



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, October 5, 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

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 9

Recommendation of the Budget and Finance Committee

Present: Supervisors Avalos, Elsbernd

- 1. 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)

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Dufty

- 2. 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)

Question: Shall this Resolution be ADOPTED?

3. **101149** **[Liquor License, 1097 Howard Street, #209]**
Resolution determining that the issuance of a Type 42 on-sale beer and wine license to Christy Bergman for The Secret Wine Shop at 1097 Howard St., #209 (District 6), will serve the public convenience or necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.
- Question: Shall this Resolution be ADOPTED?**
4. **101160** **[Accept and Expend Grant - Department of Public Health - Pierce's Disease Control and Organic Program - \$128,916.32]**
Sponsor: Alioto-Pier
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively two grants (Agreements Nos. 10-0347 and 10-153) totaling \$128,916.32 from the California Department of Food and Agriculture (CDFA) to fund the Pierce's Disease Control Program for the period of July 1, 2010, through June 30, 2012, and the Organic Program for the period of July 1, 2010, through June 30, 2011.
- Question: Shall this Resolution be ADOPTED?**
5. **101162** **[Accept and Expend Grant - Department of Public Health - Project for Assistance in Transition from Homelessness - \$631,739]**
Sponsor: Dufty
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant from the United States Department of Health and Human Services in the amount of \$631,739 to fund the project entitled "Project for Assistance in Transition from Homelessness" for the period July 1, 2010, through June 30, 2011.
- Question: Shall this Resolution be ADOPTED?**
6. **101163** **[Accept and Expend Grant - Department of Public Health - Community Risk Reduction Plan - \$49,995]**
Sponsor: Maxwell
Resolution authorizing the San Francisco Department of Public Health to accept and expend retroactively a grant in the amount of \$49,995 from the Bay Area Air Quality Management District, to support a project entitled "Community Risk Reduction Plan" for the period of July 1, 2010, through December 30, 2011.
- Question: Shall this Resolution be ADOPTED?**

Recommendations of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

7. 100757 [Public Works Code - Minor Encroachment Fee Waiver for Affordable Housing Projects]

Sponsor: Daly

Ordinance amending Public Works Code, Article 15, Section 723.2, to provide for a waiver of the annual public right-of-way occupancy fee for minor sidewalk encroachment permits necessary for the development of 100% affordable housing projects and adopting environmental findings.

09/28/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

8. 100851 [Planning Code - Rehabilitation and Maintenance of Transfer Lots After Sale of Transferable Development Rights; Zoning Map and General Plan Map Amendments - 680 California Street (Old St. Mary's Cathedral)]

Sponsors: Chiu; Maxwell

Ordinance amending Section 128 of the San Francisco Planning Code to require that proceeds from the sale of Transferable Development Rights (TDR) be spent on rehabilitation and maintenance of the Transfer Lot property, to establish reporting procedures regarding the rehabilitation and maintenance, and to allow the sale of TDR from an individually landmarked building to any lot in a C-3 zoned district except Redevelopment Areas; amending the San Francisco Zoning Map by amending Zoning Use District Map ZN01 to change the use classification of 680 California Street (Old St. Mary's Cathedral), Block No. 0241, Lot Nos. 011 and 012, from Chinatown Visitor Retail District to C-3-0 District and making conforming amendments to the Chinatown and Downtown Area Plans of the San Francisco General Plan; 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)

09/21/2010; DUPLICATED.

09/21/2010; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

09/21/2010; RE-REFERRED to the Land Use and Economic Development Committee.

09/28/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

9. 100918 [Mission Bay North - Blocks N3-N3A Public Infrastructure Improvements]
Sponsor: Daly

Ordinance accepting the irrevocable offer of public infrastructure improvements associated with Mission Bay North - Blocks N3-N3A, including acquisition facilities on portions of King Street, Berry Street, Fourth Street, and Fifth Street; declaring such areas as shown on official Department of Public Works maps as open public right-of-way; designating such areas and improvements for street and roadway purposes; establishing street grades and sidewalk widths; accepting said facilities for City maintenance and liability purposes, subject to specified limitations; accepting a pedestrian access and utility easement relating to the project; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 178,752; and authorizing official acts in connection with this Ordinance. (Public Works Department)

09/28/2010; PASSED, ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

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

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

(Consideration to override Mayor's Veto pursuant to Charter Section 2.106, communication on September 28, 2010, and Board Rule 4.19.)

10. 100865 **[Establishing an Alcohol Cost Recovery Fee]**
Sponsors: Avalos; Mirkarimi, Maxwell, Mar, Daly and Campos
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.

NOTE: This action requires a two-thirds vote pursuant to Charter Section 2.106. The Board may not amend the ordinance and may only vote in favor or in opposition to veto override. The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor's veto was received on September 21, 2010. Therefore, the Board of Supervisors will lose the ability to override the veto unless it votes on the veto override on or before October 21, 2010.

09/14/2010; AMENDED.

09/14/2010; AMENDED.

09/14/2010; PASSED ON FIRST READING AS AMENDED.

09/21/2010; FINALLY PASSED.

Question: Shall this Ordinance be APPROVED OVER THE MAYOR'S VETO?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Avalos, Elsbernd

11. 101103 **[Appropriating \$2,188,777 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for FY2009-2010]**
Sponsor: Mayor
Ordinance appropriating \$2,188,777 of General Fund Reserve to fund indigent defense expenses associated with increased felony caseloads in the Superior Court for FY2009-2010, requiring a two-thirds affirmative vote of all members of the Board of Supervisors per San Francisco Charter Section 9.113.

(Fiscal Impact.)

Question: Shall this Ordinance be PASSED ON FIRST READING?
12. 100983 **[Approve Modification of Lease - Airport Commission - 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)

Question: Shall this Resolution be ADOPTED?
13. 101202 **[Annual Report - 2500 Block of Mission Street Business Improvement District]**
Sponsor: Campos
Resolution receiving and approving the 2500 Block of Mission Street Business Improvement District Annual Reports for FYs2007, 2008, and 2009, as submitted, pursuant to Section 36650 of the Business Property and Business Improvement Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's Management Contract with the City.

Question: Shall this Resolution be ADOPTED?

Recommendations of the City Operations and Neighborhood Services Committee

Present: Supervisors Chu, Avalos, Dufty

14. 100528 **[Exempting Certain Nonprofits from Guide Permit Requirement]**
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Police Code by amending Section 1295 to exempt nonprofit organizations conducting educational tours from the requirement to obtain a guide permit.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 15. 101178 [Honoring Local Restaurants During Restaurant Appreciation Month]**
Sponsor: Alioto-Pier
Ordinance amending the San Francisco Health Code by adding Section 456.7 requiring the San Francisco Health Department to declare one month out of the year "Restaurant Appreciation Month" to honor certain local restaurants and to create an application and selection process to identify qualifying restaurants.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 16. 100645 [Naming the 17th Street Pedestrian Plaza in the Castro as Jane Warner Plaza]**
Sponsor: Dufty
Resolution naming the 17th Street pedestrian plaza located at the intersection of 17th Street, Castro Street, and Market Street as Jane Warner Plaza.

Question: Shall this Resolution be ADOPTED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Mar, Chu, Maxwell

- 17. 100873 [Animal Care and Control Welfare Fund – Not to Exceed \$50,000]**
Sponsor: Chu
Ordinance amending the San Francisco Administrative Code, Chapter 10, by amending Section 10.100-23, to change the gift fund category for the Animal Care and Control Welfare Fund, and to authorize the Department of Animal Care and Control to accept gifts of cash, equipment, property, and services not to exceed \$50,000.

Question: Shall this Ordinance be PASSED ON FIRST READING?

- 18. 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)

Question: Shall this Resolution be ADOPTED?

Recommendation of the Land Use and Economic Development Committee

Present: Supervisors Maxwell, Mar, Chiu

19. 100188 [Zoning - 1800 Market Street Community Center Project Special Use District]

Sponsor: Dufty

Ordinance amending the San Francisco Planning Code by adding Section 787 to establish the 1800 Market Street Community Center Project Special Use District for property located at 1800 Market Street (Lot No. 014, Assessor's Block No. 871), located at the northwest corner of Market Street and Octavia Boulevard; amending Sheet No. SU07 of the Zoning Map of the City and County of San Francisco to reflect this new Special Use District; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Question: Shall this Ordinance be PASSED ON FIRST READING?

SPECIAL ORDER 2:30 P.M.

(NOTE: Time change pursuant to Board Action on September 28, 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.

20. 101031 [Public Hearing - Appeal of Final Environmental Impact Report for 222-2nd Street]

Hearing of persons interested in or objecting to the decision of the Planning Commission's August 12, 2010, Certification of a Final Environmental Impact Report identified as Planning Case No. 2006.1106E, through its Motion No. 18166, for a proposed office project located at 222-2nd Street with 430,650 gross square feet of office space, approximately 4,963 square feet of ground-floor retail space; and approximately 27,932 square feet of parking area located on two below ground parking levels, with approximately 54 parking spaces, with the capacity for 80 vehicles with valet parking within the C-3-O (SD) Downtown Office (Special Development) District and 350-S/150-S Height and Bulk Districts, Lot No. 063, in Assessor's Block No. 3735. (District 6) (Appellant: Sue C. Hestor, on behalf of 246-2nd Street Owners Association)

(Filed September 1, 2010; Companion to File Nos. 101032, 101033, 101034.)

09/28/2010; CONTINUED.

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

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.)

21. 101032 **[Affirming the Certification of the 222-2nd Street Project Final Environmental Impact Report]**
Motion affirming the certification by the Planning Commission the Final Environmental Impact Report for the 222-2nd Street Project.

09/28/2010; CONTINUED.

Question: Shall this Motion be APPROVED?
22. 101033 **[Reversing the Certification of the 222-2nd Street Project Final Environmental Impact Report]**
Motion reversing the certification by the Planning Commission of the Final Environmental Impact Report for the 222-2nd Street Project.

09/28/2010; CONTINUED.

Question: Shall this Motion be APPROVED?
23. 101034 **[Preparation of Findings to Reverse Certification of the 222-2nd 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 222-2nd Street Project.

09/28/2010; CONTINUED.

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

(Pursuant to File No. 101207, approved on September 28, 2010.)

- 24. 101249 [Public Hearing - Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]**

Sponsor: Campos

Hearing of persons interested in or objecting to proposed Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings. (Clerk of the Board)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Committee of the Whole Adjourn and Report

- 25. 101250 [Resolution to Establish (Renew) the 2500 Block of Mission Street Business Improvement District, to Now be Known as the Mission Miracle Mile Business Improvement District]**

Sponsor: Campos

Resolution establishing a property-based Business Improvement District to now be known as the "Mission Miracle Mile Business Improvement District," by: (1) renewing the previously established 2500 Block of Mission Street Business Improvement District for a period of five years and six months; (2) approving the management district plan and engineer's report and boundaries map; (3) ordering the levy and collection of assessments against the property located in the Mission Miracle Mile Business Improvement District for five years, for FYs2010-2011 through 2014-2015 (each FY begins on July 1 and ends the following June 30), subject to conditions as specified; (4) approving services, improvements, and activities to be provided through December 31, 2015; and (5) making environmental findings.

Question: Shall this Resolution be ADOPTED?

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

SPECIAL ORDER 4:00 P.M.

26. 101135 **[Appeal of Conditional Use for 1268 Grant Avenue Project]**
Hearing of persons interested in or objecting to the decision of the Planning Commission's August 5, 2010, Conditional Use Authorization identified as Planning Case No. 2010.0438C, by its Motion No. 18160, under Planning Code Section 790.38, to allow an Other Entertainment use, in an existing restaurant and bar (dba King of Thai Noodle House) located at 1268 Grant Avenue, within the North Beach Neighborhood Commercial District (NCD), the 40-X Height and Bulk District, and the North Beach Special Use District (SUD), in Assessor's Block No. 0145, Lot No. 032. (District 3) (Filed by Vedica Puri, on behalf of the Telegraph Hill Dwellers, and subscribed by Supervisors Chiu, Avalos, Campos, Mar, and Maxwell.)

(Filed September 7, 2010; Companion Measure to File Nos. 101136, 101137 and 101138.)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

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.)

27. 101136 **[Approving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]**
Motion approving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

28. 101137 **[Disapproving Planning Commission Decision Related to Conditional Use Appeal for 1268 Grant Avenue]**
Motion disapproving decision of the Planning Commission by its Motion No. 18160, approving Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue, and adopting findings pursuant to Planning Code Section 101.1. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

29. 101138 **[Preparation of Findings Related to the Conditional Use Appeal for 1268 Grant Avenue]**
Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2010.0438C on property located at 1268 Grant Avenue. (Clerk of the Board)

Question: Shall this Motion be APPROVED?

SPECIAL ORDER 4:00 P.M.**30. 101185 [Appeal of Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated September 7, 2010, affirming the approval of a Tentative Parcel Map for 4 lots subdivision project located at 0 Los Palmos Drive (vacant), Lot No. 116, in Assessor's Block No. 3027A, and 795 Foerster Street, Lot No. 117, in Assessor's Block No. 3027A. (District 7) (Appellant: Sina Tarassoly)

(Filed September 17, 2010; Companion Measure to File Nos. 101186, 101187 and 101188.)

Question: Shall this Hearing be HEARD AT PUBLIC HEARING?

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map 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.)**31. 101186 [Approving Decision of the Department of Public Works and Approving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]**

Motion approving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Question: Shall this Motion be APPROVED?

32. 101187 [Disapproving Decision of the Department of Public Works and Disapproving the Tentative Parcel Map for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion disapproving the decision of the Department of Public Works, finding the Tentative Parcel Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and disapproving the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Question: Shall this Motion be APPROVED?

33. 101188 [Findings Related to the Tentative Parcel Map Disapproval for 0 Los Palmos Drive (Vacant) and 795 Foerster Street]

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision to disapprove the Tentative Parcel Map for a 4-lot subdivision located at 0 Los Palmos Drive (vacant), Assessor's Block No. 3027A, Lot No. 116; and 795 Foerster Street, Assessor's Block No. 3027A, Lot No. 117.

Question: Shall this Motion be APPROVED?

COMMITTEE REPORTS

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

The following items will be considered by the Rules Committee at a Regular Meeting on Thursday, September 30, 2010, at 10:00 a.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, October 5, 2010.

- 34. 100906 [Appointment, Police Commission - R. James Slaughter]**
Sponsor: Mayor
Motion confirming the Mayor's nomination of, and appointing, R. James Slaughter to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2012.
- (Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - August 12, 2010.)
- Question: Shall this Motion be APPROVED?**
- 35. 100776 [Reappointment, Planning Commission - Gwyneth Borden]**
Motion approving the Mayor's reappointment of Gwyneth Borden to the Planning Commission term ending July 1, 2014. (Clerk of the Board)
- (Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 100777. Transmittal date - September 2, 2010.)
- Question: Shall this Motion be APPROVED?**
- 36. 101212 [Outside Counsel for Mayoral Succession Issues]**
Sponsor: Chiu
Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.
- Question: Shall this Resolution be ADOPTED?**

The following items will be considered by the Land Use and Economic Development Committee at a Regular Meeting on Monday, October 4, 2010, at 1:00 p.m. The Chair intends to request the Committee to send the following items to the Board as a committee report on Tuesday, October 5, 2010.

37. 101115 **[Directing the Controller to Prepare an Infrastructure Financing Plan]**
Sponsor: Mayor
Resolution authorizing and directing the Controller and his designee to prepare a report for Infrastructure Financing District No. 1 (Rincon Hill Area) and determining other matters related thereto.
Question: Shall this Resolution be ADOPTED?
38. 101116 **[Resolution of Intention to Establish an Infrastructure Financing District]**
Sponsor: Mayor
Resolution of Intention to establish an Infrastructure Financing District No. 1 (Rincon Hill Area) to finance the construction and/or acquisition of capital improvements in the Rincon Hill area; to call a public hearing on the formation of the district and to provide public notice thereof and other matters related thereto.
Question: Shall this Resolution be ADOPTED?
39. 101254 **[Affirmation of Support of San Francisco's Bid for the 34th America's Cup and Endorsement of Host City]**
Sponsors: Mayor; Chiu, Mirkarimi, Dufty, Alioto-Pier, Maxwell and Chu
Resolution supporting the efforts of the City and the San Francisco America's Cup Organizing Committee to bring the 34th America's Cup to the San Francisco Bay and encouraging BMW Oracle Racing and the Golden Gate Yacht Club to select San Francisco as the official Host City for the 34th America's Cup in 2013 and endorsing the Term Sheet For Hosting the 34th America's Cup in San Francisco.
Question: Shall this Resolution be ADOPTED?

ROLL CALL FOR INTRODUCTIONS

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

PUBLIC COMMENT

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

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

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

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

Items 40 through 41

- 40. 101257 [Condemning the September 24, 2010, FBI Raids]**
Sponsors: Mar; Daly
 Resolution condemning the September 24, 2010, FBI raids on Trade Union, Anti-War, and Solidarity Activists.
- 09/28/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**
- 41. 101253 [Grant Application - Department of Public Health - Ryan White HIV Emergency Relief Program - \$36,118,233]**
Sponsors: Mayor; Dufty
 Resolution authorizing the San Francisco Department of Public Health to submit an application to continue to receive funding for the "HIV/AIDS Emergency Relief Grant Programs (Ryan White Programs, Part A)" Grant from the Health Resources Services Administration, requesting \$36,118,233 in HIV Emergency Relief Program funding for the San Francisco Eligible Metropolitan Area from March 1, 2011, through February 28, 2012.
- 09/28/2010; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- Question: Shall this Resolution be ADOPTED?**

Questions on the For Adoption Without Committee Reference
 Agenda: _____

42. 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 September 21, 2010, to September 27, 2010, for reference by President to appropriate committee on October 5, 2010.

101229 [Planning Code - Landmark Designation of 1890 Chestnut Street (Marina Branch Library)]

Ordinance designating 1890 Chestnut Street (Marina Branch Library), Lot No. 001 in Assessor's Block No. 0469, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

101230 [Planning Code - Landmark Designation of 2000 Mason Street (North Beach Branch Library)]

Ordinance designating 2000 Mason Street (North Beach Branch Library), Lot No. 001 in Assessor's Block No. 0074, as a Landmark under Article 10 of the San Francisco Planning Code; and adopting General Plan, Planning Code Section 101.1 and environmental findings. (Planning Department)

09/23/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

- 101231 [Settlement of Lawsuit - Galliera, Inc. dba Trico Construction - \$700,000]**
Ordinance authorizing settlement of the lawsuit filed by Galliera, Inc. dba Trico Construction against the City and County of San Francisco for \$700,000; the lawsuit was filed on December 29, 2008, in San Francisco Superior Court, Case No. CGC-08-483555, entitled Galliera, Inc. dba Trico Construction v. City and County of San Francisco, et al.; other material terms of the settlement are: (1) the settlement includes the consolidated action Cal Centurian Construction, Inc. dba RWR Construction v. Galliera, Inc. dba Trico Construction, et al., San Francisco Superior Court, Case No. CGC-09-485849, (2) the settlement includes all cross-complaints, (3) mutual releases except for warranties, guarantees, latent defects, and personal injury, (4) dismissal of all complaints and cross-complaints with prejudice, and (5) each party to bear its own attorneys fees and costs. (City Attorney)

09/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 101232 [Settlement of Lawsuit - Jeri D. Sessler - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Jeri D. Sessler against the City and County of San Francisco for \$75,000; the lawsuit was filed on June 3, 2009, in San Francisco Superior Court, Case No. CGC-09-488998; entitled Jeri D. Sessler, et al. v. City and County of San Francisco, et al. (City Attorney)

09/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from September 21, 2010, to September 27, 2010, for reference by President to appropriate committee on October 5, 2010.

- 101222 [Settlement of Unlitigated Claim - Lily Martene Baxter - \$45,000]**
Resolution approving the settlement of the unlitigated claim filed by Lily Martene Baxter against the City and County of San Francisco for \$45,000; claim was filed on February 10, 2010. (City Attorney)

09/21/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 101223 [Settlement of Unlitigated Claim - Adam Feibelman - \$55,000]**
Resolution approving the settlement of the unlitigated claim filed by Adam Feibelman against the City and County of San Francisco for \$55,000; claim was filed on February 10, 2010. (City Attorney)

09/21/2010; RECEIVED AND ASSIGNED to the Rules Committee.

- 101224 [Settlement of Unlitigated Claim - McLarens Young International - \$70,000]**
Resolution approving the settlement of the unlitigated claim filed by McLarens Young International against the City and County of San Francisco for \$70,000; claim was filed on May 25, 2010. (City Attorney)

09/21/2010; RECEIVED AND ASSIGNED to the Rules Committee.

101225 [Approving Landfill Disposal and Facilitation Agreements - Department of the Environment - Recology San Francisco]

Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118. (Environment)

09/23/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101227 [Street Artist Spaces - 17th Street at Castro and Market Streets]

Resolution approving continued designation of eight (8) former temporary selling spaces in "mini-plaza" on 17th Street at Castro and Market Streets for street artists certified by the Arts Commission, City and County of San Francisco; exempting said spaces from the regulation of Police Code Section 2405(c)(11) relating to distance between street artists. (Arts Commission)

09/24/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

101228 [Contract Modification - Human Services Agency - Hamilton Family Center - \$180,000]

Resolution concurring with the Human Services Agency's Declaration of Emergency to modify the contract between the City and County of San Francisco and Hamilton Family Center to provide emergency elevator repairs for the family shelter in the amount of \$180,000. (Human Services Department)

09/24/2010; RECEIVED AND ASSIGNED to the Budget and Finance Committee.

101233 [Settlement of Unlitigated Claim - Danielle J. Rinsler - \$215,000]

Resolution approving the settlement of the unlitigated claim filed by Danielle J. Rinsler against the City and County of San Francisco for \$215,000; Government Code Claim was filed on November 24, 2009, (Govt. Claim No. 10-01422) and California Department of Fair Employment & Housing charge was filed on January 11, 2010, (Charge No. E200910A0351-rsc). (City Attorney)

09/27/2010; RECEIVED AND ASSIGNED to the Rules Committee.

101258 [Functional Classification Change for Local Streets]

Resolution approving the Department of Public Works recommended changes to the Functional Classification of local streets and roads and directing the Department to submit this resolution to the State of California, Department of Transportation. (Public Works Department)

09/23/2010; RECEIVED AND ASSIGNED to the Land Use and Economic Development Committee.

101226 [Petitions and Communications]

Petitions and Communications received from September 21, 2010, through September 27, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 5, 2010.

From Mayor Gavin Newsom, submitting notice of appointment, nominating Agnes Briones Ubalde for appointment to the San Francisco Redevelopment Agency Commission. (1)

From Mayor Gavin Newsom, submitting notice of appointment, nominating Rodney Fong for appointment to the San Francisco Planning Commission. (2)

From Department of Public Health, submitting quarterly report to show Laguna Honda and Rehabilitation Center's compliance with the reversal of the Admission Policy priorities that took place February 22, 2005. (3)

From Jay Sath, submitting recommendations following a San Francisco Chronicle story on violence, homelessness, drunks, and drugs along Sixth Street near Market Street. (4)

From Dr. Elizabeth M. Whelan, President, American Council on Science and Health, submitting recommendations to combat childhood obesity, other than targeting McDonald's Happy Meals. File No. 101096 (5)

From Office of the Controller, submitting an economic impact report regarding the alcohol cost recovery fee. File No. 100865 (6)

From concerned citizens, submitting letters of support for the proposed Ocean Avenue Community Benefit District. File No. 100991, 10 letters (7)

From concerned citizen, submitting opposition to the Planning Commission's, Conditional Use Permit to allow Pet Food Express, on property located at 3150 California Street. File No. 101087 (8)

From Alvin Johnson, submitting concern regarding corruption in the Office of the City Attorney and abuse of public record funds. (9)

From James J. Ludwig, submitting concern of increased parking rates forced upon Uptown Parking Corporation by the Parking and Traffic Authority. (10)

From James J. Ludwig, submitting concern of Market Street car restriction experiment. (11)

From Patrick, submitting Examiner article; Health Commission delays vote on outsourcing CPMC hospital's dialysis services. (12)

From Jay Sath, submitting concern of the City's increasing homeless issue and recommending that the City enact a law to make panhandling illegal. (13)

From Arthur Evans, submitting support on Proposition L and opposition to Proposition M. (14)

From Recreation and Park Department, submitting a report of gifts up to \$10,000 accepted by the Recreation and Park Department in FY2009-2010. (15)

From Civil Service Commission, submitting a report of the highest prevailing rate of wages of the various crafts and kinds of labor paid in private employment in the City and County of San Francisco. (16)

From Mayor Gavin Newsom, submitting a letter communicating the veto of Establishing an Alcohol Cost Recovery Fee. File No. 100865 (17)

From San Francisco Police Department, submitting Part II of crime statistics data. (18)

From Office of the Mayor, submitting a press release regarding Mayor Newsom's announcement of new City incentives to keep people employed through local Jobs NOW! Program. (19)

From Mayor Gavin Newsom, submitting notice of reappointment, nominating Leroy King for reappointment to the San Francisco Redevelopment Agency Commission. (20)

From Human Rights Commission, submitting waiver request form for Chevron USA, Inc. (21)

From Department on the Status of Women, submitting 2009 Directory of Social Services for Women in San Francisco. (22)

From David Gordon, submitting opposition to the alcohol cost recovery fee. File No. 100865 (23)

From concerned citizens, submitting support of bringing the World Cup to San Francisco. 2 letters (24)

From concerned citizen, submitting opposition to extending parking meter hours until 10:00 pm and Sundays. (25)

From Mayor Gavin Newsom, submitting notice of appointment, nominating Francis X. Crowley for appointment to the San Francisco Port Commission. (26)

From Fish and Game Commission, submitting notice of proposed emergency regulatory action relating to incidental take of Mountain yellow-legged frog. (27)

From Samantha Santos, submitting opposition to the Alcohol Cost Recovery Fee. File No. 100865 (28)

From Monica Sain, submitting opposition to proposed legislation, setting nutritional standards for restaurant food sold accompanied by toys or other youth focused incentive items. File No. 101096 (29)

From Mary Miles, submitting opposition to the proposed changes to Chapter 31 of the San Francisco Administrative Code. (30)

From Coalition for Better Housing, submitting support of the Parkmerced Vision Project. 3 letters File No. 100979 (31)

From Caltrain, submitting a press release regarding the installation of new suicide prevention signs in recognition of Rail Safety Month in preventing suicides on railroads. (32)

ADJOURNMENT