



BOARD OF SUPERVISORS

CITY AND COUNTY OF SAN FRANCISCO

AGENDA

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, September 14, 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.sfgbos.org

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, Dufty

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, Elsbernd

Rules Committee
Supervisors Campos, Alioto-Pier, Mar

Meeting Days

Wednesday
11:00 AM

2nd and 4th Thursday
3:30 PM

2nd and 4th Monday
10:30 AM

2nd and 4th Thursday
10:30 AM

Monday
1:00 PM

1st and 3rd Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

Meeting Procedures

Board procedures do not permit: 1) persons in the audience at a Board 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) bringing in or displaying signs in the meeting room; 4) standing in the meeting room. The public is encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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

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

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a 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.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

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

Agenda Item Information

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

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

These items will be available for review at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, Reception Desk on the Friday preceding a regularly scheduled Board meeting.

ROLL CALL AND PLEDGE OF ALLEGIANCE

AGENDA CHANGES

APPROVAL OF MEETING MINUTES

Approval of the Board Minutes for July 13, 2010, July 20, 2010, July 27, 2010, August 3, 2010, August 10, 2010, and Special Board of Supervisors Meetings of the Budget and Finance Committee of July 1, 2010, and July 9, 2010.

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. **100900 [Approval of Amendment No. 1 of Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant Easement at San Francisco International Airport, Lease No. L97-0081]**
 Resolution approving and authorizing the execution of Amendment No. 1 to Lease, Use, and Operating Agreement for BART Station and Related Facilities and Grant of Easement at San Francisco International Airport, Lease No. L97-0081 to: (1) limit BART Premium Fare (surcharge) for non-airline airport employees for \$1.50 each way for the remainder of the Lease; (2) remove BART Faithful Performance Deposit requirement; (3) permit monthly payment by BART of the annual rent in lieu of advance annual payment; (4) allow advertising by BART in the Airport-BART Station; and (5) include administrative updates to the Lease. (Airport Commission)

 (Fiscal Impact.)

Question: Shall this Resolution be ADOPTED?

2. **101002 [Airport Concession Lease with Host International, Inc.]**
Resolution approving the Terminal 2 Newsstands, Coffee, and Specialty Stores Lease between Host International, Inc., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
- Question: Shall this Resolution be ADOPTED?**
3. **101004 [Lease and License of Real Property at 1 Dr. Carlton B. Goodlett Place, Ground Floor Café and North Light Court]**
Resolution authorizing the lease of 1,426 square feet of space, a license of 2,400 square feet and the shared use space of 1,360 square feet to the Elias M. Nasra and Family Partnership, a California general partnership, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)
- Question: Shall this Resolution be ADOPTED?**
4. **101109 [State Contract Funds for Substance Abuse Treatment - \$60,402,780]**
Sponsor: Mayor
Resolution retroactively authorizing the San Francisco Department of Public Health, Community Behavioral Health Services (DPH-CBHS) to enter into a Combined Net Negotiated Amount and Drug Medi-Cal Agreement with the State of California Department of Alcohol and Drug Programs (DADP) for the term of July 1, 2010, through June 30, 2013, in the amount of \$60,402,780 and for the term of July 1, 2010, through June 30, 2011, in the amount of \$20,134,260 as a condition of receiving state funds and Drug Medi-Cal reimbursement for substance abuse treatment and prevention; holding DADP harmless from any and all claims resulting from the agreement; authorizing and designating the DPH County Alcohol and Drug Administrator to sign said Agreement and to approve amendments for less than 10% of the contracted amount.
- (Fiscal Impact.)
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

5. **100434 [Castro Street Neighborhood Commercial District - Conditional Use Requirements for Restaurants and Self-Service Specialty Food Establishments]**
Sponsor: Dufty
Ordinance amending the San Francisco Planning Code by amending Section 715.1 and Sections 715.42, 715.43, 715.44, and 715.69A of the Zoning Control Table to allow new full-service and small self-service restaurants with a conditional use authorization, to permit self-service specialty food establishments as of right, and to prohibit all large fast food establishments; adopting findings, including environmental findings; amending Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
- 08/10/2010; PASSED, ON FIRST READING.
- Question: Shall this Ordinance be FINALLY PASSED?**

Recommendations of the Rules Committee

Present Supervisors Campos, Mar

- 6. 100954 [Settlement of Lawsuit - Ricardo Rodriguez - \$30,000]**
Ordinance authorizing settlement of the lawsuit filed by Ricardo Rodriguez against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 19, 2009, in San Francisco Superior Court, Case No. CGC09-485133; entitled Ricardo Rodriguez v. City and County of San Francisco, et al. (City Attorney)

08/10/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 7. 100955 [Settlement of Lawsuit - Stanislaus Imports - \$245,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Stanislaus Imports against the City and County of San Francisco for \$245,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

08/10/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 8. 100956 [Settlement of Lawsuit - Monte and Joanne Stott and Stott and Associates, Inc. - \$32,000]**
Ordinance authorizing settlement of the portion of the lawsuit filed by Monte and Joanne Stott and Stott and Associates, Inc. against the City and County of San Francisco for \$32,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

08/10/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 9. 100957 [Settlement of Lawsuit - Yanick Constant - \$32,500]**
Ordinance authorizing settlement of the lawsuit filed by Yanick Constant against the City and County of San Francisco for \$32,500; the lawsuit was filed on April 21, 2008, in San Francisco Superior Court, Case No. 474485; entitled Yanick Constant v. City and County of San Francisco, et al. (City Attorney)

08/10/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 10. 100958 [Settlement of Lawsuit - Icenogle IMR Joint Venture - \$1,330,000]**
Ordinance authorizing settlement of the lawsuit filed by Icenogle IMR Joint Venture against the City and County of San Francisco for \$1,330,000; the lawsuit was filed on September 24, 2007, in San Francisco County Superior Court, and subsequently transferred to Alameda County Superior Court, Case No. RG08391219; entitled Icenogle IMR Joint Venture v. City and County of San Francisco, et al.; other material terms of said settlement are: (1) mutual releases except for latent defects, (2) dismissal of all complaints and cross-complaints with prejudice, (3) each side to bear its own attorneys fees and costs, and (4) plaintiff to be responsible for resolving outstanding stop notices. (City Attorney)

08/10/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 11. 100960 [Settlement of Lawsuit - CCSF v. Underground Construction Co., et al. - City to Receive - \$29,000]**
Ordinance authorizing settlement of the lawsuit filed by City and County of San Francisco against Underground Construction Co., et al. by accepting the payment of \$29,000 to the City and County of San Francisco; \$23,200 from Underground Construction Co. and \$5,800 from State Farm; the lawsuit was filed on February 24, 2009, in San Francisco Superior Court, Case No. CGC-09-485059; entitled City and County of San Francisco, et al., v. Underground Construction Co., et al. (City Attorney)

08/10/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

- 12. 101000 [Appointment, Veteran Affairs Commission - Anthony Alfidi]**
Motion appointing Anthony Alfidi, term ending January 31, 2012, to the Veterans Affairs Commission. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

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

REGULAR AGENDA

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Mirkarimi, Elsbernd

13. 101063 **[California Constitution Appropriations Limit FY2010-2011]**
Sponsor: Avalos
Resolution establishing the appropriations limit for FY2010-2011 pursuant to California Constitution Article XIII B.

(Fiscal Impact.)
Question: Shall this Resolution be ADOPTED?
14. 101059 **[Setting San Francisco Community College District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Community College District purposes for the FY ending June 30, 2011.

(Fiscal Impact)
Question: Shall this Ordinance be PASSED ON FIRST READING?
15. 101058 **[Setting San Francisco's Property Tax Rate and Establishing Pass-Through Rate for Residential Tenants - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for City and County purposes and establishing pass-through rate for residential tenants pursuant to Chapter 37 of the Administrative Code for the FY ending June 30, 2011.

(Fiscal Impact)
Question: Shall this Ordinance be PASSED ON FIRST READING?
16. 101060 **[Setting San Francisco Unified School District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Unified School District purposes for the FY ending June 30, 2011.

(Fiscal Impact)
Question: Shall this Ordinance be PASSED ON FIRST READING?

17. 101061 **[Setting San Francisco Bay Area Rapid Transit District's Property Tax Rate to be Included in the City's Overall Property Tax Rate - FY2010-2011]**
Sponsor: Avalos
Ordinance providing revenue and levying property taxes for San Francisco Bay Area Rapid Transit District purposes for the FY ending June 30, 2011.

(Fiscal Impact)

Question: Shall this Ordinance be PASSED ON FIRST READING?
18. 101102 **[Accept and Expend Grant - 2010 Disaster Corps Grant and Amendment to the Annual Salary Ordinance FY2010-2011- \$231,000]**
Sponsor: Mayor
Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a grant in the amount of \$231,000 from California Volunteers for the grant period of 18 months following passage of the FY2010-2011 California State Budget for volunteer management and training; amending Ordinance No. 191-10 (Annual Salary Ordinance FY2010-2011) to reflect the addition of one Class 5277 Planner I at the San Francisco Fire Department.

Question: Shall this Ordinance be PASSED ON FIRST READING?

From the Budget and Finance Committee Without Recommendation

Present Supervisors Avalos, Mirkarimi, Elsbernd

19. 100865 **[Establishing an Alcohol Cost Recovery Fee]**
Sponsors: Avalos; Mirkarimi, Maxwell and Mar
Ordinance amending the San Francisco Administrative Code, Chapter 106, by adding Sections 106 through 106.28, to impose a fee on alcoholic beverage wholesalers and certain other persons who distribute or sell alcoholic beverages in San Francisco to: 1) recover a portion of San Francisco's alcohol-attributable unreimbursed health costs, and; 2) fund administration costs.

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Land Use and Economic Development Committee

Present Supervisors Maxwell, Mar, Chiu

20. 100880 **[Landmark Tree Designation of Redwood Tree Located at 46 Stillings Avenue]**
Sponsor: Dufty
Ordinance designating the redwood tree (sequoia sempervirens) located at 46 Stillings Avenue (Assessor's Block No. 6734, Lot No. 023) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Question: Shall this Ordinance be PASSED ON FIRST READING?

21. 101005 **[Exceptions to Seismic Safety Loan Program Requirements to Allow for a \$15,000,000 Loan to Arlington Residence - 480 Ellis Street]**
Sponsors: Chu; Alioto-Pier
Ordinance approving exceptions to requirements of the Seismic Safety Loan Program pursuant to San Francisco Administrative Code Sections 66 and 66A and the Program Regulations, dated May 2006, adopted by the Board of Supervisors through Ordinance No. 122-06, to allow for a \$15,000,000 Seismic Safety Loan Program loan for an existing affordable housing project at the Arlington Residence, 480 Ellis Street, San Francisco, California.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
22. 100870 **[Establishing an Area Plan Infrastructure Finance Committee]**
Sponsor: Maxwell
Resolution establishing an Area Plan Infrastructure Finance Committee to supervise a consultant study to develop policy criteria and recommendations on the use of Infrastructure Finance Districts (IFDs) in newly adopted area plans, including within the Eastern Neighborhoods Area Plans, to determine the appropriate steps to form IFDs, and to supervise the formation of a pilot Infrastructure Finance District in Rincon Hill.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Rules Committee

Present Supervisors Campos, Mar

23. 100472 **[Access Appeals Commission - Notice to the Mayor's Office of Disability]**
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Building Code by adding Section 105A.3.10 to require that an agenda and packet of materials for each matter to be decided by the Access Appeals Commission shall be sent to the Mayor's Office of Disability at the same time and in the same manner as they are sent to the Commission members.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**
24. 091408 **[Approving Settlement of Unlitigated Claim Against the City by Comcast]**
Sponsor: Mirkarimi
Resolution approving settlement of an unlitigated claim made by Comcast Cable Communications, LLC, against the City and County of San Francisco.
- Question: Shall this Resolution be ADOPTED?**

SPECIAL ORDER 2:30 P.M.

(Note: Special Order start time changed pursuant to File No. 101069, approved August 10, 2010, and communication by Clerk of the Board on September 7, 2010.)

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.*

25. 101027 [Public Hearing - Appeal of Final Environmental Impact Report for 935-965 Market Street (aka CityPlace)]

Hearing of persons interested in or objecting to the decision of the Planning Commission's July 8, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2005.1074E, through its Motion No. 18135, for a proposed retail shopping center (aka CityPlace) to demolish three existing mixed-use commercial and office buildings and construct a new five-story, approximately 90-foot tall building, containing approximately 375,700 gross square feet and approximately 188 off-street parking spaces in a two-story underground garage, with three levels below grade, one for retail use and the other two for parking, at 935-965 Market Street, between Fifth and Sixth Streets within the C-3-G (Downtown General Commercial) and C-3-G (Downtown Retail) Zoning Districts and a 120-X Height and Bulk District, Lot Nos. 071, 072, and 073, in Assessor's Block No. 3704. (District 6) (Appellant: Arthur D. Levy on behalf of Livable City and Walk San Francisco.)

(Filed July 28, 2010; Companion to File Nos. 101028, 101029, 101030.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

26. 101028 [Affirming the Certification of the 935-965 Market Street Project Final Environmental Impact Report]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

27. 101029 **[Reversing the Certification of the 935-965 Market Street Project Final Environmental Impact Report]**
Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

28. 101030 **[Preparation of Findings to Reverse Certification of the 935-965 Market Street Project Final Environmental Impact Report]**
Motion directing the Clerk of the Board to prepare findings reversing the certification of the Final Environmental Impact Report for the 935-965 Market Street Project. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 2:30 P.M.

29. 101041 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 10 Bernal Heights Boulevard]**
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Determination of Exemption from Environmental Review identified as Planning Case No. 2010.0306C, by its Motion No. 18131, which included the exemption determination, that a project located at 10 Bernal Heights Boulevard is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Sections 15301 Class (1), 15303 (Class 3), and 15311 (Class 11), to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park within an RH-1(D) (Residential, House, Single-Family, Detached) Zoning District and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Appellant: Erick Arguello on behalf of the Lower 24th Street Merchant Association.)

(Filed August 2, 2010; Companion Measure to File Nos. 101042, 101043, 101044.)

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.)

30. 101042 **[Affirming the Exemption Determination for 10 Bernal Heights Boulevard]**
Motion affirming the determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

31. 101043 **[Reversing the Exemption Determination Issued for 10 Bernal Heights Boulevard]**
Motion reversing the determination by the Planning Commission that the 10 Bernal Heights Boulevard project is exempt from environmental review. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
32. 101044 **[Preparation of Findings to Reverse the Exemption Determination for the 10 Bernal Heights Boulevard Project]**
Motion directing the Clerk of the Board to prepare findings reversing the exemption determination by the Planning Commission that the project located at 10 Bernal Heights Boulevard is exempt from environmental review. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

SPECIAL ORDER 2:30 P.M.

33. 101045 **[Public Hearing - Conditional Use Appeal for 10 Bernal Heights Boulevard]**
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 1, 2010, Conditional Use Permit identified as Planning Case No. 2010.0306C, by its Motion No. 18131, under Planning Code Sections 209.6(b) and 303, to install a wireless telecommunications facility consisting of five internet exchange switch antennas on an existing 50-foot tall communications tower at the top of the hill in Bernal Heights Park and to modify the Conditional Use approval under Case No. 2008.1157C to change the number of allowed antennas on the site within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District, on property located at 10 Bernal Heights Boulevard, Lot No. 003, in Assessor's Block No. 5548. (District 9) (Filed by Erick Arguello on behalf of the Lower 24th Street Merchant Association, and subscribed by Supervisors Campos, Mar, Chiu, Chu, Mirkarimi, and Avalos.)
- (Filed August 2, 2010; Companion Measure to File Nos. 101046, 101047, 101048.)

Action: _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision 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.)

34. 101046 **[Approving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]**
Motion approving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

35. 101047 **[Disapproving Planning Commission Decision Related to Conditional Use Appeal for 10 Bernal Heights Boulevard]**
Motion disapproving the decision of the Planning Commission, by its Motion No. 18131, approving Conditional Use Application 2010.0306C on property located at 10 Bernal Heights Boulevard, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**
36. 101048 **[Preparation of Findings Related to the Conditional Use Appeal for 10 Bernal Heights Boulevard]**
Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0306C on property located at 10 Bernal Heights Boulevard. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

SPECIAL ORDER 2:30 P.M.

37. 101087 **[Public Hearing - Conditional Use Appeal for 3150 California Street]**
Hearing of persons interested in or objecting to the decision of the Planning Commission's July 8, 2010, Conditional Use Permit identified as Planning Case No. 2010.0357C, by its Motion No. 18139, under Planning Code Sections 303 and 703.3 to allow a Formula Retail Use (dba Pet Food Express) in an NC-2 (Neighborhood Commercial, Small Scale) District and a 40-X Height and Bulk District, on property located at 3150 California Street, Lot No. 013, in Assessor's Block No. 1022. (District 2) (Filed by Susan Landry on behalf of The Animal Connection II, and subscribed by Supervisors Mar, Maxwell, Avalos, Campos, and Chiu)
- (Filed August 6, 2010; Companion Measure to File Nos. 101088, 101089 and 101090)
- Action:** _____

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

38. 101088 **[Approving Planning Commission Decision Related to Conditional Use Appeal for 3150 California Street]**
Motion approving the decision of the Planning Commission, by its Motion No. 18139, approving Conditional Use Application 2010.0357C on property located at 3150 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)
- Question: Shall this Motion be APPROVED?**

- 39. 101089 [Disapproving Planning Commission Decision Related to Conditional Use Appeal for 3150 California Street]**
Motion disapproving the decision of the Planning Commission, by its Motion No. 18139, approving Conditional Use Application 2010.0357C on property located at 3150 California Street, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

- 40. 101090 [Preparation of Findings Related to the Conditional Use Appeal for 3150 California Street]**
Motion directing the Clerk of the Board to prepare findings relating to the proposed Conditional Use Application No. 2010.0357C on property located at 3150 California Street. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

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

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 41 through 53

- 41. 101111 [Application for Grant - Augmenting the Greening and Storm Water Features of the Cesar Chavez Street Redesign Project]**
Sponsor: Campos
Resolution authorizing the San Francisco Planning Department to apply for a grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to augment the greening and storm water features of the Cesar Chavez Street Redesign Project.

08/10/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 42. 101112 [Accept and Expend Grant - Web Based Recycling, Reuse, and Disposal Options - \$25,000]**
Sponsor: Mayor
Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of \$25,000 from the County of Alameda to serve as the lead in the creation a web-based application that enables the public to easily find accurate information about nearby recycling, reuse, and disposal options.

08/10/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 43. 101113 [Application for Grant - Construction of HillPoint Park Open Space Project]**
Sponsors: Mayor; Maxwell
Resolution approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (Proposition 84) for construction of the HillPoint Park Open Space Project.

08/10/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

44. 101114 [Application for Grant - Strategic Growth Council Sustainable Communities - Greenway Network Plan]

Sponsor: Mayor

Resolution authorizing the San Francisco Planning Department to apply for a planning grant from the State of California Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006 (Proposition 84) to complete a Greenway Network Plan.

08/10/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

45. 101117 [Commending London N. Breed]

Sponsor: Mirkarimi

Resolution commending and expressing appreciation to London N. Breed for her services upon the occasion of her departure from her position as Commissioner of the Redevelopment Agency of the City and County of San Francisco.

09/08/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

46. 101118 [Initiative Constitutional Amendment - Opposing Proposition 26, Which "Requires that Certain State and Local Fees be Approved by Two-Thirds Vote."]

Sponsor: Mirkarimi

Resolution opposing Proposition 26, Initiative Constitutional Amendment, which "Requires That Certain State and Local Fees Be Approved by Two-Thirds Vote. Fees Include Those That Address Adverse Impacts on Society or the Environment Caused by the Fee-Payer's Business."

09/08/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

47. 101119 [Urging the United States Department of State to Condemn the Government of Iran for Sentencing Sakineh Mohammadi Ashtiani to Death by Stoning]

Sponsor: Mirkarimi

Resolution urging the United States Department of State to condemn the Government of Iran under Supreme Leader Ayatollah Ali Khamenei for sentencing Sakineh Mohammadi Ashtiani to death by stoning for the crime of "adultery while being married."

09/08/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 48. 101123 [Proclaiming September 14, 2010, as Reese Erlich Day]**
Sponsors: Mar; Mirkarimi
Resolution honoring Reese Erlich and proclaiming September 14, 2010, to be "Reese Erlich Day."

09/07/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 49. 101035 [Supporting the Litigation Challenging the Constitutionality of the Federal "Don't Ask, Don't Tell" Policy]**
Sponsors: Dufty; Campos
Resolution supporting the litigation Log Cabin Republicans v. United States of America currently on trial before U.S. District Court for the Central District of California (Riverside), with Judge Virginia A. Phillips in Riverside presiding, challenging the constitutionality of the federal "Don't Ask, Don't Tell" Policy.

09/08/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 50. 101038 [Celebration of the Mexican Bicentennial and Centennial Celebrations]**
Sponsor: Campos
Resolution celebrating the birth and independence of Mexico, honoring the relationship between San Francisco and Mexico, and appreciating the contributions that San Franciscans of Mexican descent make to the culture and prosperity of the city as well as struggles for justice and equality.

09/07/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 51. 101039 [Commending San Francisco Crisis Care on the Occasion of its Ray of Hope Charity Gala Reception 2010]**
Sponsor: Alioto-Pier
Resolution commending San Francisco Crisis Care on the occasion of its Ray of Hope Charity Gala Reception 2010 benefitting the people of San Francisco.

09/07/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?
- 52. 101040 [Declaring September 28, 2010, as Dr. Marguerite Rubenstein Day]**
Sponsor: Dufty
Resolution declaring September 28, 2010, as Dr. Marguerite Rubenstein Day in San Francisco to recognize her commitment to health education and her lifelong service to San Francisco.

09/07/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

- 53. 101130 [Final Map 5045 - 575 Sutter Street]**
 Motion approving Final Map 5045, a 14 Commercial Unit Condominium Project, located at 535 Sutter Street being a subdivision of Lot No. 013 in Assessors Block No. 0296 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

09/03/2010; 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: _____

54. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 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 August 3, 2010, to September 3, 2010, for reference by President to appropriate committee on September 14, 2010.

100697 [General Plan Amendments - Updating the Noise Maps of the Environmental Protection Element]

Ordinance amending the San Francisco General Plan by amending the Noise Maps of the Environmental Protection Element to reflect current conditions; making conforming text amendments; and making findings, including findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and environmental findings. (Planning Department)

08/11/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

100829 [Planning Code - Car-Share Controls]

Ordinance amending the San Francisco Planning Code, including Section 151.1 to enable the Planning Commission to require the provision of annual memberships to certified car-share organizations to residents of certain new development projects when certain findings are made; Section 163 to promote car-share services as a component of transportation management programs and transportation brokerage services; and Section 166 to permit car-share spaces in the same manner as residential accessory parking and require that car-sharing requirements for non-residential uses apply to all zoning districts; adopting findings, including findings under Section 302 of the Planning Code, environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

08/24/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

100878 [San Francisco Fire Code - Repealing and Replacing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. (Fire Department)

08/27/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party In Interest) against the City and County of San Francisco for \$105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

08/04/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100911 [Settlement of Lawsuit - Michael Lew - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for \$90,000, including reemployment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

08/04/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100946 [Building Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing that Code with a new 2010 San Francisco Building Code that consists of the 2010 California Building Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

100950 [San Francisco Building Code - Residential Building - Repealing and Replacing]

Ordinance incorporating the provisions of the 2010 California Residential Code into various chapters of the San Francisco Building Code with local amendments, and adding Chapter 36 to serve as a directory of where such provisions may be found in the San Francisco Building Code; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

100952 [San Francisco Electrical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Electrical Code in its entirety and replacing that code with a new 2010 San Francisco Electrical Code that consists of the 2010 California Electrical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

101126 [San Francisco Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

101127 [San Francisco Plumbing Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Plumbing Code in its entirety and replacing that code with a new 2010 San Francisco Plumbing Code that consists of the 2010 California Plumbing Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

- 101128 [San Francisco Building Code - Green Building - Repealing and Replacing]**
Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011. (Building Inspection Department)

08/26/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

- 100992 [General Plan Amendment - Portion of 222 - 2nd Street]**
Ordinance amending the General Plan of the City and County of San Francisco by amending Map 5 (Proposed Height and Bulk Districts) of the Downtown Area Plan to change the height and bulk classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222 - 2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (Planning Department)

09/01/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

- 100993 [Zoning Map Amendment - Portion of 222 - 2nd Street]**
Ordinance amending the Zoning Map of the City and County of San Francisco by amending Zoning Map 1HT to change the height and bulk district classification of the west corner (within a rectangular area measuring 45 feet in length along the westernmost portion of the Howard Street frontage, to a depth of 82.5 feet) of the property located at 222 - 2nd Street (Assessor's Block No. 3735, Lot No. 063) from 150-S to 350-S and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. (City Attorney)

09/01/2010; ASSIGNED UNDER 30 DAY RULE to the Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from August 3, 2010, to September 3, 2010, for reference by President to appropriate committee on September 14, 2010.

- 100526 [Gift Acceptance - Fire Department - Five Commercial Washer-Extractors - \$44,000]**
Resolution authorizing the San Francisco Fire Department to accept a gift from the San Francisco Firefighters' Cancer Prevention Foundation of five commercial washer-extractors valued at approximately \$44,000 to clean personal protective equipment. (Fire Department)

08/18/2010; RECEIVED AND ASSIGNED to the City Operations and Neighborhood Services Committee.

100877 [Board Response to the 2009-2010 Civil Grand Jury Report Entitled “Sharing the Roadway: From Confrontation to Conversation”]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2009-2010 Civil Grand Jury Report entitled “Sharing the Roadway: From Confrontation to Conversation” and urging the Mayor to cause the implementation of accepted findings and recommendations through department heads and through the development of the annual budget. (Clerk of the Board)

08/26/2010; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

100894 [Increasing Contract with Xtech to \$41,000,000]

Resolution authorizing the Office of Contract Administration to enter in the First Amendment between the City and Xtech (part of the Technology Store procurement vehicle), in which the amendment shall increase the contract amount from \$24,000,000 to \$41,000,000 and update certain standard contractual clauses. (Office of Contract Administration)

08/09/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100912 [Settlement of Lawsuit - Robin Leiter Cohen - \$31,000]

Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for \$31,000; claim was filed on September 4, 2009. (City Attorney)

08/04/2010; RECEIVED AND ASSIGNED to the Rules Committee.

100983 [Approve Modification of Lease with Japan Airlines]

Resolution approving and authorizing the execution of Modification No. 1 to Lease No. L01-0297 with Japan Airlines Company Limited to reduce the demised premises and the annual rent at Building 944 on Plot 50B-1 at San Francisco International Airport. (Airport Commission)

08/26/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100984 [Memorandum of Agreement with the National Park Service - Not to Exceed \$30,000,000]

Resolution approving the Memorandum of Agreement with the National Park Service for the Comprehensive Management of Yosemite National Park Watersheds that supply water to the San Francisco Regional Water System pursuant to Charter Section 9.118. (Public Utilities Commission)

08/27/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

09/03/2010; RECEIVED AND ASSIGNED to the Rules Committee.

101036 [Contract with the State of California Office of Administrative Hearings to Provide Administrative Law Judges to Serve as Hearing Officers on Administrative Appeals]

Resolution authorizing the Department of Emergency Management to enter into a contract with the State of California Office of Administrative Hearings to provide administrative law judges to serve as hearing officers on administrative appeals from certification actions by the San Francisco Emergency Medical Services Agency. (Department of Emergency Management)

09/03/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101129 [Petitions and Communications]

Petitions and Communications received from August 3, 2010, through September 3, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 14, 2010.

From Department of Human Resources, submitting request for waiver of Administrative Code Chapter 12B for South San Francisco Conference Center Martinez. (1)

From concerned citizens, submitting opposition to placing a bocce ball court in Justin Herman Plaza. File No.101070, 5 letters (2)

From California Public Utilities Commission, submitting notice of application filed by PG&E asking for authority to recover costs associated with Assembly Bill 32 Cost of Implementation Fee. (3)

From Aaron Goodman, urging the Board of Supervisors to place proposed legislation regarding the sewer line relocation agreement with S.F. State University under the 30 Day Rule. File No. 101015, Copy: Land Use Committee Members, 2 letters (4)

From T Mobile, submitting notification of three cellular antennas to be installed at 1 McCoppin Street. (5)

From Office of the Mayor, submitting the nomination of Rosario Anaya for appointment to the Redevelopment Agency Commission. Copy: Each Supervisor, City Attorney, Rules Committee Clerk (6)

From Office of the Mayor, submitting the reappointment of Gwen Borden to the Planning Commission. Copy: Each Supervisor, City Attorney, Rules Committee Clerk (7)

From concerned citizens, submitting opposition to expanding parking meter hours/and or Sunday metering. 5 letters (8)

From Joseph Kautz, regarding his parking ticket. (9)

From the Office of the Treasurer and Tax Collector, submitting their investment report for the month of June 2010. Copy: Each Supervisor (10)

From Department of Elections, submitting a revised notice of the deadline to submit disclaimer requirements for local ballot measures is Thursday, August 12, 2010 at 5:00 PM. Copy: Each Supervisor (11)

From the Clerk of the Board, submitting Form 700 Statement of Economic Interest for Leslie Hilger, Legislative Aide, Assuming (12)

From concerned citizen, submitting opposition to ban on plastic bags. (13)

From Airport, submitting the Capital Improvement Project Expenditures Report for the two-year period beginning July 1, 2008, and ending June 30, 2010. Copy: Each Supervisor (14)

From Real Estate Division, submitting request for waiver of Administrative Code Chapters 12B and 14B for the Chicago Title Company. (15)

From Department of Elections, submitting copy of letter sent to the proponent of petition regarding employee contributions to the retirement and health plans initiative, that the petition did have sufficient valid signatures to qualify for the November 2, 2010, Consolidated General Election to be held in the City and County of San Francisco. Copy: Each Supervisor (16)

From Alvin Johnson, commenting on public employee pensions in California. (17)

From Webster Bones, submitting support for saving Sacred Heart Church. (18)

From concerned citizen, submitting support for the sit/lie law. (19)

From Department Public Works, regarding status of repairing potholes in District 5. (20)

From T Mobile, submitting notification of two cellular antennas to be installed at 5 The Embarcadero. (21)

From Planning Department, confirming that the funding provided in the budget for FY2010-2011 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board, with the caveat that the current reserve of \$1.1 million on the Department's General Fund is released. (22)

From various City Departments, confirming that the funding provided in the budget for FY2010-2011 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board. (23)

- Adult Probation Department
- Airport
- Arts Commission
- Asian Art Museum
- Assessor-Recorder
- Board of Appeals
- Building Inspection
- California Academy of Sciences
- Office of Citizen Complaints
- Office of Clerk of the Board
- Office of Economic Workforce
- Chief Medical Examiner
- Department of Child Support Services
- Department of Children, Youth & Their Families
- Department of the Environment
- Civil Service Commission
- Office of the City Administrator
- Office of the City Attorney
- Office of the Controller
- Office of the District Attorney
- Department of Elections
- Department of Emergency Management
- Employees' Retirement System
- Ethics Commission
- Children and Families Commission
- Fine Arts Museums of San Francisco
- Fire Department
- Health Service System
- Department of Public Health
- Department of Human Resources
- Human Rights Commission
- Juvenile Probation Department
- Law Library
- Office of the Mayor
- Mayor's Office of Housing
- Human Services Agency
- Municipal Transportation Agency
- Port
- Office of the Public Defender
- Public Library

Public Utilities Commission
Public Works
Recreation and Parks Department
Residential Rent Stabilization and Arbitration Board
Department on the Status of Women
Department of Technology
Office of the Treasurer and Tax Collector
War Memorial and Performing Arts Center

From Clerk of the Board, the following departments have submitted their 2010 Local Agency Biennial Notices: (24)

Department of Aging and Adult Services
Asian Art Museum
Children and Their Families Commission
Department of Children, Youth and Their Families
Department of Human Services
Office of City Administrator/General Services Agency
Office of Economic and Workforce Investment
Civil Grand Jury
Employees' Retirement System
Department of Emergency Management
Fire Department
Municipal Transportation Agency
Planning Department
Port
Department of Public Health
Public Utilities Commission
Recreation and Parks Department
Retire Health Care Trust Fund Board
Sheriff's Department
Small Business Commission
Treasure Island Development Authority Board

From Office of the Controller, submitting an audit report of fixed rent agreements with rents exceeding \$100,000 administered by the Public Utilities Commission. Copy: Each Supervisor (25)

From concerned citizens, submitting support for proposed legislation concerning the alcohol mitigation fee. File No. 100865, Copy: Each Supervisor, 2 letters (26)

From concerned citizens, submitting opposition to proposed legislation concerning the alcohol mitigation fee. File No. 100865, Coy: Each Supervisor, Approximately 250 letters and postcards (27)

From Office of the Mayor, submitting the nomination of Harry Kim, Steven Jin Lee, Allen Okamoto and Natividad M. Ramirez to the San Francisco Relocation Appeals Board. Copy: Each Supervisor, Rules Committee Clerk, City Attorney (28)

From Civil Service Commission, submitting survey of monthly rates paid to police and firefighters in all cities of 350,000 or more in the State of California. Copy: Each Supervisor (29)

From Michael Hutchinson, submitting opposition to proposed location of a new Target Store in San Francisco. Copy: Supervisors Chiu, Alioto-Pier, Mirkarimi (30)

From Office of the Controller, submitting report concerning the compliance audit of Air Canada, covering the period from July 1, 2007, through June 30, 2009. (31)

From Jacqueline Choy, regarding the Golden Gate Park Senior Center. Copy: Supervisor Chiu (32)

From California Public Utilities Commission, submitting notice that PG&E filed its default residential rate design application that includes a proposal for residential electric pricing called dynamic pricing, and a request for recovery of implementation costs. (33)

From Patricia Forsdyke, submitting support for passage of Laura's Law. (34)

From Patrick Monette-Shaw, regarding St. Luke's Hospital. (35)

From Arthur Evans, submitting support for passage of Proposition L that amends the San Francisco Police Code by adding Section 168 to promote civil sidewalks. 2 letters (36)

From Carleton Hoffman, regarding illegally parked cars not being cited by some police and parking control officers. (37)

From S.F. Convention and Visitors Bureau, announcing that San Francisco will be the featured destination in the November 2010, issue of Southwest Spirit Magazine, the in-flight magazine of Southwest Airlines. (38)

From Patrick Monette-Shaw, regarding San Francisco General Hospital. 2 letters (39)

From Vicki Tiernan, submitting support for proposed measure to ban the use of toys as incentives with foods containing an excess of fat, sugar, or salt. File No. 101096 (40)

From Tim Giangioffe, commenting that the Bank of America ATMs have better security than other banks. (41)

From Tim Giangioffe, submitting support for bringing "Americas Cup" to the bay area. (42)

From Bayer Health Care Pharmaceuticals, submitting the Milliman Report regarding the cost of contraceptive coverage and pregnancy care. (43)

From Department of Human Resources, submitting request for waiver of Administrative Code Chapter 12B for Holiday Inn Golden Gateway. (44)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from Thursday, August 19, 2010, until Sunday, August 22, 2010. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor, City Attorney (45)

From Stephen Cohen, submitting support for preserving Sharp Park Golf Course. (46)

From Department of Public Health, submitting the Hazardous Materials Spill Report. (47)

From Jared Roussel, thanking the Board of Supervisors for all their hard work. (48)

From Municipal Transportation Agency, submitting parking meter revenue for FY2005-2006 through FY2009-2010. Copy: Each Supervisor, Budget and Finance Committee Clerk (49)

From Carlo Middione, submitting support for passage of Laura's Law. (50)

From Bob Larive, commenting on the "street people" that hang out in the Fisherman's Wharf and North Beach areas day and night. (51)

From Richard Skaff, regarding the modified and accessible bar section of Nopa Restaurant. (52)

From Arthur Evans, regarding the Rose Garden that was vandalized in Golden Gate Park. (53)

From Charles Long, submitting opposition to proposed Charter Amendment concerning Non-Citizen Voting in School Board Elections. File No. 100635 (54)

From Yvette Tee, regarding the Recreation and Parks Department. Copy: Each Supervisor (55)

From California Public Utilities Commission, submitting notice of application filed by PG&E to recover the pumped storage study costs. (56)

From Department of the Environment, regarding Charter Section 4.104, rules and regulations for cell phone retailer's duty to disclose specific absorption rate values ordinance. Copy: Each Supervisor (57)

From Department of Public Works, submitting report concerning the use of funds appropriated from the Local Street and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006 by the Department of Public Works. Copy: Each Supervisor (58)

From Office of the Controller, submitting an assessment report on Laguna Honda Hospital and Rehabilitation Center's model of care. (59)

From Nancy Federice, submitting opposition to renaming Third Street Willie Brown Jr. Boulevard. (60)

From T-Mobile, submitting notification of two cellular antennas to be installed at 631 O'Farrell Street. (61)

From T-Mobile, submitting notification of eight cellular antennas to be installed at 890 Jackson Street. (62)

From T-Mobile, submitting notification of two cellular antennas to be installed at Avenue D and 10th Street. (63)

From T-Mobile, submitting notification of six cellular antennas to be installed at 100 Armory Road. (64)

From T-Mobile, submitting notification of eight cellular antennas to be installed at 1844 Irving Street. (65)

From concerned citizens, submitting support for construction of the proposed St. Luke's Campus at Van Ness and Geary. 2 letters (66)

From Police Department, confirming that the funding provided in the budget for FY2010-2011 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board based on a series of assumptions which include, but are not limited to, the following: (67)

- That the \$23,283,979 of salary and fringe funding currently on Controller's Reserve is released;
- That the \$8,158,920 of salary and fringe funding currently on Budget and Finance Committee Reserve is released;
- That there are no significant increase in service deployment, which are directly related to increases in serious criminal activity, natural disasters or elevated homeland security threat levels; and
- That any legislative mandates related to re-deployment of Police Department resources include the appropriation of additional funds to address these mandates.

From Office of the Sheriff, confirming that the funding provided in the budget for FY2010-2011 as adopted by the Board of Supervisors is adequate for their department to meet service levels as proposed to the Board with four exceptions: (68)

- An increase in jail population due to reductions to the State Department of Corrections' budget as a result of changes in sentencing and parole policies as well as increased local bookings and other factors.
- The possible reduction in court funding for security services due to court closures if included in the State budget;
- The possible reduction of two State grants, Standards and Training for Corrections grant and Peace Officers Standards and Training grant;
- The possible inability to achieve projected debt service savings.

From Superior Court of California, County of San Francisco, confirming that the funding provided in the budget for FY2010-2011 as adopted by the Board of Supervisors is not adequate for their department to meet service levels as proposed to the Board. (69)

From Department of Human Services, submitting request for waiver of Administrative Code Chapter 12B for Target Department Store. (70)

From Department of Human Services, submitting request for waiver of Administrative Code Chapter 12B for Safeway, Inc. (71)

From concerned citizens, submitting opposition to the decision of the Planning Commission by its Motion No. 18139, approving Conditional Use Application 2010.0357C for Pet Food Express located at 3150 California Street. File No. 101087, Copy: Each Supervisors, 10 letters (72)

From Robert Lee, regarding San Francisco Firefighters. (73)

From Dean Shephanos, submitting opposition to expanding parking meter hours/and or Sunday metering. (74)

From William Stephens, Project Manager, Clearwire, submitting request for continuance of the Conditional Use Appeal for 10 Bernal Heights Boulevard. File No. 101045, Copy: Each Supervisor, City Attorney (75)

From Michael Shaw, regarding the activity around Golden Gate Park and surrounding areas. Copy: Supervisors Mar, Chu, Mirkarimi (76)

From Office of the Controller, submitting report analyzing the function of the Patrol Specials, including the future and the regulation of the program. (77)

From Office of the Controller, submitting the annual work plan for the City Services Auditor Division. (78)

From Small Business Commission, submitting opposition to establishing an alcohol mitigation fee. File No. 100865 (79)

From Department of Public Works, submitting their quarterly report of Adopt-A-Tree account for the period April 1, 2010, through June 30, 2010. (80)

From Alison Schlageter, submitting the San Francisco Rental Subsidy Program for Families Report for the period January through June 2010. (81)

From Aaron Goodman, regarding remodeling branch libraries. 2 letters (82)

From U.S. Department of Justice, regarding the investigation of Jorge Steven Lopez Mercado. (Reference No. 20091117-001) Copy: Supervisor Dufty, Supervisor Campos (83)

From Office of the Mayor, submitting the appointment of Todd Mavis, member, Human Rights Commission, term ending September 2, 2012, and Jordan Shlain, member, Health Service System Board, term ending May 15, 2015. (84)

From Office of the Controller, submitting the Departmental Budget Certification for FY2010-2011. Copy: Each Supervisor, Budget and Finance Committee Clerk (85)

From Office of the City Administrator, submitting a revised Conflict of Interest form. (86)

ADJOURNMENT