FY2009-2010 to reflect the addition of one Class 1822 grant-funded position (0.50 FTE) at the Department of Children, Youth & Their Families and one Class 2910 grant-funded position (0.50 FTE) at the Public Defender's Office.

Attachments: [Legislation Ver1](#)

[Comm Packet 040510](#)

[Board Packet 041310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendation of the Rules Committee

Present: Supervisors Campos, Mar

20. [100204](#) **[Americans with Disabilities Act - Reasonable Modification Policy]**

Sponsors: Alioto-Pier; Mar and Campos

Ordinance adding Administrative Code Section 2A.22.3 to adopt a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

Attachments: [Legislation VER1](#)

[Comm Packet 040110](#)

[Board Packet 041310](#)

Question: Shall this Ordinance be PASSED ON FIRST READING?

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.

21. [100252](#) [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 100 - 32nd Avenue]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 19, 2009, Case No. 2007.0129E, that a project located at 100 - 32nd Avenue is exempt from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301(e)(1)). The proposal would add a three-story side horizontal addition and would enlarge the existing partial fourth floor at the existing four-story, single-family residence located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District, in Assessor's Block No. 1312, Lot No. 008. (District 2) (Appellant: Stephen M. Williams on behalf of Sanford Garfinkel, other neighbors, and the Lincoln Park Neighborhood Association) (Clerk of the Board)

(Filed March 1, 2010; Companion Measure to File Nos. 100253, 100254, 100255.)

Attachments: [Board Packet 041310](#)

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. [100253](#) [Affirming the Exemption Determination for 100 – 32nd Avenue]

Motion affirming the determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)

Attachments: [Legislation_VER1](#)

[Board Packet 041310](#)

Question: Shall this Motion be APPROVED?

- 23. [100254](#) **[Reversing the Exemption Determination Issued for 100 – 32nd Avenue]**
 Motion reversing the determination by the Planning Department that the 100 - 32nd Avenue project is exempt from environmental review.
Attachments: [Legislation VER1](#)
[Board Packet 041310](#)

Question: Shall this Motion be APPROVED?

- 24. [100255](#) **[Preparation of Findings Related to the Exemption Determination for the 100 – 32nd Avenue Project]**
 Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the project located at 100 - 32nd Avenue is exempt from environmental review. (Clerk of the Board)
Attachments: [Legislation VER1](#)
[Board Packet 041310](#)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.

- 25. [100288](#) **[Public Hearing - Appeal of Determination of Statutory Exemption from Environmental Review for San Francisco Municipal Transportation Agency Transit Service Reductions and Related Fiscal Emergency]**
 Hearing of persons interested in or objecting to the decision of the Planning Department’s determination dated February 4, 2010, Case No. 2010.0060E, that the San Francisco Municipal Transportation Agency transit service reductions and related fiscal emergency are statutorily exempt from environmental review as provided in California Public Resources Code Section 21080.32 and California Environmental Quality Act (CEQA) Guidelines Section 15285. (Appellant: David Pilpel)
 (Filed March 2, 2010; Companion Measure to File Nos. 100289, 100290, 100291.)
Attachments: [Board Packet 041310](#)

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.)

26. [100289](#) **[Affirming the Statutory Exemption Determination for the San Francisco Municipal Transportation Agency Fiscal Emergency]**
Motion affirming the determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is statutorily exempt from environmental review.
Attachments: [Legislation VER1](#)
[Board Packet 041310](#)
- Question: Shall this Motion be APPROVED?**
27. [100290](#) **[Reversing the Statutory Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]**
Motion reversing the determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is statutorily exempt from environmental review. (Clerk of the Board)
Attachments: [Legislation VER1](#)
[Board Packet 041310](#)
- Question: Shall this Motion be APPROVED?**
28. [100291](#) **[Preparation of Findings Related to the Exemption Determination for the San Francisco Municipal Transportation Agency Service Reductions]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the exemption determination by the Planning Department that the San Francisco Municipal Transportation Agency decision to implement service reductions is exempt from environmental review. (Clerk of the Board)
Attachments: [Legislation VER1](#)
[Board Packet 041310](#)
- Question: Shall this Motion be APPROVED?**

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 29 through 33

29. [100459](#) [Supporting Senate Bill 1140 Regarding Allowing Voters to Register and Vote Up to and Including Election Day]

Sponsor: Campos

Resolution supporting Senate Bill 1140 to delete the arbitrary timelines which prevent eligible citizens from voting in elections by allowing voters to register and vote up to and including election day.

Attachments: [Board Packet 041310](#)

04/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

30. [100460](#) [Urging the California Department of Corrections and Rehabilitations to Implement Guidelines to Ensure Voting Access for Eligible Offenders]

Sponsor: Mirkarimi

Resolution urging the California Department of Corrections and Rehabilitation's Corrections Standard Authority to adopt specific guidelines for County Sheriff's and Department of Corrections, in order to facilitate voting among eligible incarcerated individuals.

Attachments: [Board Packet 041310](#)

04/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

31. [100461](#) [Commending the Golden Gate Yacht Club and BMW ORACLE Racing Team on Winning the 33rd America's Cup and Urging the City to Host the 34th America's Cup]

Sponsors: Mirkarimi; Dufty, Maxwell and Chiu

Resolution commending San Francisco's Golden Gate Yacht Club and BMW ORACLE Racing team, directing the Clerk of the Board to send a congratulatory letter regarding their significant achievement of winning the 33rd America's Cup, and urging the City to work diligently on a plan for a San Francisco waterfront venue to host the 34th America's Cup.

Attachments: [Board Packet 041310](#)

04/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [100462](#) [Regulations to Ensure that Reusable Bags are Suitably Durable and Do Not Contribute to the Landfill Waste Stream]

Sponsor: Mirkarimi

Resolution requesting the Director of Department of Environment, under the authority of Section 1704, of Chapter 17, of the San Francisco Municipal Environment Code, to promulgate new, or amend existing, regulations to ensure that reusable bags are suitably durable and do not contribute to the landfill waste stream.

Attachments: [Board Packet 041310](#)

04/06/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [100464](#) [Supporting Assembly Bill 2511 Regarding Limiting Annual Percentage Rate of Payday Loans]

Sponsors: Chiu; Campos

Resolution supporting Assembly Bill 2511 regarding limiting the annual percentage rate of payday loans to customers receiving unemployment benefits.

Attachments: [Legislation Ver1](#)

[Board Packet 041310](#)

04/06/2010; 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: _____

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

PROPOSED ORDINANCES

100421

[Settlement of Lawsuit - John Hartnett - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by John Hartnett against the City and County of San Francisco for \$30,000; the lawsuit was filed on March 13, 2009, in San Francisco Superior Court, Case No. CGC-09-486142; entitled John Hartnett v. City and County of San Francisco et al. (City Attorney)

04/13/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100438

[Settlement of Lawsuit - Michelle Cody - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Michelle Cody against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 27, 2008, in San Francisco Superior Court, Case No. CGC-08-475697; entitled Michelle Cody v. City and County of San Francisco, et al. (City Attorney)

04/13/2010; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

100419

[Airport Concession Lease with Wells Fargo Bank, N.A.]

Resolution approving the Domestic Terminals Automated Teller Machines Lease "A," between Wells Fargo Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Attachments: [Legislation_Ver1](#)

04/13/2010; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

100420

[Airport Concession Lease with JPMorgan Chase Bank, N.A.]

Resolution approving the Domestic Terminals Automated Teller Machines Lease "B," between JPMorgan Chase Bank, N.A., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

Attachments: [Legislation_Ver1](#)

04/13/2010; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

100439

[Settlement of Claim - Karin Novotna - \$125,000]

Resolution approving the settlement of the unlitigated claim filed by Karin Novotna against the City and County of San Francisco for \$125,000; claim was filed on November 19, 2009. (City Attorney)

04/13/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100440

[Settlement of Claim - Pacific Gas and Electric Company - \$97,957.70]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against Pacific Gas and Electric Company for \$97,957.70; claim was filed on February 1, 2010. (City Attorney)

04/13/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100441

[Approval of FY2010-2011 Expenditure Plan for the Human Services Care Fund]

Resolution approving the FY2010-2011 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

04/13/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100442

[Contract Approval with Global Tel*Link for Inmate Telephone Services]

Resolution approving a contract for operating the Sheriff's Inmate Telephone Services, between Global Tel*Link and the City and County of San Francisco, acting by and through the Sheriff's Department. (Sheriff)

Attachments: [Legislation_Ver1](#)

04/13/2010; RECEIVED AND ASSIGNED to the Budget and Finance Sub-Committee.

100465 [Petitions and Communications]

Petitions and Communications received from March 30, 2010, through April 5, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on April 13, 2010.

From Planning Department, submitting a copy of Public Notice regarding availability of Draft Environmental Impact Report for San Francisco Public Utilities Commission's Harry Tracy Water Treatment Plant Long-Term Improvements Project, Planning Case No. 2007.1202E, State Clearinghouse No. 2008052106. (1)

From Board President David Chiu, submitting Waiver of 30-Day Rule for proposed ordinance creating a General Reserve and Budget Stabilization Reserve. File No. 100248, copies: Each Supervisor and Budget & Finance Committee Clerk. (2)

From Office of the Mayor, submitting the appointment of Diane B. Wilsey to the War Memorial Board of Trustees, term ending January 2, 2013. (3)

From Office of the Mayor, submitting the appointments of Jewelle L. Gomez and Michael Breyer to the Library Commission, terms ending January 15, 2014. (4)

From Office of the Controller-City Services Auditor, submitting Airport Commission Cash Handling Audit of Ground Transportation Unit. Copies: Each Supervisor (5)

From State of California Fish and Game Commission, submitting a copy of the notice of final consideration on the petition to list the Pacific Fisher as an endangered or threatened species. (6)

From Department of Public Works, submitting Quarterly Report of Defective Sidewalk Repair Revolving Account. Copies: Each Supervisor (7)

From Department of Public Works, submitting Quarterly Report of the Adopt-A-Tree Account for period October 1, 2009, through December 31, 2009. Copies: Each Supervisor (8)

From San Francisco Library Commission, Submitting a copy of Resolution No. 2010-01 approving the solicitation of Integrated Project Delivery proposal for the construction of the new Bayview Branch Library. Copies: Each Supervisor (9)

From Airport Director, submitting a status report on the use of the workforce development funds that the Board released to the Airport in December 2009. (10)

From Fatima Trigos, submitting support for the appointment of Commissioner Richard Ventura to the Small Business Commission. File No. 100305, Copies: Each Supervisor. (11)

From Stan Feinsod, submitting opposition to re-naming Third Street to "Willie Brown Boulevard" in San Francisco. (12)

From San Francisco Ocean Edge, submitting a copy of Bulletin No. 1, Bulletin No. 3, Bulletin No. 4, and Bulletin No. 5 regarding the proposed Beach Chalet Soccer Field Renovation. File No. 100053, Copies: City Operations and Neighborhood Services Committee Members and Committee Clerk. (13)

From Clerk of the Board, the following individuals have submitted a Form 700 Statement of Economic Interest: (14)

Vallie Brown - Annual
Victor Lim - Annual
Catherine Stefani - Annual
Angela Calvillo - Annual
Kay Gulbengay - Annual
Jon Lau - Annual
David Noyola - Annual
Sue Cauthen - Annual
Scott Spertzel - Annual
Louisa Mendoza - Annual
Mervin Conlan - Annual
John McGarry - Annual
Richard Lee - Annual
Gregory Blaine - Annual
Margaret Ruxton - Annual
Diane Robinson - Annual
Alfredo Perez - Annual
Lawrence Lee - Annual
Jeffrey Morris - Annual
Arthur Tom - Annual
Donna Crowder - Annual
Joseph Tham - Annual
Supervisor Ross Mirkarimi - Annual
Suzanne Manneh - Annual
Jill Jay - Assuming
Camelin Blackstone - Annual
Sheila Chung-Hagen - Annual
Rick Galbreath - Annual
Alice Guidry - Annual
Boe Hayward - Annual
Raquel Redondiez - Annual
Olivia Scanlon - Annual
Nancy Miller - Annual
Supervisor John Avalos - Annual
Supervisor David Chiu - Annual
Jennifer Gore - Annual
Daniel Calvert - Annual
Madeleine Miller - Annual
Supervisor Alioto-Pier - Annual
Supervisor Bevan Dufty - Annual
Supervisor David Campos - Annual
Erica Cravens-Green - Annual
James Knoebber - Annual
Richard Knee - Annual
Doyle Johnson - Annual
Allyson Washburn - Annual
Jeremy Pollock - Annual
Madeleine Licavoli - Annual
Alexander Randolph - Assuming
Hope Schmeltzer - Annual
Nicholas Goldman - Annual
Michael Bornstein - Annual

From Office of the Controller City Services Auditor, submitting link to the February 2010 Government Barometer Report. (15)

From Department of Toxic Substances Control, submitting notice to all Regulations List Subscribers that they will be purging all out-dated addresses and are in the process of converting from paper mailings to e-mail delivery. (16)

From Francisco Da Costa, regarding the San Francisco Police Commission meeting at Grace Lutheran Church in the Portola District. (17)

From concerned citizen, submitting opposition to a marijuana dispensary that will be opening in the Sunset District. (18)

From Aaron Goodman, submitting support for proposed ordinance that will amend the Planning Code regarding Green Landscaping and supporting the proposed resolution urging the Treasury Oversight Committee to ratify socially responsible investment goals in the City's investment policy to encourage investments related to foreclosure mitigation. File No's. 091453 & 100265.

Submitting opposition to the proposed ordinance that will amend the Building Code regarding development fee collection procedure. File No. 091251. (19)

From Controller's Office, submitting link to Three-Year Budget Projection for General Fund Supported Operations FY2010-2011 through FY2012-2013 Joint Report. (20)

From Bohdar Herman, submitting opposition to The Community Choice Aggregation Program. (21)

From Department of Public Health, submitting Hazardous Waste Release Disclosure Form. (22)

From Department of Aging and Adult Services, submitting a flyer soliciting candidates for the California Senior Legislature. (23)

From Emil Lawrence, regarding the unauthorized removal of Taxi driver documents by San Francisco Airport Employee. (24)

From Emil Lawrence, submitting a copy of letter to Henry Thompson, Assistant Deputy, Airport Director, regarding increased Taxi fees for entering San Francisco International Airport. (25)

From Department of Public Works, submitting response to Supervisor Mirkarimi's inquiry No. 20100330-006. (26)

From concerned citizens, submitting opposition to the Department of Recreation and Parks' plan to introduce a Public Market at Justin Herman Plaza. 6 Letters. (27)

From concerned citizens, submitting opposition to the Municipal Transportation Agency's proposed changes to parking meters in the City. 14 Letters. (28)

From Pacific Gas and Electric Company, submitting Notice of Pacific Gas and Electric Company's Phase II 2011 General Rate Case Application (GRC Phase II). (29)

From Susan Berry, regarding a parking citation received on January 29, 2010, at 729 Jones Street. Copy: Supervisor Chiu. (30)

From Molly Burke, submitting a copy of a press release regarding BART's budget balanced without major impacts on customers. (31)

From Francisco Da Costa, submitting a link to article regarding the Environmental Protection Agency's warning to Lennar. (32)

From Roland Sheppard, expressing concerns regarding the City and County of San Francisco allegedly trampling on Civil Liberties. (33)

From Francisco Da Costa, regarding the San Francisco Redevelopment Agency's plans to place a prefabricated building on Parcel A - Lot D. (34)

From Selina Chen, expressing concerns regarding loss of funding to the Department of Children, Youth & Their Families. (35)

From Francisco Da Costa, regarding Bay Area Air Quality Management District meeting that was held on March 29, 2010. (36)

From concerned citizens, expressing concerns regarding the current condition of the soccer fields located at the Golden Gate Park Polo Fields and Beach Chalet Soccer Fields. 2 Letters. (37)

From Pete Milton, submitting opposition to the City's loan to the Community Center Project of San Francisco, Inc., located at 1800 Market Street. File No. 100133 (38)

From Sharon Starr, submitting support to restore Sharp Park to a more natural habitat. Copies: Supervisors Mar, Chu, Elsbernd, and the Government Audit and Oversight Committee Clerk. (39)

From Bill Jaeck, submitting opposition to the proposed ordinance that will amend Planning Code to amend certain height and bulk districts within the Market and Octavia Area Plan. File No. 091476 (40)

From Da Graczyk, regarding potential health impacts of wireless facilities. File No. 100043 (41)

From Da Graczyk, regarding maintaining control over Fiber Networks. File No. 100266 (42)

From Michael Lind, submitting opposition to converting the Edward Inn, located at 3155 Scott Street, to a homeless shelter or half-way house. (43)

From James Chaffee, regarding the Library Commission's alleged violation of the Sunshine Ordinance. (44)

From concerned citizen, submitting opposition to proposed legislation concerning the Sit/Lie law. File No. 100233 (45)

ADJOURNMENT