



# 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, September 17, 2013 - 2:00 PM

#### Regular Meeting

---

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

Angela Calvillo, Clerk of the Board

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

#### BOARD COMMITTEES

##### Committee Membership

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

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

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

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

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

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

##### Meeting Days

Wednesday  
10:30 AM

4th Thursday  
3:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
1:30 PM

1st and 3rd Thursday  
10:00 AM

1st and 3rd Thursday  
1:30 PM

## **Agenda Item Information**

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

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

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

## **Meeting Procedures**

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

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

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

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

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

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

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

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

### **Disability Access**

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

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

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

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

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

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

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

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

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

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

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

**AGENDA CHANGES**

**APPROVAL OF MEETING MINUTES**

*There are none.*

**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.*

*There are no items.*

**REGULAR AGENDA**

**UNFINISHED BUSINESS**

*There are no items.*

**NEW BUSINESS**

**Recommendations of the Budget and Finance Committee**

*Present: Supervisors Farrell, Mar, Avalos*

1. [130276](#) **[Business and Tax Regulations Code - Former Transfer Tax Review Board]**  
Ordinance amending the Business and Tax Regulations Code to remove provisions that refer to the former Transfer Tax Review Board that expired by operation of law on January 1, 2013. (City Attorney)

**Attachments:** [Leg Ver1](#)  
[Leg Dig Ver1](#)  
[bf091113\\_130276](#)  
[130276.doc](#)  
[Board Packet 091713](#)

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

2. [130780](#) **[Setting Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2013-2014]**  
**Sponsor: Mayor**  
Ordinance providing revenue and levying property taxes at a combined rate of \$1.1880 on each \$100 valuation of taxable property for the City and County of San Francisco, San Francisco Unified School District, San Francisco Community College District, Bay Area Rapid Transit District, and Bay Area Air Quality Management District, and establishing a pass-through rate of \$0.0880 per \$100 of assessed value for residential tenants pursuant to Administrative Code, Chapter 37, for the fiscal year ending June 30, 2014.

**Attachments:** [Leg Ver1](#)  
[Dept Ltr 072413](#)  
[Leg Ver2](#)  
[Dept ltr 082613](#)  
[Comm Pkt 091113](#)  
[Budget Analysts Rpt 091113](#)  
[Board Packet 091713](#)

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

3. [130671](#) **[Airport Concession Lease - Skyline Concessions, Inc. - \$192,000 Minimum Annual Guarantee]**

Resolution approving the Boarding Area E Newsstand Lease, a Small Business Enterprise Set-Aside, between Skyline Concessions, Inc., and the City and County of San Francisco, acting by and through its Airport Commission for a seven year term with a minimum annual guarantee of \$192,000. (Airport Commission)

**Attachments:** [Leg Ver1](#)  
[Form 126](#)  
[Transmittal](#)  
[Agmt Summary](#)  
[Comm Pkt 091113](#)  
[Budget Analysts Rpt 091113](#)  
[Board Packet 091713](#)

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

4. [130701](#) **[Real Property Lease Renewal - 3801-3rd Street, Suite 400 - Bayview Plaza, LLC, - \$38,545 Monthly]**

Resolution retroactively authorizing the renewal lease for approximately 14,825 square feet of space at 3801-3rd Street, Suite 400, San Francisco, with Bayview Plaza, LLC, as Landlord, for use by the Department of Public Health at the monthly cost of \$38,545 for the period of July 1, 2013, through June 30, 2018. (Real Estate Department)

(Fiscal Impact)

**Attachments:** [Leg Ver1](#)  
[Dept Ltr 070213](#)  
[Agmt 052013](#)  
[Form 126](#)  
[Comm Pkt 091113](#)  
[Budget Analysts Rpt 091113](#)  
[Board Packet 091713](#)

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

5. [130708](#) **[Accept and Expend Grant - County Enrollment Assistance 2013 - \$225,000]**  
**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$225,000 from Blue Shield of California Foundation to participate in a program entitled County Enrollment Assistance 2013 grant for the period of April 1, 2013, through March 31, 2014; and waiving indirect costs.

- Attachments:** [Leg Ver1](#)  
[Form 126 SocialInterest](#)  
[Form 126 Hewlett](#)  
[Comm Pkt 091113](#)  
[Board Packet 091713](#)

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

6. [130714](#) **[Accept and Expend Grant - National Institutes of Health - \$140,827]**  
**Sponsor: Wiener**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$140,827 from National Institutes of Health to participate in a program entitled, "A Probability-Based Survey of HIV Risk among Transmen, using a novel Sampling Method" for the period of April 1, 2013, through March 31, 2014.

- Attachments:** [Leg Ver1](#)  
[DPH Transmittal](#)  
[Grant Info](#)  
[Titl Salary](#)  
[Budget Justification](#)  
[App Fed Ast](#)  
[Notice Award](#)  
[Form 126](#)  
[Comm Pkt 091113](#)  
[Board Packet 091713](#)

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

7. [130729](#) **[Agreement - County CalWIN Consortium - \$53,019,909]**  
Resolution retroactively amending the membership of the 18 County CalWIN Consortium and authorizing the Director of the Human Services Agency to expand the expenditure authority from \$42,530,138 for an additional amount of \$10,489,771 the project budget including this extension is totaling to \$53,019,909 from July 1, 2013, through August 1, 2015. (Human Services Agency)

(Fiscal Impact)

- Attachments:** [Leg\\_Ver1](#)  
[Cover Ltr HSA](#)  
[Agmt 010713](#)  
[Comm Pkt 091113](#)  
[Budget Analysts Rpt 091113](#)  
[Leg\\_Ver2](#)  
[Board Packet 091713](#)

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

8. [130730](#) **[Agreement - In-Home Supportive Services Consortium - Not to Exceed \$87,321,540]**  
Resolution retroactively approving the contract between the City and the In-Home Supportive Services (IHSS) Consortium of San Francisco for the provision of IHSS for the period of July 1, 2013, to June 30, 2017, in an amount not to exceed \$87,321,540. (Human Services Agency)

(Fiscal Impact)

- Attachments:** [Leg\\_Ver1](#)  
[Agmt 010713](#)  
[Form 126](#)  
[Comm Pkt 091113](#)  
[Budget Analysts Rpt 091113](#)  
[Leg\\_Ver2](#)  
[Board Packet 091713](#)

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



9. [130732](#) **[Real Property Lease - Port Commission - 295 Terry Francois - Seven Percent of Gross or \$10,011.81 Monthly]**

Resolution approving Port Commission Lease No. L-15255 with East Street Ventures, LLC, for restaurant space located at 295 Terry Francois Boulevard in the Central Waterfront with a 180-month term with one 60-month term extension option for initial monthly rent of the greater amount of either seven percent of all gross revenue or \$10,011.81. (Port)

(Fiscal Impact)

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

[Cover Ltr Port](#)

[Memo 070313](#)

[Agmt 062313](#)

[Comm Pkt 091113](#)

[Budget Analysts Rpt 091113](#)

[Board Packet 091713](#)

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

10. [130776](#) **[Lease - Golden Gate Park Golf Foundation - \$225,000 Annual Base Rent]**

Resolution authorizing the General Manager of the Recreation and Park Department to execute a five-year lease, with one two-year option to extend, with the Golden Gate Park Golf Foundation, for the management and operation of the clubhouse and golfing operations at Golden Gate Park Golf Course, with an annual base rent of \$225,000. (Recreation and Park Department)

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

[Dept Ltr 060413](#)

[P&R Reso 1307007](#)

[Agmt 2013](#)

[Form 126](#)

[Comm Pkt 091113](#)

[Budget Analysts Rpt 091113](#)

[Leg Ver2](#)

[Board Packet 091713](#)

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

11. [130825](#) **[Apply for, Accept, and Expend Fund - Transportation Security Administration Other Transaction Agreement - Not to Exceed \$59,429,406]**

**Sponsor: Mayor**

Resolution approving the Airport Commission's negotiation and execution of an Other Transaction Agreement with the Transportation Security Administration for the Terminal 1 Checked Baggage Inspection System Modernization Program for a five-year term in an amount not to exceed \$59,429,406 and approving the acceptance and expenditure of Federal funds.

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

[Comm\\_Pkt\\_091113](#)

[Board\\_Packet\\_091713](#)

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

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

*Present: Supervisors Wiener, Kim, Chiu*

12. [130646](#) **[Planning Code - Mixed Use Office District]**

Ordinance amending the Planning Code, Section 842 and 842.49, of the Zoning Control Table, to permit a tourist hotel without a specified room limit in a Mixed Use Office District in height districts that are 105 feet and above with a Conditional Use authorization; and making environmental findings, Planning Code, Section 302, findings, and findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1. (Planning Commission)

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

[Response\\_PLN\\_061213](#)

[Comm\\_Pkt\\_090913](#)

[Board\\_Packet\\_091713](#)

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

13. [130672](#) **[Transportation Code - Disabled Parking Placard or License Plate Restrictions]**

**Sponsor: Chiu**

Ordinance amending the Transportation Code, Division I, to prohibit, on any street, alley, or portion of a street or alley, or in any municipal or private parking facility, the parking of a vehicle displaying a disabled parking placard or special license plate, in order to obtain special parking privileges, that has been reported as lost, stolen, surrendered, canceled, revoked, expired, or issued to a person who has been reported as deceased for a period exceeding sixty days; is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or is counterfeit, forged, altered, or mutilated.

- Attachments:** [Leg Ver1](#)  
[Leg Dig Ver1](#)  
[MTA Ltr 062413](#)  
[Response MOD 070313](#)  
[Comm Pkt 090913](#)  
[Board Packet 091713](#)

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

14. [130706](#) **[Administrative Code - Residential Rent Ordinance, Tenant Financial Hardship Applications for Relief from Landlord Passthrough of Capital Improvement Costs]**

**Sponsors: Mayor; Chiu, Kim, Mar and Campos**

Ordinance amending the Administrative Code to provide standards for Residential Tenant Financial Hardship Applications seeking relief from landlord passthrough of capital improvement costs to a tenant, and procedures for reviewing and deciding the applications; and to require the Rent Board to provide notice to tenants regarding financial hardship application procedures, when a landlord applies for certification of capital improvement costs.

- Attachments:** [Leg Ver1](#)  
[Leg Dig Ver1](#)  
[Comm Pkt 090913](#)  
[Leg Ver2](#)  
[Leg Dig Ver2](#)  
[Board Packet 091713](#)

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

15. [130782](#) **[Building, Housing Codes - Mandatory Seismic Retrofit Program - Wood-Frame Buildings]**  
**Sponsors: Mayor; Chiu, Wiener, Yee, Tang, Farrell, Breed, Mar and Cohen**  
Ordinance amending the Building Code to modify some of the evaluation and retrofit criteria for the Mandatory Earthquake Retrofit Program and add seismic members to the Board of Examiners; amending the Housing Code to require a Report of Residential Building Record (3R Report) to include information on whether a building is included in the program and whether the required upgrade has been completed; adopting environmental findings and findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board to forward the legislation to specified State agencies.

**Attachments:** [Leg\\_Ver1](#)  
[Leg\\_Dig\\_Ver1](#)  
[Resonse\\_BIC\\_082213](#)  
[Comm\\_Pkt\\_090913](#)  
[Board\\_Packet\\_091713](#)

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

16. [130786](#) **[Fire Code - Repealing, Replacing, and Amending]**  
**Sponsors: Chiu; Farrell**  
Ordinance repealing the current Fire Code in its entirety and replacing that code with a new 2013 San Francisco Fire Code consisting of the 2013 California Fire Code and portions of the 2012 International Fire Code, together with San Francisco amendments, with an operative date of January 1, 2014; amending the current Fire Code, Section 511.2, to exempt any building that is covered by Section 511.2 and is equipped with a fire service access elevator pursuant to California Building Code, Section 3007, from the requirement to install an air replenishment system, with an operative date of 30 days after enactment; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward the legislation and associated materials to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

**Attachments:** [Leg\\_Ver1](#)  
[Leg\\_Dig\\_Ver1](#)  
[Findings](#)  
[2013\\_CA\\_Fire\\_Code](#)  
[Cat\\_Ex\\_081413](#)  
[Hrg\\_Notice\\_090913](#)  
[Comm\\_Pkt\\_090913](#)  
[Board\\_Packet\\_091713](#)

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

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

*Present: Supervisors Campos, Mar, Avalos*

17. [130764](#) **[Administrative Code - Due Process for All Ordinance on Civil Immigration Detainers]**

**Sponsors: Avalos; Breed, Campos, Chiu, Cohen, Kim, Mar and Yee**

Ordinance amending the Administrative Code, by adding Chapter 12I, to prohibit law enforcement officials from detaining individuals on the basis of a civil immigration detainer after they become eligible for release from custody.

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

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

[Comm\\_Pkt\\_090513](#)

[Leg\\_Ver2](#)

[Leg\\_Dig\\_Ver2](#)

[Board\\_Packet\\_091713](#)

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

18. [130775](#) **[Liquor License Transfer - 6333 Geary Boulevard]**

Resolution determining that the transfer of a Type 21 off-sale general license from 701 Fillmore Street to 6333 Geary Boulevard (District 1), to Patrick Davis for Grocery Outlet Inc., dba Grocery Outlet, will serve the public convenience or necessity of the City and County of San Francisco, in accordance with California Business and Professions Code, Section 23958.4. (Neighborhood Services and Safety Committee)

**Attachments:** [Comm\\_Pkt\\_090513](#)

[Leg\\_Ver2](#)

[Board\\_Packet\\_091713](#)

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

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

**SPECIAL ORDER 3:00 P.M.**

**Board of Supervisors Sitting as a Committee of the Whole**

*(Pursuant to File No. 130792, approved on September 10, 2013.)*

19. [130793](#) **[Hearing - Disposition and Development Agreement - Golub Real Estate and Mercy Housing - 280 Beale Street (Transbay Block 6)]**

**Sponsor:** Kim

Hearing to consider the proposal of the Successor Agency to the San Francisco Redevelopment Agency, to retroactively enter into a Disposition and Development Agreement for the sale and development of land located at 280 Beale Street, Assessor's Parcel No. 3738-004, commonly known as Transbay Block 6, with Golub Real Estate Corporation, an Illinois corporation, and Mercy Housing California, a California non-profit public benefit corporation beginning April 16, 2013.

**Attachments:** [Hrg Notice 091713](#)  
[Board Packet 091713](#)

**Question:** Shall this Hearing be HEARD AND FILED?

### Committee of the Whole Adjourn and Report

20. [130794](#) **[Disposition and Development Agreement - Golub Real Estate and Mercy Housing - 280 Beale Street (Transbay Block 6) - \$30,000,000]**

**Sponsor:** Kim

Resolution retroactively approving and authorizing the Office of Community Investment and Infrastructure, as Successor Agency to the San Francisco Redevelopment Agency, to enter into a Disposition and Development Agreement for the sale and development of land located at 280 Beale Street, Assessor's Parcel No. 3738-004, commonly known as Transbay Block 6, with Golub Real Estate Corporation, an Illinois corporation, and Mercy Housing California, a California non-profit public benefit corporation beginning April 16, 2013.

(Fiscal Impact)

**Attachments:** [Leg Ver1](#)  
[DDA 041613](#)  
[CCII Res 9-2013](#)  
[CCII Res 10-2013](#)  
[KMA Memo 082813](#)  
[33433 Report 082913](#)  
[Board Packet 091713](#)

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

## SPECIAL ORDER 3:00 P.M.

### APPEAL PROCEDURES

Board Rule 4.18 provides that public hearings on appeals shall be scheduled for 3:00 p.m. 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 3:00 p.m. 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 3:00 p.m.:

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 3:00 p.m.
5. Appeals involving participants who have ADA considerations may be set for specific times beginning at 3:00 p.m.

21. **130818** **[Public Hearing - Conditional Use - 3771 and 3781 Cesar Chavez Street]**  
Hearing of persons interested in or objecting to the Planning Commission's approval on July 18, 2013, of a Conditional Use Authorization identified as Planning Case No. 2013.0259CV, by its Motion No. 18930, pursuant to Planning Code Sections 209.3(f), 209.3(j), 317, and 303, to increase enrollment at an existing preschool (d.b.a. Gan Noe Preschool) and allow for an accessory religious facility within the preschool, located within a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District, on property located at 3771 and 3781 Cesar Chavez Street, Assessor's Block No. 6577, Lot Nos. 030 and 045. (District 8) (Appellant: Richard Rochman) (Filed August 19, 2013). (Clerk of the Board)

**Attachments:** [Board Packet 091713](#)

### **Question: Shall this Hearing be HEARD AND FILED?**

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

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

22. [130819](#) **[Approving Planning Commission's Decision Related to the Conditional Use Authorization - 3771 and 3781 Cesar Chavez Street]**

Motion approving the decision of the Planning Commission by its Motion No. 18930, approving a Conditional Use Authorization identified as Planning Case No. 2013.0259CV on property located at 3771 and 3781 Cesar Chavez Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

[Board Packet 091713](#)

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

23. [130820](#) **[Disapproving Planning Commission's Decision Related to the Conditional Use Authorization - 3771 and 3781 Cesar Chavez Street]**

Motion disapproving the decision of the Planning Commission by its Motion No. 18930, approving a Conditional Use Authorization identified as Planning Case No. 2013.0259CV on property located at 3771 and 3781 Cesar Chavez Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

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

[Board Packet 091713](#)

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

24. [130821](#) **[Preparation of Findings Related to the Conditional Use Authorization - 3771 and 3781 Cesar Chavez Street]**

Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Authorization identified as Planning Case No. 2013.0259CV on property located at 3771 and 3781 Cesar Chavez Street. (Clerk of the Board)

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

[Board Packet 091713](#)

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

## COMMITTEE REPORTS

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

*The following items will be considered by the Government Audit and Oversight Committee at a Regular Meeting on Thursday, September 12, 2013, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a Committee Reports on Tuesday, September 17, 2013.*



25. [130762](#) **[Memorandum of Understanding, Amendment No. 5 - San Francisco Police Officers' Association (Units P-1 & P-2A)]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Units P-1 & P-2A) by implementing specified terms and conditions of employment for FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

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

[MOU](#)

[Cost Analysis](#)

[Comm Pkt 091213](#)

[Comm Rpt 091713](#)

[Board Pkt 091713](#)

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

26. [130763](#) **[Memorandum of Understanding, Amendment No. 5 - San Francisco Police Officers' Association (Unit P-2B)]**

**Sponsor: Mayor**

Ordinance adopting and implementing Amendment No. 5 to the 2007-2015 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association (Unit P-2B) by implementing specified terms and conditions of employment for FYs 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018.

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

[MOU](#)

[Cost Analysis](#)

[Comm Pkt 091213](#)

[Comm Rpt 091713](#)

[Board Pkt 091713](#)

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

## 27. 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.*

## 28. PUBLIC COMMENT

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

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

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

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

### Items 29 through 32

29. [130829](#) **[Urging the Public Utilities Commission to Set Not-to-Exceed Rates for CleanPowerSF Without Any Further Delay]**  
**Sponsors: Breed; Avalos, Mar and Campos**  
Resolution reiterating the Board of Supervisor's support for CleanPowerSF, citing the Board's role as the preeminent policymaking body in San Francisco, urging the Public Utilities Commission to set not-to-exceed rates for CleanPowerSF without any further delay, and promising further action if the Public Utilities Commission fails to set rates.

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

[Board Packet 091013](#)

[Board Packet 091713](#)

09/03/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

09/10/2013; CONTINUED.

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

30. [130870](#) **[Supporting Assembly Bill 1263 - Medi-Cal: CommuniCal - Reliable Access to Language Interpretation for Medi-Cal Beneficiaries]**

**Sponsors: Campos; Avalos**

Resolution urging the California State Legislature to pass Assembly Bill 1263, which creates "Medi-Cal: CommuniCal," a program that provides reliable access to language interpretation for Medi-Cal beneficiaries who are limited English proficient.

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

[Board Packet 091713](#)

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

31. [130871](#) **[Frank Rossi, Sr., Day - October 19, 2013]**

**Sponsor: Chiu**

Resolution declaring October 9, 2013, as Frank Rossi, Sr., Day in the City and County of San Francisco.

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

[Board Packet 091713](#)

09/10/2013; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

32. [130848](#) **[Final Map 7341 - 1 Capitol Avenue]**

Motion approving Final Map 7341, a 29 Lot Subdivision Project, located at 1 Capitol Avenue, being a subdivision of Assessor's Block No. 7148, Lot No. 040, and adopting findings pursuant to the General Plan, and Planning Code, Section 101.1. (Public Works Department)

**Attachments:** [Routing Sheet](#)

[DPW Order 181602](#)

[Ten Map Ref](#)

[Tax Cert](#)

[Mylar Map](#)

[Board Packet 091713](#)

09/04/2013; RECEIVED FROM DEPARTMENT.

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

33. **IMPERATIVE AGENDA**

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

*[Serious Injury Finding]*

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

*[Purely Commendatory Finding]*

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

*[Brown Act Finding]*

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

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

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

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

### Introduced at the Request of a Department

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

## PROPOSED ORDINANCES

### 130854

#### **[Settlement of Lawsuit - Erik Russell - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by Erik Russell against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 24, 2012, in United States District Court, Northern District of California, Case No. 12-CV-00929 JCS; entitled Erik Russell, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

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

09/05/2013; RECEIVED FROM DEPARTMENT.

09/17/2013; RECEIVED AND ASSIGNED to the Rules Committee.

### 130855

#### **[Settlement of Lawsuit - E. Lynn Schoenmann - \$160,000]**

Ordinance authorizing settlement of the lawsuit filed by E. Lynn Schoenmann against the City and County of San Francisco for \$160,000; the lawsuit was filed on December 10, 2012 in Bankruptcy Court Case No. 12-32146-HLB; Adv. Proc. No. 12-03170; entitled E. Lynn Schoenmann, Trustee, et al., v. City and County of San Francisco. (City Attorney's Office)

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

09/05/2013; RECEIVED FROM DEPARTMENT.

09/17/2013; RECEIVED AND ASSIGNED to the Rules Committee.

## PROPOSED RESOLUTIONS

**130856 [Agreement - Pacific Gas and Electric Company - Solar Power Project - 700 Pennsylvania Avenue]**

Resolution authorizing the Public Utilities Commission General Manager to enter into a long term interconnection agreement with Pacific Gas and Electric Company for a Solar Power Project at the Municipal Transportation Agency building, 700 Pennsylvania Avenue, San Francisco, pursuant to Charter, Section 9.118(b). (Public Utilities Commission)

**Attachments:** [Agmt 79-973](#)

[MOU 042309](#)

[Agmt Solar Project](#)

[Memo 070708](#)

[Reso 554-07](#)

[Reso 441-11](#)

[Reso 374-12](#)

[Memo 082013](#)

09/09/2013; RECEIVED FROM DEPARTMENT.

09/17/2013; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

**130842 [Petitions and Communications]**

Petitions and Communications received from September 3, 2013, through September 9, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 17, 2013.

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

From Mayor Lee, regarding FY2012-2013 Civil Grand Jury report, "Log Cabin Ranch." File No. 130608. (1)

From Mayor Lee, regarding FY2012-2013 Civil Grand Jury report, "Use of Nonprofit Community-Based Organizations." File No. 130610. (2)

From Controller, regarding report, "You Can Only Manage What You Measure." File No. 130639. (3)

From Molly M. Burke, regarding BART ridership. Copy: Each Supervisor. (4)

From concerned citizens, regarding 53 Columbus Avenue. 2 letters. Copy: Each Supervisor. (5)

From Controller, regarding FYs 2013-2014 and 2014-2015 Budget Certification. File No. 130535. Copy: Each Supervisor. (6)

From Chief Probation Officer, Juvenile Probation Department, regarding his appointment. (7)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to commercial harvest of kelp. Copy: Each Supervisor. (8)

\*From Southeast Community Facility Commission, submitting Annual Statement of Purpose and Annual Report for FY2012-2013. Copy: Each Supervisor. (9)

From Department of Public Health, submitting quarterly report for Laguna Honda Hospital and Rehabilitation Center. Copy: Government Audit & Oversight Committee. (10)

From David Lee, regarding green project in San Francisco. (11)

From Recreation and Park Department, regarding FY2012-2013 Civil Grand Jury report, "Golden Gate Park's Homeless Population." File No. 130605. (12)

From concerned citizens, regarding proposed vehicle license fee. Copy: Each Supervisor. (13)

From concerned citizens, regarding the Japantown Cultural Heritage and Economic Sustainability Strategy. 4 letters. Copy: Each Supervisor. (14)

From Ray Hartz, Jr., regarding Friends of the San Francisco Public Library's Charity Navigator rating. (15)

\*From concerned citizens, regarding "Ban the Box in San Francisco." Copy: Each Supervisor. 52 letters. (16)

From concerned citizens, regarding fiber broadband. 2 letters. Copy: Each Supervisor. (17)

From concerned citizens, regarding petition to restore Sharp Park. 2 letters. Copy: Each Supervisor. (18)

From Liliane Sommer, regarding waiver of Condominium Conversion fee. (19)

From Marcelo Fonseca, regarding California Public Utilities Commission's proposed decision on Transportation Network Companies. Copy: Each Supervisor. (20)

From Real Estate Department, regarding sale of City property. Copy: Each Supervisor. (21)

From Paul Nisbett, regarding clean power. File No. 130829. Copy: Each Supervisor. (22)

From concerned citizens, regarding Masonic Avenue cycle track project. File No. 120974. 3 letters. Copy: Each Supervisor. (23)

\*From concerned citizens, regarding the Gan Noe Preschool's Conditional Use Permit. File No. 130818. 70 letters. Copy: Each Supervisor. (24)

From Janette Barroca, regarding vehicle break-ins near Palace of Fine Arts. Copy: Each Supervisor. (25)

From G. Scott Emblidge, regarding Fire Air Rescue Systems. File No. 130786. Copy: Each Supervisor. (26)

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

## **ADJOURNMENT**