### Board of Supervisors City and County of San Francisco

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



AGENDA Tuesday, July 24, 2007 2:00 PM

#### **Regular Meeting**

AARON PESKIN, PRESIDENT MICHELA ALIOTO-PIER, TOM AMMIANO, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, ED JEW, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL

Angela Calvillo, Clerk of the Board

#### ROLL CALL AND PLEDGE OF ALLEGIANCE

#### APPROVAL OF MEETING MINUTES

Motion to approve Board Meeting Minutes for June 19, 2007.

#### **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.

#### SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

(This item will be read at the third regularly scheduled Board meeting of every month)

The following is a time dedicated for the Mayor to discuss with the Board of Supervisors issues pertaining to the governance of the City and County of San Francisco. The Board of Supervisors offers this time for dialogue on the third regularly scheduled Board meeting of every month pursuant to the will of the voters as expressed in Proposition I in November of 2006.

Should the Mayor fail to appear after five minutes of the item being called, the Clerk shall remove the item from the Board's agenda, and the item shall not be considered by the Board. Should the Mayor

appear and the Board therefore consider this item, general public comment for this item will take place during public comment.

#### 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 3**

#### Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors McGoldrick, Alioto-Pier, Jew

#### 1. 070692 [Liquor License, 2078 Chestnut Street]

Resolution detertermining that the issuance of a Type 20 off-sale beer and wine alcoholic beverage control license to Sylvia Mania for K.I.S.S. Candy Company LLC dba Luv Box located at 2078 Chestnut Street (District 2), will serve the convenience 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. 070889 [Grant funds to support the California School Health **Supervisor Sandoval Association project**]

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend grant funds in the amount of \$23,423 from the San Francisco Public Health Foundation to partially pay the salary and fringe benefits for an Assistant Health Educator to work at the Balboa Teen Health Center and to support the California School Health Association project; for the period of March 1, 2007 through June 30, 2008.

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

#### **3.** 070927 [Grant of Regional Funds - Municipal Transportation Agency]

Mayor

Resolution authorizing the Municipal Transportation Agency to accept and expend \$450,000 of TransLink(r) funds from the Metropolitan Transportation Commission to provide resources to oversee the installation and testing of TransLink(r) equipment on Muni vehicles.

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

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

#### REGULAR AGENDA

#### UNFINISHED BUSINESS

#### From the Board

# 4. 070909 [Adopting findings related to affirming the categorical exemption issued for the 1135-1139 Green Street project]

Motion adopting findings related to affirming the determination by the Planning Department that the 1135-1139 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Board of Supervisors)

7/13/2007, REFERRED to Board of Supervisors.

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

## 5. 071046 [Adopting findings related to the disapproval of the Tentative Parcel Map for 4344 17th Street]

Motion adopting findings related to the disapproval of a 3-lot Tentative Parcel Map for 4344 17th Street, Assessor's Block 2646, Lot 054.

7/13/2007, REFERRED to Board of Supervisors.

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

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

Present: Supervisors Peskin, Ammiano, Dufty, Mirkarimi, Elsbernd

(Charter Section 9.100 provides the Board shall not adopt the Budget earlier than July 15, 2007 nor later than August 1, 2007.)

#### 6. 070773 [Government Funding for Fiscal Year 2007-2008]

Mayor

Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2008.

(Fiscal Impact.)

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

#### 7. 070774 [Public Employment for Fiscal Year 2007-2008]

Mayor

Consolidated Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2008, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

### 8. 070739 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]

**Supervisor Mirkarimi** 

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of \$200,000 in FY 2006-07 from the Private Industry Council of San Francisco, Inc. for workforce development administration, contracting, and data management, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

### 9. 070740 [Accept-Expend Federal Grant - Department of Economic and Workforce Development]

**Supervisor Mirkarimi** 

Ordinance authorizing the Department of Economic and Workforce Development to accept and expend a grant in the amount of \$5,765,890 in FY 2007-2008 from the California Employment Development Department for workforce development, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

Present: Supervisors Peskin, Ammiano, Elsbernd, Mirkarimi

#### 10. 070808

## [Increasing fees for certain services provided by the Medical Examiner]

Mayor

Ordinance amending San Francisco Administrative Code Section 8.14, by raising the fees for removal of remains, cremation services, and making environmental findings.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

Present: Supervisors Peskin, Ammiano, Dufty, Mirkarimi, Elsbernd

#### 11. 070810 [Patient Rates - Public Health]

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, 2007.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### 070811 **12.** [Public Works Code - Fees for various permits]

Mayor

Ordinance amending Public Works Code Sections 2.1.1, 2.1.2, and 724.1 to update and codify various permit fees, including permits for café tables and chairs, commemorative plaques, debris boxes, driveways, minor sidewalk encroachments, pipe barriers, sidewalks, street encroachments, street improvements, temporary street space occupancy; and making environmental findings.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### 13. 070812 [Amending Subsections of Section 106 of the San Francisco Fire Code to increase fees for certain Fire

Mayor

**Department services and permits**]

Ordinance making environmental findings and amending Sections 106.2, 106.3, 106.7, 106.8, 106.9, 106.10, 106.11, 106.15, 106.17 and Tables 106-B and 106-C of the San Francisco Fire Code to increase fees for certain Fire Department services and permits, to become operative on its effective date or on July 1, 2007, whichever is later.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### 14. 070813 [Amending Sections of the San Francisco Business and Tax Regulations Code to increase certain Fire **Department licensing fees**]

Mayor

Ordinance making environmental findings, amending Sections 90, 93, 93.1, 94, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the San Francisco Business and Tax Regulations Code to increase licensing fees for certain permits issued by the Fire Department, and repealing Section 242.1 of the San Francisco Business and Tax Regulations Code, to become operative on its effective date or on July 1, 2007, whichever is later.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### 15. 070815 [Recreation and Park Department - Athletic Fees]

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.36, to revise the fee schedule for use of athletic fields.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### **16.** 070816 [Recreation and Park Department - Harding Park **Fees**1

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.12, to revise the time for super twilight play, to establish fees for shotgun tournaments, and to authorize the Recreation and Park Commission to approve special promotions not to exceed a 20% discount of the applicable rate.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

### 17. 070817 [Recreation and Park Department - Clubhouse Rental Fees]

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.21, to increase the fees for renting clubhouses in San Francisco parks.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

### 18. 070818 [Recreation and Park Department - Junior Golf Tournament Fees]

Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.43, to establish fees for Junior and Family golf tournaments.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

#### 19. 070819 [Recreation and Park Department - Program Fees]

Mayor

Ordinance making environmental findings and adding San Francisco Park Code, Article 12, Section 12.44, to establish a fee structure for recreational programs, subject to the review and approval of the Recreation and Park Commission.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

### 20. 070820 [Recreation & Park Department - Reservation Administrative Fees]

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, by adding Section 12.45 to establish administrative fees.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

## 21. 070821 [Recreation & Park Department - Change to Resident Golf Card Fee]

Mayor

07-24-2007.htm[11/18/2013 10:43:29 AM]

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.32, to increase the annual fee for San Francisco Resident Golf Cards from \$40.00 to \$45.00 and imposing administrative fees.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### 22. 070822 [Recreation and Park Department - Wedding Fees]

Mayor

Ordinance making environmental findings and amending San Francisco Park Code, Article 12, Section 12.07, to increase the fees for holding weddings in San Francisco parks.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### 23. 070823 [Retiree Health Benefits Fund]

Mayor, Supervisor Elsbernd

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-275, to create a Retiree Health Benefits Fund. (Mayor)

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

### 24. 070849

## [Establishing the HOPE SF Fund and provide for appropriations to the Fund]

Mayor, Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-370, to: establish the HOPE SF Fund; direct the City to appropriate \$5,000,000 to the Fund for FY 2007-2008 and set City policy regarding future appropriations to the Fund; identify the permitted uses of moneys so deposited; and, set forth provisions for the administration of such fund.

(Fiscal Impact.)

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, PASSED ON FIRST READING.

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

#### **25. 070814**

### [Increasing permit and license fees for motor vehicle for hire permits]

Mayor

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1, to increase permit and license fees for certain motor vehicle for hire permits, and to repeal obsolete provisions; amending Police Code Section 2.31 to authorize an annual adjustment to such fees to match changes in the Consumer Price Index; and ratifying fees previous collected.

7/17/2007, PASSED ON FIRST READING.

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

#### **Recommendations of the Public Safety Committee**

Present: Supervisors Mirkarimi, Maxwell, Dufty

### 26. 070682 [Prohibition of possession or sale of firearms or ammunition on county property]

Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by adding Section 617 to prohibit the possession or sale of firearms or ammunition on property controlled by the City and County of San Francisco.

7/17/2007, PASSED ON FIRST READING.

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

# 27. 070683 [Requirement that firearms located within a residence be kept in a locked container or secured with a trigger lock]

Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by adding Section 4512 to require that all handguns located within a residence be kept in a locked container or disabled with a trigger lock.

7/17/2007, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 7/17/2007, PASSED ON FIRST READING AS AMENDED.

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

### 28. 070684 [Requiring dealers to inventory firearms every six months]

Mayor, Supervisors Maxwell, Mirkarimi

Ordinance amending the San Francisco Police Code by amending Section 613.10 to require licensed firearms dealers to transmit to the Chief of Police an inventory of firearms every six months.

7/17/2007, PASSED ON FIRST READING.

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

#### From the Rules Committee Without Recommendation

## 29. 070731 [Charter Amendment - Emissions Reduction and Transit Reform]

**Supervisor Peskin** 

Charter amendment (First Draft) to amend Sections 8A.101 through 8A.106, 8A.108 through 8A.110, 8A.112 through 8A.113, 9.118, and A8.404, repealing Section 16.110; and by renumbering Sections 16.100 and 16.102 as 8A.114 and 8A.115, respectively, all to increase the efficiency, effectiveness and autonomy of the Municipal Transportation Agency.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, CONTINUED. Continued to July 24,2007

**Question: Shall this Charter Amendment be SUBMITTED?** 

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

#### **From the Rules Committee Without Recommendation**

# 30. 070727 [Ability of Mayor and Board to amend MTA budget and regulate MTA operations; Controller to administer MTA quality review; MTA Director as ex

Supervisors McGoldrick, Sandoval

officio Parking Authority Director; transit survey to set floor rather than ceiling for carmen salaries]

Charter amendment (Second Draft) to amend Sections 8A.102, 8A.106, 8A.107, 8A.112, and A8.404, to provide that: the Municipal Transportation Agency's budget shall be subject to the City's normal budget process; the Municipal Transportation Agency shall be subject to regulation by the Board of Supervisors; the Municipal Transportation Agency must comply with voter-approved ordinances; the Controller, rather than the Agency, shall administer the biennial municipal transportation quality review survey and study; the Director of Transportation may serve ex officio as the Parking Authority Executive Director; and, the salaries of platform employees and coach or bus operators shall be no less than, rather than no more than, the average of the two highest wage schedules for the same job classes in comparable transit systems.

7/10/2007, CONTINUED. Continued to July 17, 2007

7/17/2007, CONTINUED AS AMENDED. Continued to July 24, 2007 with the Board Sitting as a Committee of the Whole

**Question: Shall this Charter Amendment be SUBMITTED?** 

#### **NEW BUSINESS**

### Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Elsbernd, Alioto-Pier, Daly

# 31. 070926 [Designating a sole source contractor to provide healthcare coverage to certain eligible temporary exempt as-needed SEIU City employees]

Mayor

Ordinance authorizing the Department of Human Resources to execute a contract with the San Francisco Health Plan to administer healthcare coverage to certain eligible temporary exempt as-needed City employees who are members of SEIU locals 535, 790 and UHW; and granting a waiver to the competitive procurement requirements of San Francisco Administrative Code Chapter 21.

(Fiscal Impact.)

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

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

Present: Supervisors Maxwell, Sandoval, McGoldrick

### 32. 070444 [Residential Inclusionary Affordable Housing Requirements]

**Supervisor Sandoval** 

Ordinance approving changes to the Residential Inclusionary Affordable Housing Requirements by amending Section 315 to clarify the regulations in effect for particular projects; amending Section 315.1 to modify certain definitions related to income and sale

price calculation; amending Section 315.2 to update findings; amending Section 315.3 to conform the legislation to the requirement that the ordinance apply to all projects of 5 units or more; amending Sections 315.4 and 315.5 to establish separate requirements for buildings of 120 feet in height or greater, to clarify the requirements related to the type of on- and off-site housing required, to require the Mayor's Office of Housing to establish minimum qualifications for firms that market below market-rate units; and to establish a preference in the lottery for on- and off-site units for people who live and work in San Francisco; amending Section 315.6 to provide updated guidelines for the calculation of the in lieu fee and to allow MOH to expend funds for a study to periodically update the fee; amending Section 315.7 to change the amount of time an ownership unit shall remain affordable; amending Section 315.8 to amend certain monitoring and study obligations; making a related change to the Jobs-Housing Linkage Program by amending Section 313.6 to make annual adjustments in the in lieu fee for that program correspond to the method used for the Residential Inclusionary Affordable Housing Program; and making findings, including findings under the California Environmental Quality Act.

Question: Shall this Ordinance be PASSED ON FIRST READING?

## 33. 070679 [Residential Rental Units: Lock Replacements by Landlord When Tenants Vacate]

**Supervisor McGoldrick** 

Ordinance amending the Administrative Code by adding Chapter 49B to provide that when a rental unit is permanently vacated by all tenants the landlord must re-key or replace all door locks that are exclusive to that unit, including doors to storage units and garages.

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

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

#### SPECIAL ORDER 3:30 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.

## 34. 070967 [Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk

Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

<b>Action:</b>	

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal 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.)

#### 35. 070968 [Minor Sidewalk Encroachment Permit Appeal]

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

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

### 36. 070969 [Minor Sidewalk Encroachment Permit Appeal]

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

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

#### SPECIAL ORDER 4:00 P.M.

## 37. 070910 [Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.

(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

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.)

### 38. 070911 [Affirming the categorical exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

### 39. 070912 [Disapproving the categorical exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

## 40. 070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

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

#### SPECIAL ORDER 4:00 P.M.

# 41. 070800 [Public Hearing - Appeal of Categorical Exemption from Environmental Review - Citywide Wireless Broadband Internet Access Network Ordinance]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 20, 2007, Case No. 2007.0097E, exempting from environmental review under Categorical Exemption [State CEQA Guidelines, Sections 15301(b), 15303(d), & 15303(e); Class Numbers 1 and 3], the proposed project is an ordinance proposed by the Mayor (Board File No. 070077) that would approve one or more agreements (hereafter "the Agreement") between EarthLink, Inc. and the City and County of San Francisco. The Agreement would permit EarthLink to manage, operate, and install within the City rights-of-way a citywide wireless broadband internet access network that would provide free or affordable internet access for San Francisco residents, workers, and visitors. The project would involve installation within the City rights-of-way of a communications system consisting of two types of above-ground equipment: transmitters and backhaul devices. The Agreement does not specify proposed locations for the communications equipment, and EarthLink has not yet selected such locations. (Appellant: Jeff Hoffman, on behalf of the San Francisco Neighborhood Antenna Free Union (SNAFU).)

(Filed May 30, 2007; companion measure to Files 070801, 070802, 070803.)

7/10/2007, CONTINUED. Continued to July 24, 2007

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.)

# 42. 070801 [Affirming the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]

Motion affirming the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

7/10/2007, CONTINUED. Continued to July 24, 2007

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

# 43. 070802 [Disapproving the categorical exemption issued for the Citywide Wireless Broadband Internet Access Network Ordinance]

Motion disapproving the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is categorically exempt from environmental review under the California Environmental Quality Act.

7/10/2007, CONTINUED. Continued to July 24, 2007

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

# 44. 070803 [Preparation of findings related to the appeal of the categorical exemption for the Citywide Wireless Broadband Internet Access Network Ordinance]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Citywide Wireless Broadband Internet Access Network Ordinance is exempt from environmental review under the California Environmental Quality Act.

7/10/2007, CONTINUED. Continued to July 24, 2007

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

#### **COMMITTEE REPORTS**

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

The following items will be considered at a Special Government Audit and Oversight Committee on July 23, 2007 at 10:00 a.m. The chair intends to request the Committee to send

#### 45. 070828 [Open Space Fund Financing]

Mayor

Ordinance approving the issuance and sale of lease revenue bonds payable from the Park, Recreation and Open Space Fund to finance various park projects as further described herein; approving the form of a First Amendment to Site Lease by and between the City and County of San Francisco Finance Corporation (the "Corporation") and the City and County of San Francisco (the "City") relating to certain City-owned properties located in the City (as further described herein); approving the form of a First Supplemental Lease by and between the Corporation and the City; approving the form of a First Supplemental Trust Agreement by and between the Corporation and a trustee (including certain indemnities contained therein); approving the form of an Assignment Agreement by and between the Corporation and a trustee; approving the form of an official notice of sale and a notice of intention to sell the lease revenue bonds; directing the publication of the notice of intention to sell the lease revenue bonds; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; authorizing the payment of costs of issuance; authorizing reimbursement of certain expenditures; authorizing the establishment of a contingency fund; adopting findings under the California Environmental Quality Act and findings pursuant to City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Supervisor Peskin submitted a substitute ordinance bearing same title; Fiscal Impact.) (No Economic Impact)

6/26/2007, SUBSTITUTED. Supervisor Peskin submitted a substitute ordinance bearing same title.

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

#### 46. 070746 [Lease of Real Property at 760 Harrison Street]

Resolution authorizing extension of a lease of real property at 760 Harrison Street for the Department of Public Health. (Real Estate Department)

(Fiscal Impact.)

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

#### 47. 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.

#### 48. 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 are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

#### **Items 47 through 53**

### 49. 071058 [Support for development of City-owned electric generation project]

**Supervisor Maxwell** 

Resolution urging the Public Utilities Commission to move expeditiously to complete and present for Board of Supervisors consideration agreements necessary for the development of a City-owned combustion turbine project to promote the goals of the City's Electricity Resource Plan.

7/17/2007, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 50. 071059

# [Accept-Expend US Department of Homeland Security/Transportation Security Administration Grant]

**Supervisor Alioto-Pier** 

Resolution authorizing the Department of Airport Commission to accept and expend a grant in the amount of \$1,375,694 from the US Department of Homeland Security/Transportation Security Administration (TSA) for an Airport perimeter Security Technology Enhancement Program.

7/17/2007, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### **51. 071060**

# [Commending KDRC and SJVPA on installing the nation's largest planned solar power generating facility]

**Supervisor Mirkarimi** 

Resolution commending San Joaquin Valley Power Authority on its plans to install the nation's largest planned solar power generating facility and retaining a San Francisco-based company to build the facility and urging the San Francisco Pubic Utilities Commission to expeditiously pursue Community Choice Aggregation for the City and County of San Francisco.

7/17/2007, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**52. 071061** 

[Supporting the reclassification of "Alcopop" type flavored malt beverages from a beer/wine product to a

Supervisors Mirkarimi, Ammiano

#### distilled spirit product]

Resolution supporting the reclassification of "Alcopop" type flavored malt beverages from a beer/wine product to a distilled spirit product.

7/17/2007, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

#### 53. 071020 [Final Map - 1901 17th Street]

Motion approving Final Map 4379, a 165 Residential Unit and a 3 Commercial Unit Mixed-Use Condominium Project, located at 1901 17th Street being a subdivision of Lot 001 in Assessors Block No. 3978 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 176,978; District 10.)

7/16/2007, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

Questions	on the	For	Adoption	Without	Committee	Reference
Agenda:						

#### 54. 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 resolutions being considered at this time there is a need to take immediate action and 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

None.

#### PROPOSED RESOLUTIONS

Proposed resolutions received from July 10, 2007 through July 16, 2007 for reference by the President to appropriate committee on July 24, 2007.

### 070162 [Reserved Funds, Department of Emergency Management, Division of Emergency Services]

Hearing to consider release of reserved funds Department of Emergency Management, Division of Emergency Services (DEM) fiscal year 2005 Homeland Security Grant funds in the amount of \$891,500 for Emergency Operations Center (EOC) Renovation.

3/7/2007, RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 071063 [Authorizing the Committee on Information Technology to amend its contract with Central Computer Systems by more than \$500,000]

Resolution authorizing the Office of Contract Administration to enter into the Fifth Amendment to the Agreement between the City and Central Computer Systems (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's not-to-exceed amount by more than \$500,000. (Office of Contract Administration)

7/16/2007, RECEIVED AND ASSIGNED to Budget and Finance Committee.

### 071064 [Raising a contract's not-to-exceed amount to more than \$10 million]

Resolution approving the Third Amendment to the Agreement between the City and County of San Francisco (City) and Office Depot (Contractor) for office supplies, increasing the contract's not-to-exceed amount to more than \$10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

7/16/2007, RECEIVED AND ASSIGNED to Budget and Finance Committee.

#### 071065 [Approving a contract in excess of \$10 million]

Resolution approving an Agreement between the City and County of San Francisco and Pioneer Americas LLC for sodium hypochlorite, a contract estimated to exceed \$10 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

7/16/2007, RECEIVED AND ASSIGNED to Budget and Finance Committee.

## 071066 [Approval of the HIV Prevention Projects Grant application]

Resolution authorizing the San Francisco Department of Public Health (DPH) to submit an interim progress report (IPR) in order to continue to receive funding for the HIV Prevention Projects grant from the Centers of Disease Control and Prevention (CDC). The amount of this annual recurring grant for the next grant year (January 1, 2008 to December 31, 2008) is expected to be approximately \$9 million. The due date of the IPR is September 4, 2007. (Public Health Department)

7/13/2007, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

#### PROPOSED MOTIONS

None.

#### 071069 [Petition and Communications]

Petitions and Communications received from July 10, 2007 through July 16, 2007 for reference by the President to July 24, 2007.

From Planning Department, regarding the environmental review of individual projects in the Transit Center District Plan area.(1)

From Legal and Safety Employer Research, Inc., submitting copy of letter to Palisades General Contracting, Co. regarding Tyco/Simplex Grinnell (Grinnell Fire Protection Systems Company).(2)

From concerned citizens, urging the Board to support the proposed housing development for 3400 Cesar Chavez Street. File 070708, Copy: Each Supervisor, 61 letters(3)

From concerned citizens, commenting on the proposed Wi-Fi agreement with Google and Earthlink. File 070077, Copy: Each Supervisor, 5 letters (4)

From various City departments, submitting list of sole source contracts entered into during fiscal year 2006-2007:(5)

Port of San Francisco Human Services Agency Health Service System

From concerned citizens, submitting opposition to the proposed 2007-2008 water and wastewater rates adopted by the San Francisco Public Utilities Commission. File 070919, 4 letters(6)

From San Francisco International Airport, regarding retirement benefits for police department employees who were airport police officers. File 070938, Copy: Each Supervisor(7)

From Library Users Association, commenting on the Library preservation fund ballot measure. File 070730(8)

From Kimo Crossman, regarding Department of Telecommunications and Information Services' response to Wi-Fi issues. Copy: Each Supervisor(9)

From Municipal Transportation Agency, regarding an emergency declaration. Copy: Each Supervisor(10)

From Eula Walters, commenting on the proposed name change of Ferry Park.(11)

From California Association of Firearms Retailers, regarding the proposed ordinance for mandatory dealer inventory. File 070684(12)

From California Public Utilities Commission, submitting application of Blue & Gold Fleet, L.P., for authorization to increase passenger fares on its vessel common carrier service on San Francisco Bay between Alameda/Oakland and authorized points in San Francisco and Angel Island State Park.(13)

From Department of Public Works, regarding status on removing graffiti from newsstands at various locations in District 5. (Reference 20070605-011) Copy: Supervisor Mirkarimi(14)

From Department of Public Works, regarding status on removing graffiti from property at various locations in District 5. (Reference 20070605-008) Copy: Supervisor Mirkarimi(15)

From Department of Public Works, regarding status on removing graffiti from light switch boxes and phone switch boxes at various locations in District 5. (Reference 20070605-005) Copy: Supervisor Mirkarimi(16)

From Department of Public Works, regarding status on removing graffiti from mailboxes and garbage cans at various locations in District 5. (Reference 20070605-003) Copy: Supervisor Mirkarimi(17)

From Department of Public Works, regarding status on removing graffiti from property at various locations in District 5. (Reference 20070619-009) Copy: Supervisor Mirkarimi(18)

From Department of Human Resources, submitting request for waiver of Administrative Code 12B for Holiday Inn Fisherman's Wharf.(19)

From Department of Public Works, regarding status on removing graffiti from emergency boxes and fire hydrants at various locations in District 5. (Reference 20070619-006) Copy: Supervisor Mirkarimi(20)

From Office of the Treasury, submitting portfolio statistics from July 1, 2006 to June 30, 2007.(21)

From City of Jersey City/Office of the Corporation Counsel, submitting copy of letter addressed to ATF New York Gun Center.(22)

From Troy Nickol, commenting on his commute July 11, 2007. Copy: Municipal Railway(23)

From SAS Institute Inc., commenting on MUNI service.(24)

From concerned citizens, submitting support for the proposed Wi-Fi agreement with Google and Earthlink. File 070077, Copy: Each Supervisor, 4 letters(25)

From Bruce B. Brugmann, regarding the Ethics Commission. (26)

From Clerk of the Board, submitting notice that the Clerk of the Board of Supervisors' office did not receive any gifts in fiscal year 2006-2007.(27)

From Francisco Da Costa, commenting on various issues regarding Mission Bay.(28)

From Civil Service Commission, regarding Civil Service Commission's response to proposed Metropolitan Transportation Agency Charter Amendments. File 070727, Copy: Each Supervisor(29)

From Luce Forward, regarding appeal of determination of exemption from environmental review for 3424 Jackson Street, File 070910, Copy: Each Supervisor, City Attorney(30)

From Kirk M. Palmer, submitting opposition to the Mayor's proposal to turn over management of Harding, Fleming and Lincoln Park golf courses to a private contractor. File

070887(31)

From Office of the Controller/City Services Auditor, submitting report concerning concession review of Lady Luck Gourmet, LLC (San Francisco International Airport)(32)

From Patrick Monette-Shaw, commenting on the recall of three Board members.(33)

From Rob Powers, submitting opposition to the proposed Wi-Fi agreement with Google and Earthlink. File 070077, Copy: Each Supervisor(34)

From Kyra Ivanoff, submitting support for the implementation of Community Choice energy in San Francisco. File 070502, Copy: Each Supervisor(35)

From Josh On, commenting on building a skate park in Golden Gate Park.(36)

From Office of the Controller/City Services Auditor, submitting report summarizing the results from the fiscal and compliance monitoring of selected community-based organizations for fiscal years 2005-06 and 2006-07.(37)

From Richard L. Romano, Attorney at Law, regarding Proposition J, contract/certification of specified contracted-out services for the Department of Recreation and Park. File 070887, 2 letters(38)

From Kimo Crossman, regarding various issues. 4 letters(39)

From Francisco Da Costa, commenting on Lennar BVHP LLC.(40)

#### **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 IS AVAILABLE AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bdsupvrs\_index.asp?id=4383For information, call (415) 554-5184. Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Results of each Board meeting can be obtained about a half hour after the end of the meeting by telephoning (415) 554-5555.

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 ESPA¥OL: 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-

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

7854 or by email at sotf@sfgov.org