



# 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 16, 2010 - 2:00 PM

## Regular Meeting

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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](http://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](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.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](http://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 February 23, 2010, Board Meeting Minutes.*

## **COMMUNICATIONS**

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

*(This item will be read at the third Board Meeting of each 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, public comment for this item will take place during general 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 15****Recommendation of the Budget and Finance Committee**

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

1. **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](#)

03/09/2010; PASSED, ON FIRST READING.

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

**Recommendation of the City Operations and Neighborhood Services Committee**

*Present: Supervisors Chu, Avalos, Elsbernd*

2. **100207** **[Accept and Expend Grant - Homeless Health and Wellness Training - \$108,600]**  
**Sponsor: Dufty**  
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$108,600 from the San Francisco Community Clinic Consortium, to assist with a project entitled "Homeless Health and Wellness Training" for the period of March 27, 2009, through March 26, 2011.  
**Attachments:** [Legislation VER1](#)  
[Ethics Form 126](#)  
[Comm Packet 030810](#)  
[Board Packet 031610](#)

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

**Recommendation of the Government Audit and Oversight Committee**

*Present: Supervisors Mar, Chu, Maxwell*

3. [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](#)

03/09/2010; PASSED, ON FIRST READING.

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

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

*Present: Supervisors Maxwell, Mar, Chiu*

4. [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.

03/09/2010; PASSED, ON FIRST READING.

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

**5.     [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](#)

03/09/2010; PASSED, ON FIRST READING.

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

**6.     [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](#)

03/09/2010; PASSED, ON FIRST READING.

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

**Recommendations of the Rules Committee**

*Present: Supervisors Campos, Mar*

7. **100068** **[Settlement of Lawsuit - Marjorie Flores - \$57,500]**  
Ordinance authorizing settlement of the lawsuit filed by Marjorie Flores against the City and County of San Francisco for \$57,500; the lawsuit was filed on April 23, 2009, in San Francisco Superior Court, Case No. 09-487666, entitled Flores v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm Packet 030410](#)  
[Board Packet 031610](#)

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

8. **100069** **[Settlement of Lawsuit - Yee Mei Hung - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Yee Mei Hung against the City and County of San Francisco and Thomas Mann Chu for \$50,000; the lawsuit was filed on February 3, 2009, in San Francisco Superior Court, Case No. 484-637; entitled Yee Mei Hung v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm Packet 030410](#)  
[Board Packet 031610](#)

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

9. **100085** **[Settlement of Unlitigated Claim - Patricia Geary - \$80,000]**  
Resolution approving the settlement of the unlitigated claim filed by Patricia Geary against the City and County of San Francisco for \$80,000; claim was filed on September 16, 2009. (City Attorney)  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm Packet 030410](#)  
[Board Packet 031610](#)

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

10. **100118** **[Settlement of Claim - Elisa Gill - \$50,000]**  
Resolution approving the settlement of Equal Employment and Opportunity Commission Charge No. 550-2009-00090, filed by Elisa Gill on October 28, 2008, against the San Francisco Public Utilities Commission, for \$50,000. (City Attorney)  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm Packet 030410](#)  
[Board Packet 031610](#)

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



11. [100166](#) **[Settlement of Unlitigated Claim - Larkfield, Inc. - \$49,500]**  
Resolution approving the settlement of the unlitigated claim filed by Larkfield, Inc., against the City and County San Francisco for \$49,500; claim was filed on September 2, 2009. (City Attorney)  
**Attachments:** [Legislation\\_Ver1](#)  
[Comm\\_Packet\\_030410](#)  
[Board\\_Packet\\_031610](#)

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

12. [100193](#) **[Appointment, Sunshine Ordinance Task Force - Bruce Wolfe]**  
Motion appointing Bruce Wolfe, term ending April 27, 2010, to the Sunshine Ordinance Task Force. (Clerk of the Board)  
**Attachments:** [Comm\\_Packet\\_030410](#)  
[Legislation\\_Ver1](#)  
[Board\\_Packet\\_031610](#)

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

13. [100194](#) **[Appointments, Eastern Neighborhood Citizens Advisory Committee - Cynthia Scully and Matthias Mormino]**  
Motion appointing Cynthia Scully, term ending October 19, 2013, and Matthias Mormino, term ending October 19, 2011, to the Eastern Neighborhoods Citizens Advisory Committee. (Clerk of the Board)  
**Attachments:** [Comm\\_Packet\\_030410](#)  
[Legislation\\_Ver1](#)  
[Board\\_Packet\\_031610](#)

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

14. [100195](#) **[Appointment, Children and Families First Commission - Twila Brown]**  
Motion appointing Twila Brown, for an indefinite term, to the Children and Families First Commission. (Clerk of the Board)  
**Attachments:** [Commi\\_Packet\\_030410](#)  
[Legislation\\_Ver2](#)  
[Board\\_Packet\\_031610](#)

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

15. [100196](#) **[Appointments, Sweatfree Procurement Advisory Group - Jason Oringer and Sarah Church]**

Motion appointing Jason Oringer and Sarah Church, terms ending December 17, 2011, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

**Attachments:** [Comm Packet 030410](#)

[Legislation Ver2](#)

[Board Packet 031610](#)

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

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

## REGULAR AGENDA

## UNFINISHED BUSINESS

### 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.

03/09/2010; AMENDED.

03/09/2010; PASSED ON FIRST READING AS AMENDED.

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

### Recommendation of the Budget and Finance Committee

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

**17.    [091344](#)    [Redevelopment Agency Bond Authorization - \$28,000,000]****Sponsors: Mayor; Avalos**

Resolution approving the issuance by the Redevelopment Agency of Bonds in an additional principal amount not to exceed \$28,000,000 to finance a portion of redevelopment activities described in the approved Budget as amended for FY2009-2010 of which additional tax increment will be needed in FY2010-2011 for such financing thereof.

**Attachments:** [Legislation Ver1](#)[Comm Packet 022410](#)[Board Packet 030210](#)

03/02/2010; CONTINUED.

**Question: Shall this Resolution be ADOPTED?****Recommendation of the Government Audit and Oversight Committee***Present: Supervisors Mar, Chu, Maxwell***18.    [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](#)

03/09/2010; PASSED ON FIRST READING.

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

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

*Present: Supervisors Maxwell, Mar, Chiu*

19. [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.

03/09/2010; AMENDED.

03/09/2010; PASSED ON FIRST READING AS AMENDED.

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

20. [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.

03/09/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

03/09/2010; PASSED ON FIRST READING AS AMENDED.

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

## NEW BUSINESS

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

*Present: Supervisors Avalos, Mirkarimi, Elsbernd*

21. [100044](#) **[Repealing Various Municipal Transportation Agency Special Funds; Appropriating \$70,687.]**  
**Sponsor: Chiu**  
Ordinance amending Chapter 8 and Chapter 10, Article XIII, of the Administrative Code by repealing sections 8.29 (Municipal Railway Video Production Fund), 10.100-155 (Municipal Transportation Capital Reserve Fund), 10.100-157 (Municipal Transportation Improvement Fund), 10.100-159 (Municipal Transportation Information Fund), 10.100-162 (Municipal Transportation Operators Lounge Facilities Fund), and 10.100-164 (Municipal Transportation Para Transit Fund) and appropriating \$70,687 from the Municipal Transportation Information Fund to the Municipal Transportation Agency.  
**Attachments:** [Legislation VER1](#)  
[Comm Packet 031010](#)  
[Budget Analyst 031010](#)  
[Legislation Ver2](#)  
[Board Packet 031610](#)

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

### **Recommendation of the City Operations and Neighborhood Services Committee**

*Present: Supervisors Chu, Avalos, Elsbernd*

22. [100098](#) **[Establishment of the Rainbow Honor Walk]**  
**Sponsor: Dufty**  
Resolution establishing the Rainbow Honor Walk on Castro Street between 19th Street and Market Street, on Market street between Castro Street and Octavia Street, on 19th Street between Diamond Street and Castro Street, on 18th Street between Collingwood Street and Hartford Street and initiating the process set forth in Public Works Code Sections 789 et seq. to provide for the creation of a program for and installation of commemorative plaques on the Rainbow Honor Walk.  
**Attachments:** [Legislation VER1](#)  
[Comm Packet 030810](#)  
[Legislation VER2](#)  
[Board Packet 031610](#)

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

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

*Present: Supervisors Maxwell, Mar, Chiu*

**23. 100136 [Floodplain Management Program]**

**Sponsor:** Elsbernd

Ordinance amending the floodplain management program established by Chapter 2A, Article XX, Sections 2A.280 - 2A.285 to the San Francisco Administrative Code; providing requirements for designating floodplains and for construction and development in floodplains.

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

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

[Response\\_PLN\\_030510](#)

[Comm\\_Packet\\_030810](#)

[Board\\_Packet\\_031610](#)

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

**SPECIAL ORDER 3:30 P.M - Recognition of Commendations****SPECIAL ORDER 4:00 P.M.***APPEAL PROCEDURES*

*Board Rule 4.29 provides that public hearings on appeals shall be scheduled for 4pm. If more than one public hearing is scheduled, then the Clerk, in consultation with the President, may determine the order in which the appeals will be scheduled. Second and later appeals may be scheduled at specified times later than 4 pm. An appeal shall not be heard prior to its scheduled time on the calendar, and it may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed. It is the policy of the Clerk of the Board to schedule multiple appeals in the following order at 4pm:*

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



**24. [100151](#) [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2462 - 27th Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated November 16, 2009, Case No. 2009.0797E, that a project located at 2462 - 27th Avenue is exempt from environmental review under the California Environmental Quality Act (CEQA) as a Class 1(e) categorical exemption. The proposal would add a third floor and rear extension to the existing family home located in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District, in Assessor's Block No. 2399, Lot No. 026. (District 4) (Appellant: Stephen M. Williams on behalf of Sunset Parkside Education and Action Committee (SPEAK)).

**Attachments:** [Board Packet 031610](#)

**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.)**

**25. [100152](#) [Affirming the Determination of Exemption Issued for 2462–27th Avenue]**

Motion adopting findings related to affirming the determination by the Planning Department that the project located at 2462-27th Avenue is exempt from environmental review. (Clerk of the Board)

**Attachments:** [Board Packet 031610](#)

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

**26. [100153](#) [Reversing the Determination of Exemption Issued for the 2462–27th Avenue Project]**

Motion reversing the determination by the Planning Department that the project located at 2462-27th Avenue is exempt from environmental review. (Clerk of the Board)

**Attachments:** [Board Packet 031610](#)

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

**27. [100154](#) [Preparation of Findings Related to the Determination of Exemption Issued for 2462–27th Avenue Project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of determination of exemption by the Planning Department that the project located at 2462-27th Avenue is exempt from environmental review. (Clerk of the Board)

**Attachments:** [Board Packet 031610](#)

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

## **ROLL CALL FOR INTRODUCTIONS**

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

## **PUBLIC COMMENT**

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

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

## CLOSED SESSION

## CONFERENCE WITH LABOR NEGOTIATORS

*(Pending approval of File No. 100283.)*

28. [100284](#) **[Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**

**Sponsor: Chiu**

Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.

This closed session is permitted by Government Code Section 54957.6 and San Francisco Administrative Code Section 67.10(e).

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

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

### **Items 29 through 38**

29. [100283](#) **[Closed Session - Update on Labor Negotiations Concerning City Workers from the Mayor's Office and the Department of Human Resources]**  
**Sponsor:** Chiu  
Motion that the Board of Supervisors convene in closed session on March 16, 2010, with the Mayor's Office and the Department of Human Resources concerning negotiations with labor unions representing City workers.  
**Attachments:** [Board Packet 031610](#)
- 03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Motion be APPROVED?**
30. [100274](#) **[Commemorating the 75th Anniversary of the Works Progress Administration]**  
**Sponsors:** Mar; Avalos  
Resolution commemorating the 75th anniversary of the Works Progress Administration on April 10, 2010.  
**Attachments:** [Board Packet 031610](#)
- 03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
31. [100275](#) **[Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation]**  
**Sponsor:** Mar  
Resolution Supporting Senate Bill 220 for Health Insurance Coverage and Smoking Cessation.  
**Attachments:** [Board Packet 031610](#)
- 03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

32. [100276](#) **[Saluting the Alice Fong Yu Chinese Immersion Alternative School Exchange Program]**

**Sponsor: Mar**

Resolution Saluting the Exchange Program between the Experimental High School Attached to Beijing Normal University and the Alice Fong Yu Chinese Immersion Alternative School in San Francisco.

**Attachments:** [Board Packet 031610](#)

03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

33. [100278](#) **[Supporting California Senate Bill 1225 Regarding Child Care Facilities]**

**Sponsors: Avalos; Dufty**

Resolution supporting Senate Bill 1225 which would extend until 2016 the subsidy program that allows San Francisco child care facilities to serve children from low-income families.

**Attachments:** [Board Packet 031610](#)

03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

34. [100279](#) **[Accept and Expend Gift – Recreation and Park Department – \$15,000]**

**Sponsor: Chu**

Resolution authorizing the San Francisco Recreation and Park Department to retroactively accept and expend a gift in the amount of \$15,000 to cover the staff overtime cost associated with the August 4th and 5th 2009 Maccabi Games volunteer event.

**Attachments:** [Board Packet 031610](#)

03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

35. [100280](#) **[Urging the Governor of California to Approve the Transit Assistance Funding Package]**

**Sponsors: Mayor; Chiu, Dufty, Avalos, Elsbernd, Mirkarimi, Mar, Maxwell, Campos and Chu**

Resolution urging the Governor of California to sign the transit assistance funding package as approved by the California State Legislature on March 4, 2010.

**Attachments:** [Board Packet 031610](#)

03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**36. [100281](#) [Declaring March 23, 2010, as Gordon Park Li Day]****Sponsor: Dufty**

Resolution congratulating Mr. Gordon Park Li, on his outstanding career and thanking him for his exceptional service to the City and County of San Francisco over the past 37 years and declaring March 23, 2010, as Gordon Park Li Day in the City and County of San Francisco.

**Attachments:** [res gordon park li.doc](#)

[Board Packet 031610](#)

03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**37. [100282](#) [Initiative Constitutional Amendment - Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"]****Sponsors: Mirkarimi; Maxwell**

Resolution opposing Proposition 16, an Initiative Constitutional Amendment, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers".

**Attachments:** [Board Packet 031610](#)

03/09/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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

**38. [100258](#) [Final Map 5649: 445 – 701 Wawona Street]**

Motion approving Final Map 5649, a Three Lot Subdivision Project, located at 445 - 701 Wawona Street being a subdivision of Lot 093 in Assessors Block No. 2540 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1.

**Attachments:** [Board Packet 031610](#)

[Legislation VER1](#)

03/05/2010; 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:* \_\_\_\_\_

**39. 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).*

*[Elect Not to Disclose]*

*Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.*

*[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 RESOLUTIONS

*Proposed resolutions received from March 2, 2010, to March 8, 2010, for reference by President to appropriate committee on March 16, 2010.*

**100298****[Freeway Maintenance Agreement for the Interchange at Highway 101 and 280]**

Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the interchange at Highway 101 and 280 and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

**Attachments:** [Legislation VER1](#)

03/01/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**100299****[Freeway Maintenance Agreement for the Bay Bridge Anchorage Security Measures]**

Resolution approving a Freeway Maintenance Agreement with the State of California apportioning maintenance responsibilities for the San Francisco-Oakland Bay Bridge Beale Street anchorage security measures and authorizing the Director of Public Works to execute said Agreement on behalf of the City. (Public Works Department)

**Attachments:** [Legislation VER1](#)

03/01/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

**100301****[Approve Limit on Indemnification Liability of Prospective Consultant]**

Resolution approving proposed limit on indemnification liability of prospective construction management consultant for the proposed Calaveras Dam Replacement Project, pursuant to Administrative Code Section 6.42(C). (Public Utilities Commission)

**Attachments:** [Legislation VER1](#)

03/08/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.



**100300****[Petitions and Communications]**

Petitions and Communications received from March 2, 2010, through March 8, 2010, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on March 16, 2010.

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from March 5, 2010, through March 7, 2010. Supervisor Sean Elsbernd will serve as Acting Mayor. (1)

From Susan White, submitting support for proposed smoking provision exempting "semi enclosed" smoking rooms. File No. 091443 (2)

From Office of the Controller, submitting an annual report on impact fees for the Market and Octavia Community Improvement Fund for FY2008-2009. (3)

From concerned citizens, urging opposition to public power in San Francisco. 33 letters (4)

From concerned citizens, submitting support for public power in San Francisco. 4 letters (5)

From Dick Morten, regarding the Community Choice Aggregation Program. (6)

From Office of the Controller, submitting the Controller's proposed financial policies. (7)

From Office of the Controller, submitting the Street and Sidewalk Maintenance report for the first half of FY2009-2010. (8)

From Office of the Controller, submitting the results of the follow-up review for an audit of the Sheriff's Inmate Welfare Fund. Copy: Each Supervisor (9)

From Marilyn Amini, regarding proposed amendment to pending Discretionary Review Reform Legislation. File No. 091020, Copy: Each Supervisor (10)

From Capital Planning Committee, regarding the proposed Capital Plan for FY2011-2020. (11)

From Citizen's General Obligation Bond Oversight Committee, submitting the 2009 annual report of the Citizen's General Obligation Bond Oversight Committee. (12)

From SF Labor Council, concerning proposed Charter Amendment sponsored by Supervisors Mar and Campos regarding reducing employer retirement benefit costs. File No. 100156, Copy: Each Supervisor 13)

From SF Labor Council, submitting support for proposed Charter Amendment sponsored by Supervisors Mar/Campos regarding reducing employer retirement benefit costs. File No. 100156 (14)

From Clerk of the Board, submitting Form 700 Statement of Economic Interests for Hillary Ronen, Legislative Aide to Supervisor Campos, assuming. (15)

From Barbara Austin, urging the Board of Supervisors to return proposed legislation regarding Mandatory Discretionary Review to the Planning Commission for rewrite and review. File No. 091038, Copy: Land Use Committee Members and Clerk (16)

From Channing Moore, regarding the recent raids by ABC at several San Francisco bars. (17)

From T-Mobile, submitting notification letter for a cellular site at 10 Bernal Heights Boulevard. (18)

From State Public Utilities Commission, submitting notification that PG&E has filed an application for expedited authorization to provide summer 2010 rate relief for households with upper tier consumption. Copy: Each Supervisor (19)

From Peter Pierson, regarding proposed changes to the Nob Hill Masonic Auditorium. (20)

From Sandy Weil, regarding spraying pesticides over San Francisco as proposed by the State of California. 2 letters (21)

From concerned citizens, submitting support for proposed legislation concerning the Sit/Lie law. 2 letters (22)

From Ahimsa Sumchai, commenting that the San Francisco Fire Department has achieved a ten minute response time for all ten districts across the city for non-emergency calls. (23)

From Rael & Letson, regarding the final two-year average pension proposal and long-term salary growth assumption. Copy: Each Supervisor (24)

From Susanna Chau, urging the Board of Supervisors to help San Francisco win the bid for Google Fiber for Communities. (25)

From David Guldman, regarding the homeless men sleeping on Stevenson Street. (26)

From James Corrigan, regarding the San Francisco Fire Department. 2 letters (27)

From Julianna Agardi, requesting Care Not Cash and the Residential Hotel Unit Demolition and Rehabilitation Ordinance be repealed. (28)

From Eric Von Berg, regarding proposed legislation on Seismic Strengthening of Soft-Story, Wood-Frame Buildings. File No. 091113 (29)

From Arthur Evans, regarding the public hearing on the Sit/Lie law. (30)

From Department of Public Health, submitting the quarterly AIDS Surveillance Report for AIDS cases reported as of December 31, 2009. (31)

From Verizon Wireless, submitting notification letter for a cellular site at 1050 Sansome Street. (32)

From Municipal Transportation Agency, regarding the budget deficit and fare changes. Copy: Each Supervisor (33)

From James Miller, regarding smoking laws in San Francisco. (34)

From Rich Olen, submitting support for Police Chief Gascon. (35)

From George Wooding, submitting a letter from the West of Twin Peaks Central Council regarding Discretionary Review. File No. 091020 (36)

From Rachael Kagan, submitting the current issue of Straight Up, the neighborhood newsletter about the San Francisco General Hospital rebuild project. (37)

From Jason Barton, regarding proposed rent legislation. (38)

From Office of the Chief Administrator, submitting the proposed Capital Plan for FY2011-2020. Copy: Each Supervisor (39)

From U.S. Fish and Wildlife Service, submitting the Final Comprehensive Conservation Plan for the Farallon National Wildlife Refuge. (40)

## **ADJOURNMENT**