



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, March 9, 2010 - 2:00 PM

Regular Meeting

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

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfgov.org/bos

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Avalos, Mirkarimi, Elsbernd

City and School District Select Committee
Supervisors Dufty, Alioto-Pier, Daly, Fewer, Kim, Mendoza

City Operations and Neighborhood Services Committee
Supervisors Chu, Avalos, Elsbernd

Government Audit and Oversight Committee
Supervisors Mar, Chu, Maxwell

Land Use and Economic Development Committee
Supervisors Maxwell, Mar, Chiu

Public Safety Committee
Supervisors Chiu, Mirkarimi, Dufty

Rules Committee
Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
11:00 AM

1st and 3rd Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
1:00 PM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

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

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

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting.

Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

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

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

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

Disability Access

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

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

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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

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

Know Your Rights Under The Sunshine Ordinance

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

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

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

Lobbyist Registration and Reporting Requirements

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

Agenda Item Information

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

- 1) Legislation
- 2) Budget 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 on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the January 26, 2010, February 2, 2010, and February 9, 2010, Board Meeting Minutes.

COMMUNICATIONS

CONSENT AGENDA

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

Items 1 through 12

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

1. [100059](#) **[Appropriating \$3,257,575 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**
Sponsor: Mayor
Ordinance appropriating \$3,257,575 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, and placing \$406,665, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113, on Budget and Finance Committee Reserve.

(Fiscal Impact.)

Attachments: [Legislation_Ver1](#)

[Comm_Packet_022410](#)

[Board_Packet_030210](#)

03/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

2. **100099** **[Appropriating \$1,233,664 of General Fund Reserve to the Public Defender for Salary Expenditures]**

Sponsors: Mar; Daly

Ordinance appropriating \$1,233,664 from the General Fund Reserve to the Public Defender for salary expenditures in FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

03/02/2010; PASSED, ON FIRST READING. Supervisor Daly requested to be added as a co-sponsor.

Question: Shall this Ordinance be FINALLY PASSED?

3. **100134** **[Health Service System Plans and Contribution Rates]**

Sponsor: Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

Attachments: [Legislation VER1](#)

[Comm Packet 022410](#)

[Board Packet 030210](#)

03/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

4. **100219** **[Accept and Expend Grant - State Energy Program - \$2,993,029]**

Sponsor: Mayor

Resolution authorizing the Mayor, on behalf of the City and County of San Francisco, to accept and expend FY2009-2010 American Recovery and Reinvestment Act funds from the U.S. Department of Energy's State Energy Program, disbursed through the California Energy Commission's California Comprehensive Residential Building Retrofit Program, in the amount of \$ 2,993,029.

Attachments: [Board Packet 030910](#)

[Comm Packet 030310](#)

[100219.pdf](#)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Elsbernd

5. [100167](#) **[Agreement to Purchase Two Access Road Easements Over Portions of APN 016-002-014 Located in Stanislaus County]**

Resolution approving and authorizing an agreement for the purchase of two permanent access road easements totaling 1.07 acres over portions of Assessor's Parcel No. 016-002-014 located in Stanislaus County, required for the San Joaquin Pipeline System Project No. CUW37301 for a purchase price of \$2,900; adopting findings under the California Environmental Quality Act; adopting findings that the conveyance is consistent with the City's General Plan and eight priority policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

Attachments: [Legislation VER1](#)

[Comm Packet 030310](#)

[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

6. [100209](#) **[Accept and Expend Grant - American Recovery and Reinvestment Act - \$2,080,000]**

Sponsors: Mayor; Dufty and Mar

Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$2,080,000 from the California Energy Commission's State Energy Program, to provide financial assistance for GreenFinanceSF, the City's municipal financing program for energy and water retrofits of privately-owned buildings.

Attachments: [Legislation VER1](#)

[Comm Packet 030310](#)

[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

7. [100210](#) **[Accept Grant - American Recovery and Reinvestment Act - \$875,957]**

Sponsor: Mayor

Resolution authorizing the Department of the Environment to accept a grant in the amount of \$875,957 from the California Energy Commission's State Energy Program, through the Association of Bay Area Governments, for the deployment of energy efficiency projects in the City.

Attachments: [Legislation VER1](#)

[Comm Packet 030310](#)

[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu, Maxwell

8. [100139](#) **[Budget and Legislative Analyst Audit of the Alemany Farmers' Market]**
Sponsor: Maxwell
Motion directing the Budget and Legislative Analyst to conduct an audit of the Alemany Farmers' Market and the Real Estate Department in its capacity as operator of the market.

Attachments: [Legislation_Ver1](#)

[Budget_Analyst_021110](#)

[Comm_Packet_021610](#)

[Comm_Packet_022510](#)

[Board_Packet_030910](#)

[Legislation_Final](#)

Question: Shall this Motion be APPROVED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

9. [091477](#) **[Zoning Map Amendments - 1415 Mission Street Project at Mission and Tenth Streets]**

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block No. 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Commission)

Attachments: [Legislation_Ver1](#)

[Leg_Digest_Ver1](#)

[Response_PLN_021010](#)

[Comm_Packet_022210](#)

[Board_Packet_030210](#)

03/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Dufty

10. **100100** **[Accept and Expend Grant - Department of Juvenile Probation - \$150,000]**
Sponsor: Maxwell
Resolution authorizing the Department of Juvenile Probation to retroactively accept and expend a grant in the amount of \$150,000 from the The Zellerbach Family Foundation to support the Department of Juvenile Probation's ongoing efforts in organizational and leadership development, in developing and implementing evidence based practices, and in strengthening partnerships with community based organizations.
Attachments: [Legislation VER1](#)
[Comm Packet 030110](#)
[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Rules Committee

Present: Supervisors Campos, Mar

11. **091370** **[Determining Surviving Spouse Status for Retirement Purposes]**
Sponsor: Elsbernd
Ordinance amending Chapter 16 of the Administrative Code by adding Administrative Code Section 16.80-8 to determine qualifications for "surviving spouse" status under the City's retirement plans.
Attachments: [Legislation Ver1](#)
[Comm Packet 021810](#)
[Board Packet 030210](#)

03/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

12. [091435](#) [Child Care Planning and Advisory Council Membership]**Sponsor: Chiu**

Ordinance amending San Francisco Administrative Code by amending Section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education, and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council Members.

Attachments: [Legislation Ver1](#)[Comm Packet 021810](#)[Board Packet 030210](#)

03/02/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

13. [091165](#) **[Zoning - Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown]**

Sponsor: Chiu

Ordinance amending the San Francisco Planning Code by amending Sections 714.94, 722.94, 803.2, and Tables 810, 811 and 812 to require a conditional use to install a garage in an existing residential structure in the Broadway Neighborhood Commercial District (NCD), the North Beach NCD, and the Chinatown Mixed-Use Districts; adding Section 249.49 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill - North Beach Residential Special Use District to include the residentially-zoned areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and require a conditional use to install a garage in an existing residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs, the Telegraph Hill - North Beach Residential Special Use District, and the Chinatown Mixed-Use Districts; amending Section 155 to add Columbus Avenue between Washington and North Point Streets, Broadway from the Embarcadero on the east to Polk Street on the west, and all alleyways in the Chinatown Mixed-Use Districts to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending Section 161 to require a conditional use to install a garage in an existing residential structure; amending the Public Works Code by amending Section 723.2 to prohibit the issuance of minor sidewalk encroachment permit that would facilitate the installation of parking in a residential structure; adopting findings, including 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.

(Fiscal Impact.)

Attachments: [Legislation Ver1](#)

[Leg_Digest_Ver1](#)

[Response PLN 012110](#)

[Comm Packet 020110](#)

[Legislation Ver2](#)

[Leg_Digest_Ver2](#)

[Comm Packet 020810](#)

[Board Packet 020910](#)

[Legislation Ver3](#)

[Board Packet 031610](#)

02/09/2010; PASSED ON FIRST READING.

02/23/2010; CONTINUED ON FINAL PASSAGE.

Question: Shall this Ordinance be FINALLY PASSED?

14. [091443](#) [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**Sponsors: Mar; Avalos**

Ordinance amending Articles 19F and 19I of the San Francisco Health Code by amending Sections 1009.20-1009.23, 1009.25, and 1009.81; adding Sections 1009.26, 1009.27, and 1009.29-1009.32; and repealing Section 1009.24, to prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated; 2) common areas of multi-unit housing complexes; 3) tourist lodging facilities; 4) tobacco shops; 5) charity bingo games; 6) unenclosed dining areas of restaurants; 7) service waiting areas; 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley; 9) farmers markets; and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; repealing criminal penalties; adding provisions for cost recovery and liens; and adding Administrative Code Section 10.100-193, to establish a new Public Health Environmental Health Code Compliance Fund.

Attachments: [Legislation_Ver1](#)[Leg_Digest_Ver1](#)[Comm_Packet_020110](#)[Legislation_Ver2](#)[Leg_Digest_Ver2](#)[Response_Youth_021810](#)[Comm_Packet_022210](#)[Legislation_Ver3](#)[Leg_Digest_Ver3](#)[Board_Packet_030210](#)[Legislation_Ver4](#)[Board_Packet_030910](#)[Legislation_Ver5](#)[Board_Packet_031610](#)

03/02/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

03/02/2010; CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

Board of Supervisors Sitting as a Committee of the Whole

15. [100234](#) **[Committee of the Whole - Just Cause Eviction Protections for Residential Tenants in Properties Subject to Foreclosure Which Adds to the Definition of "Foreclosure" and Includes New Noticing Requirements]**

Hearing of persons interested in or objecting to new amendments to proposed Ordinance relating to just cause eviction protections for residential tenants in properties subject to foreclosure which adds to the definition of "foreclosure" and includes new noticing requirements. (Clerk of the Board)

Attachments: [Board Packet 030910](#)

Action:_____

Committee of the Whole Adjourn and Report Without Recommendation

From the Board

16. [100039](#) **[Just Cause Eviction Protections for Residential Tenants, Extend to Non-Rent Controlled Units that are Subjected to Foreclosure]**

Sponsors: Avalos; Campos, Mirkarimi and Mar

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by amending Section 37.2 and adding new Section 37.9D to extend just cause eviction requirements and protections to tenants in units that are not now subject to eviction controls (e.g., most residential rental units with a certificate of occupancy issued after June 13, 1979), when those units are subjected to foreclosure; and by amending Chapter 37A "Rent Stabilization and Arbitration Fee" by amending Section 37A.1 to extend the City's current residential rental unit fee to these units; findings in support of the legislation; severability clause; technical corrections.

Attachments: [Legislation Ver1](#)

[Board Packet 020910](#)

[Board Packet 030910](#)

[Board Packet 031610](#)

01/12/2010; AMENDED. Duplicated, see File No. 090583.

01/12/2010; CONTINUED AS AMENDED ON FIRST READING.

02/09/2010; CONTINUED ON FIRST READING.

02/23/2010; CONTINUED ON FIRST READING.

03/02/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

03/02/2010; CONTINUED AS AMENDED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

17. [100113](#) **[Private Ambulance Regulatory Fee Payments]**
Sponsor: Avalos
Ordinance amending Business and Tax Regulations Code Section 249.8 to require payment of private ambulance regulatory fees to the Department of Emergency Management rather than to the City Treasurer. (Department of Emergency Management)
Attachments: [100113.DOC](#)
[Comm Packet 030310](#)
[Board Packet 030910](#)

Question: Shall this Ordinance be FINALLY PASSED?

18. [100105](#) **[Approval of Contract for Uncompensated Reimbursement Recovery Services for the Department of Public Health - \$16,570,000]**
Resolution authorizing the San Francisco Department of Public Health to amend its contract with Health Advocates, LLC to provide uncompensated reimbursement recovery services for the term of April 1, 2006, through December 31, 2013, in the amount of \$16,570,000. (Public Health Department)

(Fiscal Impact.)
Attachments: [Legislation VER1](#)
[Comm Packet 030310](#)
[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

Present: Supervisors Avalos, Elsbernd

19. [100141](#) **[Declaring the City's Intention to Appropriate Available Rainy Day Reserve Funds to the San Francisco Unified School District]**
Sponsors: Mayor; Dufty, Chiu and Mar
Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2010-2011 school year.

(Fiscal Impact.)
Attachments: [Legislation VER1](#)
[Comm Packet 030310](#)
[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu, Maxwell

20. [100023](#) **[Requiring that Census Workers be Allowed Access to Residential Hotels to Engage in Census Activities]**

Sponsors: Mirkarimi; Mar and Campos

Ordinance amending the San Francisco Administrative Code by amending Section 41D.4, to add a new goal to the Uniform Visitor Policy and any Supplemental Visitor Policies to ensure that census workers engaged in census activities are allowed access to Residential Hotels, and requesting the Rent Board to amend the Uniform Visitor Policy to incorporate this addition.

Attachments: [Legislation Ver1](#)

[Leg Digest Ver1](#)

[Comm Packet 022510](#)

[Legislation Ver2](#)

[Board Packet 030910](#)

Question: Shall this Ordinance be FINALLY PASSED?

21. [100160](#) **[Appropriating \$400,000 of Revenues From the Little Hollywood Property Exchange to Fund Park and Open Space Planning in the City Planning Commission for FY2009-2010]**

Sponsor: Maxwell

Ordinance appropriating \$400,000 of revenues from the transfer of a 50-foot by 628-foot strip of Channel Street on the southwest side of 7th Street owned by the City and County of San Francisco, in exchange for 35,250 square feet of land at the southwest corner of Tocoloma and Lathrop Avenues owned by Norcal Waste Systems, Inc. for park and open space planning in the Showplace Square/Potrero Hill Plan Area of the Eastern Neighborhoods Program in the City Planning Commission, the Recreation and Park Department, and the Department of Public Works for FY2009-2010.

Attachments: [Legislation Ver1](#)

[Comm Packet 022510](#)

[Board Packet 030910](#)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

22. [091113](#) [Seismic Strengthening of Soft-Story, Wood-Frame Buildings]

Sponsors: Mayor; Campos

Ordinance finding a compelling public policy basis for expediting the processing and review of permits for voluntary seismic retrofit upgrades of soft-story, wood-frame buildings and amending the Planning Code, Building Code, Fire Code, and Public Works Code to waive permit processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.

(Economic Impact.)

Attachments: [Legislation Ver1](#)

[Response PLN 100809](#)

[Response PLN 101309](#)

[Legislation Ver2](#)

[Economic Impact 011110-1](#)

[Response DBI 012610](#)

[Comm Packet 030110](#)

[Board Packet 030910](#)

11/10/2009; SUBSTITUTED.

Question: Shall this Ordinance be FINALLY PASSED?

23. [091406](#) [Street Encroachment at 1 Webster Street]

Sponsor: Dufty

Ordinance granting revocable permission to Cross Cultural Family Center, Inc., to occupy a portion of the public right-of-way to construct and maintain a fenced outdoor play space with a trellised entry, a seating area and stroller parking on the west side of Webster Street between Duboce Avenue and Hermann Street, for a new child development center at 1 Webster Street (Block No. 0874, Lot No. 014); waiving the annual right-of-way occupancy assessment fee; and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Attachments: [Legislation Ver1](#)

[Comm Packet 030110](#)

[Board Packet 030910](#)

Question: Shall this Ordinance be FINALLY PASSED?

24. [100029](#) [Acceptance of Sewer Main and Reissuance of Encroachment Permit for Poppy Lane]

Sponsor: Dufty

Ordinance accepting an irrevocable offer for a sewer main; dedicating said improvements for public use; accepting a sewer main on Poppy Lane for maintenance and liability purposes; rescinding Resolution No. 493-00 in order to modify and reissue the major encroachment permit for 101 Poppy Lane in accordance with this Ordinance; accepting Department of Public Works Order No. 178,477; adopting environmental findings and findings that such actions are consistent with the City's General Plan and the eight priority policies of City Planning Code section 101.1; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Attachments: [Legislation_Ver1](#)

[Comm_Packet_030110](#)

[Board_Packet_030910](#)

Question: Shall this Ordinance be FINALLY PASSED?

Recommendation of the Public Safety Committee

Present: Supervisors Chiu, Mirkarimi, Dufty

25. **100020** **[Penalties for Assaulting or Battering a Patrol Special Officer]**
Sponsor: Dufty
Resolution encouraging the Chief of the San Francisco Police Department to consider imposition of increased potential penalties for individuals who commit assault or battery on a patrol special police officer.
Attachments: [Legislation Ver1](#)
[Comm Packet 030110](#)
[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

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

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

The following item will be considered by the City Operations and Neighborhood Services Committee at a Regular Meeting on Monday, March 8, 2010, at 10:30 a.m. The Chair intends to request the Committee to send the following item to the Board as a committee report on Tuesday, March 9, 2010.

26. **100205** **[Accept and Expend Grant - FY2009 Federal Interoperable Emergency Communications Program - \$1,370,063]**
Sponsor: Chu
Resolution authorizing the Department of Emergency Management, as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to accept and expend retroactively a FY2009 Interoperable Emergency Communications Program Grant award in the amount of \$1,370,063 from the United States Department of Homeland Security, through the California Emergency Management Agency, for the period June 1, 2009, to February 28, 2011.
Attachments: [Legislation VER1](#)
[Comm Packet 030810](#)
[Board Packet 030910](#)

Question: Shall this Resolution be ADOPTED?

ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 27 through 33

27. [100236](#) **[Supporting the March to Sacramento to Protect Public Higher Education in California - March 22, 2010]**

Sponsors: Avalos; Mar and Campos

Resolution supporting the March 22, 2010, "March in March IV" Sacramento to protect and promote public higher education in California and to urge State government officials to work together on FY2010-2011 budget that does not include cuts to public education and student fee increases.

Attachments: [Board Packet 030910](#)

[Legislation VER1](#)

03/03/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

28. [100237](#) [Extending the Life of Western SoMa Citizens Planning Task Force]**Sponsor:** Daly

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

Attachments: [Board Packet 030910](#)[Legislation VER1](#)

03/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**29. [100238](#) [Endorsing the California Democracy Act]****Sponsors:** Mar; Avalos, Mirkarimi and Campos

Resolution endorsing the California Democracy Act and supporting the campaign to ensure its passage in 2010.

Attachments: [Board Packet 030910](#)[Legislation VER1](#)

03/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**30. [100239](#) [Supporting Senate Bill 438 Regarding Charter Schools]****Sponsors:** Mar; Campos

Resolution supporting Senate Bill 438 to ensure all charter schools adhere to the states student speech and employee protection laws.

Attachments: [Board Packet 030910](#)[Legislation VER1](#)

03/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?**31. [100240](#) [Supporting Senate Bill 330 Regarding University of California]****Sponsor:** Mar

Resolution supporting Senate Bill 330 for increased transparency and accountability in auxiliary organizations and foundations in the University of California and California State University systems.

Attachments: [Board Packet 030910](#)[Legislation VER1](#)

03/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

32. [100241](#) **[Support of Institutional Financial Aid for Students Affected by the Provision of Assembly Bill 540]**

Sponsors: Mar; Campos

Resolution supporting institutional financial aid for students affected by the provision of Assembly Bill 540.

Attachments: [Board Packet 030910](#)

[Legislation VER1](#)

03/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

33. [100242](#) **[Call for the Federal Government to Release California Gray Whale Population Research Findings and Fund Assessment]**

Sponsors: Mirkarimi; Campos

Resolution calling on the Federal Government to make California Gray Whale (Eschrichtius Robustus) population research findings immediately available and to fund the National Marine & Fisheries Service to assess the major threats to the California Gray Whale.

Attachments: [Board Packet 030910](#)

[Legislation VER1](#)

03/02/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference Agenda: _____

34. **IMPERATIVE AGENDA**

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

[Serious Injury Finding]

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

[Purely Commendatory Finding]

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

[Brown Act Finding]

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

LEGISLATION INTRODUCED AT ROLL CALL

PROPOSED ORDINANCES

Proposed ordinances received from February 23, 2010, to March 1, 2010, for reference by President to appropriate committee on March 9, 2010.

- 100178** **[Settlement of Lawsuit - F & I Management and D & J Parking, Inc. - \$25,750]**
Ordinance authorizing settlement of the lawsuit filed by F & I Management and D & J Parking, Inc. against the City and County of San Francisco for \$25,750; the lawsuit was filed on December 17, 2008, in San Francisco Superior Court, Case No. CGC08-483121; entitled F & I Management and D & J Parking, Inc., et al. v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_VER1](#)
[Comm_Packet_031810](#)

02/23/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 100179** **[Settlement of Lawsuit - Vincente V. Vista - \$35,000]**
Ordinance authorizing settlement of the lawsuit filed by Vincente V. Vista against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 29, 2008, in San Francisco Superior Court, Case No. 08-478001; entitled Vista v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_VER1](#)
[Comm_Packet_031810](#)

02/23/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 100180** **[Settlement of Lawsuit - Thomas Barnes - \$135,000]**
Ordinance authorizing settlement of the lawsuit filed by Thomas Barnes against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 13, 2008, in San Francisco Superior Court, Case No. 476-339; entitled Thomas Barnes, et al. v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_VER1](#)
[Comm_Packet_031810](#)

02/25/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100181**[Settlement of Lawsuit - Elbert Harris - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Elbert Harris, III against the City and County of San Francisco, Robert Thomas, and Larry Bevan for \$100,000, plus reinstatement of Harris as a Certified Nursing Assistant assigned to San Francisco General Hospital; the lawsuit was filed on May 7, 2008, in United States District Court, Case No. CV 08-2353 PJH; entitled Elbert Harris, III v. City and County of San Francisco, et al. (City Attorney)

Attachments: [Legislation VER1](#)

[Comm Packet 031810](#)

02/25/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100182**[Settlement of Class Action Lawsuit - Western Regional Advocacy Project, et al.]**

Ordinance authorizing settlement of the class action lawsuit entitled Western Regional Advocacy Project et al. v. Mayor Gavin Newsom et al., filed on August 27, 2008, in the United States District Court for the Northern District of California, Case No. CV 08-4087-MMC. Pursuant to the proposed settlement, the City will make revisions to current policies of its single adult emergency shelter system in order to improve services to homeless people with disabilities. (City Attorney)

Attachments: [Comm Packet 031810](#)

02/25/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100246**[Permits the Bureau of Delinquent Revenue to Assign Accounts Receivable with a Value of \$10,000 or Less to a Collection Agency]**

Ordinance amending Section 10.39-1 of the Administrative Code to increase the cap on accounts receivable that the Bureau of Delinquent Revenue may assign to a collection agency from \$4,000 to accounts with a fair market value of \$10,000. (Treasurer-Tax Collector)

02/25/2010; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

100247**[Additional Penalty for Underreporting Tax by Twenty-five Percent or More]**

Ordinance amending Section 6.17-2 of the Business and Tax Regulations Code by adding an additional "substantial underreporting" penalty equal to fifty percent of the unreported tax for underreporting a tax liability by twenty-five percent or more. (Treasurer-Tax Collector)

02/25/2010; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

100248**[Creation of General Reserve and Budget Stabilization Reserve]**

Sponsors: Chiu; Mayor

Ordinance amending the San Francisco Administrative Code by adding Section 10.60, to adopt a binding financial policy under Charter Section 9.120 creating a General Reserve and a Budget Stabilization Reserve and providing rules for deposits to and withdrawals from such funds. (Controller)

03/01/2010; ASSIGNED UNDER 30 DAY RULE to the Budget and Finance Committee.

100251**[Contract with AT&T for City Telecommunications Services - \$75,000,000]**

Ordinance approving a contract with AT&T for the purchase of telecommunications services and equipment for a maximum cost of \$75,000,000, for a four and one-half year term beginning on March 1, 2010. (Department of Technology)

03/01/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from February 23, 2010, to March 1, 2010, for reference by President to appropriate committee on March 9, 2010.

100183**[Approve a Lease with the U.S. Government for Space to be Occupied by the U.S. Drug Enforcement Administration at Terminal 3 of the Airport]**

Resolution approving and authorizing the execution of Lease No. 10-0015 with the U.S. Government for office space to be occupied by the U.S. Drug Enforcement Administration, a Federal agency, in Terminal 3 at San Francisco International Airport. (Airport Commission)

Attachments: [Legislation VER1](#)

02/23/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100184**[Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Clear Channel Outdoor, Inc. Lease Agreement, for the Airport Advertising Program at San Francisco International Airport Lease No. 00-0408 between Clear Channel Outdoor, Inc., dba Clear Channel Airports and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

02/24/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100185**[Airport Lease and Operating Agreement]**

Resolution approving the exercise of the fourth of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

02/24/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100249**[Settlement of Unlitigated Claim – Marlon Miranda - \$75,000]**

Resolution approving the settlement of the unlitigated claim filed by Marlon Miranda against the City and County of San Francisco for \$75,000; claim was filed on June 18, 2009. (City Attorney)

Attachments: [Legislation VER](#)

[Comm Packet 031810](#)

03/01/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100250

[Settlement of Unlitigated Claim – Thelma Jefferson - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by Thelma Jefferson against the City and County of San Francisco for \$200,000; claim was filed on September 28, 2009. (City Attorney)

Attachments: [Legislation VER](#)

[Comm Packet 031810](#)

03/01/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100245 [Petitions and Communications]

Petitions and Communications received from February 23, 2010, through March 1, 2010, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 9, 2010.

From Health Service System, submitting Efficiency Plan FY2010-2011. (1)

From Employees' Retirement System, submitting supplemental report for proposed Charter Amendment. File No. 100156, Copies: Each Supervisor. (2)

From Mayor Newsom, submitting letter requesting Supervisors Chiu, Daly, Campos, Avalos, and Mirkarimi to withdraw the proposed ballot initiative amending the Rent Ordinance to add a new section for "Tenant Financial Hardship Applications". File No. 100077, Copies: Each Supervisor (3)

From Joseph Cadiz, submitting opposition to the proposed ballot initiative amending the Rent Ordinance to add a new section for "Tenant Financial Hardship Applications". File No. 100077, Copies: Each Supervisor (4)

From Sheriff's Department, submitting Efficiency Plan for FY2010-2011. (5)

From Department of Elections, submitting Notice of Ballot Simplification Committee Meetings for the June 8, 2010, Consolidated Statewide Direct Primary Election. (6)

From Capital Planning Committee, regarding March 1st Deadline for FY2011-2020 Capital Plan. Copies: Each Supervisor (7)

From Capital Planning Committee, submitting a copy of recommendations from February 22, 2010, CPC Meeting. Copies: Each Supervisor (8)

From Bhanuprakash Panchanahalli, expressing concerns regarding the safety of the Taxi "Short" system at SFO. (9)

From Office of the Controller, submitting results of follow-up review for the audit of Laguna Honda Hospital. Copies: Each Supervisor (10)

From Senior Action Network, submitting letter resigning from the Local Homeless Coordination Board due to loss of funding and staff. (11)

From Department of Public Works, submitting a report on the use of funds appropriated from the Local Street and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006 by DPW. (12)

From Office of the Treasurer & Tax Collector, submitting the Monthly Investment Report for January 2010. (13)

From Clerk of the Board, submitting Form 700 Statement of Economic Interests for Alexander Randolph, Legislative Aide to Supervisor Duffy, assuming. (14)

From James Corrigan, submitting suggestions to cut the Fire Departments budget. Received 2 letters. (15)

From Fish and Game Commission, submitting the following:

- Notice of proposed regulatory actions relative to "Mammal Hunting Regulations".
- Notice of proposed regulatory action relating to Klamath Trinity River sport fishing.
- Notice of proposed regulatory action relating to Ocean Salmon sport fishing.
- Notice of proposed regulatory action relating to Central Valley sport fishing.
- Notice of receipt of petition to list the Mountain Yellow-Legged Frog (*Rana muscosa*) and *Rana sierrae* as endangered species. (16)

From concerned citizens, submitting support for the Nob Hill Masonic Auditorium's request for a Conditional Use Permit. Received 2 Letters. (17)

From Janet Gracyk, regarding the proposal to install new soccer fields at the western end of Golden Gate Park. (18)

From Library Users Association, urging the Board of Supervisors to stop the closure of Park Branch Library. (19)

From Library Users Association, regarding the amount of money spent on new library construction projects and zero spent on library services. (20)

From concerned citizens, submitting opposition to public power in San Francisco. (21)

From Arthur Evans, regarding the Public Safety Committee hearing on the Sit-Lie issue. (22)

From Ann Haver, regarding proposal to raise MUNI fares for seniors and the disabled. (23)

From John Smith, regarding the 2010 Census. (24)

From Ahimsa Sumchai, regarding statements in the Chronicle regarding dust exposure at Hunters Point Shipyard. (25)

From Susan White, urging the Board of Supervisors to remove the provision that only exempts "semi enclosed" smoking rooms from the proposed smoking legislation. File No. 091443 (26)

From Anne Murphy, submitting support for a ban on wood burning fireplaces. (27)

From Brian Browne, regarding carcinogenic second hand smoke from Kokkari Restaurant. (28)

From Jay Sath, regarding the homeless issue in San Francisco. (29)

From Brad Johnson, submitting support for clean power in San Francisco. (30)

From Jacqueline Steager, regarding the Alcoholic Beverage Commission. (31)

From Peter Schurman, submitting support for a new traffic ordinance in San Francisco. (32)

ADJOURNMENT